

Florida Appeals Court Decisions: Week of November 30 - December 4, 2020

December 05, 2020

U.S. Eleventh Circuit Court of Appeals

Lucoff v. Navient Solutions - TCPA, express consent for calls
USA v. Green - RICO, search and seizure, peremptory, evidence, sentencing
USA v. Bobal - criminal, motion for new trial, restriction on computer use
Alfaro-Garcia v. USA - immigration, removal
M&C v. Oppenheim - class action, fiduciary duties, damages
USA v. Johnson - domestic-violence misdemeanor, firearm possession
USA v. Campbell - order granting rehearing en banc, vacating *this* decision
Nance v. Ga DOC - postconviction relief
USA v. Watkins - search and seizure, inevitable discovery
Keohane v. Fla DOC - order denying rehearing en banc
R&R v. Banco Do Brasil - Foreign Sovereign Immunities Act
Erickson v. First Advantage - FCRA, evidence

Florida Supreme Court - Tallahassee

Hojan v. State - capital case, direct appeal
In re Fla R App P - amended rules
In re Add'l Judges - additional judges
In re Fla R App P - amended rules

First District Court of Appeal - Tallahassee

TH v. DCF - dependency
Ford v. State - circumstantial evidence, murder; “and/or” instruction

DOT v. Tropical Trailer Leasing - injunction, highway tolls; class allegations, striking
Lutz v. Panetta - restrictive covenants
FWC v. King - employment, USERRA, sovereign immunity
Falduto v. Lewis - rule 1.420, voluntary dismissal
Palazzi v. State - certiorari, immunity
Williams v. State - pro se sanctions
Jordan v. State - postconviction relief
Williams v. State - murder, evidence; motion for election
Fitzsimmons v. State - child hearsay, sexual battery
Wainwright v. State - pro se petitions, represented party
Brown v. State - untimely appeal

Second District Court of Appeal - Lakeland

Alvarado-Contreras v. State - impeachment, bias
Forman v. State - sentencing
Timke v. State - probation revocation
Thomas v. Thomas - unpaid rent, findings
York v. State - sentencing
Crowder v. State - public defender fee, unpreserved error
Ludwigsen v. Ludwigsen - certiorari, psychological exam

Third District Court of Appeal - Miami

Belson v. Miller - rule 1.150, sham pleadings
Sablotsky v. Gonzalez-Hernandez - prevailing party fees
Energy Smart v. Millennium CA - failure to prosecute, sham pleading
Galleon Bay v. Monroe Cnty - inverse condemnation
Kachkar v. US Bank - foreclosure sale, resetting, intervention
BJ's v. Bugliaro - arbitration, trial court jurisdiction pending appeal
Wahnon v. Coral & Stones - certiorari, civil contempt
Aquino v. State - postconviction relief
Williamson v. Prime Sports Mktg - personal jurisdiction, Zion
GR v. APD - disabilities, Medicare waiver program
Delgado v. Miller - certiorari, free speech, parenting
Rodriguez v. Falcones - default judgment, rule 1.540, findings
Evans v. State - postconviction relief
Shir Law Grp v. Carnevale - prohibition, judicial disqualification
Tuoza v. Citizens - appellate jurisdiction
Owens v. State - prohibition, motion to dismiss information
Clarrington v. State - prohibition, remote hearing, Covid-19

Britt v. Inch - habeas corpus

VME Grp v. Grand CA - prohibition, judicial disqualification

Fourth District Court of Appeal - West Palm Beach

Shivers v. State - sentencing

Escobar v. State - counsel fees

Lubitz v. Schenden - charging lien

State v. Stevenson - felony THC possession

CSC Serviceworks v. Boca Bayou Condo Assn - wrongful eviction, res judicata

McKenzie v. State - probation revocation

Williams v. State - postconviction relief

Caballero v. State - habeas corpus, DNA evidence

Rodriguez v. State - subpoena, medical records

Fifth District Court of Appeal - Daytona Beach

Francis v. State - attempted manslaughter, officer; warrantless entry, instruction

Howitt v. State - leaving scene, accident; sobriety test refusal, DUI

Botto v. State - postconviction relief, ineffective assistance

Jones v. Najera - stalking injunction

Torruella v. Nationstar Mortgage - attorney's fees, lack of personal jurisdiction

Hughley v. State - drug trafficking, preservation

Baxley Manor v. Brevard Housing Auth - injunction, zoning; judgment on pleadings

Thompson v. Johnson - summary judgment; life insurance, subjective intent

Shawl v. State - drug possession, constructive possession

Kemp v. State - postconviction relief

US Bank v. Forsyth - foreclosure complaint, verification, Rule 1.115(e)

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

Zalloum v. Bank of NY - foreclosure, confession of error

Velez v. LaFontaine - prohibition, objective standard, legal rulings

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