

Domestic Violence Case Law

Florida Supreme Court

No new cases reported.

First District Court of Appeals

Hunter v. Booker, --- So.3d ----, 2014 WL 895188 (Fla. 1st DCA 2014) **WRIT GRANTED FOR REMOVAL OF TIME SHARING PLAN** The petitioner filed an petition for protection against domestic violence and was granted a temporary injunction ex parte which gave her one hundred percent of the time sharing for her son. At the subsequent hearing, the court denied the injunction, but established a time sharing plan, even though the respondent did not request time sharing and there no was no pending action to establish parental responsibility or visitation. The petitioner appealed and the appellate court held that the trial court lacked the statutory authority to establish a temporary parenting plan since the court dismissed the temporary injunction and denied the permanent injunction. The court noted that the Florida statutes only authorized the court to establish a temporary parenting plan when the court issued an injunction. The court also stated that the trial court's order violated the petitioner's right to due process and departed from the essential requirements of law because the mother's pleading had not presented the issue of shared custody and the father had not requested custody of the child. If it had been proper for the judge to order time sharing, the trial court also failed to consider the criteria set out in s. 61.13, Florida Statutes, for developing a time-sharing plan. March 07, 2014.

Cannon v. Thomas ex rel. Jewett, --- So.3d ----, 2014 WL 949856 (Fla. 1st DCA 2014) **INJUNCTION VACATED** A mother was granted an injunction for repeat violence on behalf of a child and against another child. The appellate court reversed since there was no evidence that the aggressive student committed the requisite two acts of violence. The court also noted that sending threatening messages through social media (Facebook) the night before did not constitute assault under s. 784.011, Florida Statutes, since the child did not believe the violence was imminent. A concurring opinion urges the legislature to consider creating an injunction that would apply to school-related violence. March 12, 2014.

<http://opinions.1dca.org/written/opinions2014/03-12-2014/13-2040.pdf>

Williams v. Gonder, --- So.3d ----, 2014 WL 1017960 (Fla. 1st DCA 2014) **REPEAT VIOLENCE INJUNCTION REVERSED** A petitioner was granted an injunction for repeat violence based on two alleged incidents of vehicle vandalism and the respondent appealed. The appellate court reversed and stated that keying a car did not constitute violence. There was also no competent substantial evidence that the respondent committed two separate acts as required by the statute. March 18, 2014 <http://opinions.1dca.org/written/opinions2014/03-18-2014/13-4382.pdf>

Jeffries v. Jeffries, --- So.3d ----, 2014 WL 1168847 (Fla. 1st DCA 2014) **INJUNCTION AFFIRMED** This opinion replaces one issued on January 23, 2014. The trial court issued a petition against domestic violence and the respondent appealed, claiming that he was the victim

rather than the aggressor in a domestic violence incident. The appellate court affirmed the trial court's decision because the record contained substantial evidence to support the injunction, and noted that the appellate court does not re-weigh the evidence or the credibility of witnesses.

March 24, 2014. <http://opinions.1dca.org/written/opinions2014/03-24-2014/13-4757.pdf>

Second District Court of Appeals

Touhey v. Seda, --- So.3d ----, 2014 WL 948886 (Fla. 2d DCA 2014) **STALKING**

INJUNCTION REVERSED The petitioner was granted an injunction for protection against stalking issued against a business acquaintance and the respondent appealed. The court held that the record did not contain sufficient evidence to support the injunction. The respondent has a legitimate reason to contact the petitioner, the respondent's behavior was not malicious, and a reasonable person would not have suffered substantial emotional distress from the respondent's behavior. March 12, 2014.

http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2014/March/March%2012,%202014/2D12-6338.pdf

Third District Court of Appeals

No new cases reported.

Fourth District Court of Appeals

No new cases reported.

Fifth District Court of Appeals

No new cases reported.