

Domestic Violence Case Law

Florida Supreme Court

In re Standard Jury Instructions in Criminal Cases--Instruction 8.25, --- So.3d ----, 2014 WL 2882571 (Fla. 2014) [JURY INSTRUCTIONS AMENDED](#) The Supreme Court amended the standard jury instructions proposed by the Supreme Court Committee on Standard Jury Instructions in Criminal Cases. The new instructions amend instruction 8.25 related to domestic violence charges to reflect that a person can violate a condition of pretrial release before being released from jail. June 26, 2014. <http://www.floridasupremecourt.org/decisions/2014/sc13-2453.pdf>

First District Court of Appeals

No new cases reported.

Second District Court of Appeals

Alderman v. Thomas, --- So.3d ----, 2014 WL 2783463 (Fla. 2d DCA 2014) [DATING VIOLENCE INJUNCTION REVERSED](#) The petitioner appealed a final judgment of injunction for protection against dating violence. Although she presented evidence that dating violence had occurred in the past, she did not prove that she believed she was in imminent danger of becoming the victim of another act of dating violence. Therefore, the court reversed the final judgment of injunction. June 20, 2014. http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2014/June/June%2020,%202014/2D13-898.pdf

Third District Court of Appeals

No new cases reported.

Fourth District Court of Appeals

Baker v. Pucket, --- So.3d ----, 2014 WL 2480165 (Fla. 4th DCA 2014) [DENIAL OF MOTION TO VACATE INJUNCTION REVERSED](#) The court denied a respondent's motion to vacate an injunction against domestic violence without a hearing that was entered in 2011. The respondent alleged that she has not had any contact with the appellee, nor does she plan to, and that the injunction was preventing her from participating in a work release program while she was incarcerated. The appellate court held that the motion was legally sufficient and that the respondent was entitled to an evidentiary hearing to fulfill due process. June 04, 2014. <http://www.4dca.org/opinions/June%202014/06-04-14/4D13-2393.op.pdf>

Toubail v. White, --- So.3d ----, 2014 WL 2740875 (Fla. 4th DCA 2014) [DATING VIOLENCE INJUNCTION REVERSED](#) The respondent appealed an injunction against dating violence and the appellate court reversed because the petitioner failed to prove that she had a reasonable fear of imminent harm. June 18, 2014. <http://www.4dca.org/opinions/June%202014/06-18-14/4D13-2548.op.pdf>

Fifth District Court of Appeals

Barfield v. Kay, --- So.3d ----, 2014 WL 2616493 (Fla. 5th DCA 2014) **DENIAL OF MOTION TO VACATE REPEAT INJUNCTION REVERSED** The appellate court reversed the summary denial of a motion to vacate or modify an injunction for protection against repeat violence and stated that due process required a hearing. June 13, 2014.

<http://www.5dca.org/Opinions/Opin2014/060914/5D14-716.op.pdf>