

Florida Appeals Court Decisions: Week of May 20-24, 2024

May 17, 2024

U.S. Eleventh Circuit Court of Appeals

(11th Circuit written opinions archive) *McBride v. Carnival* - depositions at trial; inadequate verdict, pain and suffering

Sloan v. Drummond - appellate jurisdiction, untimely petition for review, Black Lung Benefits Act

Lee v. US Bank - bankruptcy, chapter 11, anti-modification provision

USA v. Blanco - sentencing

Leger v. US Att'y Gen - Immigration and Nationality Act, sexual abuse of minor

Florida Supreme Court - Tallahassee

(Florida Supreme Court written opinions archive) *State v. Creller* - search and seizure

In re Fla R Civ Pro - amended rules

In re Fla R Civ Pro - more amended rules

First District Court of Appeal - Tallahassee

(1st DCA written opinions archive) *Awolowo v. State* - competency hearing, entitlement

JC v. DACS - concealed firearm license

Gonzalez v. Coliseum Motors - appellate jurisdiction

Palm Beach Sch Dist v. Smith - workers' compensation

State v. Dennard - search and seizure, required findings

Am Airlines v. Lopez - workers' compensation

Coffin v. State - jail credit

Kimbrel v. Clark - probable cause, excessive force

Griffin v. State - appellate jurisdiction

BAM Trading Serv v. OFR - administrative review, license suspension

Public Counsel v. PSC - suggestion to Appellate Court Rules Committee

Second

District Court of Appeal - St. Petersburg

(2d DCA written opinions archive) No decisions this week. **Third District Court of Appeal - Miami**

(3d DCA written opinions archive) *FPL v. Velez* - rehearing, jurisdiction over issues relating to public utility's disaster preparedness

Progressive v. Chiropractic Clinics - attorney's fees, taxable costs

Caldevilla v. State - voir dire, hypotheticals

Batista v. Rodriguez - conversion, civil theft, failure to state a claim

FIU Bd of Trs v. Signal Safe - sovereign immunity, third-party beneficiary

Pesce v. Morgan - adverse possession, dismissal with prejudice

Bryant v. State - violation of probation, evidence

AHCA v. Spence - interpretation of trust provisions

Real Cap v. Alhambra - brokerage commission, procuring cause doctrine

Jerue v. Prieto - forum selection, evidence **Fourth District Court of Appeal - West Palm Beach**

(4th DCA written opinions archive) *Mann v. Animal Aid* - costs

Restor Const v. People's Trust - dissent, insurance, forfeiture, waiver

OM v. DCF - dependency, findings

Lopez v. Lopez - marital dissolution, durational alimony, attorney's fees

Merritt v. State - confession of error, postconviction DNA testing

State v. Cerulia - criminal charge, dismissal, witness interference **Fifth District Court of Appeal - Daytona Beach**

(5th DCA written opinions archive) *Progressive Am Ins v. Express Care* - summary judgment; PIP, § 627.736(5)(a)5.

Leftwich v. Wal-Mart - rehearing en banc; dissental

Central Fla Med v. Mendota Ins - summary judgment; PIP, § 627.736(5)(a)1.f.

Orlando Health v. Mohan - punitive damages, amendment; intent, gross negligence

US Bank v. Vadney - dismissal, jurisdiction; stay, abatement

Singleton v. Nooney - stalking injunction, sufficiency of evidence

Singleton v. Nooney - stalking injunction, sufficiency of evidence

Gandy v. State - investigation cost

Southern-Owners Ins v. McCoy - wrongful death, enforce settlement

Granada Ins v. Lopez - prohibition; disqualification, timeliness

Crandall v. State - illegal sentence **Sixth District Court of Appeal**

- Lakeland

(6th DCA written opinions archive) [Forrey v. Marlin Constr](#) - summary judgment, appellate review
[Thompson v. State](#) - supervision costs, postconviction relief

The provided links above may be available for a limited time only, as courts sometimes relocate opinions on their websites. Should that occur, please use the “written opinions archive” links provided below each court header to search for the opinion using the case name. The availability of opinions through these channels may vary and is subject to the discretion of the courts.

Related Practices

[Appellate & Trial Support](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.