# Domestic Violence Case Law

## *Florida Supreme Court*

No new cases reported.

## *First District Court of Appeal*

No new cases reported.

## *Second District Court of Appeal*

Hall v. State, ___ So.3d ____, 2016 WL 67294 (Fla. 2D DCA 2016) VIOLATION OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE REVERSED The defendant appealed his judgment and sentence for felony battery and his violation of an injunction for protection against domestic violence. The appellate court affirmed the criminal sentence, but reversed the conviction of the violation charge. The court noted that the state did not prove that the defendant knew that the injunction was still in effect, and therefore could not prevail. January 6, 2016.
http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2016/January/January%2006,%202016/2D14-2321.pdf

Woolley v. Nelsen, ___ So.3d ____, 2016 WL 231773 (Fla. 2D DCA 2016) ORDER DISSOLVING DATING VIOLENCE INJUNCTION REVERSED The appellate appealed the order for protection against dating violence after he was convicted of unrelated charges. The court denied the motion without a hearing. The appellate court reversed and held that due process required a hearing since based on the allegations in the petition, he might be entitled to relief. January 20, 2016.
http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2016/January/January%2020,%202016/2D15-1684.pdf

## *Third District Court of Appeal*

No new cases reported.

## *Fourth District Court of Appeal*

Forssell v. Forssell, ___ So.3d ____ 2016 WL 65642 (Fla. 4th DCA 2016) ORDER DENYING MOTION TO DISSOLVE INJUNCTION REMANDED The father appealed a non-final order denying the parties' joint request to vacate and dissolve the final judgment for protection against domestic violence which the mother had obtained against him. The appellate court reversed the order denying the motion to vacate and dissolve the injunction because the lower court did not grant the father the opportunity to be heard. The case was remanded for a hearing. January 6, 2016. http://www.4dca.org/opinions/Jan.%202016/01-06-16/4D15-702.op.pdf

David v. Textor, --- So.3d ----2016 WL 64743 (Fla. 4th DCA 2016) ORDER GRANTING PROTECTION FROM CYBERSTALKING REVERSED The appellant appealed a non-final order denying his motion to dissolve an ex parte injunction prohibiting cyberstalking. Both parties have companies which produce holograms used in the music industry, and an argument and lawsuit arose regarding the right to show a hologram during a Music Awards show. The trial court granted the amended petition for protection that prohibited the appellee from communicating with the appellant or posting any information about him online, and ordering that he remove any materials he already had posted from the websites. The order was based upon various texts, emails, posts, and a fear of violence. The appellant claimed that the texts and posts were merely the result of a heated argument and didn't constitute cyberstalking, and were also a violation of his first amendment rights. The appellate court agreed and reversed the order that granted the injunction. The court also noted that "(w)hether a communication causes substantial emotional distress should be narrowly construed and is governed by the reasonable person standard." The court stated that none of the communications should have caused substantial emotional distress and served a legitimate purpose, and therefore did not constitute cyberstalking. January 6, 2016. http://www.4dca.org/opinions/Jan.%202016/01-06-16/4D14-4352.op.pdf

## *Fifth District Court of Appeal*

No new cases reported.