

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

A.H. Court of Appeals No. {87}WD-25-065
Appellee Trial Court No. 2025 DV 0103

v.

N.H. **DECISION AND JUDGMENT**
Appellant Decided: August 28, 2026

* * * * *

Laurel A. Kendall, for appellant.

* * * * *

SULEK, J.

{¶ 1} Appellant N.H. appeals the judgment of the Wood County Court of Common Pleas, Domestic Relations Division, which entered a domestic violence civil protection order against him. The petitioner, A.H., has not filed an appellate brief. For the reasons that follow, the trial court’s judgment is affirmed.

I. Factual Background and Procedural History

{¶ 2} On September 8, 2025, appellee A.H. petitioned the trial court for a domestic violence civil protection order against N.H. The trial court entered an ex parte order on that date and set the matter for a full hearing on September 23, 2025.

{¶ 3} The following evidence and testimony were presented at the hearing.

{¶ 4} A.H.'s mother, K.H., testified that she has known N.H. for approximately 18 months. She stated that A.H. was a traveling nurse who resided with N.H. in Texas and later had a baby with him. She described that A.H. was happy initially, but the first indication of a problem occurred in September 2024. At that time, A.H. and N.H. had just moved into a house together. They had an argument and N.H. made her leave the house at 11:30 at night, when A.H. was eight and one-half months pregnant. She was not allowed back inside the home.

{¶ 5} The next month, the child G.H. was born. In the lead-up to the birth, K.H. noticed little things like A.H. was not permitted to choose the car seat that she wanted for the child; everything had to be the same as what N.H. had done with his other two children. At the time of the birth, K.H. was still traveling, and she arrived at the hospital approximately six hours later. When she arrived, N.H. was asleep on the couch. He then woke up and left the room. K.H. asked her daughter, who had just had an emergency c-section, if N.H. was bipolar, and A.H. admitted that he was and that he had stopped taking some of his medication.

{¶ 6} K.H. described that in the two weeks after G.H. was born, N.H. was in a manic phase. He would sleep all day and offered no help with the baby. She described that he would send text messages to A.H. even though they were in the same house. K.H. stated that A.H. was "terrified to be alone," and they had to lock the bedroom door "so he wouldn't take the baby or hurt my daughter." K.H. took A.H. and the baby to a hotel, but

the next day, A.H. returned to N.H. After K.H. flew home, A.H. reported that N.H. had set up an appointment and started taking his medication again.

{¶ 7} K.H. testified that she went to Texas every six to eight weeks to visit her daughter. During that time, she “watched [her] daughter go from a strong independent fearless woman to one that was terrified to even have a different opinion.” She said A.H.’s mental health suffered and she noticed A.H. losing more and more weight.

{¶ 8} After an interlude following the death of her father, K.H. returned to Texas to visit A.H. in August 2025. She recalled that she was “petrified” for A.H.’s physical health. She described that A.H. “cowered” when N.H. walked into the room, and she “jumped” if he opened a door. A.H. disclosed to her that N.H. threatened to take G.H. from her if she did not do what he wanted sexually or otherwise. K.H. testified that N.H. “used anything that he could to scare her into staying. He would use closed fists. He had loaded guns in the house that were not locked up.”

{¶ 9} On August 18, 2025, K.H. awoke to A.H. and N.H. engaging in a verbal argument having something to do with a haircut for G.H. She stated that N.H. “was totally losing his shit.” It was 6:00 a.m. and N.H. forced his two-year-old daughter into clothes and said that he was going to drop A.H. off at the police station. He would not tell K.H. why he was going to take her to the police station. He took his other two children and left the house and told A.H. to get out. When he returned later, he locked himself in a bedroom and told A.H. she had six hours to get out of the house. K.H.

helped A.H. pack and they went to a hotel. K.H. later took A.H. and G.H. back to her home in Wood County, Ohio.

