FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-3780

CASEY L. WHITLOCK,

Appellant,

v.

PAMELA D. VELTKAMP,

Appellee.

On appeal from the Circuit Court for Escambia County.
John L. Miller, Judge.

May 6, 2020

PER CURIAM.

Casey Whitlock, the respondent below, appeals the trial court's final judgment of injunction against domestic violence on the ground that the evidence presented at the final hearing was insufficient to meet the statutory elements of domestic violence. *See* §§ 741.28 & 741.30, Fla. Stat. (2019). He also challenges generally the court's prohibition on his possession of firearms or ammunition, and the court's temporary provision to Pamela Veltkamp, petitioner below, of exclusive timesharing with the parties' minor child. Because Veltkamp presented competent, substantial evidence that she was the victim of stalking, an act of domestic violence, as defined by section 741.28(2), Florida Statutes, and because the trial court applied the correct law to the facts presented, we affirm.

The "trial court has broad discretion to grant an injunction," but "the question of whether the evidence is legally sufficient to justify imposing an injunction is a question of law that we review de novo." *Pickett v. Copeland*, 236 So. 3d 1142, 1143–44 (Fla. 1st DCA 2018). Determining whether competent substantial evidence supports the trial court's judgment is a matter of legal sufficiency as opposed to evidentiary weight. *Austin v. Echemendia*, 198 So. 3d 1058, 1059 (Fla. 4th DCA 2016).

The parties here were married in 2011, and the marriage was dissolved in June 2018. The parties are the parents of a child born during the marriage. Veltkamp filed her petition for injunction against domestic violence on September 12, 2019.[1] She sought the injunction based on her allegations that she was the victim of completed acts of domestic violence, not that she had cause to believe she was in imminent danger of becoming the victim of domestic violence in the future. *See* § 741.30(1)(a), Fla. Stat. Where an injunction is sought by a victim of domestic violence based on completed acts, the petitioner is not required to establish reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence. *See Faddis v. Luddy*, 221 So. 3d 758, 760 (Fla. 3d DCA 2017).

The final hearing, after notice to Whitlock, took place September 25, 2019. Both parties attended and testified. Veltkamp testified about various instances of domestic violence in the form of stalking, as defined in sections 741.28 and 784.048, Florida Statutes (2019).[2]

---

[1] Because the parties are former spouses and also because they have a child in common, the fact that they no longer reside in the same household does not extinguish Veltkamp's standing to file her petition. *See* § 741.28(3), Fla. Stat.

[2] Under section 741.28(2), Florida Statutes, "[d]omestic violence means an assault, aggravated assault, battery, aggravated battery, . . . stalking, aggravated stalking. . . ." "Stalking" occurs when a person "willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person." § 784.048(2), Fla. Stat. If the stalking consists of harassing or cyberstalking, the petitioner must show "a course of conduct"

In support of her petition, Veltkamp testified about multiple incidents of Whitlock's following, harassing, and cyberstalking her. Three of these incidents occurred in the month prior to the hearing. Veltkamp testified about numerous other, earlier incidents and obscenity-laced text messages accusing Veltkamp of having a disease, urging her to hang herself, stating that Whitlock "checked on" the minor child every day while the child was with Veltkamp, describing his sexual activities with girlfriends, and other offensive and disturbing communications with no legitimate purpose. The messages included photos of a noose, firearms, and a shell casing Whitlock instructed Veltkamp to show to their son. The trial court admitted composite exhibits of text messages into evidence. Also admitted was a video Veltkamp recorded after she had moved from the martial home showing Whitlock's uninvited entry into her apartment and his refusal to leave for approximately eight minutes while she repeatedly told him to "get out."

Whitlock did not deny his actions or the electronic communications. He testified that he never threatened anyone with physical violence and that several of the incidents occurred too long before the hearing to be relevant. Whitlock stated that he opposed the entry of an injunction because it would cause him to lose his civilian employment related to the military because that employment involved weapons and explosives. However, he did not testify that he was a certified state or local officer who uses firearms to perform his official duties on behalf of his employer. *See* § 790.233, Fla. Stat. (2019).

On appeal, Whitlock argues that the trial court's final judgment of injunction must be reversed because there was no evidence to prove he ever threatened violence towards Veltkamp or committed any violent acts. However, the statutory definition of "domestic violence" in section 741.28 is not limited to only threats of violence to the person of the petitioner amounting to an assault or touching or striking the petitioner's person against her will amounting to a battery. The inclusion of stalking as an act of

---

directed at the petitioner which causes the petitioner "substantial emotional distress . . . and serving no legitimate purpose." § 784.048(1)(a), (c) & (d), Fla. Stat.

domestic violence "causes the statutory definition to diverge considerably from the colloquial meaning" of violence. *Khan v. Deutschman*, 282 So. 3d 965, 968 (Fla. 1st DCA 2019). As stated by this court in *Khan*, for purposes of the domestic violence statute, "stalking is violence." *Id.*

Because the statutory definition of "domestic violence" includes a wide range of actions, including stalking in its three forms, Whitlock fails to demonstrate that the testimony and exhibits presented by Veltkamp were legally insufficient to demonstrate an act or acts of domestic violence by stalking to support the final judgment of injunction. Additionally, the trial court had evidence of recent incidents of stalking by Whitlock so that the violence here was not too remote to support the entry of the injunction. *Cf. Curl v. Roberts o/b/o E. C.*, 279 So. 3d 765, 767 (Fla. 1st DCA 2019) (discussing cases where past incidents of domestic violence were found to be too remote to support the issuance of an injunction).

Whitlock's appeal of the trial court's prohibition on his ability to possess firearms also does not establish any reversible error. The trial court correctly applied section 790.233, Florida Statutes, and Whitlock did not assert that he qualified for an exception to the prohibition imposed by the statute.

Finally, to the extent Whitlock's challenge to the provision in the judgment temporarily suspending his time-sharing with his son was preserved for review, he fails to show that the trial court misapplied section 741.30(6)(a)3., Florida Statutes. In entering the injunction, the trial court was allowed to provide Veltkamp with "100 percent of the time-sharing" pending further court orders. *Id.*

AFFIRMED.

WOLF, BILBREY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Casey L. Whitlock, pro se, Appellant.

Pamela D. Veltkamp, pro se, Appellee.