

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Michael Adams v. Casey L. Cox

Michael Adams v. Casey L. Cox · No. 5D2023-1821 · Decided May 2, 2025

SUMMARY

The Fifth District Court of Appeal of Florida reversed and vacated a final injunction for protection against dating violence entered in favor of Casey L. Cox against Michael Adams. The court held that the evidence did not establish a reasonable cause to believe Cox was in imminent danger of another act of dating violence, particularly because anonymous communications were not authenticated or linked to Adams. The court also held that Adams was denied due process when he was not allowed to present documentary evidence, call witnesses, or cross-examine Cox.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	MacIver, J.; Jay, J.; Soud, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	May 2, 2025
DOCKET	5D2023-1821
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a final injunction for protection against dating violence entered by the circuit court.
STANDARD OF REVIEW	The sufficiency of the trial court's findings is reviewed for competent, substantial evidence; due-process claims are reviewed de novo; and restrictions on the right to present evidence, testify, call witnesses, and cross-examine are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Florida Fifth District Court of Appeal
PARTIES	Michael Adams v. Casey L. Cox

TOPICS

- domestic violence
- injunctions
- due process
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether competent, substantial evidence established that Cox had reasonable cause to believe she was in imminent danger of another act of dating violence.
2. Whether the trial court denied Adams due process by refusing to admit his documentary evidence, allow him to call witnesses, and permit cross-examination.
3. Whether the trial court improperly acted as an advocate.

HOLDINGS

1. The injunction could not stand because Cox failed to present competent, substantial evidence that she had reasonable cause to believe she was in imminent danger of another act of dating violence. Proof of past dating violence and unsubstantiated suspicion that Adams sent anonymous communications did not satisfy the statutory requirement of imminent future danger.
2. The trial court denied Adams a meaningful opportunity to be heard by excluding his documentary evidence, preventing him from calling witnesses, and denying cross-examination. That fundamental due-process error independently required reversal.
3. The court did not reach the judicial-advocacy issue because the appeal was otherwise resolved.

KEY QUOTATIONS

“That said, suspicion alone is not proof.” (at 3)

“It is not sufficient to have been the victim . . . of dating violence in the past.” (at 3)

“Parties in injunction proceedings are entitled to due process of law, including the rights to present evidence, testify on one’s own behalf, call witnesses, and cross-examine the opposing party.” (at 4)

“By effectively cutting off any evidentiary presentation by Adams, the court denied him a meaningful chance to challenge Cox’s evidence or to prove that he did not send the messages at issue.” (at 5)

FACTUAL BACKGROUND

Adams and Cox were in a romantic relationship from September 2022 until early 2023. Cox alleged that Adams had physically attacked her twice and that anonymous callers and texters were harassing her, but she acknowledged that she was not certain Adams was responsible and did not introduce the actual voicemail or text messages. At the hearing, the trial court refused to admit Adams's documents concerning the phone numbers, did not permit him to call other witnesses or cross-examine Cox, and entered a one-year dating-violence injunction.

PROCEDURAL HISTORY

Cox petitioned for an injunction for protection against dating violence, and the circuit court first issued a temporary injunction. After an evidentiary hearing at which both parties represented themselves, the circuit court

entered a one-year final injunction. Adams appealed, arguing insufficiency of the evidence, denial of due process, and improper judicial advocacy.

DISPOSITION

other

CASES CITED

- Nuila v. Stolp, 188 So. 3d 105, 106 (Fla. 5th DCA 2016)
- Toubail v. White, 141 So. 3d 649, 650 (Fla. 4th DCA 2014)
- Johnson v. Brooks, 567 So. 2d 34, 35 (Fla. 1st DCA 1990)
- Corrie v. Keul, 160 So. 3d 97, 99 (Fla. 1st DCA 2015)
- Alderman v. Thomas, 141 So. 3d 668, 669-71 (Fla. 2d DCA 2014)
- Schultz v. Moore, 282 So. 3d 152, 153-54 (Fla. 5th DCA 2019)
- Whitfield v. Meeks, 324 So. 3d 565, 569-70 (Fla. 1st DCA 2021)
- Ohrn v. Wright, 963 So. 2d 298, 300 (Fla. 5th DCA 2007)
- Utle y. Baez-Camacho, 743 So. 2d 613, 614 (Fla. 5th DCA 1999)
- Smith v. Smith, 964 So. 2d 217, 218-19 (Fla. 2d DCA 2007)
- Pettry v. Pettry, 706 So. 2d 107, 108 (Fla. 5th DCA 1998)
- Porter v. Hoeft, 951 So. 2d 51, 52 (Fla. 2d DCA 2007)
- Parise v. Selph, 175 So. 3d 389, 390 (Fla. 1st DCA 2015)

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