

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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