

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1574**

Corey Lamont Holiday for Self and OBO Vulnerable Adult,
Respondent,

vs.

Kia Angel Barnes,
Appellant.

**Filed August 26, 2024
Affirmed
Ross, Judge**

Hennepin County District Court
File No. 27-CV-22-14012

Corey L. Holiday, Minneapolis, Minnesota (self-represented respondent)

Kia Barnes, St. Paul, Minnesota (self-represented appellant)

Considered and decided by Ross, Presiding Judge; Johnson, Judge; and Kirk,
Judge.*

NONPRECEDENTIAL OPINION

ROSS, Judge

The district court issued two harassment restraining orders—one against appellant Kia Barnes for harassing respondent Corey Holiday and the other against Holiday for harassing Barnes. Because the record contains evidence supporting the district court’s

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

finding that Barnes harassed Holiday by posting an online message that Holiday had been an informant to police to put him in danger of violent gang retribution and by sending a man to his home to intimidate and threaten him, we affirm the district court's grant of the order against Barnes.

FACTS

Kia Barnes and Corey Holiday met in June 2022 and entered into an agreement concerning the repair and sale of Barnes's car to a third party. For reasons not apparent in the record, the business relationship soured, and the two engaged in conduct that led them each to petition the district court to issue a harassment restraining order (HRO) against the other. After a scheduling hearing, Holiday alerted the district court referee assigned to the case that she may have previously represented him. The referee later recused herself.

The district court held a hearing on both petitions. After receiving testimony and evidence, the district court issued an HRO effective until August 2025, prohibiting Barnes from harassing or having any contact with Holiday and from being within a quarter mile of Holiday's home. The district court also issued an HRO against Holiday, the validity of which is being decided by this court in a separate appeal. Among other circumstances on which the district court based the HRO against Barnes, it found that Barnes had posted negative messages about Holiday on social media, including a potentially life-threatening message that identified Holiday as a "snitch" who provided information to police about gang members. It also found that Barnes had sent a man to Holiday's house to threaten him, warning that "things will get real ugly" if Holiday did not pay Barnes more money

for the car that was the subject of their business dealing. Holiday testified credibly to the district court that these circumstances put him in fear for his well-being.

Barnes appeals from the HRO issued against her.

DECISION

Barnes challenges the district court's issuing an HRO against her. We review challenged HROs for an abuse of discretion. *Witchell v. Witchell*, 606 N.W.2d 730, 731–32 (Minn. App. 2000). The district court abuses its discretion if it issues an HRO without sufficient evidence of harassment. *Kush v. Mathison*, 683 N.W.2d 841, 844 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). Among other circumstances not relevant here, “harassment” includes “repeated incidents of intrusive or unwanted acts [or] words . . . that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another.” Minn. Stat. § 609.748, subd. 1(a)(1) (2022). Barnes argues that the district court abused its discretion by issuing the HRO without sufficient evidence.

We are unconvinced by Barnes's argument contesting the sufficiency of the evidence. The district court may issue an HRO if it finds that the accused harassed the accuser. *Id.*, subd. 2 (2022). The record contains sufficient evidence that Barnes harassed Holiday. The two findings we have highlighted constitute harassment because they are separate incidents of intrusive and unwanted actions or words that had a substantial adverse effect on Holiday's safety and security. Publicly identifying Holiday as serving as a police informant against gang members and sending a man to his house to physically threaten him

about Barnes's financial demand is conduct that meets the statutory definition. The record contains testimony and other evidence supporting the district court's findings.

Barnes also argues that the district court referee should have recused herself from the case sooner than she did and that, had the referee done so, Barnes's request to have the trial held virtually would have been granted, allowing her to call out-of-state witnesses to testify. The argument fails on a matter of fact because the district court had already ordered the hearing to be in person before the challenged referee recused herself. We need not address the argument further.

Affirmed.