

Florida Appeals Court Decisions: Week of April 29 - May 3, 2019

May 03, 2019

U.S. Eleventh Circuit Court of Appeals

US v. Delva – search and seizure, experts, sentencing

Lester v. US – en banc

Jenkins v. Anton Legal Group – FLSA

Showan v. Pressdee – trial evidence, attorney's fees

US v. Hano – limitations, 5th Amendment, 6th Amendment

SEC v. Torchia – Ponzi scheme, due process

Nance v. Ga Diagnostic Prison – habeas corpus, ineffective assistance

Palencia v. Perez – ICARA

US v. Spence – sentencing

City of Miami v. Wells Fargo – FHA

Florida Supreme Court - Tallahassee

In re Fla Evid Code - evidence code

First District Court of Appeal - Tallahassee

Pasicolan v. State - double jeopardy

Coffey v. State - double jeopardy

Brunson v. Ashley - proposal for settlement

Crapo v. Gainesville Chamber - ad valorem taxation

Padgett v. Padgett - alimony, lack of transcript

McIntosh v. Myers - real property, restrictive covenants, tree removal

Drakus v. State - postconviction relief

Dowell v. State Farm - vehicle lien, timely notice, § 713.78

Stone v. McMillian - stalking injunction

Wright v. State - jail credit
Jackson v. State - rereading jury instructions, sentencing
Carr v. State - theft, instructions, good faith, willful blindness
Israel v. State - ineffective assistance
Prada USA v. Young - workers' compensation
Thomason v. State - *Miranda*, custody
Dawson v. State - special instruction, video record
Varricchio v. St Lucie Clerk - workers' compensation
Alsubaie v. State - ineffective assistance
Farmer v. State - sentencing, juveniles
Ellison v. State - habeas corpus, ineffective assistance
State Farm v. Sheppard - appraisal
Casey v. Inch - appellate jurisdiction
FAMU v. Kimbrough - certiorari, time limit

Second District Court of Appeal - Lakeland

Mesen v. State - lewd conduct, evidence
Sanchez v. State - two-way communications device, mischief, evidence
Joiner v. Pinellas - ad valorem taxation, sovereign immunity
HSBC v. Leone - foreclosure, paragraph 22
Monroe v. State - postconviction relief
State v. Jean - certiorari, confidential informant
Laura's Secret v. Grier - appellate jurisdiction, contempt motion
Dowell v. Knoras - contempt, evidence
Manley v. State - Stand Your Ground, certified conflict
Kieffer v. Atheists of Fla - defamation, summary judgment
Hernandez v. State - appellate attorney sanctions

Third District Court of Appeal - Miami

Garcia v. State - theft; circumstantial evidence, murder
Byron v. State - competency
State v. Harris - search and seizure
Cornfeld v. Plaza of Americas - shareholder derivative action
Porto v. Walker - injunction, specifying grounds
D'Agostino v. CCP Ponce - deficiency action, bankruptcy effect, interest
Comvest v. IMC - arbitration
State v. Rincon - probation violation
Lincoln Mews CA v. Harris - void judgment, dropped party
Rodriguez v. ALS - summary affirmance

Gyden v. State - postconviction relief

Machinery v. Ainsworth - certiorari

Pounds v. State - postconviction relief

Lee v. State - pro se sanctions

Fourth District Court of Appeal - West Palm Beach

Radice v. State - downward departure

Long v. State - competency hearing

Thomas v. State - competency

Soltis v. State - *Nelson* inquiry, preservation

Alessio v. Ocwen - foreclosure, proof of mailing

Perault v. Perault - dissolution, attorney's fees, future enforcement

Petri Positive Pest Control v. CCM Condo Assn - offer of judgment, prejudgment interest

Johansson v. Johansson - child support

Stout v. Stout - child support arrearages

Hatfield v. N Broward Hosp - whistle-blower, temporary reinstatement

Johnson v. State - pretrial detention, jurisdiction

Fifth District Court of Appeal - Daytona Beach

Malave v. State - evidence, victim's statement

Wilcox v. State - right to private counsel

Lathan v. State - ineffective assistance, certified questions

Orange Springs v. Delk - corrected verdict, discretion

Teague v. Pepsi - summary judgment, additional discovery

Potchen v. State - pro se sanctions

Vogds v. State - postconviction relief

JG v. DCF - parental rights, termination

Osborne v. State - certiorari, probation modification

Bent v. State - habeas corpus

Gold Crown v. Phillpotts - venue, forum selection clause

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