

# Florida Appeals Court Decisions: Week of October 9-13, 2023

October 14, 2023

## U.S. Eleventh Circuit Court of Appeals

*Lowman v. FAA* - Nat'l Environ Policy Act, standing

*Wade v. Ga Correctional Health* - rehearing en banc granted, vacating *this* decision

*Stanley v. Sanford* - ADA, postemployment fringe benefits

*Johnson v. Lewis* - Eighth Amendment, deliberate indifference

*USA v. Pate* - en banc, retaliatory liens

*USA v. Dunn* - Speedy Trial Act

## Florida Supreme Court - Tallahassee

*Univ of Fla BOT v. Carmody* - rehearing denied, dissent

*In re Fla R App P* - amended rules

*In re Small Claims R* - amended rules

## First District Court of Appeal - Tallahassee

*Strickland v. Strickland* - equitable distribution

*Clark v. State* - appellate jurisdiction, sentencing

*Smith v. Bright* - nonbinding arbitration, rule 1.820(h)

*McChessney v. Spinnaker Cove HA* - appellate jurisdiction, finality

*Neal v. Waterfront Rescue Mission* - mandamus, requirements

## Second District Court of Appeal - St. Petersburg

*Jean v. DOC* - gain time

*CCP H Island v. Manor at H Island* - punitive damages amendment

*Clark v. State* - postconviction relief, trial court requirements

## Third District Court of Appeal - Miami

*Weiss v. BI 27* - lis pendens, fraud in execution

*Spector v. Spector* - alimony, factors

*Sanchez v. 230 4th Mia Owner* - rent

*Leben v. Suarez* - service of process

*Condell v. State* - ineffective assistance

## Fourth District Court of Appeal - West Palm Beach

*Tellam v. State* - resisting arrest, elements

*Luley v. Danto* - confession of error, dismissal, sanction

*Chiaravalle v. State* - DUI investigation, administrative rule

## Fifth District Court of Appeal - Daytona Beach

*Green Gables v. AHG Tax* - summary judgment, affirmative defenses, reply

*Litsch v. Litsch* - child custody, UCCJEA

*Ganiban v. McManus* - certiorari, corporate dissolution, injunction, contempt

*Virginia v. State* - postconviction relief

*Kelly v. State* - postconviction relief

*Hall v. State* - *Spencer* warning, pro se

## Sixth District Court of Appeal - Lakeland

*Asset Recovery v. Wells Fargo* - foreclosure, funds disbursement

*Griffen v. State* - postconviction relief

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