

# Florida Appeals Court Decisions: Week of December 7 - 11, 2020

December 12, 2020

## U.S. Eleventh Circuit Court of Appeals

*USA v. Graham* - Internal Revenue Code, obstruction, sufficiency, evidence

*Munoz v. Selig* - ADA, FMLA

*Wood v. Raffensperger* - election, standing, mootness

*SmileDirectClub v. Battle* - order granting rehearing en banc, vacating *this* decision

*USA v. Taylor* - First Step Act, covered offense

*Santos v. USA* - postconviction relief

*Santos v. US Atty Gen* - immigration, concession, remand

*M&M v. Mazzoni* - land sale contract, tortious interference

*LS v. Peterson* - Parkland shooting, civil rights, due process, failure to train

## Florida Supreme Court - Tallahassee

*State v. Marsh* - double jeopardy

*State v. Maisonet-Maldonado* - single homicide rule

## First District Court of Appeal - Tallahassee

*Holloway v. State* - hearsay, state of mind

*Barber v. Bay Cnty Sheriff* - sovereign citizen theory

*Dawson v. Jacksonville* - appellate jurisdiction, order permitting amendment

*Robbins v. Kerns* - timesharing, child support

*McCloud v. Tackett* - certiorari, attorney-client privilege, go-between

*Johnson v. State* - double jeopardy, certified question

*Sullivan v. NuCO2* - workers' compensation

## Second District Court of Appeal - Lakeland

*AC v. State* - delinquency, restitution, findings, public defender fee  
*Dial v. Calusa Palms* - past medical expenses, Medicare payments, certified question  
*Persaud Props v. Ft Myers Bch* - zoning, alcohol, nonconforming use, abandonment  
*Parker v. State* - probation revocation  
*Garcia-Rodriguez v. State* - probation revocation  
*Schlechter v. Comm'y Hous Trust* - settlement, enforcement, rule 1.540, mistake  
*Surgery Cntr Hold v. Guirguis* - temporary injunction, employment, restrictive covenants  
*Magloire v. Obrenovic* - domestic violence injunction  
*Howarth v. Lombardi* - certiorari, circuit court appellate scope, county court jurisdiction  
*Wolfe v. Newton* - prohibition, return of seized firearms  
*Martin v. State* - Stand Your Ground  
*Goodman v. Goodman* - compliance with prior mandate  
*Christian v. State* - firearms, actual and constructive possession instruction  
*Drapp v. McDaniel* - real property, transfer, validity  
*JAK Capital v. Adams* - foreclosure, pleading fraud defense

## Third District Court of Appeal - Miami

*Frederick v. Citizens* - insurance coverage, roof leak, disputed issues  
*Express Damage Restor v. First Comm'y* - insurance, declaratory judgment, dismissal  
*Bank of Am v. de Morales* - certiorari, discovery stay, immunity defense  
*State v. Marin* - evidence, call, unintelligible portions  
*Blackboard v. YTech-1428 Brickell* - insurance, appraisal confirmation versus complaint  
*Poultry & Indus Suppliers v. Incubacol* - forum non conveniens  
*Sweetwater v. Pichardo* - appellate jurisdiction, sovereign immunity  
*Brady v. State* - postconviction relief

## Fourth District Court of Appeal - West Palm Beach

*Karkhoff v. Robilotta* - marital dissolution  
*Accardi v. Regions Bank* - foreclosure, deficiency, statute of limitations  
*Giat v. SCI Funeral* - injunction, disposition of remains  
*Restoration Const v. Safepoint Ins* - insurance, claim reporting delay  
*Hollis v. State* - ineffective assistance of counsel, timeliness  
*Aguilera v. Aguilera* - prohibition; s. 57.105, jurisdiction  
*Walker v. State* - *Daubert*, cell phone location  
*Fain v. State* - sentencing  
*El v. State* - peremptory strike, *Melbourne*, appellate record  
*Free v. State* - competency, costs, public defender fee

*Hegwood v. State* - sentencing correction

*Garcia v. State* - probation violation, sentencing

*Brown v. State* - sentencing

*R.J. Reynolds v. Kaplan - Engle*, improper closing arguments

*Bridge Fin v. J. Fischer & Assoc* - trade secrets; tortious interference

*Morgan v. State* - sentencing

*Singer v. Singer* - post-marital agreement, jurisdiction

# Fifth District Court of Appeal - Daytona Beach

*Mohammed v. State* - attempted murder

*State Farm v. Knapp* - UM benefits, improper argument, mistrial

*Poche v. Fannie Mae* - foreclosure, standing

*Grosvenor v. State* - rehearing; sentencing

*Tullis v. State - Spencer* warning, pro se

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