

# Florida Appeals Court Decisions: Week of January 21 - 25, 2019

January 26, 2019

## U.S. Eleventh Circuit Court of Appeals

*Brewster v. Hetzel* - habeas corpus

*Flores-Panameno v. US* - immigration

*Perez-Zenteno v. US* - immigration

*Echols v. Lawton* - § 1983, qualified immunity

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Pierce v. Pierce* - child support, findings

*DOH v. TropiFlora* - prohibition, exhausting admin remedies

*McCray v. State* - attempted felony murder, competency, costs

*Gilliams v. State* - cross-examination, murder, medical malpractice

*Bussie v. State* - probation revocation

*Dailey v. Roth* - repeat violence injunction

*Joyner v. Worley* - missing transcript, marital dissolution

*AHCA v. Smathers* - wholly favorable order, appellate jurisdiction

*Johnson v. State* - ineffective assistance, appellate counsel

*Fales v. State* - new trial standard, reconsideration

*Northwood Assoc v. Ertel* - contracts clause, single subject challenge

## Second District Court of Appeal - Lakeland

*King v. State* - competency, jury instruction on insanity  
*Eastwood Shores v. DEO* - MRTA, association, reviving covenants  
*Rector v. Rector* - marital settlement agreement, enforcement  
*Harper v. GEICO* - duplicate final judgment  
*Goudreau v. State* - probation revocation  
*Sutton v. State* - competency, relinquishment  
*Harris v. Gattie* - certiorari, trial court pro se sanctions  
*State v. Lawrence* - postconviction relief

## Third District Court of Appeal - Miami

*JA v. Housel* - habeas corpus  
*WD 19790 v. Dan Trust* - temporary injunction, trespass  
*Lee v. Lee* - probate, order striking disclaimer  
*Musi v. Credo* - unpled damages claims, real property, loss of use  
*People's Trust Ins v. Garcia* - insurance appraisal  
*Smith v. State* - reasonable doubt instruction  
*Charry v. Torres* - intervention  
*Dalkeith v. State* - trespass in conveyance, sentencing  
*CY v. State* - assault, sentencing  
*Villella v. Ansin* - certiorari, discovery temporary denial  
*Johnson v. State* - pro se sanctions

## Fourth District Court of Appeal - West Palm Beach

*Cammalleri v. State* - civil lien; rehearing  
*Ramos v. State* - recanting witness  
*Henry v. State* - grand theft; contact information  
*Arch Ins v. Kubicki Draper* - standing, privity exceptions  
*Deutsche Bank v. Harris* - standing; condition precedent  
*Nelms v. State* - sentencing  
*State v. Fonseca* - DUI, identification  
*Shade v. State* - double jeopardy  
*Mercantil Bank v. Pazmino* - foreclosure, money judgment

## Fifth District Court of Appeal - Daytona Beach

*Recco v. State* - molestation; cross-examination of victim, prior inconsistent statements

*Floyd v. Bank of America* - foreclosure, attorney's fees, standing

*Walker v. State* - withdraw plea, good cause

*Middleton v. Asher* - summary judgment; trip and fall, open and obvious

*Padilla v. State* - probation revocation, written order

*Davis v. Karr* - med mal, presuit requirements

*Mitchell v. State* - corrected opinion; probation revocation, written order

*Archie v. State* - sex offender probation, violation

*Byers v. Bank of NY* - foreclosure, constructive service; appellate jurisdiction

*Riggenbach v. Rhodes* - certiorari; med mal, presuit requirements

*Crum v. State* - habeas corpus, *Spencer* warning

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