{¶ 10} K.H. testified that N.H. came to Ohio in September 2025. She said this invaded their “safe place.” She said N.H. “blew up [her] phone” and came to her work. K.H. called the police. She testified that they “can’t even keep our windows open” because A.H. is “that terrified that [N.H.]’s going to hurt her and take that baby and do exactly what he said he was going to do.”

{¶ 11} K.H. also recounted a time when she was in Texas in August 2025 that N.H. touched her inappropriately. She later learned from A.H. that N.H. would tell her about sexual fantasies that he had about K.H.

{¶ 12} Finally, K.H. testified that A.H. is a different person now: “She jumps. You walk in a room, and she jumps. She’s scared to take a walk with her baby. He broke her. My carefree girl is gone. She’s scared. Like she’s scared. I’ve never seen her this way.”

{¶ 13} N.H.’s ex-wife, Ga.H., testified next. Ga.H. stated that she was married to N.H. for over three years and they had two children together, ages five and two. They were divorced in April 2024. She explained that her divorce started when she obtained a temporary protective order in Texas against N.H. based on threats of violence against her. Specifically, she described that N.H. would intentionally bump her with his shoulder when they passed in the hall even where there was plenty of room for them to both walk.

He also physically stood in front of a door trying to prevent Ga.H. from going to the gym with her mother.

{¶ 14} Ga.H. also recalled two events that she did not include in her application for the protection order. In 2022, N.H. had multiple guns on him and threatened that if Ga.H. called the cops he would shoot her. Then, in April 2023, in front of their kids, N.H. threatened to slit Ga.H.'s throat.

{¶ 15} On August 22, 2025, Ga.H. sought a temporary restraining order and a request for extraordinary relief in her custody case against N.H. based on the incident that occurred between N.H. and A.H. on the morning of August 18, 2025. A.H. submitted an affidavit in support of Ga.H.'s petition. A hearing on the custody matter occurred on September 18, 2025, in Johnson County, Texas, five days before the present domestic violence civil protection order hearing. A.H. testified in person. Following that hearing, the Texas court modified Ga.H.'s and N.H.'s custody rights such that Ga.H. now has full custody of their children and N.H. has four hours of supervised visitation per week.

{¶ 16} Ga.H. also generally described her relationship with N.H. as “walking on egg shells trying to keep things, keep the peace.” She stated that over time it calmed and she has just tried to keep the peace as best as she could, but whenever she is in N.H.'s presence she feels “a little anxious or on edge or the walking on egg shells feeling.”

{¶ 17} A.H. also testified. She stated that she filed her petition for a domestic violence civil protection order based on events that occurred in Ohio, but that also “triggered things with [her] back to Texas.” Specifically, she cited “the flooding of text

messages,” numbering around 40, which she described as “apologetic” and “apathetic” towards her. She also cited the fact that he bought a plane ticket and flew to Ohio. She was scared that N.H. would show up at her place of residence and take her son. Notably, A.H. also testified that shortly after she arrived in Ohio, she filed for emergency custody of G.H. in the Wood County Court of Common Pleas, Juvenile Division.

{¶ 18} In addition, A.H. described that she felt unsafe around N.H. She alleged prior “sexual abuse” where he would use threats to take their son away as a bargaining chip to compel her to “comply with his needs sexually, financially.” He has kicked her out of the home. She alleged that he had also locked her in a room, explaining that after arguments he would close the door behind him and lock the door, blocking her ability to leave. Further, she stated that N.H. has expressed his sexual fantasies involving K.H. to her, and he has “mirrored me as a young 14-year-old girl while we were having sex.” A.H. said that she was “very scared” not to do what he has asked because he has “stepped up to me before,” and “there’s a reason that I jump every time he walked in a room.”

{¶ 19} When asked if she “ever felt threatened that he was going to hit [her] or intimidate [her],” A.H. responded, “Intimidate me, yes.” She described that N.H. will go into moments of “not really understanding where his thoughts are.” In those moments, A.H. does not try to reason with him or stand up for herself, because when she does “he stands up to me, his fists closed, and his eyes get dark . . . [a]nd his whole body tenses.” She stated that any danger she is in puts G.H. at risk as well.

