

935 So.2d 592, 31 Fla. L. Weekly D2084
(Cite as: 935 So.2d 592)

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District Court of Appeal of Florida,
First District.
Barbara TERRELL, Appellant,
v.
Kay THOMPSON, Appellee.
No. 1D05-0976.


Aug. 8, 2006.

Background: Petition for injunction for protection against repeat violence was filed against defendant. The Circuit Court, Nassau County, Robert M. Foster, J., entered final judgment of injunction for protection against repeat violence. Defendant appealed.

Holding: The District Court of Appeal held that evidence did not support finding of two incidents of repeat violence.


Reversed.

West Headnotes

[1] Protection of Endangered Persons 315P 
62

315P Protection of Endangered Persons
315PII Security or Order for Peace or Protection
315PII(C) Proceedings
315Pk58 Evidence
315Pk62 k. Weight and Sufficiency.
Most Cited Cases
(Formerly 62k20 Breach of the Peace)

To enter an injunction for repeat violence, competent, substantial evidence must support the trial court's findings of two incidents of repeat violence. West's F.S.A. § 784.046(1)(b).

[2] Protection of Endangered Persons 315P 
44

315P Protection of Endangered Persons

315PII Security or Order for Peace or Protection
315PII(B) Grounds in General
315Pk44 k. Criminal, Violent, and Assaultive Conduct in General. Most Cited Cases
(Formerly 62k20 Breach of the Peace)

Protection of Endangered Persons 315P 
62

315P Protection of Endangered Persons
315PII Security or Order for Peace or Protection
315PII(C) Proceedings
315Pk58 Evidence
315Pk62 k. Weight and Sufficiency.
Most Cited Cases
(Formerly 62k20 Breach of the Peace)

Evidence did not support entry of injunction for protection against repeat violence, where competent substantial evidence did not support finding of even a single act of violence, and statute required finding of two incidents of violence or stalking as defined by statute. West's F.S.A. § 784.046(1)(a, b).

*593 Christopher T. Wilson, Esquire of the Law Office of Gary Baker, P.A., Callahan, for Appellant.

Kay Thompson, pro se, Appellee.

PER CURIAM.

Barbara Terrell appeals from a Final Judgment of Injunction for Protection Against Repeat Violence entered against her. We reverse because no competent, substantial evidence supports the trial court's ruling.

[1] To enter an injunction for "repeat violence," the trial court must find that there were "two incidents of violence or stalking committed by the respondent." § 784.046(1)(b), Fla. Stat. (2004). "Violence" is defined to include "assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person

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against any other person.” § 784.046(1)(a), Fla. Stat . (2004). Competent, substantial evidence must support the trial court's findings of two incidents of repeat violence. *See Forrest v. Wilson*, 889 So.2d 124, 124-25 (Fla. 1st DCA 2004).

[2] We reverse the judgment entering the injunction in the present case because competent, substantial evidence does not support the finding of even a single act of violence (as defined by the statute) perpetrated by the appellant. *See Perez v. Siegel*, 857 So.2d 353, 354-55 (Fla. 3d DCA 2003) (explaining that verbal threats without an overt act creating a well-founded fear that violence was imminent were insufficient to qualify as assault under the statute).

Reversed.

ERVIN, BENTON, and BROWNING, JJ., concur.
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