

# Florida Appeals Court Decisions: Week of October 18 - 22, 2021

October 23, 2021

## U.S. Eleventh Circuit Court of Appeals

*Cox v. Warden* - qualified immunity, 8th Amendment

*McCoy v. Fla Gov* - voting rights

*Cheshire Bridge Holdings v. Atlanta* - overbreadth, adult businesses

*Gold-Fogel v. Fogel* - abstention

*US v. Wheeler* - acquittal, prosecutorial misconduct, concurrence

## Florida Supreme Court - Tallahassee

*Smith v. Inch* - capital case, postconviction relief

*Fla Bar re Murtha* - attorney discipline

*In re R Reg Fla Bar* - new bar rule

## First District Court of Appeal - Tallahassee

*Kirksey v. State* - habeas corpus

*Porter v. State* - pro se sanctions

*Morgan v. State* - pro se criminal defendant, representation

## Second District Court of Appeal - Lakeland

*Washington v. State* - sentencing

*Bayview Loan v. Brown* - four corners rule, judicial notice

*Capital Wealth v. Capital Wealth* - commission agreement, restraint on trade

*Clemann v. State* - scrivener's error

*Nisbett v. State* - scrivener's error

*Duryea v. Bono* - timesharing, parental relocation, magistrate order, finality

*St Pete v. Dorchester Hldgs* - public records

*Fason v. State* - postconviction relief, sentencing, certified conflict

*Miller v. State* - probation revocation

*Tanner v. Tanner* - alimony

*Nicholas v. Grant* - pickup order, timesharing

## Third District Court of Appeal - Miami

*Hodgson v. State* - postconviction relief

*Berggren v. N Miami Bagels* - rule 2.516, service

*Bivins v. Douglas* - trust, standing

*Creative Inv v. Santibanez* - lack of transcript

*Powell v. Sampson* - medical malpractice, presuit

*Henley v. N Miami* - Whistle-blower's Act

*JB Pirtle Constr v. Warren Henry Auto* - certiorari, lien

*Ramkelawan v. Morgan & Morgan* - arbitration, attorneys, bar rules

*FIU v. Ramos* - second-tier certiorari, student discipline

*Leon Med Cntrs v. Duran* - certiorari, punitive damages

*Walker v. State* - pro se sanctions

## Fourth District Court of Appeal - West Palm Beach

*Bartolone v. State* - rehearing, constructive possession

*Symonette v. Lozano* - opportunity to amend

*Precision Diagnostics v. Progressive* - PIP, interest

*Robinson v. State* - postconviction relief

*Longarzo v. Young* - adoption petition,

*Nadeau v. Reeves* - paternity

## Fifth District Court of Appeal - Daytona Beach

*Friedman v. Deutsche Bank* - foreclosure, fees, interest

*Spring Isle v. Herme Enterprises* - statute of repose

*Lally v. Sandhu* - valuation; fee entitlement, appellate jurisdiction

*Ooten v. State* - Anders appeal, probation conditions

*Werner Enterprises v. Sweeney* - certiorari, discovery; special concurrence

*Anthony v. State* - certiorari, competence

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