{¶ 20} A.H. also discussed N.H.'s behavior towards his other two children. She admitted that she has not seen N.H. inflict violence or harm on the children, but she offered that he "has certainly neglected basic care needs for the children." She further testified that N.H. has emotionally harmed the children, identifying the August 18, 2025 incident. She explained that the two-year-old was drug around the house to get ready quickly when she should have been spending the day with K.H. She also described that while she was in the car buckling the children into their car seats, N.H. was in the house telling K.H. to get A.H. out of the car or he was going to drop her off at the police station. A.H. said that the two-year-old looked at her and said she was scared. A.H. also testified that the five-year-old "has seen too much," meaning he has seen A.H. and N.H. argue.

{¶ 21} Finally, A.H. submitted two sets of text messages between her and N.H. In the first set, which were sent on May 4, 2025, N.H. stated,

You have been disrespectful, unappreciative, and have taken advantage of me for far too long. You have shown no interest in meeting my needs, knowing my problems, or improving our relationship. You have lied about our sex life time and time again and have been controlling and hypocritical. After what you just said I feel you have been emotionally unfaithful and are only trying to cover for it. Your selfish ways have once again driven me to a place where I feel unseen, unheard, and alone. That's what's wrong

You have no idea what I want, or what I want to hear. That is no excuse for your words, actions, and behavior towards me.

Your constant jumping in fear every time I walk in the room has crushed me, and for some reason I am ashamed to admit that it has triggered horrible feelings and memories for me. I am having nightmares about you every night, along with the ones I already have to face every night and the morning after.

I sit here every day alone with only you to talk to. I don't dare talk to anyone else or even like anybody's posts on Facebook because I know the consequences of doing so and it's just not worth it.

And when anything is brought up, it's all invalidated by you because I said some curse words.

How can you so blatantly mislead me and apparently only tell me what you think I want to hear and expect me to have any kind of trust in you.

I deserve better than this.

Your apathy is heartbreaking. You've lost me.

(Emphasis added.) A.H. used these messages to show that she was “jumping in fear” as far back as May 2025.

{¶ 22} The second set of messages was sent on September 7, 2025. A.H. told N.H. that “the amount of texting and showing up unannounced is scaring me. Please respect my need for space. I’ll continue to keep you updated on [G.H.], but beyond that I need less communication right now.” N.H. responded,

Well that’s not fair [A.H.]. I didn’t show up anywhere, I was in Toledo. I told you where I was going to be and offered to see you and [G.H.]. I respected your space and didn’t go anywhere near you. You sent mixed signals that I misinterpreted. I wanted to give us a chance to work things out because I believed in what we had.

Look, I see what you’re trying to do, and this is dumb. You have never been scared of me in any way, shape, or form and nobody is going to believe that. I’m not going to stoop to that level though. You’re an amazing mother and I would never lie about that. And up until the past 3 weeks, we’ve a (sic) great relationship full of love and kindness. While I will never understand how you could tell the disgusting lies you did in the affidavit, I tried to give you the benefit of the doubt because I have compassion for your mental health struggles. I never imagined that you were capable of such evil, but you’re the one who has to live with yourself for the rest of your life.

I will fight for [G.H.], but I would never try to keep him away from you because he needs you. Your obsession with turning this into a battle helps nobody. [The kids] don’t deserve this. I will continue to do everything I can to make sure they are being put first. While I think that you’re also capable of that, you are failing them right now.

Here’s the reality of the situation. I’ve already made sure [my other two children] will soon be out of the hell you’ve put them in. I did

everything in my power to have a peaceful resolution with you for the sake of [G.H.], but you're making it impossible. When I establish jurisdiction for [G.H.], he's coming right back home to Texas where he belongs. Unlike you however, I'm going to make sure he has both of his parents in his life because that's what he needs. None of this works like you think it does. You need to get your head out of your ass and stop playing games with the lives of the kids. They aren't tools you can use for your scheming. You should be ashamed of yourself.

