

RECEIVED, 7/29/2013 10:18:33, Thomas D. Hall, Clerk, Supreme Court

IN THE
SUPREME COURT OF FLORIDA

CASE NO. SC13-1275

Lower Tribunal Case No. 4D12-3500

FELIX F. CANINO,

Petitioner

vs.

MICHELE CANINO,

Respondent

APPENDIX TO JURISDICTIONAL BRIEF

Felix F. Canino
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Petitioner, Pro Se

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2013

FELIX F. CANINO,
Appellant,

v.

MICHELE CANINO,
Appellee.

No. 4D12-3500

[June 26, 2013]

PER CURIAM.

The parties were divorced in 2007. The mother relocated out of state and in 2009 the circuit court entered an agreed order on modification that changed the parties' time sharing schedule to accommodate the move. The mother moved back to Florida in 2011. The father filed a motion for contempt against the mother, which the circuit court denied.

The father contends that section 61.13002, Florida Statutes (2012), applied to reinstate the time sharing arrangement in the original final judgment. The plain language of the statute indicates that it applies to situations arising "due to military service," where a parent is "activated, deployed, or temporarily assigned to military service." § 61.13002(1) & (2), Fla. Stat. (2012). Neither party was in the military during the relevant period of time. Therefore, the statute does not apply to this case.

Affirmed.

GROSS, DAMOORGIAN and FORST, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Gregory M. Keyser, Judge; L.T. Case No. 502006DR 010858XXXXNB.

Felix F. Canino, Miami, pro se.

Steven Cripps of Law Offices of Orsley & Cripps, P.A., West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM
BEACH, FL 33401

July 22, 2013

CASE NO.: 4D12-3500

L.T. No.: 502006DR010858XXXXNB

FELIX F. CANINO

v. MICHELE CANINO

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that appellant's motion filed July 1, 2013, for rehearing is hereby denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

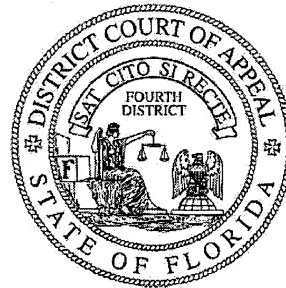
Served:

cc: Steven Cripps

Felix F. Canino

kb

Marilyn Beuttenmuller
MARILYN BEUTTENMULLER, Clerk
Fourth District Court of Appeal



Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Appendix to Jurisdictional Brief has been furnished by electronic filing to the Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 S. Duval St., Tallahassee, FL 32399-1927 (Telephone Number: 850-488-0125) and by email (pleadings@orsleycripps.com) and U.S. Mail on July ~~19th~~ 2013 to: Steven Cripps, Esq., Counsel for Former Wife, 1803 South Australian Avenue, West Palm Beach, Florida 33409.

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