

# Florida Appeals Court Decisions: Week of May 27-31, 2024

May 31, 2024

## U.S. Eleventh Circuit Court of Appeals *SEC v. Keener* -

'34 Act, unregistered dealer

*Snell v. United Specialty* - Alabama law, insurance, "arise from," bad faith

*Mills v. Ala DOC* - capital case, postconviction relief

*Mills v. Hamm* - capital case, postconviction relief

## Florida Supreme Court - Tallahassee

*Walter v. DOC* - pro se sanctions

*In re Fla R Juv P* - amended rules

## First District Court of Appeal - Tallahassee

*Brown v. DMS* - Florida Retirement System, benefits

*Patterson v. State* - pro se sanctions

*Davis v. State* - sentencing, mootness

## Second District Court of Appeal - St. Petersburg

*State v. Caulkins* - probation revocation, sentencing

*Hinojosa v. Hinojosa* - alimony, equitable distribution

*Haskell v. PCP Grp* - LLC operating agreement

*Lassiter v. Citizens* - insurance, damage, summary judgment standard

## Third District Court of Appeal - Miami

*Balbin v. State* - violation of probation, sentencing

*Celor Trust v. Shoma Homes* - mandatory injunction

*Athea v. Athea* - marital equitable distribution

*Gray v. State* - sentencing

*Marathon Lodge v. Persl* - amendment of pleadings

*Wood v. Royal Plus* - workers' compensation, bailee of vehicle

*Weiss v. Weiss* - weight of evidence

*Neal Gerber & Eisenberg v. Lamb-Ferrara* - personal jurisdiction

*Stav Software v. Lederman Invs* - modification of purchase agreement  
*Universal Prop v. Moya* - factual basis for economic losses  
*Harte-Weine-Toledo v. Toledo* - section 57.105 sanctions  
*Bacallao v. Ruiz Janitorial Servs* - slip-and-fall, custodians  
*Mendez v. Alvarez* - sovereign immunity, state employee  
*Miami v. Alvarez* - sovereign immunity, presuit notice  
*Ervin v. Alvarez* - appellate jurisdiction, finality  
*Alvarez v. Reemployment Assistance* - appellate jurisdiction, untimeliness  
*AB v. DCF* - definition of income  
*Zalaquett v. Bank of New York Mellon* - prima facie evidence  
*AB v. DCF* - appellate jurisdiction, untimeliness  
*AP v. DCF* - termination of parental rights  
*Lee v. State* - postconviction relief  
*PN v. DCF* - termination of parental rights  
*Saenz v. Sanchez* - summary affirmance

## Richard v. Reyes - failure to charge crime, release

# Fourth District Court of Appeal - West Palm Beach

*Hastings v. State* - Melbourne inquiry  
*Beachway v. Santo & June* - professional malpractice, privity  
*Hamilton v. State* - premeditation, jury instructions  
*Jones v. State* - competency hearing  
*CF Dominicana v. Am Airlines* - breach of contract, luggage  
*Fla Dept Corr v. De La Paz* - civil restitution  
*Frederick v. State* - backstrike

## Keegan v. Neff - partition, final order

# Fifth District Court of Appeal - Daytona Beach

*Jennings v. Durden* - charitable trust, standing, breach of contract  
*Apex Roofing v. Sec First Ins* - certiorari; discovery, trade secrets  
*Harold v. State* - postconviction relief  
*Gordon v. DOR* - confession of error, administrative support order  
*Lagano v. State* - Anders appeal, scrivener's error  
*Levin v. State* - Spencer bar, pro se

## Hedges v. Hamilton - restoration of capacity

# Sixth District Court of Appeal - Lakeland

*IR v. State* - mens rea, specific intent  
*Abo v. Askar* - abandoning issues on appeal  
*Petitfrere v. Summerfield Multifamily* - preservation  
*State v. Lobato* - death sentencing procedure

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