

# Florida Appeals Court Decisions: Week of September 18-22, 2023

September 16, 2023

## U.S. Eleventh Circuit Court of Appeals

*Weidner v. Comm'r of Soc Sec* - prior decision, law of the case, mandate rule

*League of Women Voters v. Fla Sec of State* - election reform challenge, en banc denial

*Townsend v. Berman* - bankruptcy, disclosure violations, bust-out scheme, appellate commentary

## Florida Supreme Court - Tallahassee

*In re Fla R App P* - amended rules

*Zack v. State* - capital case, postconviction relief

## First District Court of Appeal - Tallahassee

*Sapp v. State* - postconviction relief

*Mosely v. State* - probation revocation

*Gray v. State* - scrivener's errors

*Little v. State* - mandamus, duty to rule, mootness

*Hartwick v. Dixon* - mandamus, duty to rule, mootness

## Second District Court of Appeal - St. Petersburg

*Perez v. State* - sentencing

*Teart v. State* - habeas corpus

*Daniels v. State* - sentencing

*Halling v. Garrison* - insurance, extra-contractual damages

## Third District Court of Appeal - Miami

*Flamingo S Acquisitions v. Flamingo/S Beach I CA* - nonbinding arbitration

*Walls v. Roadway* - lien, notice, summary judgment reasons

*Factor Brokers v. J&C Enters* - agreement to arbitrate, assignment

*Mendez v. BOD of Palace CA* - temporary injunction, remedial work

*Achoy Assisted Living v. Agency for Health Care* - findings of fact, evidence

*Martin v. Buttner* - subject matter jurisdiction

*Hernandez v. City of Mia* - second-tier certiorari, waiver

*Raffay v. Longwood House CA* - statute of limitations, ongoing nonperformance

*SF v. State* - indictment, essential element

*State Farm v. Best Med* - appellate attorney's fees

*Monroe Cnty v. Jabour* - second-tier certiorari, final order, agency's interpretation

*Salazar v. Premier Air* - transfer of action

*Small v. State* - habitual felony offender, ex post facto clause

*King v. Riera* - insufficient record

*Parks v. State* - probation violation

## Fourth District Court of Appeal - West Palm Beach

*FAU v. Harbor Branch* - direct-support organizations, budget approval

*Univ Prop & Caus Ins v. Navlen* - expert testimony, exclusion

*TIO Medical v. Liberty Mutual* - PIP, out of state coverage

*State v. Estate of Bruening* - intestate, heirs

*Stuart Roofing v. Thomas* - FDUTPA, actual damages

## Fifth District Court of Appeal - Daytona Beach

*TG United v. AADD Properties* - nonresidential eviction, rent, court registry, § 83.232(5)

*Obermark v. Obermark* - child support, modification, due process

*Winters v. State* - postconviction relief

*Cooper v. State* - ineffective assistance, appeal

*State v. Victorino* - certiorari, non-unanimous death sentence

*Crowell v. State* - habeas corpus

# Sixth District Court of Appeal - Lakeland

*Royal United Prop v. Royal* - shareholder deadlock, certiorari relief

*Hughes v. Angelo* - construction of antenuptial agreement

*Allen v. JMDH Real Estate of Orlando* - inference stacking

*Newell v. State* - closing argument, jury instruction

*Wright v. State* - speedy trial

*Haynes v. State* - summary disposition

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