

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
RICHLAND COUNTY, OHIO

EMILY BURGARD

Petitioner - Appellee

-vs-

CORDERO SPICER AKA GALLOWAY

Respondent - Appellant

Case No. 2025 CA 0108

Opinion And Judgment Entry

Appeal from the Richland County Court of
Common Pleas, Domestic Relations
Division, Case No. 2025 CPO 0265

Judgment: Affirmed

Date of Judgment Entry: August 24, 2026

BEFORE: William B. Hoffman, Robert G. Montgomery, and Kevin W. Popham, Judges

APPEARANCES: James L. Blunt, II, for Respondent-Appellant; No appearance by
Petitioner-Appellee.

OPINION

Popham, J.,

{¶1} Appellant Cordero Spicer (“Spicer”) appeals the November 13, 2025, judgment entry of the Richland County Court of Common Pleas, Domestic Relations Division, overruling his objections to the magistrate’s decision, which granted a civil protection order against Spicer. For the reasons below, we affirm.

Facts & Procedural History

{¶2} On May 8, 2025, appellee Emily Burgard (“Burgard”) filed a Petition for Domestic Violence Civil Protection Order (“DVCPO”) against Spicer pursuant to R.C.

3113.31. The magistrate granted an ex parte CPO that same day. Although there was a delay in obtaining service on Spicer, the magistrate held a hearing on August 18, 2025.

{¶3} Burgard testified that she and Spicer had lived together since 2016. She sought the DVCPO because Spicer had “put his hands on [her].” According to Burgard, Spicer had struck her multiple times with a belt, hitting her at least 20 times and causing bruises on her legs, face, and back, as well as black eyes. She testified that the most recent incident occurred sometime in late March or early April of 2025. When asked why she did not leave the home, Burgard testified that Spicer would not let her leave, always knew where she worked, and followed her. Burgard also testified that she had seen Spicer with a gun. Although he never pointed the gun at her, he struck her with it and threatened her with it.

{¶4} Burgard testified that she is afraid of Spicer, and believes he will hurt her again. She stated that Spicer called her from a number that was not his own, and contacted her through social media, telling her that he was going to harm her. As a result, she blocked him.

{¶5} Sometime near the end of 2024 or early 2025, Burgard’s father called the police and reported that his daughter might be the victim of domestic violence. Police contacted Burgard, but she did not report any domestic violence. Burgard testified that she never contacted the police because Spicer threatened to kill her if she reported him to law enforcement.

{¶6} Burgard left the home in April of 2025 and went to her parents’ home. She testified that Spicer, in an attempt to contact her, came to her parents’ house once. When asked why she waited until May 8th to file the petition, Burgard explained that she does not have a car, does not drive, and, therefore, had to wait until someone could transport her.

{¶7} Spicer testified that he met Burgard in 2016, and lived with her since then. He stated that, on April 14, 2025, he told Burgard that she had to leave the home and go to her parents' house.

{¶8} Spicer denied hitting or injuring Burgard. He denied giving her black eyes or causing her bruises and testified that she sustained the bruises by falling while intoxicated. Spicer also testified that Burgard did not know how to drive, requiring him to drive her everywhere. He further stated that he filed a civil suit against Burgard.

{¶9} On September 5, 2025, the magistrate issued a DVCPO effective through August 18, 2030. The magistrate made the following findings of fact: Spicer and Burgard were household members because they cohabitated while in a romantic relationship for at least five years; Burgard testified to a long history of domestic violence against her by Spicer, dating back several years, and involved Spicer beating Burgard often; one incident involved Spicer physically assaulting Burgard by hitting her with a belt, giving her bruises and a black eye; Spicer threatened Burgard with a handgun and hit her with it; Spicer controlled Burgard's ability to come and go and her ability to visit family; Burgard is in fear of Spicer; and Burgard left the residence in April 2025 and lives with her parents.

{¶10} The magistrate specifically found Spicer's testimony not credible and Burgard's testimony credible. The magistrate concluded that Burgard established, by a preponderance of the evidence, that domestic violence had occurred between Spicer and Burgard. Specifically, that Spicer caused bodily injury to Burgard and threatened Burgard by threat of force, placing Burgard in fear of imminent serious physical harm. The magistrate also found that Burgard's fear is objectively reasonable under the circumstances and in light of the history of domestic violence.

{¶11} Spicer filed initial objections to the magistrate’s decision on September 12, 2025, and supplemental objections on October 20, 2025. Burgard filed responses to the objections on October 22, 2025.

{¶12} The trial court issued a judgment entry on November 13, 2025, overruling Spicer’s objections and finding that the magistrate did not commit error in granting the DVCPO.

{¶13} Spicer appeals the November 13, 2025, judgment entry of the Richland County Court of Common Pleas, Domestic Relations Division, and assigns the following as error:

{¶14} “I. The trial court erred by granting the civil protection order without any corroborating evidence.”

