

Florida Appeals Court Decisions: Week of October 23-27, 2023

October 28, 2023

U.S. Eleventh Circuit Court of Appeals

Berry v. Crestwood Healthcare - employment, retaliation, preservation of error

McGriff v. Miami Bch - First Amendment, artwork

Butler v. Smith - malicious prosecution, probable cause

USA v. McCall - search and seizure, good faith, cloud storage

In re: Blue Cross Antitrust - class action, settlement, approval

Sanchez v. Discount Rock & Sand - final order, negligent entrustment, rear-end collisions

Lee v. USA - taxes, delay, reasonable cause, reliance on agent

Florida Supreme Court - Tallahassee

Bevel v. State - capital case, direct appeal

In re Fla R Traffic Ct - amended rule

Levin v. State - pro se sanctions

Chestnut v. Dixon - pro se sanctions

In re Fam L Forms - new forms

First District Court of Appeal - Tallahassee

Smith v. State - scrivener's errors

Siena v. Orange Cnty Fire - workers' compensation

Heath v. Lee - timesharing modification

Bruce v. State - pro se sanctions

Semmer v. Lee Cnty - comprehensive plan review

Manuel v. Ford - habeas corpus, preservation of error

Second District Court of Appeal - St. Petersburg

Bennett v. State - DUI, restitution, rejected confession of error

Potts v. Lewis - stalking injunction

Rivadeneira v. USF BOT - class action, education, sovereign immunity, certified question

State v. Peltier - search and seizure, probable cause, pornography

Peterson v. State - sentencing

Kenney v. State - evidence, video, preservation of error

Third District Court of Appeal - Miami

AFP 103 v. Common Wealth Tr Servs - rehearing, easement, dissent

Sthubin v. State - conviction, conflicting evidence

Costco v. Vargas - attorney's fees, discovery misconduct

Menendez v. Bonafonte - settlement, findings of fact

Alfaro v. State - value of stolen item, evidence

GMX v. MDX - quiet title, indispensable party

Fisher v. State - sentence completion, moot appeal

Molloy v. DOR - insufficient record

Washington v. DOR - insufficient record

Major v. State - postconviction relief

Amnesia Int'l v. Miami Beach - temporary injunction, sale of alcohol

L&K Creation v. White Feather Mgmt - temporary injunction, non-party

Donald v. Barrera - fraud, negligence, statute of limitation

Fourth District Court of Appeal - West Palm Beach

Rivera v. State - voir dire, limiting questions

Portuese v. State - probation, special conditions

Boyd v. State - postconviction relief

Fifth District Court of Appeal - Daytona Beach

Mercury Indemn v. Central Fla Med - certified conflict; § 627.736(10), pre-suit notice

Bratsch v. Bratsch - dissolution, attorney's fees

Syverson v. State - withdraw plea

Baxter v. State - drug paraphernalia, suppression, plain smell

Tocco v. State - prohibition

Sixth District Court of Appeal - Lakeland

Riggins v. Rhoades - dismissal, four corners, compulsory counterclaim

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