I haven't received a single update on [G.H.] since you disappeared with him almost a month ago despite me asking several times. I will continue to ask for updates as I see necessary.

I appreciate you giving me the closure I asked for. Let me know when you want to start co-parenting.

N.H. then sent a screenshot of a conversation he had with K.H.:

(N.H.): Hi [K.H.], I wanted to reach out to you to ask something. I know [A.H.] needs space—I want to respect that and give her the time she needs. Would you be willing to talk at some point so we're not stuck in this no-contact phase?

I love and miss all of you dearly. Hope to hear from you soon.

(K.H.): Hi [N.H.] I really don't want to be in this process between you two. I simply am providing a safe place and helping with financial care for your son and my daughter while you both figure this out, she is making all her own choices and decisions. I am positive she will continue to update you.

(N.H.): I respect that, [K.H.]. I appreciate you being there for them. Thank you for taking the time to reply.

The screenshot was followed by a message to A.H. in which he stated, "For your own sake, be careful taking advice from people who bear none of the consequences.

Especially when you're the smartest person in the room." A.H. testified that she felt threatened by the text messages because N.H. was "trying to flatter me but also trying to manipulate me away from my own family, the people that took [G.H.] and I in when we had nowhere to go. He's tried to turn her against me, turn me against her."

{¶ 23} Following A.H.’s testimony, she rested.

{¶ 24} N.H. then testified. He stated that the previous testimony has “largely been a character assassination and allegations against [him] with no evidence to support them.” He believed that his previous relationship with Ga.H. and the custody proceedings in Texas were not relevant to the question of whether he posed a danger to A.H., G.H., and K.H. He further suggested that in the Texas case he presented an entirely different set of facts than those from Ga.H.

{¶ 25} In support of his argument, N.H. submitted additional text messages between himself and A.H. and K.H. in August and September 2025, which he claimed showed that there were never any threats of violence.

{¶ 26} The August 2025 text messages between N.H. and A.H. largely concerned the logistics of paying their rent, ending their lease, and paying for appliances following their split. The discussion was civil and respectful. N.H. expressed that she and G.H. still had his support, and he was asking for communication and clarity since they had to co-parent G.H. He stated that he was willing to give A.H. “space,” but he would like to talk about G.H.

{¶ 27} In the text messages to A.H. that were sent September 5 through 7, 2025—covering the time that he flew to Ohio and returned to Texas—N.H. expressed his love for her and his desire to talk to her and work through the issues they were having. He apologized for what he said, presumably on August 18, 2025, and stated that he deeply regretted hurting A.H., but he “did not mean any of it.” At all times, his tone was

apologetic, conciliatory, and hopeful that the relationship could be repaired. He referenced a playlist to which A.H. was adding songs about their relationship. He interpreted the songs as an indication that A.H. was still invested in the relationship, and he expressed dismay that she was no longer communicating with him. While he was in Ohio, N.H. shared his location with her through his phone and said that he would not go to K.H.'s house unless he was invited.

{¶ 28} Before he left to go back to Texas, N.H. messaged that he did not regret flying to Ohio to fight for their relationship. He offered to go for a walk or get coffee, which, like all the other messages, went unanswered. He then expressed some of his feelings for her. In so doing he recognized that she was “deeply hurt and felt alone because of the things [he] said.” He hoped that she could forgive him. He also acknowledged to A.H. that before their fight “I wasn’t giving you the support you deserved. I see all the ways I was wrong and I’m putting in a lot of work to make sure you always get the best version of me.” N.H. ended his messages by telling A.H. to let him know if she needed anything for G.H. and requesting some updates and pictures of their child.

{¶ 29} After these messages, on September 7, 2025, and after N.H. had returned to Texas, A.H. sent the message to him that “the amount of texting and showing up unannounced is scaring me.”

