

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Ian Donovan Blake v. Bayan Fares

Blake v. Fares · No. 5D2024-2810 · Decided March 14, 2025

SUMMARY

The Fifth District Court of Appeal of Florida reversed a two-year domestic violence injunction entered against Ian Donovan Blake. The court held that harassment, standing alone, is not domestic violence under section 741.28(2), Florida Statutes, and that the evidence did not show that Bayan Fares was a victim of domestic violence or reasonably believed she was in imminent danger. The case was remanded with instructions to vacate the injunction.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Jay, J.; Soud, J.; Pratt, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	March 14, 2025
DOCKET	5D2024-2810
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Blake appealed a two-year domestic violence injunction entered by the Circuit Court for Duval County.
STANDARD OF REVIEW	A domestic violence injunction must be supported by competent substantial evidence and is reviewed for legal sufficiency rather than evidentiary weight.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Ian Donovan Blake v. Bayan Fares

TOPICS

- domestic violence
- appellate procedure
- standard of review
- evidence
- family law procedure

PRACTICE AREAS

- family law
- domestic violence
- appellate procedure
- remedies
- evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support a domestic violence injunction based on Blake's alleged harassment.
2. Whether Blake's emails to third parties qualified as harassment against Fares for purposes of supporting a domestic violence injunction.

HOLDINGS

1. Harassment, standing alone, is not domestic violence under section 741.28(2), Florida Statutes, and therefore cannot support a domestic violence injunction under section 741.30(6)(a).
2. Even if harassment could support a domestic violence injunction, Blake's emails to third parties were not directed at Fares and therefore did not qualify as harassment against her on the evidence presented.

KEY QUOTATIONS

“This is an appeal of a domestic violence injunction. Because the evidence did not support the injunction, we reverse.” (at 1)

“Since harassment—standing alone—is not domestic violence, this finding cannot support a domestic violence injunction.” (at 2)

“Because Fares presented no evidence that she was the victim of domestic violence or reasonably believed that she was in imminent danger of becoming a victim of domestic violence, the court erred by issuing a domestic violence injunction.” (at 3)

FACTUAL BACKGROUND

Fares sought a domestic violence injunction based on emails Blake sent to multiple classmates in her orthodontics residency program describing his version of events leading to the couple's pending divorce. She alleged that the emails constituted harassment, harmed her career, and caused significant emotional and mental distress. The hearing did not address separate allegations that Blake had previously grabbed her arm, scratched her face, and injured her lip. The circuit court found that Blake's emails constituted harassment serving no legitimate purpose and entered a two-year injunction.

PROCEDURAL HISTORY

Fares petitioned for a domestic violence injunction based primarily on emails Blake sent to multiple classmates in her orthodontics residency program. The circuit court initially indicated that the case would be closed, but after discussing the emails with Blake, it found harassment and entered a two-year injunction prohibiting Blake from contacting Fares and specified categories of people associated with her. Blake appealed, and the Fifth District Court of Appeal reversed and remanded with instructions to vacate the injunction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand with instructions to vacate the domestic violence injunction.

CASES CITED

- Quinones-Dones v. Mascola, 290 So. 3d 1029, 1030 (Fla. 5th DCA 2020)
- Mantell v. Rocke, 179 So. 3d 511, 512 (Fla. 1st DCA 2015)
- Douglas v. Douglas, 252 So. 3d 791, 793 (Fla. 2d DCA 2018)
- Scott v. Blum, 191 So. 3d 502, 503-05 (Fla. 2d DCA 2016)

OPINION

Ian Donovan Blake v. Bayan Fares

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 5D2024-2810 LT Case No. 2024-DR-004620-A

IAN DONOVAN BLAKE,

Appellant, v.

