

# Florida Appeals Court Decisions: Week of April 26 - 30, 2021

May 01, 2021

## U.S. Eleventh Circuit Court of Appeals

*Raheem v. Warden* - ineffective assistance of counsel

*Fisher v. US* - premise liability

*Losch v. Experian* - FCRA

*US v. Riley* - sentencing

*US v. Pacheco-Romero* - attorney fees

*Salinero v. Johnson & Johnson* - products liability, learned intermediary doctrine

*Paresky v. US* - jurisdiction, taxes, overpayment interest

## Florida Supreme Court - Tallahassee

*In re Fla R Civ P 1.510* - new summary judgment rule

*CN v. IGC* - timesharing, modification, concrete steps

## First District Court of Appeal - Tallahassee

*Haim v. State* - identification, prejudicial evidence, sentencing

*Louis v. State* - lesser-included offenses, instructions

*Strickland v. State Farm* - summary judgment, mootness, apportionment

*Bracht v. State* - return of property

*Ferguson v. State* - postconviction relief

*Abney v. State* - postconviction relief

*Scott v. DeSantis* - election, ballot, mootness

*Stokes v. Jones* - prohibition, trust accounting, discovery

*Davenport v. State* - sentencing

*Gibbs v. Gibbs* - alimony modification, contempt

*Houk v. State* - double jeopardy

*Seadler v. Marina Bay CA* - jury selection

*Seadler v. Marina Bay CA* - § 768.79, appellate attorney's fees

*Martinez v. State* - postconviction relief

*Turem v. DOC* - appellate jurisdiction

## Second District Court of Appeal - Lakeland

*AH v. AB* - child support, findings

*JGJ v. JH* - timesharing, contempt

*Carnes v. State* - sentencing

*Stern v. US Bank* - appellate jurisdiction

*Idelson v. Carmer* - parenting plan, modification, findings

*Terrell v. State* - jail credit

*Hastings v. State* - jail credit

*Bean v. Response Ins* - rehearing PCA

*Fountain v. State* - sexual abuse, prior inconsistent statement

## Third District Court of Appeal - Miami

*Royal Caribbean v. Spearman* - final judgment, expert, remittur

*Gregorian International v. Thormahlen* - forum non conveniens

*Priority Medical v. Allstate* - summary judgment

*Maxzak v. Walgreen* - summary judgment, counterevidence

*Advanced Physical Therapy v. Camrac* - settlement proposal, fee cap

*Casa Del Mar v. Key Biscayne Fire Rescue* - certiorari, procedural due process

*Barak v. ACS* - sanctions

*Geico v. Finlay* - summary judgment

*Nunez v. Aviv Air* - summary judgment, commercial lease

*Cruz v. Neely* - probate, distribution order, standing

## Fourth District Court of Appeal - West Palm Beach

*Stewart v. State* - plea withdrawal

*Marchelos v. Adao* - civil usury

*Martinez v. State* - restitution, theft

*Emanuel v. Costco* - consortium claim, costs

*Thane v. Rose Acceptance* - foreclosure, service, waiver

*State v. Cremers* - prosecution, costs

*Coffy v. Coffy* - child support, mediation agreement

[\*Moncadagonzalez v. State\*](#) - sentencing  
[\*Raja v. State\*](#) - double jeopardy, merger, single homicide  
[\*Valby v. Valby\*](#) - alimony, duration  
[\*Castro v. People's Trust Ins\*](#) - insurance, s. 627.7011, repair  
[\*Villalba v. Villalba\*](#) - timesharing, child support  
[\*Margate v. New Urban\*](#) - sovereign immunity, land use  
[\*Sirgutz v. Sirgutz\*](#) - Antenuptial Agreement, alimony, NY law  
[\*Coffield v. State\*](#) - new charge, adversary preliminary hearing  
[\*Jing v. State\*](#) - misdemeanor presence, resisting arrest  
[\*Quest v. Haynie\*](#) - default, excusable neglect  
[\*Lake Pointe v. Coleman\*](#) - status conference, dismissal, notice

# Fifth District Court of Appeal - Daytona Beach

[\*Velez v. Lafontaine\*](#) - contempt; child timesharing, support

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