

# Florida Appeals Court Decisions: Week of February 8 - 12, 2021

February 13, 2021

## U.S. Eleventh Circuit Court of Appeals

*Henderson v. McMurray* - free speech, free exercise, pleading

*USA v. Chinchilla* - order of supervision misuse

*Walker v. SSA* - disability claim

*Aitken v. US Stem Cell Clinic* - provisional jurisdiction, anomalous rule

*Lee v. Warden* - postconviction relief

*USA v. Maradiaga* - fraudulent document, jury instruction, closing argument

*USA v. Isaac* - search and seizure, sentencing

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Ervin v. Smith* - appellate attorney's fees, estoppel

*DOR v. McMullen* - child support

*Weatherly v. State* - belated appeal

*Nain v. State* - habeas corpus, pro se while represented

*McClusky v. State* - evidence, recorded recollection; closing argument

*State v. Smith* - search and seizure, good faith exception

*Thomas v. State* - postconviction relief

*Roe v. DOH* - mandamus, mootness

*Trappman v. State* - double jeopardy

*Rodriguez-Carmona v. State* - sentencing

*Mobley v. Fussell* - mandamus, clemency application, records

*Key v. State* - inevitable discovery doctrine

*Canty v. State* - habeas corpus

*Howard v. State* - sentencing

*Thomas v. State* - postconviction relief

*Wright v. State* - sentencing, jurisdiction

## Second District Court of Appeal - Lakeland

*Kilgore v. State* - certified conflict without discussion

*CF v. SB* - § 61.16 fees

*Wells Fargo v. Dias* - foreclosure, scope of new trial, standing

*Jeror v. State* - child pornography, peer-to-peer transmission

*DOR v. DEB* - certiorari, genetic testing

*Lamberson v. State* - postconviction relief

*Hicks v. Keebler* - limitations period, contract claim, certiorari review of PCA

*Huckelby v. State* - certiorari, Stand Your Ground

*Bupivi v. Pollard* - certiorari, discovery, physicians' relationships

*Hertz v. Sider* - certiorari, privileged communications

## Third District Court of Appeal - Miami

*Acevedo v. RJ Reynolds* - products liability, summary judgment

*Fla Peninsula Ins v. Nolasco* - fundamental error, calling counsel and expert liars

*Carollo v. Platinum Adv* - legislative immunity, qualified immunity

*Armand v. Amisy* - marital dissolution, subject matter jurisdiction

*Rodriguez v. Carvalho* - summary affirmance

*Jean v. Bayview Loan Serv* - arbitration

*Am Towing v. Espinal* - class certification, towed vehicles, release

*CFLB Mgmt v. Diamond Blue* - vacating unappealed fees award

*CJ v. DCF* - dependency

## Fourth District Court of Appeal - West Palm Beach

*Eugene v. State* - single homicide rule

*RJ Reynolds v. Hamilton* - hearsay, state of mind

*Spielberg v. Progressive* - duty to notify

*Donald v. State* - sentencing

*AB v. State* - delinquency

*Bruce v. State* - sentencing

*Chiscul v. Hernandez* - injunction for protection

*Napper v. State* - sentencing scoresheet

*Cimino v. Am Airlines* - mandamus, magistrate

*Durand v. State* - mandatory minimum, conflict

*Larkin v. Grutman* - arbitration, settlement

# Fifth District Court of Appeal - Daytona Beach

*McKinney v. Graham* - negligence, bifurcation, intoxication; expert, bias

*Posso v. Sierra* - paternity, jurisdiction, magistrate

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

*State v. Parker* - suppression, traffic stop

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

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