

# Florida Appeals Court Decisions: Week of October 24 - 28, 2022

October 28, 2022

## U.S. Eleventh Circuit Court of Appeals

*Carson v. Monsanto Co* - preemption, vacating prior opinion

*Christmas v. Harris Cnty* - qualified immunity

*US v. Malone* - plain error, plea bargain, dissent

## Florida Supreme Court - Tallahassee

*State v. Garcia* - Fifth Amendment, smartphone password, certiorari standards

## First District Court of Appeal - Tallahassee

*Orlando v. Moore* - workers' compensation

*Burney v. State* - evidence, pending charges, witness

*Air Quality v. Southern-Owners Ins* - insurance, pleadings, assignment

*Bensatec Geosciences v. Surf Consultants* - Appellate affirmance

*Wimmer v. Robey* - Appellate affirmance

*JD v. State* - preservation of error

*Wilson v. FCHR* - Whistle-blower's Act, complaint

*Landrum v. State* - postconviction relief

*Eastburn v. State* - mandamus, preservation

*Houston v. State* - pro se sanctions

*Whisby v. State* - pro se sanctions

*Maddox v. State* - judicial disqualification

## Second District Court of Appeal - Lakeland

*Balch v. Bank of NY* - appellate standing

*State v. Erway* - appellate jurisdiction, motorized bicycle  
*Jackson v. State* - postconviction relief  
*Pagidipati v. Vyas* - attorney disqualification  
*Beck v. Wright* - appellate jurisdiction, punitive damages  
*Roman v. State* - postconviction relief  
*Dydek v. State* - search and seizure

## Third District Court of Appeal - Miami

*Wright v. State* - sentencing  
*Bruce Chiro v. Allstate* - PIP, fee schedules, summary judgment, affidavit  
*Family Health Care v. Allstate* - PIP, fee schedules, summary judgment, affidavit  
*West v. City First Mort* - lack of transcript, compulsory counterclaim, leave to amend  
*PJS v. State* - delinquency, remote hearing  
*Mintz v. State* - murder, closing argument  
*Mavroleon v. Orrego* - arbitration  
*Sosa v. Pena* - child custody, jurisdiction, forum, unjustifiable conduct  
*Kapitanov v. Spinnaker Bay CA* - amending pleadings, five attempts  
*JGF 1560 Lenox v. Barre Motion* - landlord-tenant  
*Ted & Stan's Towing v. Bulk Express* - certiorari, work product, incident report  
*Jordan v. State* - sentencing  
*Suntech Plumbing v. Bella Isla* - appellate jurisdiction  
*Michel v. State* - postconviction relief  
*Pulwer v. Pearl Bros* - mandamus, rule 1.440, action not at issue

## Fourth District Court of Appeal - West Palm Beach

*Leyte-Vidal v. Leyte-Vidal* - dissolution, income  
*Mendelson v. Howard* - attorney's fees, fee expert qualifications  
*Kloppe v. Off Lease Only* - attorney's fees, timeliness of support  
*Nottage v. State* - postconviction relief  
*Guzman v. State* - six-person jury, sentencing, waiver  
*Allstate v. Hoffman* - prohibition, jurisdiction

## Fifth District Court of Appeal - Daytona Beach

*Williams v. State* - Spencer bar, pro se

*Fla Assn of Realtors v. Orange Cty* - rent control ordinance, ballot summary

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