

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

No new opinions for this reporting period.

Third District Court of Appeal

Leal v. Rodriguez, __ So. 3d __, 2017 WL 2457228 (Fla. 3d DCA 2017). **DOMESTIC VIOLENCE INJUNCTION AFFIRMED**. The petitioner was granted an injunction against domestic violence due to her husband's history of prior violence and abusive conduct, and after an incident where he was verbally abusive and threatened her. The husband appealed. The court determined that the petitioner had reasonable cause to believe she was in imminent danger of becoming a victim of domestic violence and affirmed the injunction.

<http://www.3dca.flcourts.org/Opinions/3D16-1693.pdf> (June 7, 2017)

Faddis v. Luddy, __ So. 3d __, 2017 WL 2569780 (Fla. 3d DCA 2017). **DOMESTIC VIOLENCE INJUNCTION AFFIRMED**. An ex-girlfriend was granted an injunction for protection against domestic violence after the trial court found that she had been victimized, and the boyfriend appealed. The boyfriend claimed that the trial court denied him due process by considering the testimony regarding prior incidents that were not included in the petition, and that the petitioner failed to prove she was in imminent danger of domestic violence. The appellate court rejected the due process argument because the respondent did not object to the testimony, and did not preserve the issue for review. The petition also did mention prior acts of violence. The court also noted that there was sufficient evidence to support the injunction, and affirmed the decision.

<http://www.3dca.flcourts.org/Opinions/3D16-0337.pdf> (June 14, 2017)

Fourth District Court of Appeal

Burns v. Bockorick, __ So. 3d __, 2017 WL 2562423 (Fla. 4th DCA 2017). **STALKING INJUNCTION REVERSED**. The judge entered an injunction against stalking after the parties agree to the terms; however, there was no stipulated evidence of stalking entered during the case. Although the respondent had agreed to stop contacting the petitioner, he never admitted to stalking her. He asked for a rehearing, which was denied without explanation. The appellate court held that the trial court erred since there was no evidence of stalking and no stipulation to evidence of stalking. The court further held that the trial court abused its discretion in denying the motion for rehearing, and remanded the case for a full evidentiary hearing. The court also reminded trial judges that injunctions can have serious consequences.

https://edca.4dca.org/DCADocs/2016/3068/163068_DC13_06142017_084937_i.pdf (June 14, 2017)

Fifth District Court of Appeal

No new opinions for this reporting period.