

Florida Appeals Court Decisions: Week of February 8 - 12, 2021

APPELLATE & TRIAL SUPPORT | FEBRUARY 12, 2021

U.S. Eleventh Circuit Court of Appeals

Henderson v. McMurray - free speech, free exercise, pleading
USA v. Chinchilla - order of supervision misuse
Walker v. SSA - disability claim
Aitken v. US Stem Cell Clinic - provisional jurisdiction, anomalous rule
Lee v. Warden - postconviction relief
USA v. Maradiaga - fraudulent document, jury instruction, closing argument
USA v. Isaac - search and seizure, sentencing

Florida Supreme Court - Tallahassee

No decisions this week.

First District Court of Appeal - Tallahassee

Ervin v. Smith - appellate attorney's fees, estoppel
DOR v. McMullen - child support
Weatherly v. State - belated appeal
Nain v. State - habeas corpus, pro se while represented
McClusky v. State - evidence, recorded recollection; closing argument
State v. Smith - search and seizure, good faith exception
Thomas v. State - postconviction relief
Roe v. DOH - mandamus, mootness
Trappman v. State - double jeopardy
Rodriguez-Carmona v. State - sentencing
Mobley v. Fussell - mandamus, clemency application, records
Key v. State - inevitable discovery doctrine
Canty v. State - habeas corpus
Howard v. State - sentencing
Thomas v. State - postconviction relief
Wright v. State - sentencing, jurisdiction

Second District Court of Appeal - Lakeland

Kilgore v. State - certified conflict without discussion
CF v. SB - § 61.16 fees
Wells Fargo v. Dias - foreclosure, scope of new trial, standing
Jeror v. State - child pornography, peer-to-peer transmission
DOR v. DEB - certiorari, genetic testing
Lamberson v. State - postconviction relief
Hicks v. Keebler - limitations period, contract claim, certiorari review of PCA
Huckelby v. State - certiorari, Stand Your Ground
Bupivi v. Pollard - certiorari, discovery, physicians' relationships
Hertz v. Sider - certiorari, privileged communications

Third District Court of Appeal - Miami

Acevedo v. RJ Reynolds - products liability, summary judgment
Fla Peninsula Ins v. Nolasco - fundamental error, calling counsel and expert liars
Carollo v. Platinum Adv - legislative immunity, qualified immunity
Armand v. Amisy - marital dissolution, subject matter jurisdiction
Rodriguez v. Carvalho - summary affirmance
Jean v. Bayview Loan Serv - arbitration
Am Towing v. Espinal - class certification, towed vehicles, release
CFLB Mgmt v. Diamond Blue - vacating unappealed fees award
CJ v. DCF - dependency

Fourth District Court of Appeal - West Palm Beach

Eugene v. State - single homicide rule
RJ Reynolds v. Hamilton - hearsay, state of mind
Spielberg v. Progressive - duty to notify
Donald v. State - sentencing
AB v. State - delinquency
Bruce v. State - sentencing
Chiscul v. Hernandez - injunction for protection
Napper v. State - sentencing scoresheet
Cimino v. Am Airlines - mandamus, magistrate
Durand v. State - mandatory minimum, conflict
Larkin v. Grutman - arbitration, settlement

Fifth District Court of Appeal - Daytona Beach

McKinney v. Graham - negligence, bifurcation, intoxication; expert, bias
Posso v. Sierra - paternity, jurisdiction, magistrate
Sweeting v. State - *Spencer* warning, pro se
State v. Parker - suppression, traffic stop
Mills v. State - *Spencer* warning, pro se

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