

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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