DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ARCHIE BEAVERS,
Appellant,

v.

MELISSA D. POND,
Appellee.

No. 4D2025-1473

[November 18, 2026]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Natasha DePrimo, Judge; L.T. Case No. 062019CP004368A001CE.

Dexter F. George of Law Office of Dexter F. George, Plantation, for appellant.

Marla J. Ferguson of Marla J. Ferguson Law, P.A., Davie, for appellee.

SHAW, J.

We affirm the merits without discussion. We write briefly, however, to address concerns with citations in the appellee's answer brief. The answer brief contained multiple citations to cases that are real, but do not stand for the proposition ascribed to them. These citations do not assist the court and, in fact, create more work for the court and the opposing party. In affirming on the merits, we expressly disregarded the citations that misstated court holdings.

On October 21, 2026, this court entered an order to show cause why sanctions should not be imposed on the appellee for filing an answer brief that appeared to include fabricated or "hallucinated" references to non-existent or inaccurately-cited legal authorities. The appellee responded, recognizing "errors in the case citations" in the answer brief and that "the research utilized to gather those citations were partially computer aided intelligence programs."

However, the appellee then responded that the arguments made in the brief were neither frivolous nor made in bad faith, and that none of the

citations or case law were "hallucinated," but instead were inaccurately cited. The response concluded with a table that contained "(1) citations as written in the Second Amended Answer Brief including the errors; (2) the correct(ed) citations for each citation listed in the Second Amended Answer Brief." *Id.* at 5-7. This table, however, did not provide substantive corrections to citations (with one exception),[1] nor did it correct any misstated legal holdings. Rather, the table only updated the format of citations—curiously changing the format from Bluebook-approved to another format.

The appellee's response missed the point.

As we explained earlier this year, "an attorney is subject to sanctions for filings that … 'cite actual cases for inaccurate legal propositions.'" *Eclectic Synergy, LLC v. Seredin*, 435 So. 3d 1074, 1078 (Fla. 4th DCA 2026) (quoting *Hessert v. Hessert*, 431 So. 3d 610, 613 (Fla. 6th DCA 2026)). Indeed, these types of errors "are just as egregious as citations to non-existent cases." *Id.* (citing *Clerk of Court & Comptroller for 13th Jud. Cir., Hillsborough Cnty. v. Rangel*, 427 So. 3d 1069, 1071 (Fla. 2d DCA 2025) (sanctioning counsel for filing a brief that, among other things, "misstated court holdings")). Contrary to the appellee's response, it is not an "excuse that the attorney did not intend to mislead the court." *Id.* (quoting *Russell v. Mells*, 426 So. 3d 913, 920 (Fla. 2d DCA 2025)). Counsel's alleged lack of "bad faith" is irrelevant, as is counsel's contention that the arguments made were not frivolous.[2] *See id.*

Attorneys who use artificial intelligence to assist them, like appellee's counsel admittedly did here, are responsible for the content of their briefs and must ensure their accuracy. While we decline to issue sanctions at this time, we caution the appellee that future issues with citations in filings with this court may result in sanctions under Florida Rule of Appellate Procedure 9.410(a).

Affirmed.

MAY and SHEPHERD, JJ., concur.

* * *

[1] "Fla. Air Academy, Inc. v. McKinley, 697 So. 2d 534 (Fla. 5th DCA 1997)" was changed to "Fla. Air Acad., Inc. v. McKinley, 688 So. 2d 359, 360 (Fla. Dist. Ct. App. 1997)."

[2] Though, of course, briefs that are filed in bad faith or contain frivolous arguments can be subject to sanctions.

Not final until disposition of timely-filed motion for rehearing.