

# Florida Appeals Court Decisions: Week of January 10 - 14, 2022

January 15, 2022

## U.S. Eleventh Circuit Court of Appeals

*US v. Smith* - venue

*James River Ins. v. Ultratec Special Effects* - duty to defend, appellate jurisdiction

*C&W Facility Svcs v. Sec'y of Labor* - OSHA citation review

*US v. Moore* - sentencing, contempt, dissent, concurrence

*US Trustee v. Bast Amron LLP* - bankruptcy fees, uniformity, concurrences

## Florida Supreme Court - Tallahassee

*Simpson v. Dixon* - capital case, postconviction relief

*Avsenew v. State* - capital case, direct appeal

*In re Fla Fam Law R Pro* - amended forms, child support

## First District Court of Appeal - Tallahassee

*Stephens v. State* - murder, jurisdiction, double jeopardy, certified question

*Smith v. State* - preservation of error, closing argument, hearsay, particulars

*Harrell v. Cook* - preservation of error, findings, timesharing

*Collie v. State* - search and seizure

*Porter v. State* - postconviction relief

*Footman v. State* - postconviction relief

*CF v. DCF* - parental rights, termination

## Second District Court of Appeal - Lakeland

*Rich v. Rich* - equitable distribution

*West v. State* - postconviction relief

*Sabra Health Care v. Estate of DeSantis* - certiorari, nursing home claims

*Mohler v. Elliott* - certiorari, order permitting execution

*Macias v. State* - postconviction relief

*Bell v. Battaglia* - dating violence injunction

*Zurich v. Samson* - workers' compensation, rule nisi, sanctions

## Third District Court of Appeal - Miami

*Vargas v. Safepoint* - insurance, false statement, intent

*JM v. AJD* - mandate, enforcement

*Garrido v. Safepoint* - appellate jurisdiction, rule 1.525, confession of judgment

*United Auto v. Millennium Radiology* - PIP, assignments, collateral estoppel

*Catamaran BY v. Giordano* - prevailing party fees, voluntary dismissal

*MM v. AHCA* - administrative review

*Hayes v. Monroe Cnty* - second-tier certiorari, code enforcement

*GC v. DCF* - parental rights, termination

*Oracle Elevator v. Omni* - breach of contract, signed agreement, summary judgment

*Coral Gables v. Alliance Starlight* - second-tier certiorari, city resolution, settlement agreement

*SE Enter Holdings v. Marquel* - certiorari, discovery, overbreadth, relevance

## Fourth District Court of Appeal - West Palm Beach

*Mineo Salcedo v. Cesard* - charging lien, attorney withdrawal

*Brown v. State* - remote video; sentencing hearing

*Fiala v. Fiala* - martial dissolution, equitable distribution, harmless error

*People's Trust v. Chen* - insurance, scope of repairs, appraisal

*Hasan v. Hasan* - stalking, injunction, substantial emotional distress

*Guerra v. State* - withdrawal, plea, misadvice

*Defilippo v. Geico* - preservation of error

## Fifth District Court of Appeal - Daytona Beach

*Rodriguez v. State* - habeas corpus; *Spencer* warning, pro se

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