I.

{¶15} The decision whether to grant a civil protection order lies within the sound discretion of the trial court. *Singhaus v. Zumbar*, 2015-Ohio-4755, ¶ 12 (5th Dist.). In order to find an abuse of discretion, we must determine that the trial court’s decision was unreasonable, arbitrary, or unconscionable, and not merely an error of law or judgment. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶16} A reviewing court must not substitute its judgment for that of the trial court where there exists some competent and credible evidence supporting the judgment rendered by the trial court. *Swartz v. Van Deest*, 2023-Ohio-1882, ¶ 18 (5th Dist.), citing *Eastley v. Volkman*, 2012-Ohio-2179. The weight to be given to the evidence and the credibility of the witnesses are issues for the trier of fact. *State v. Jamison*, 49 Ohio St. 3d 182 (1990). The trier of fact “has the best opportunity to view the demeanor, attitude, and credibility of each

witness, something that does not translate well on the written page.” *Davis v. Flickinger*, 77 Ohio St.3d 415, 418 (1997).

{¶17} A petition for a domestic violence civil protection order is governed by R.C. 3113.31, which states, in relevant part:

(A) As used in this section:

(1) “Domestic violence” means any of the following:

(a) The occurrence of one or more of the following acts against a family or household members:

(i) Attempting to cause or recklessly causing bodily injury;

(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(iv) Committing a sexually oriented offense.

{¶18} “When granting a protection order, the trial court must find that petitioner has shown by a preponderance of the evidence that petitioner or petitioner’s family or household members are in danger of domestic violence.” R.C. 3113.31(D); *Felton v. Felton*, 79 Ohio St.3d 34, paragraph two of the syllabus (1997). “Preponderance of the evidence” is “the greater weight of the evidence, or evidence that leads the trier of fact to find that the existence of a contested fact is more probable than its nonexistence.” *State v. Stumpf*, 32 Ohio St.3d 95, 102 (1987).

{¶19} Spicer first challenges the credibility of Burgard’s testimony. He contends that because Burgard never filed a police report and did not show the police any bruises when they contacted her after her father reported that she might be the victim of domestic violence, his testimony was more credible. However, Burgard explained why she did not report the incidents to the police when they contacted her - she testified that she was afraid of Spicer because he had threatened to kill her if she reported him to law enforcement.

{¶20} Upon review of the record, we find the trial court did not abuse its discretion in finding that Burgard established, by a preponderance of the evidence, that she was in danger of domestic violence. Burgard testified to a lengthy history of Spicer “putting his hands on [her].” Regarding the most recent incident, which occurred sometime in early April of 2025, Burgard testified that Spicer struck her with a belt, causing bruises to her legs and face and giving her black eyes. She also testified that, during another incident, Spicer threatened her with a gun and struck her with it. Burgard further described how Spicer controlled her ability to leave the home and determined when she could visit her family. She explained that this control, combined with Spicer’s prior acts of domestic violence, caused her to be afraid to leave the home.

{¶21} While Spicer disputed Burgard’s testimony and denied that the incidents occurred, the magistrate specifically found Spicer’s testimony not credible and Burgard’s testimony credible. The weight to be given to the evidence and the credibility of the witnesses was solely in the purview of the trial court. The trial court was in the best position to view the demeanor, attitude, and credibility of the witnesses. We therefore will not substitute our judgment for that of the trial court because competent and credible evidence supports its decision.

{¶22} Spicer next contends in his brief that the DVCPO order was improperly issued because there was no corroborating evidence to support Burgard’s testimony. Spicer cites no authority for his argument but maintains that Burgard was required to present additional witnesses, police reports, or other exhibits, none of which she submitted. However, the Supreme Court of Ohio has expressly rejected the contention that corroborating evidence is required to establish, by a preponderance of the evidence, the existence of domestic violence. *Felton v. Felton*, 79 Ohio St.3d 34, 44-45 (1997). The *Felton* Court recognized that, “domestic violence is seldom committed in the presence of eyewitnesses. Moreover, in many cases medical evidence is absent. Often the only evidence of domestic violence is the testimony of the victim.” *Id.* at 44.

{¶23} Thus, Burgard’s testimony, standing alone, was sufficient to meet the preponderance-of-the-evidence standard necessary to obtain a DVCPO, even without any additional evidence corroborating her account. *Crawford v. Brandon*, 2014-Ohio-3659, ¶ 17 (12th Dist.).

{¶24} Based on the foregoing, Spicer’s assignment of error is overruled.

{¶25} For the reasons stated in our Opinion, the judgment of the Richland County Court of Common Pleas, Domestic Relations Division, is affirmed.

{¶26} Costs to Appellant Cordero Spicer.

By: Popham, J.

Hoffman, P.J. and

Montgomery, J., concur