

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

TASHARA J. FREEMAN,

Appellant,

v.

PRECIOUS ROGERS,

Appellee.

No. 2D20-2359

June 23, 2021

Appeal from the Circuit Court for Polk County; Reinaldo J. Ojeda,
Judge.

Tashara J. Freeman, pro se.

No appearance for Appellee.

MORRIS, Judge.

Tashara Freeman appeals a final judgment of injunction for protection against stalking entered in favor of Precious Rogers. The final judgment of injunction indicates that Freeman failed to appear

for the injunction hearing. The record indicates that the parties were instructed to appear virtually for the hearing in Polk County Circuit Civil, Family Court, due to the COVID-19 pandemic.

Freeman was required to drive to the courthouse, stay in her car, and appear before the judge via the virtual courtroom or teleconference. The instructions provided a phone number and conference ID for appearing by teleconference.

On appeal, Freeman asserts that the trial court erred in entering the judgment when she was unable to appear virtually at the hearing. She claims that she called into the hearing but was disconnected. She raised this issue in a timely motion for rehearing, which the trial court denied. In denying Freeman's motion for rehearing, the trial court did not address her allegations that she tried to appear virtually. We reverse and remand for the trial court to either conduct a hearing on Freeman's motion for rehearing to determine whether her failure to appear virtually at the injunction hearing was justifiable or grant the motion for rehearing and conduct a new injunction hearing. *See Ey v. State*, 960 So. 2d 853, 854 (Fla. 2d DCA 2007) (reversing order dismissing postconviction motion and remanding for trial court to either

conduct a hearing on defendant's motion for rehearing, in which he explained that his reasons and circumstances for his failure to appear were justifiable, or grant that motion and conduct a hearing on the merits of the postconviction motion).

Reversed and remanded.

KHOUZAM, C.J., and SMITH, J., Concur.

Opinion subject to revision prior to official publication.