{¶ 30} Finally, in the messages to K.H. that were sent on September 5, 2025, before his flight, N.H. indicated his concern for A.H. and his desire to open lines of communication to begin to repair the relationship. He offered that if he was not wanted, he would not fly to Ohio. K.H. responded that she would speak to A.H. about it, and she gave an update and sent a picture of G.H. N.H. did not receive any other messages before his flight. In his other messages, N.H. expressed his gratefulness that K.H. was helping to take care of A.H. and G.H. He again mentioned his desire to reconcile and professed his love for A.H. He also apologized for what he said “that morning,” but wanted K.H. to know that “I did not mean one word that came out of my mouth. I hold myself accountable for my mistakes and hope that one day [A.H.] will see that.” He entreated K.H. to listen to him and judge for herself before she dismissed him.

{¶ 31} Following the hearing, the trial court entered a domestic violence civil protection order lasting three years. The order is “subject to any custody orders issued from a court of competent jurisdiction.” Notably, in entering the order, the trial court found that A.H. was a resident of Wood County, Ohio.

II. Assignments of Error

{¶ 32} N.H. timely appeals the judgment entering the domestic violence civil protection order, asserting two assignments of error for review:

1. The trial court committed reversible error when it found that Appellee was a resident of Wood County, Ohio based on the residential history of the parties, and the facts of the case, in which case it arguably did not have jurisdiction to grant the DVCPO.

2. In the alternative, the trial court’s grant of a Civil Protection Order in favor of appellee and the minor child pursuant to R.C. 3113.31 was not supported by a preponderance of the evidence.

III. Analysis

{¶ 33} In his first assignment of error, N.H. argues the trial court lacked jurisdiction to grant the domestic violence civil protection order because neither he nor A.H. were residents of the state of Ohio. Notably, although N.H. does not specify that he is contesting the trial court’s subject matter jurisdiction, his arguments pertain to that issue.¹

{¶ 34} Whether a trial court has subject matter jurisdiction is a question of law that is reviewed de novo. *Adamski v. Adamski*, 2022-Ohio-32, ¶ 18 (6th Dist.), citing *Cirino v. Ohio Bur. of Workers’ Comp.*, 2018-Ohio-2665, ¶ 17.

{¶ 35} “Subject matter jurisdiction refers to the constitutional or statutory power of a court to adjudicate a particular class or type of case, . . . and a court’s subject-matter jurisdiction is determined without regard to the rights of the individual parties involved in a particular case.” (Internal quotations omitted for readability.) *Ostaneck v. Ostaneck*, 2021-Ohio-2319, ¶ 21, quoting *Corder v. Ohio Edison Co.*, 2020-Ohio-5220, ¶ 14.

¹ Furthermore, although not directly raised by N.H., this court notes that N.H. did not object to the trial court’s exercise of personal jurisdiction over him. He has therefore waived the issue. See *84 Lumber Co., L.P. v. Houser*, 2010-Ohio-3683, ¶ 18-19 (11th Dist.) (Out-of-state defendant waived defense of lack of personal jurisdiction where he did not raise the issue, appeared before the court, and actively participated in the case).

{¶ 36} “Article IV, Section 4(B) of the Ohio Constitution grants exclusive authority to the General Assembly to allocate certain subject matters to the exclusive original jurisdiction of specified divisions of the courts of common pleas.” *Adamski* at ¶ 20, quoting *State v. Harper*, 2020-Ohio-2913, ¶ 24. “To that end, R.C. 3113.31 vests the domestic relations division of the court of common pleas (among others) with ‘jurisdiction over all proceedings under this section,’ including civil protection orders.” *Id.*, quoting R.C. 3113.31(A)(2) and (B).