BAYAN FARES,

Appellee. _____ On appeal from the Circuit Court for Duval County, Eric Roberson, Judge. Ian Donovan Blake, Jacksonville, pro se. No Appearance for Appellee. March 14, 2025 PER CURIAM. This is an appeal of a domestic violence injunction. Because the evidence did not support the injunction, we reverse. Fares petitioned for a domestic violence injunction against Blake based on emails that he sent to multiple classmates in her orthodontics residency program. The messages described Blake’s version of the events that led to the couple’s pending divorce. Fares alleged that this “harassment” harmed her career and that she missed work for several weeks because of “significant emotional and mental distress.”¹ In response, Blake alleged that it had been months since he last saw Fares, that she was not in danger, and that she filed the petition merely to gain leverage in the divorce case. The court scheduled a hearing without issuing a temporary injunction. At the start of the hearing, the court explained that “[t]his isn’t what an injunction is meant for,” and that it was “going to close the case out.” After indicating that it would send an order to the parties, the court cautioned Blake that he “might want to stop . . . sending things to and fro.” Blake responded that he never threatened violence. This comment led to a dialogue between the court and Blake about Blake’s emails. In sum, Blake said that he wanted the recipients to understand his side of the divorce. The court repeatedly characterized the emails as “harassment.” Ultimately, based on finding that Blake committed “harassment, plain and simple, that serves no legitimate purpose other than to try to embarrass and shame” Fares, the court issued a two-year domestic violence injunction. The injunction prevents Blake from contacting Fares and her “friends, family, colleagues, [and] classmates.” Blake insisted

that the matter was “moot” since he had no desire to contact Fares. The court responded, “I’m not sure you’re over it. That’s why I’m issuing the two-year injunction[.]” Blake raises three points on appeal. Since we agree with him about the legal insufficiency of the evidence, we need not address the remaining two issues. See *Quinones-Dones v. Mascola*, 290 So. 3d 1029, 1030 (Fla. 5th DCA 2020) (“A domestic violence injunction must be supported by competent substantial evidence and is reviewed for legal sufficiency as opposed to evidentiary weight.”). To obtain a domestic violence injunction, the petitioner must be the victim of domestic violence or reasonably believe that he or she 1 Fares also alleged that “[o]ver the last few years,” Blake grabbed her arm, scratched her face, and “busted” her lip. However, the hearing contained no mention of these allegations. Therefore, they have no bearing on the validity of the injunction. See *Mantell v. Rocke*, 179 So. 3d 511, 512 (Fla. 1st DCA 2015) (reversing a domestic violence injunction because the petitioner introduced no evidence to support her allegations). 2 is in imminent danger of becoming a victim of domestic violence. § 741.30(6)(a), Fla. Stat. (2024). Domestic violence is “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.” § 741.28(2), Fla. Stat. (2024). Here, the court issued a domestic violence injunction because it found that Blake harassed Fares. Since harassment—standing alone—is not domestic violence,² this finding cannot support a domestic violence injunction. See *id.* §§ 741.28(2), 741.30(6)(a); see also *Douglas v. Douglas*, 252 So. 3d 791, 793 (Fla. 2d DCA 2018) (noting that “general harassment is insufficient” to show domestic violence). And even if it could, Blake’s emails to third parties would not qualify as harassment against Fares. See *Scott v. Blum*, 191 So. 3d 502, 503–05 (Fla. 2d DCA 2016) (reversing a cyberstalking injunction—in a case where the respondent sent derogatory emails about the petitioner and the petitioner’s family, partners, and former employees to 2200 members of a trade association— reasoning that although the emails were about the petitioner and were potentially damaging to his business and reputation, they were not directed at the petitioner as would be required to find harassment). Because Fares presented no evidence that she was the victim of domestic violence or reasonably believed that she was in imminent danger of becoming a victim of domestic violence, the court erred by issuing a domestic violence injunction. See § 741.30(6)(a), Fla. Stat. REVERSED and REMANDED with instructions to VACATE the injunction. JAY, SOUD, and PRATT, JJ., concur. 2 Harassment can be an element of stalking, but the court did not find stalking in this case. See § 784.048(2), Fla. Stat. (2024). 3 _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 4