

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

KAI HERNANDEZ,
Appellant,

v.

BARRY SILVERMAN,
Appellee.

No. 4D12-1600

[November 14, 2012]

PER CURIAM.

Appellant filed a petition for injunction against domestic violence against appellee, her ex-fiancé. At the scheduled evidentiary hearing, the trial court sua sponte decided that the allegations in the petition were insufficient and, without conducting a full evidentiary hearing, denied the petition. We reverse and remand for a full evidentiary hearing. The allegations were pled with sufficient specificity and, depending on the evidence adduced during the evidentiary hearing, could have constituted grounds for an injunction for protection against domestic violence. See §§ 741.28(2), 784.048(2), (1)(a), (1)(d), Fla. Stat. (2011) (defining domestic violence as including stalking, which in turn is defined as including harassment and cyberstalking).

Reversed and remanded.

STEVENSON, GERBER and LEVINE, JJ., concur.

* * *

Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John Phillips, Judge; L.T. Case No. 502012DR001418XXXXNB.

Kristin Cantrell of Legal Aid Society of Palm Beach, Inc., West Palm Beach, for appellant.

No appearance for appellee.

Not final until disposition of timely filed motion for rehearing.