

# Florida Appeals Court Decisions: Week of March 22 - 26, 2021

March 26, 2021

## U.S. Eleventh Circuit Court of Appeals

*Deal v. Tugalo Gas Co* - abstention, corporate law

*Tonkyro v. Sec'y Dept of Veterans Affairs* - hostile work environment

*USA v. Pendergrass* - jury selection, harmless error, sufficiency of evidence

*Turner v. Sec'y Dept of Corr* - 2254, timeliness

*SuVicMon Dev v. Morrison* - bankruptcy, fraudulent transfer

*Morris v. Sec'y Fla Dept of Corr* - AEDPA, timeliness

*McKiver v. Sec'y Fla Dept of Corr* - habeas, ineffective counsel

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Cabrera v. AHCA* - Medicaid, reimbursement, third-party benefits

*AM v. DS* - parental rights, termination, guardianship

*Perry v. State* - aggravated battery, sentencing

*Spivey v. State* - belated appeal

*Pierce v. State* - vehicular homicide, sentencing, certified conflict & question

*Carter v. State* - search and seizure

*Garbark v. Gayle* - defamation, summary judgment, unauthenticated document

*Speigner v. Speigner* - alimony

## Second District Court of Appeal - Lakeland

*Marron v. State* - sentencing  
*Sec Nat'l Ins v. Gonzalez* - insurer nonjoinder, coverage rejection  
*Savannah Cap v. Pitisci Dowell* - deposition protective order, derivative action, malpractice  
*SHY v. PG* - psychotherapist privilege, waiver  
*Natali v. Natali* - timesharing plan  
*Heritage P&C Ins v. Superior Ins* - appraisal, waiver  
*Pezeshkan v. Manhattan Constr* - arbitration  
*Jackman v. Cebrink* - privacy invasion, seclusion, neighbors, certified question  
*Gordon v. State* - involuntary confinement, limited hearing  
*Marshall v. State* - sentencing  
*Queen v. State* - hearsay, photographs, hash values  
*In re Doe* - abortion, judicial waiver

## Third District Court of Appeal - Miami

*State v. Hester* - ineffective assistance  
*State v. Lowery* - speedy trial, hurricane  
*Hialeah Hosp v. Hayes-Boursiquot* - jury selection, improper expert testimony  
*Alvarez-Hernandez - v. State* - sentencing  
*Univ P&C v. Celestrin* - attorney's fees, lodestar, reduction  
*Carollo v. Platinum Adv* - legislative immunity, rule 9.130(a)(3)(F)(iii)  
*Grape Leaf v. Lafontant* - fiduciary breach, personal representative, litigation financing  
*Fam Heritage v. Combined Ins* - employment, restrictive covenant, injunction  
*Anchor P&C v. Tesini* - certiorari, discovery  
*Onward Living v. Mormeneo* - certiorari, discovery, incident reports

## Fourth District Court of Appeal - West Palm Beach

*Mezadieu v. Safepoint Ins* - insurance, reliance  
*Zelaya v. State* - ineffective assistance  
*Roberts v. State* - *Richardson* hearing  
*Endurance Assur v. Hodges* - insurance, coverage amount  
*Jones v. Sayer* - venue  
*Ern v. Springer* - certiorari, mental health records  
*Zelaya v. State* - ineffective assistance  
*Thomas v. State* - sentencing  
*Reynolds v. State* - sentencing, involuntary absence  
*Dorsey v. State* - mandatory life sentence  
*Archer v. Tower Hill* - insurance, issue of fact

[\*Broward v. Fla Carry\*](#) - preemption, Uniform Firearm Act

[\*Johnson v. Johnson\*](#) - dissolution, child support

[\*Fallang v Privcap\*](#) - arbitrability, conflict

# Fifth District Court of Appeal - Daytona Beach

[\*Cook v. Bank of America\*](#) - foreclosure, notice of default

[\*US Bank v. Devoe\*](#) - foreclosure, standing

[\*Washington v. State\*](#) - postconviction relief, evidentiary hearing

[\*Broy v. State\*](#) - burglary, sentence

[\*Kemp Invstmnts v. Englert\*](#) - disqualification of counsel

[\*Hunter v. State\*](#) - postconviction relief

[\*Jackson v. State\*](#) - *Spencer* bar, pro se

[\*Howard v. State\*](#) - *Spencer* bar, pro se

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