

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

Leaphart v. James, ___ So.3d ____, 2016 WL 540649 (Fla. 2d DCA 2016) **INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE REVERSED** The respondent appealed after an injunction for protection against domestic violence was entered against him that had been brought by his ex-girlfriend. The respondent's attorney requested a continuance due to his schedule conflict with another case, but the court didn't rule on the motion and went forward with the hearing having the respondent appear pro se. The petitioner testified that her house and car were vandalized and that neighbors had seen someone similar to the respondent commit the acts. She also testified that the respondent had hit her in the lip once about a year ago. The respondent denied doing any of the alleged acts. The appellate court reversed the order, stating that there was insufficient evidence that the respondent committed the acts of vandalism, and that the petitioner did not have reasonable cause to believe she was in imminent danger of becoming a victim of domestic violence since the hurt lip incident had happened over a year ago. The court noted that the petitioner's testimony about her neighbors' comments was hearsay, and that the trial court violated the respondent's due process rights by not granting his motion for a continuance so his attorney could be present. February 10, 2016.

http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2016/February/February%2010,%202016/2D14-1407.pdf

Third District Court of Appeal

No new cases reported.

Fourth District Court of Appeal

No new cases reported.

Fifth District Court of Appeal

J.G. v. E.B., ___ So.3d ____, 2016 WL 742322 (Fla. 5th DCA 2016) **INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE REVERSED** A grandfather appealed a final judgment of injunction for protection against domestic violence that was issued against him based upon allegations of sexual misconduct against his grandson. There were no witnesses other than the child. Counsel for the mother attempted to introduce statements made by the child to the mother, but the respondent's counsel objected on hearsay grounds. The mother's counsel did not raise s. 90.803(23) which is a hearsay exception based upon the statement of a child victim. Nor were the child's statements examined as required under section 90.803(23). The court ruled the

child's statements to his mother inadmissible and sustained several other objections to most of the other evidence submitted, yet still granted the permanent injunction. The appellate court reversed, finding no other evidence to support the ruling. February 26, 2016.

<http://www.5dca.org/Opinions/Opin2016/022216/5D15-2367.op.pdf>