

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES HOWARD SMITH, II,)

Appellant,)

v.)

SHANE WIKER, on behalf of SHAINA
WIKER,)

Appellee.)

Case No. 2D14-3416

Opinion filed May 25, 2016.

Appeal from the Circuit Court for Polk
County; Keith P. Spoto, Judge.

Matthew A. Leibert of Urban Thier Federer
& Chinnery, P.A., Orlando, for Appellant.

Robert H. Grizzard, II of Robert H.
Grizzard, II, P.A., Lakeland, for Appellee.

SILBERMAN, Judge.

James Howard Smith, II, appeals a final judgment of injunction for protection against stalking entered in favor of Shane Wiker, on behalf of Shaina Wiker (the neighbor). We affirm without comment the final judgment in its entirety except for one provision. For the reasons expressed in Smith v. Wiker, No. 2D14-3341 (Fla. 2d DCA May 25, 2016), we reverse the portion of the injunction that prohibits Smith from

lingering on his driveway and remand for the trial court to more narrowly tailor the provision to prevent harassment of the neighbor.

Affirmed in part, reversed in part, and remanded.

MORRIS and BADALAMENTI, JJ., Concur.