{¶ 37} This court has recognized that “[t]here is a ‘territorial limitation with respect to civil protection orders.’” *Id.* at ¶ 21, quoting *M.W. v. D.M.*, 2018-Ohio-392, ¶ 12 (8th Dist.). “Thus, ‘when a petitioner seeks a civil protection order from a common pleas court in a county in which [s]he does not reside, the court lacks subject matter jurisdiction over the case.’” *Id.*, quoting *Vilk v. Dinardo*, 2016-Ohio-5245, ¶ 12 (8th Dist.). *But see Hernandez v. Hamdy*, 2024-Ohio-4754, ¶ 12-25 (11th Dist.) (holding that R.C. 3113.31 does not “specify a requirement to file in a specific county in the case of an adult respondent,” and thus trial court did not lack jurisdiction over a petition for a domestic violence civil protection order that was filed in a county different from the petitioner’s county of residence). Here, N.H. argues that A.H. was not a “resident” of Wood County, Ohio, and therefore the trial court lacked subject matter jurisdiction to enter the domestic violence civil protection order.

{¶ 38} “Resident,” at least as it is used for establishing proper jurisdiction and venue in divorce actions under R.C. Chapter 3105, “means one who possesses a domiciliary residence, a residence accompanied by an *intention* to make the state of Ohio a permanent home.” (Emphasis sic.) *Barth v. Barth*, 2007-Ohio-973, ¶ 12, quoting *Coleman v. Coleman*, 32 Ohio St.2d 155, 162 (1972). While “[a] trial court’s decision as to whether it has jurisdiction is a legal determination, which is reviewed on appeal de novo; its weighing of the evidence as to a party’s intent to establish a domiciliary residence in the state is a factual question, which we review for an abuse of discretion.” *Botello v. Gonzalez*, 2025-Ohio-1390, ¶ 30 (2d Dist.); *see also Mullinix v. Mullinix*, 2023-Ohio-1053, ¶ 28 (10th Dist.) (“Ohio appellate courts have specifically held that the question of a party’s residence and/or domicile presents a question of fact.”). An abuse of discretion connotes that the trial court’s attitude was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶ 39} N.H. argues that there were no facts elicited at the hearing that would support a finding of residency in Wood County, Ohio. Specifically, he identifies that there was no testimony about A.H.’s living expenses, employment, vehicle registration, or any other facts surrounding everyday living that would demonstrate her intent to establish a domiciliary residence in Ohio.

{¶ 40} Upon review, the trial court’s finding that A.H. resided in Wood County, Ohio, was not unreasonable, arbitrary, or unconscionable. The testimony revealed that N.H. told her to leave their home in Texas. A.H. returned to Ohio with G.H. and began

living with her mother. The record contains no evidence that she desired to return to Texas. Further, shortly after her arrival in Ohio, A.H. sought an emergency custody determination for G.H. from the Wood County Juvenile Court, which suggests an intent to remain in Ohio permanently. From this evidence, this court cannot hold that the trial court's finding of residency was an abuse of discretion.

{¶ 41} Accordingly, N.H.'s first assignment of error is not well-taken.

{¶ 42} In his second assignment of error, N.H. argues that the record does not support the trial court's entry of a domestic violence civil protection order.

{¶ 43} "To be entitled to a protection order under R.C. 3113.31, a petitioner must show by a preponderance of the evidence that the respondent has committed domestic violence, as defined in R.C. 3113.31(A)(1), against a person with whom he has or had a family, household, or dating relationship, as defined in R.C. 3113.31(A)(3), (8), or (9)." *K.H. v. P.M.*, 2025-Ohio-263, ¶ 74 (6th Dist.), citing *Felton v. Felton*, 79 Ohio St.3d 34 (1997), paragraph two of the syllabus.

{¶ 44} The trial court's decision to issue a domestic violence civil protection order is reviewed under a manifest-weight-of-the-evidence standard. *Id.* at ¶ 78. "In a manifest-weight review, we weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the trial court clearly lost its way in resolving evidentiary conflicts so as to create such a manifest miscarriage of justice that the trial court's judgment must be reversed." *Id.*, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20; *see also State v. Reillo*, 2026-Ohio-2701, ¶ 26. "We will not reverse the

trial court’s decision if it is supported by some competent, credible evidence going to all the essential elements of the case.” *Id.*, citing *Edwards v. Reser*, 2007-Ohio-6520, ¶ 25 (6th Dist.), citing *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St.2d 279 (1978), syllabus.

