

## Interpersonal Violence Injunctions (DV, SV, Dating, Repeat, Stalking) Case Law

### ***Florida Supreme Court***

No new opinions for this reporting period.

### ***First District Court of Appeal***

No new opinions for this reporting period.

### ***Second District Court of Appeal***

Jenkins v. Goodman, \_\_ So. 3d \_\_, 2018 WL 2373114 (Fla 2d DCA 2018). **RESPONDENT CAN SEEK RELIEF UNDER FLORIDA RULES**. After a final judgment of injunction for protection against domestic violence was entered against him, the respondent appealed, but did not allege grounds that establish reversible error. However, he may be able to seek relief from judgment under Florida Family Law Rule of Procedure 12.540(b) which allows for relief due to clerical errors or mistakes etc. Rather than relinquish jurisdiction for the trial court to consider those grounds, the court affirmed without prejudice to the respondent to file a motion for relief from judgment under Rule 12.540(b) within thirty days.

[https://edca.2dca.org/DCADocs/2017/0877/170877\\_65\\_05252018\\_08245452\\_i.pdf](https://edca.2dca.org/DCADocs/2017/0877/170877_65_05252018_08245452_i.pdf) (May 25, 2018)

### ***Third District Court of Appeal***

No new opinions for this reporting period.

### ***Fourth District Court of Appeal***

Molina v. Valenzuela, \_\_ So. 3d \_\_, 2018 WL 2230106 (Fla. 4th DCA 2018). **STALKING INJUNCTION DISMISSED BECAUSE MOOT**. The petitioner filed for an injunction against stalking, and the court denied a temporary injunction but set the matter for hearing. The court heard the evidence and entered an injunction against stalking that was in effect until December 29, 2017. The respondent appealed, but the injunction had expired, and the court issued an order show cause why the appeal wasn't moot. The respondent answered and requested a ruling on the appropriateness of the court's actions and so the public records reflect that none of her actions violated Florida law. The court noted that there are three exceptions to the mootness rule: (i) questions of great public importance; (ii) when issues are likely to recur; and (iii) where collateral legal consequences affecting the rights of a party flow from the issue in the case. In the instant case, the court held that none of the three exceptions apply. The court further explained that although the respondent did not raise the issue, the third mootness exception does apply when the injunction is for protection against domestic violence, because collateral consequences flow from this type of injunction, such as the prohibition on owning a firearm. The appeal was dismissed as moot.

[https://www.4dca.org/content/download/202974/1805206/file/172379\\_1701\\_05162018\\_09310681\\_i.pdf](https://www.4dca.org/content/download/202974/1805206/file/172379_1701_05162018_09310681_i.pdf) (May 16, 2018)

### ***Fifth District Court of Appeal***

No new opinions for this reporting period.