(Fla. 4th DCA 1971) ("[D]ue process has been defined in non-criminal situations as contemplating reasonable notice and an opportunity to appear and be heard."). "While courts have broad authority to control their dockets, trial judges must use this authority to 'manage their courtrooms so that the people's business may be conducted fairly, efficiently, and expeditiously.'" *Smith v. Smith,* 964 So.2d 217, 218 (Fla. 2d DCA 2007) (quoting *McCrae v. State,* 908 So.2d 1095, 1096 (Fla. 1st DCA 2005)). Moreover, "[t]he trial court has a duty to control the proceedings, ensuring that both sides have a fair share of the court's time." *Id.* at 219.

[6] In the present case, the trial court cut off the hearing after about an hour despite the three-hour time allotment. The trial court only heard from the wife's witness, that being the husband, who the wife's counsel examined on direct. When the trial court ended the hearing, the husband's counsel was still in the middle of examining the husband. The trial court ended the hearing before the husband had the opportunity to call the wife or his forensic certified public accountant, who had already been sworn in by the court to testify.

The trial court erred when it denied the husband his basic and fundamental right to due process, specifically the right to be heard. *See Douglas v. Johnson,* 65 So.3d 605, 607 (Fla. 2d DCA 2011) ("When a court fails to give one party the opportunity to present witnesses or testify on his or her own behalf, the court has violated that party's fundamental right to procedural due process."); *see also Adili v. Adili,* 913 So.2d 1240, 1240–41 (Fla. 4th DCA 2005) (reversing an injunction for protection against domestic violence where the court heard only from the wife and her witnesses and ruled in the wife's favor before allowing the husband to present any witnesses or evidence); *Pope v. Pope,* 901 So.2d 352, 353 (Fla. 1st DCA 2005) (same); *Miller v. Miller,* 691 So.2d 528, 529 (Fla. 4th DCA 1997) (same).

In summary, we find that the trial court abused its discretion, and we reverse and remand for a new hearing consistent with this opinion.

Reversed and remanded.

WARNER, J., and TUTER, JACK, Associate Judge, concur.

Stephanie NATHANSON, Appellant,

v.

Gregory Edward RISHYKO, Appellee.

No. 4D13–938.

District Court of Appeal of Florida, Fourth District.

June 4, 2014.

Background: In post-dissolution of marriage proceeding, divorced mother filed counter-petition to modify parental responsibility and access. The Nineteenth Judicial Circuit Court, St. Lucie County, Barbara W. Bronis, J., denied the counter-petition and found mother in civil contempt. Mother appealed.

Holding: The District Court of Appeal held that contempt order was not final and appealable.

Affirmed in part and appeal dismissed in part.

Child Custody ⚷902

Trial court's order finding mother in civil contempt, in po tion of marriage proceeding mother filed counter-petition to rental responsibility and access final and appealable, where orde no sanctions, but rather trial served jurisdiction on the issu tions, such that judicial labor o tempt issue had not ended.

Cynthia L. Greene of the Law Greene Smith & Associates, P. and the Law Office of Stephen P.A., Stuart, for appellant.

Jeffrey H. Garland of Jeffre land, P.A., Fort Pierce, for appel

PER CURIAM.

Stephanie Nathanson, the Wife/Mother, appeals the trial c judgment denying her counter- modify parental responsibility and an order finding her in civil We find no abuse of discretion court's denial of the Mother's m petition, and affirm on that iss *karis v. Canakaris,* 382 So.2d (Fla.1980); *Franqui v. State,* 5 92 (Fla.2011).

The Mother next asserts the erred in adjudicating her in c court because the evidence fail port a finding that her conduct tional. Here, the final judgmen no purge provisions because it sanctions to be avoided." *Str Marubeni Am. Corp.,* 561 So.2 (Fla. 4th DCA 1990). Furthe court reserved jurisdiction on t sanctions, and thus "the judicia not ended on the contempt i

Child Custody ⚷902

Trial court's order finding divorced mother in civil contempt, in post-dissolution of marriage proceeding in which mother filed counter-petition to modify parental responsibility and access, was not final and appealable, where order imposed no sanctions, but rather trial court reserved jurisdiction on the issue of sanctions, such that judicial labor on the contempt issue had not ended.

Cynthia L. Greene of the Law Offices of Greene Smith & Associates, P.A., Miami, and the Law Office of Stephen J. Rogers, P.A., Stuart, for appellant.

Jeffrey H. Garland of Jeffrey H. Garland, P.A., Fort Pierce, for appellee.

PER CURIAM.

Stephanie Nathanson, the Former Wife/Mother, appeals the trial court's final judgment denying her counter-petition to modify parental responsibility and access, and an order finding her in civil contempt. We find no abuse of discretion in the trial court's denial of the Mother's modification petition, and affirm on that issue. *Canakaris v. Canakaris*, 382 So.2d 1197, 1203 (Fla.1980); *Franqui v. State*, 59 So.3d 82, 92 (Fla.2011).

The Mother next asserts the trial court erred in adjudicating her in contempt of court because the evidence failed to support a finding that her conduct was intentional. Here, the final judgment "contains no purge provisions because it imposes no sanctions to be avoided." *Stramaglia v. Marubeni Am. Corp.*, 561 So.2d 433, 434 (Fla. 4th DCA 1990). Further, the trial court reserved jurisdiction on the issue of sanctions, and thus "the judicial labor has not ended on the contempt issue." *Id.* Accordingly, this court is without jurisdiction to review the order on contempt, and we therefore dismiss the appeal as to this issue. This dismissal is without prejudice to the mother's right to appeal the issue once the trial court has determined sanctions.

Affirmed in part; Dismissed in part.

MAY, CIKLIN and KLINGENSMITH, JJ., concur.

Peter BARNHILL, Appellant,

v.

STATE of Florida, Appellee.

No. 2D12–5108.

District Court of Appeal of Florida,
Second District.

June 6, 2014.

Background: Defendant pled guilty in the Circuit Court, Hillsborough County, Chet A. Tharpe, J., to possessing child pornography, and he appealed.

Holding: The District Court of Appeal, en banc, Morris, J., held that trial court erred when it denied defendant's request for a downward departure by failing to consider the totality of circumstances of defendant's case and by instead imposing a general standard based on nature of the crimes involved; receding from *Patterson v. State*, 796 So.2d 572.

Affirmed in part, reversed in part, and remanded with instructions.