

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

Angel Pringle

Court of Appeals No. L-10-1308

Appellant

Trial Court No. CI0201006128

v.

Heather Orth

**DECISION AND JUDGMENT**

Appellee

Decided: May 6, 2011

\* \* \* \* \*

John F. Potts, for appellant.

\* \* \* \* \*

SINGER, J.

{¶ 1} Appellant, Angel Pringle, appeals from an order of the Lucas County Court of Common Pleas wherein the court issued a civil stalking protection order ("CSPO") against her. For the reasons that follow, we reverse.

{¶ 2} Appellant and appellee, Heather Orth, are next-door neighbors. On August 30, 2010, appellant filed a petition for a CSPO pursuant to R.C. 2903.214. Appellant stated the basis for the petition as follows:

{¶ 3} "[Appellee] and her gang of teenagers wait until I go sit outside to menace me. They will yell things like 'I'm going to sock that bitch, get off my property or else' while I'm cutting my yard's grass. Also tells me I need to be with my deceased grandfather. Every time I go outside they threaten or harass me. I am getting tired.

{¶ 4} "She constantly antagonizes us, and threatens me and my family. Her and her children throw things at our house and property. She lies to police about what her, her children and friends say. They talk about 'jumping' me and breaking into our house. There have been several attempts to break in on nights she has people at her house."

{¶ 5} An ex parte hearing was held on September 16, 2010. At the hearing, appellant essentially restated the allegations in her petition. Appellee represented herself and cross-examined appellant. In the process, she accused appellant of engaging in similar antagonistic behavior towards her [appellee] and she accused appellant of using and trafficking illegal drugs at her home.

{¶ 6} Following the hearing, the court stated: "I put the burden on all you. You have to live next door to each other. You are a role model for your children. \* \* \* I do find there is evidence on both sides that you are both dealing with back and forth accusations."

{¶ 7} The court then issued two CSPO's. One protecting appellant from appellee and one protecting appellee from appellant. Appellant now appeals setting forth the following assignment of error:

{¶ 8} "It constituted error for the trial court to issue a civil protection order under R.C. 2903.214 in favor of respondent where respondent did not file any petition for a protection order."

{¶ 9} R.C. 2903.214(E)(3) provides:

{¶ 10} "A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:

{¶ 11} "(a) The respondent files a separate petition for a protection order in accordance with this section."

{¶ 12} Appellee did not file a separate petition for a protection order against appellant. Accordingly, the court was without authority to issue a protection order against appellant. Appellant's sole assignment of error is found well-taken.

{¶ 13} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is reversed as to the protection order granted against Angel Pringle. Costs of this appeal are assessed to appellee pursuant to App.R. 24.

JUDGMENT REVERSED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.  
See, also, 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

\_\_\_\_\_  
JUDGE

Arlene Singer, J.

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JUDGE

Thomas J. Osowik, P.J.  
CONCUR.

\_\_\_\_\_  
JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.