

# Florida Appeals Court Decisions: Week of December 17 - 21, 2018

December 22, 2018

## U.S. Eleventh Circuit Court of Appeals

*Friedenberg v. Palm Beach Cnty Sch Bd* - suspicionless drug testing

## Florida Supreme Court - Tallahassee

*Fla Bar v. Kinsella* - attorney discipline

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

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

*Ruiz v. Tenet* - proximate cause

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

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

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

*Lee Memorial v. Progressive* - healthcare liens, contractual impairment

*McCloud v. State* - witness tampering

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

*Cartenuto v. Justice Admin Comm'n* - capital case, attorney's fees

*Brown v. State* - sentencing

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

*Marts v. Jones* - pro se sanctions

*In re Std Jury Instr (Crim)* - amended instructions

*In re Std Jury Instr (Crim)* - more amended instructions

*In re Std Jury Instr (Crim)* - more amended instructions

*In re Std Jury Instr (Civ)* - new instructions, fiduciary duty

*In re Std Jury Instr (Civ)* - new instructions, emotional distress

## First District Court of Appeal - Tallahassee

*Mobley v. State* - Medicaid lien  
*Whisby v. State* - collateral crimes evidence  
*Wilson v. State* - undisclosed expert  
*King v. State* - sentencing  
*RJ Reynolds v. Whitmire - Engle* progeny, fraudulent concealment  
*Council v. Anderson* - domestic violence injunction  
*Wippel v. RAAC* - administrative appeal, timeliness  
*Manning v. State* - drug trafficking, knowledge  
*Williams v. FCOR* - certiorari, parole release  
*Teehan v. Fla E Coast Ry* - FELA, limitations  
*Jacksonville Bch v. BCEL 4* - city planning, judicial remedies  
*Heartland Exp v. Farber* - post-judgment interest  
*Hall v. State* - child abuse  
*AP v. DCF* - parental rights, termination  
*Hutchinson v. State* - untimely appeal  
*Mayers v. State* - prohibition; Stand Your Ground; certified conflict

## Second District Court of Appeal - Lakeland

*Turner v. State* - community control revocation  
*Cert'd Windshield v. GEICO* - insurance, fees, review standard  
*Miley v. Dunn* - sexual violence injunction  
*Abdo v. Abdo* - personal jurisdiction  
*Haskell v. Haskell* - appellate jurisdiction

## Third District Court of Appeal - Miami

*Space Coast CU v. Goldman* - foreclosure, intervention  
*Westchester Fire v. Kosoki Painting* - construction, change orders  
*Westchester Fire v. Kesoki Painting* - attorney's fees, lack of transcript  
*Chiong Cortes v. State* - sentencing  
*Citimortgage v. Porter* - real property, mortgage priority  
*Llanso v. Gomez de Cordova* - rule 1.540, jurisdiction pending appeal  
*Progressive Waste v. Britt* - void judgments  
*GMR v. DCF* - parental rights, termination  
*Rey v. State* - prison credit  
*Jacobsen v. Busko* - certiorari; guardianship counsel  
*Fla Wellness v. Feldman* - certiorari; circuit court appeal, dismissal  
*Local Door v. Mayers* - appellate jurisdiction, indemnification order  
*Owens v. State* - pro se sanctions

*Elias v. State* - post-trial release

## Fourth District Court of Appeal - West Palm Beach

*Johnson v. State* - Melbourne procedure

*Rosario v. State* - sentencing

*Fox v. Fox* - alimony, findings, *en banc*

*Sacks v. Bank of NY* - foreclosure, payment history

*Janoura Partners v. Palm Beach Imports* - injunction, easement

*Owens v. State* - closing, statement of law

*Imerys Talc v. Ricketts* - personal jurisdiction

*Seminole Lakes HOA v. Esnard* - proximate causation

*State v. Estime* - statute of limitations, extension

*Culbertson v. 21st Mortgage* - foreclosure, amounts owed

*Johnson v. Townsend* - probate, community property rights, certification

*Martinec v. Early Bird Int'l* - deficiency judgment

*Rodriguez v. Altomare* - expert testimony, fees

*Fox v. DCF* - work exemption

*Sky Zone v. Weekly* - arbitration, effective review

*Baldwin v. Willet* - temporary injunction, constructive trust

*Hoskins v. State* - jail credit

## Fifth District Court of Appeal - Daytona Beach

*Citizens v. Thorne* - homeowner's insurance, sinkhole

*State Farm v. Wallace* - UM benefits

*MacGregor v. Daytona Intl* - negligence, summary judgment

*EM v. State* - concession of error, written order

*EP v. Hogleve* - legal malpractice

*Strong Portfolio v. GMAC* - foreclosure, conflicting orders

*Staten v. State* - probation violation

*Howard v. State* - attempted manslaughter, scrivener's error

*King v. State* - postconviction relief

*Progressive v. Bigney* - certiorari; dismiss, nonjoinder

*Taylor v. DOR* - lack of transcript

*Bozada v. State* - ineffective assistance, trial

*Smith v. State* - postconviction relief

*Ayeni v. State* - jail credit

*Franceschi v. State* - sentencing

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