

Florida Appeals Court Decisions: Week of November 14 - 18, 2022

November 19, 2022

U.S. Eleventh Circuit Court of Appeals

Ireland v Prummell - excessive force, deliberate indifference

Padilla v Redmont - subject matter jurisdiction, fees

Palm Beach Cnty v FAA - aviation regulations

Florida Supreme Court - Tallahassee

Sievers v. State - capital case, direct appeal

Somers v. USA - certified questions, 11th Circuit, assault

In re Fla R GP & JA - judicial papers

First District Court of Appeal - Tallahassee

Toufayan Bakery v. Darius - workers' compensation

Reed v. State - communication privacy law

State v. Hamilton - search and seizure, blood draw, consent

Von Dyck v. Gavin - legal malpractice, limitations

Handy v. MW-Reserve - eviction, court registry payment

Tang v. Banks - Applegate affirmance

Earl v. State - untimely ineffective assistance

Odom v. State - certiorari, competency

TW v. DCF - parental rights, termination, failure to prosecute

Tally Mem'l v. Wiles - certiorari, report, Amendment 7, certified questions

Second District Court of Appeal - Lakeland

Marinec v. Progressive Select Ins - new trial standard
Bowers v. State - sentencing
Wharran v. Morgan - certiorari, discovery, cell phone records
Wallace v. Citizens - certiorari, expert deposition, scope
Etheridge v. Palm Garden - arbitration, authorization
Whitson v. Advocate 3413 - § 64.081 appellate fees, partition action
Estate of Tatum v. Clear Water Care - leave to amend pleadings
State v. Garcia - entrapment, jury question
State v. Islam - appellate jurisdiction, circuit court review
Bustos v. State - sentencing
BP v. State - delinquency, restitution
Bodie v. Cricket - arbitration, FDUTPA, representative claim prohibition
Pulido-Baeza v. State - postconviction relief
Salazar v. Dominguez - timesharing, modification, default, vacatur
Parkland CA v. Henderson - settlement agreement, enforcement, signature
Norman v. State - postconviction relief

Third District Court of Appeal - Miami

Dilver v. State - stalking and violence injunctions
Philip Morris v. Garcia - *Engle* progeny, closing arguments
J&R United Indus v. Miron - failure to file full-page transcript
Ecovirux v. Biopledge - forum selection clause
Bruno v. BHUJ - judicial sale, evidentiary hearing
Tower Imaging v. Direct General Ins - appellate jurisdiction, final order
Maya v. Deutsche Bank - *Applegate* affirmance
God's Blessing v. Salas - maintenance and cure, injunction
Dieguez v. State - postconviction relief
Save Calusa v. Miami-Dade - second-tier certiorari, zoning

Fourth District Court of Appeal - West Palm Beach

Gateland v. Holly - waiver, service, personal jurisdiction; Condo Act, conditions precedent
Godwin v. State - postconviction relief
Johnson v. State - postconviction relief, entrapment defense

Fifth District Court of Appeal - Daytona Beach

Baum v. Becker Poliakoff - rehearing, malpractice, summary judgment
Thakkar v. Good Gateway - summary judgment, res judicata, collateral estoppel
Advanced 3-D v. Dir Gen Ins - summary judgment, confession of error
Central Fla Health v. Dir Gen Ins - summary judgment, confession of error
Black v. State - sentence, double jeopardy, confession of error
Eadie v. Gillis - dissolution, imputed income; charging lien, homestead property
Walt Disney Parks v. Alesi - discovery, work product, factual information

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