

# Florida Appeals Court Decisions: Week of December 12 - 16, 2022

December 17, 2022

## U.S. Eleventh Circuit Court of Appeals

*Jennings v. DOC* - habeas

*N Am Co for Life & Health Ins v. Caldwell* - life insurance, “suicide-by-cop” exclusion

*Silas v. Broward Sheriff I* - suggestion of death, concurrence

*Silas v. Broward Sheriff II* - supplemental jurisdiction

*US v. Jackson* - ACCA, concurrence

## Florida Supreme Court - Tallahassee

*Boan v. 5th DCA JNC* - judicial appointments

## First District Court of Appeal - Tallahassee

*Lainhart v. State* - capital sexual battery, 12-person jury

*Merritt v. Bryner* - appellate jurisdiction

*Casen v. State* - mandamus, mootness

*Daily v. Hill* - Applegate affirmance

*Byram v. State* - postconviction relief

*Osorio v. State* - belated appeal

*Taylor v. State* - mandamus, mootness

*Jackson-Jamison v. State* - mandamus, mootness

*Hamilton v. State* - jury instructions, closing

*Feldman v. DBPR* - architect, license

*Combs v. Wal-Mart* - premises liability

*Snow v. State* - prohibition, delay, Stand Your Ground

*Smith v. Westdale Asset Mgmt* - premises liability

## Second District Court of Appeal - Lakeland

*Henry v. AIM Indus* - certiorari, lis pendens

*Little v. Gualtieri* - habeas corpus

*Phillips v. State* - sentencing

*Bain Complete Wellness v. Garrison P & C* - § 57.105

## Third District Court of Appeal - Miami

*Philip Morris v. Holliman* - *Engle* progeny, evidence

*Isaacs v. FNMA* - real property, homestead

*Raymond ERB v. Chubb* - arbitration

*Miami Med v. Allstate* - PIP, fee schedule, summary judgment

*Hochman Chiro v. Allstate* - PIP, fee schedule, summary judgment

*Personal Inj Clinic v. Allstate* - PIP, fee schedule, summary judgment

*Family Health Care v. Allstate* - PIP, fee schedule, summary judgment

*Fizik v. Allstate* - PIP, fee schedule, summary judgment

*Pascal v. Broward Water* - summary judgment, rehearing

*Saunders-Pinnock v. Colonial Freight* - dangerous instrumentality, ownership

*Aguilar v. State* - double jeopardy

*Metro Mortgage v. Rose* - rule 1.540, dismissal, failure to prosecute

*First Call v. Rios* - bankruptcy, stay, lack of prosecution

*Fuhrman v. Sara G 01* - *Applegate* affirmance

*LG v. DCF* - parent's indigent status

## Fourth District Court of Appeal - West Palm Beach

*Jones v. Blue Ridge* - pretrial stipulation, ambiguity

*PSHS Alpha Partners v. State Farm* - excusable neglect

*State v. Anderson* - sentencing, downward departure

*Yacht Assist v. CRP LMP Prop Co* - dismissal, new counsel

*King v. Escobar* - psychological evaluation, certiorari

## Fifth District Court of Appeal - Daytona Beach

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

[\*Adventist Health v. Machalek\*](#) - certiorari; med mal, presuit requirements

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