

Florida Appeals Court Decisions: Week of January 10 - 14, 2022

January 15, 2022

U.S. Eleventh Circuit Court of Appeals

US v. Smith - venue

James River Ins. v. Ultratec Special Effects - duty to defend, appellate jurisdiction

C&W Facility Svcs v. Sec'y of Labor - OSHA citation review

US v. Moore - sentencing, contempt, dissent, concurrence

US Trustee v. Bast Amron LLP - bankruptcy fees, uniformity, concurrences

Florida Supreme Court - Tallahassee

Simpson v. Dixon - capital case, postconviction relief

Avsenew v. State - capital case, direct appeal

In re Fla Fam Law R Pro - amended forms, child support

First District Court of Appeal - Tallahassee

Stephens v. State - murder, jurisdiction, double jeopardy, certified question

Smith v. State - preservation of error, closing argument, hearsay, particulars

Harrell v. Cook - preservation of error, findings, timesharing

Collie v. State - search and seizure

Porter v. State - postconviction relief

Footman v. State - postconviction relief

CF v. DCF - parental rights, termination

Second District Court of Appeal - Lakeland

Rich v. Rich - equitable distribution

West v. State - postconviction relief

Sabra Health Care v. Estate of DeSantis - certiorari, nursing home claims

Mohler v. Elliott - certiorari, order permitting execution

Macias v. State - postconviction relief

Bell v. Battaglia - dating violence injunction

Zurich v. Samson - workers' compensation, rule nisi, sanctions

Third District Court of Appeal - Miami

Vargas v. Safepoint - insurance, false statement, intent

JM v. AJD - mandate, enforcement

Garrido v. Safepoint - appellate jurisdiction, rule 1.525, confession of judgment

United Auto v. Millennium Radiology - PIP, assignments, collateral estoppel

Catamaran BY v. Giordano - prevailing party fees, voluntary dismissal

MM v. AHCA - administrative review

Hayes v. Monroe Cnty - second-tier certiorari, code enforcement

GC v. DCF - parental rights, termination

Oracle Elevator v. Omni - breach of contract, signed agreement, summary judgment

Coral Gables v. Alliance Starlight - second-tier certiorari, city resolution, settlement agreement

SE Enter Holdings v. Marquel - certiorari, discovery, overbreadth, relevance

Fourth District Court of Appeal - West Palm Beach

Mineo Salcedo v. Cesard - charging lien, attorney withdrawal

Brown v. State - remote video; sentencing hearing

Fiala v. Fiala - martial dissolution, equitable distribution, harmless error

People's Trust v. Chen - insurance, scope of repairs, appraisal

Hasan v. Hasan - stalking, injunction, substantial emotional distress

Guerra v. State - withdrawal, plea, misadvice

Defilippo v. Geico - preservation of error

Fifth District Court of Appeal - Daytona Beach

Rodriguez v. State - habeas corpus; *Spencer* warning, pro se

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