

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

AIMEE DELGADO,

Appellant,

v.

Case No. 5D20-2132

LT Case No. 2020-DR-2899

CHRISTIAN DELGADO ORTIZ,

Appellee.

_____ /

Opinion filed October 1, 2021

Appeal from the Circuit Court
for Seminole County,
Jessica J. Recksiedler, Judge.

Lindsay R. Fisher, of Jones Day,
Washington, and Jason T. Burnette,
of Jones Day, Atlanta, for Appellant.

No Appearance for Appellee.

NARDELLA, J.

Aimee Delgado (“Appellant”) appeals the trial court’s final order denying her petition for a domestic violence injunction against her husband, Christian Delgado Ortiz (“Appellee”). Because there was competent, substantial evidence to support the trial court’s ruling in this case, we affirm.

A trial court’s ruling on a petition for a domestic violence injunction is reviewed for abuse of discretion. *Boucher v. Warren*, 291 So. 3d 597, 600 (Fla. 4th DCA 2020); *Pickett v. Copeland*, 236 So. 3d 1142, 1143–44 (Fla. 1st DCA 2018). In conducting this review, this Court focuses on whether the trial court’s determination is supported by competent, substantial evidence, with a focus on the legal sufficiency as opposed to the evidentiary weight. *Boucher*, 291 So. 3d at 600–01; *Quinones-Dones v. Mascola*, 290 So. 3d 1029, 1030 (Fla. 5th DCA 2020).

Here, the trial court found Appellant failed to demonstrate that she had “reasonable cause to believe . . . she [was] in imminent danger of becoming the victim of any act of domestic violence[.]” § 741.30(1)(a), Fla. Stat. (2020). While the evidence was conflicting, we conclude there was competent, substantial evidence to support the trial court’s determination. As a result, we are bound to affirm. See *Greenwood v. Oates*, 251 So. 2d 665, 669 (Fla. 1971) (“[A]lthough an appellate court might have reached a different conclusion had it been the initial arbitrator of the factual issues, if a review of the record reflects competent, substantial evidence supporting the findings of the chancellor, the judgment should be affirmed.”).

AFFIRMED.

SASSO, J., concurs.

EDWARDS, J., dissents, with opinion.

EDWARDS, J., dissenting.

Given the evidence in this case, it is my opinion that the trial court abused its discretion in denying the injunction. See *Boucher v. Warren*, 291 So. 3d 597 (Fla. 4th DCA 2020). Accordingly, I respectfully dissent.