{¶ 45} Here, N.H. argues that the evidence does not show that he committed domestic violence against A.H. R.C. 3113.31(A)(1)(a) defines “domestic violence” as:

- (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.

{¶ 46} R.C. 3113.31(A)(1)(a)(ii) includes a violation of menacing by stalking under R.C. 2903.211 in the definition of domestic violence. R.C. 2903.211(A)(1) provides that “[n]o person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person.” As used in that section and relevant here, “pattern of conduct” means “two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents.” R.C. 2903.211(D)(1). Further, a person acts “knowingly” when, “regardless of purpose, . . . the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature.” R.C. 2901.22(B). “Intent

is not required; only an awareness of the probable consequences of one's actions is required.” *State v. Crawl*, 2025-Ohio-2799, ¶ 17.

{¶ 47} N.H. maintains that while A.H. evidently found his behavior disturbing or concerning, nothing in the record suggests that he caused or attempted to cause bodily injury to her or G.H. Nor did he threaten to use force, thereby placing A.H. in fear of imminent serious physical harm. Furthermore, N.H. suggests that A.H. filed the petition as a way of controlling his access to G.H. following the juvenile court's denial of her emergency motion for custody that she filed shortly after arriving in Ohio.

{¶ 48} Having reviewed the record, this court cannot say that the trial court clearly lost its way and created a manifest miscarriage of justice when it entered the domestic violence civil protection order. In conducting a manifest-weight review, this court “must give deference to fact-finders.” *Reillo* at ¶ 32. This is because “the factfinder, ‘as the trier of fact, is in the best position to determine the weight and credibility of the evidence, including inconsistencies, along with witness manner and demeanor, and is in the sole position to believe or disbelieve all or any of the testimony presented at trial.’” *Id.*, quoting *State v. Johnson*, 2023-Ohio-2424, ¶ 23 (6th Dist.).

{¶ 49} In this case, K.H. and A.H. testified that A.H. was afraid or terrified of N.H. After their fight on the morning of August 18, 2025, N.H. kicked her and his infant son out of his home and threatened to take A.H. to the police station. In addition, A.H. described that N.H. would previously “step up” to her with his eyes darkened and his fists clenched. She stated that she would “jump” when he entered the room, and she recalled a

time that he locked her into a room after an argument. Her professed fear was consistent with the testimony of Ga.H., who detailed instances where N.H. threatened to shoot her and slit her throat, and who stated that she continued to walk on eggshells when she was around him.

{¶ 50} This court recognizes that A.H. has not alleged any instances of actual physical violence directed towards her, G.H., or N.H.'s other two children. This court also recognizes that N.H.'s text message conversations do not contain any threats of violence or incendiary rhetoric. Nevertheless, some testimony exists that N.H. put himself in a posture that caused A.H. to fear imminent physical harm, which would constitute domestic violence under the first part of R.C. 3113.31(A)(1)(a)(ii). Further, some evidence exists that following their explosive breakup he committed a violation of the menacing by stalking statute when he engaged in a pattern of conduct that caused A.H. to fear physical harm, which would constitute domestic violence under the second part of R.C. 3113.31(A)(1)(a)(ii). Specifically, considering their previous argument and his awareness that A.H. jumped when he entered the room, the evidence could support that he knew his conduct would cause her to fear physical harm when he sent numerous unrequited text messages and then flew to Ohio. Consequently, given the deferential standard of review, this court holds that the trial court's entry of the domestic violence civil protection order is not against the manifest weight of the evidence.

{¶ 51} Accordingly, N.H.'s second assignment of error is not well-taken.

IV. Conclusion

{¶ 52} For the foregoing reasons the judgment of the Wood County Court of Common Pleas, Domestic Relations Division, is affirmed. N.H. is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Thomas J. Osowik, P.J.

JUDGE

Gene A. Zmuda, J.

JUDGE

Charles E. Sulek, 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:
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