

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

Related Practices

[Appellate & Trial Support](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.