

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)

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