

# Florida Appeals Court Decisions: Week of July 17 - 21, 2023

July 22, 2023

## U.S. Eleventh Circuit Court of Appeals

*NRA v. FDLE* - en banc, vacating *this* opinion

*Green v. Finkelstein* - First Amendment, election, employment

*USA v. McAvoy* - en banc, False Claims Act, intervention

*Barber v. Ala Govr* - postconviction relief, capital case

*Sears v. Warden GDCP* - habeas corpus

*USA v. Gary* - sentencing

*Cates v. Zeltiq Aesthetics* - products liability, CoolSculpting, design defect

## First District Court of Appeal - Tallahassee

*Huck v. Kenmare Commons* - real property, covenant, parking, public road

*Onigbanjo v. State* - probation revocation

*Swain v. FCOR* - certiorari, parole

*Carter v. Meadows* - certiorari, discovery, psychotherapist-patient records

*Doe v. Days* - stalking injunction

*LNW v. DCF* - parental rights, termination, failure to prosecute appeal

## Second District Court of Appeal - St. Petersburg

*MDF v. TT* - child support

*Cruz v. State* - sentencing

*Weber v. State* - sentencing

## Third District Court of Appeal - Miami

[Universal v. Gonzalez-Perez](#) - coverage interpretation, residence

[CSV v. State](#) - search incident to arrest, preservation

## Fourth District Court of Appeal - West Palm Beach

[Boesch v. State](#) - life sentence, minor

[Blind Monk v. USO Norge](#) - right of first refusal

[Hyatt v. Zimmerman](#) - trust termination

[O'Brian v. State](#) - juror challenge, preservation

[Howard v. State](#) - probation, special condition

[Cioffi v. Mikowitz](#) - defamation, malice

## Fifth District Court of Appeal - Daytona Beach

[Taylor v. Nicholson-Williams](#) - sale contract, duty of honest and fair dealing

[Burgess v. State](#) - community control

[Crocker v. Crocker](#) - dissolution, disability benefits

[Hilton v. State](#) - postconviction relief

## Sixth District Court of Appeal - Lakeland

[RX Imaging of SWFL v. Irving Radiology](#) - modification of contract

[Gonzalez v. State](#) - preservation, fundamental error

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