

# Florida Appeals Court Decisions: Week of January 4 - 8, 2021

APPELLATE & TRIAL SUPPORT | JANUARY 8, 2021

## U.S. Eleventh Circuit Court of Appeals

*USA v. Kushmaul* - sentencing

*Garcia v. USA* - postconviction relief

## Florida Supreme Court - Tallahassee

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

*In re Fla R Crim P* - amended rule, contempt

## First District Court of Appeal - Tallahassee

*Maganua v. McNeil* - habeas corpus

*Cooper v. State* - right to counsel, waiver

*Maxwell v. State* - competency for trial

*Black Knight v. PennyMac* - arbitration, waiver

*Davis v. State* - amending initial brief

*Bonifay v. State* - sentencing

*Milne v. Inch* - inmate claims, liens

*Minton v. State* - appellate jurisdiction

*Hart v. State* (12/31) - juvenile sentencing

*AHF MCO v. AHCA* (12/31) - bid protest, standing

*Pearce v. State* (12/31) - competency for sentencing

*Cristin v. Everglades Corr Inst* (12/ 31) - workers' compensation

*Smith v. State* (12/ 31) - probation revocation

*Mills v. State* (12/ 31) - second-tier certiorari, judicial disqualification

*Mills v. State* (12/ 31) - postconviction relief

## Second District Court of Appeal - Lakeland

*Tanner v. State* - right to silence; evidence, cell phone password, hearsay

*Schwoerer v. State* - double jeopardy

*Holder v. State* - probation revocation

*Abdo v. Abdo* - prohibition, deviation from mandate

*Tanner v. Hart* - certiorari, discovery, medical records

*Flint v. State* - sentencing

*State Farm v. Parrish* - disinterested appraiser, final order; certified conflict

*N Trust v. Est of Walker* - probate, appellate jurisdiction

*Williams v. State* - postconviction relief

*State v. Fernandez* - search and seizure, standing

*Money v. Home Perf Alliance* - FDUTPA, attorney's fees, settlement

*Algieri v. State* - probation revocation

*Pagan v. State* - sentencing

*Deaterly v. Jacobson* - certiorari, punitive damages

## Third District Court of Appeal - Miami

*Glickman v. Kindred Hosp* - security services, duty to others, summary judgment

*Frank v. Frank* - equitable distribution, alimony, findings

*Sejas v. Paredes* - appellate jurisdiction, fee award without amount

*Garcia v. Espinosa-Garcia* - alimony, child support, parenting plan

*Buy & Sell Fitness v. Villalba* - venue

*Jackson Health v. Louis* - prohibition, employment, failure to exhaust remedies

## Fourth District Court of Appeal - West Palm Beach

*Cuevas v. State* - clergy communication privilege

*Brown v. State* - missing transcript, suppression hearing

*Saffold v. State* - sentencing

*Vasata v. State* - theft, intent

*Petroleos Mexicanos v. Rodriguez* - arbitration, parties bound, waiver

*Jacocks v. Capital Commercial* - arbitration, parties bound

*Oakmont Custom Homes v. Billings* - arbitration, parties bound

*Harris v. State* - sentencing

*Gleman v. MWH Americas* - fraud on the court, sham pleading

*Campbell v. Riggs* - civil theft, summary judgment

*Hunter v. State* - aggravated assault; civil mischief

*State v. Huntley* - child abuse, intent, stacking inferences

*Elalouf v. School Board, Broward Cnty* - preservation; release, ambiguity

*Nunes v. Herschman* - § 92.57, witness, "judicial proceeding"

## Fifth District Court of Appeal - Daytona Beach

*Calabrese v. State* - sentencing

*Est of Isenberg v. Smith Equities* - rule 1.525, timeliness

*Tolliver v. State* - postconviction relief

*Pace v. Pace* - contempt

*Jimenez v. Perez* - parental relocation; lack of transcript

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