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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0202**

In the Matter of: Tracie Nicole Odle
and OBO Minor Children, petitioner,
Respondent,

vs.

Jonathan James Odle,
Appellant.

**Filed September 16, 2024
Affirmed
Kirk, Judge***

Mille Lacs County District Court
File No. 48-FA-23-2023

Carrie A. Doom, McKinnis & Doom, P.A., Cambridge, Minnesota (for respondent)

Jessica L. Rugani, Groshek Law, P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Wheelock, Judge; and Kirk,
Judge.

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant challenges the district court's grant of an order for protection (OFP),
arguing that the district court abused its discretion by (1) admitting irrelevant and hearsay

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

evidence, (2) issuing the OFP, and (3) limiting his parenting time to supervised visits. We affirm.

FACTS

Appellant Jonathan James Odle (husband) and respondent Tracie Nicole Odle (wife) are married and have two minor children, A.O., born in August 2014, and C.O., born in January 2017. After wife filed for divorce, the parties established a parenting-time schedule and continued to share the marital home until July 2023, when husband moved out. In November 2023, the district court granted wife's petition for an ex-parte OFP against husband based on her allegations of domestic abuse. The case proceeded to an evidentiary hearing, during which both parties testified, and the district court received three exhibits, including a video of an alleged domestic-abuse incident from October 31, 2023 (Halloween incident).

The following facts are based on wife's testimony and the video exhibit presented at the evidentiary hearing. The Halloween incident began when husband accused wife of stealing a missing package. After wife asked husband to leave, he pinned her against a stairwell, causing her to run to her bedroom and lock the door. Husband then broke through the locked door with his shoulder, leading wife and the children to scream and cry in fear. Husband did not leave the home until wife called law enforcement.

In addition to the Halloween incident, wife testified that often when husband was scheduled to have parenting time, he would prevent her from leaving the house by blocking the driveway with his vehicle. Wife provided photographic evidence supporting this allegation.

Following the evidentiary hearing, the district court filed an order granting an OFP on behalf of wife and the parties' children, granting wife sole legal and sole physical custody of the children, and limiting husband's parenting time to supervised visits. The district court determined that both the Halloween incident and husband's efforts to prevent wife from leaving during his scheduled parenting time constituted domestic abuse under Minn. Stat. § 518B.01, subd. 2. (2022).

Husband appeals.

DECISION

I. The district court did not abuse its discretion by improperly admitting evidence.

Husband contends that the district court abused its discretion by admitting irrelevant and hearsay evidence during the evidentiary hearing. We disagree.

The Minnesota Rules of Evidence apply to domestic-abuse hearings. *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). We review the district court's decision to admit evidence during an OFP hearing for an abuse of discretion. *Id.* Because an OFP is a civil remedy, husband "must demonstrate 'prejudicial error' to be entitled to a new trial or hearing based on an erroneous evidentiary ruling." *Id.* "An evidentiary error is prejudicial if it might reasonably have ... changed the result of the trial." *George v. Estate of Baker*, 724 N.W.2d 1, 9 (Minn. 2006).

A. The district court did not abuse its discretion by admitting irrelevant evidence.

Husband appears to assert that the district court abused its discretion by admitting wife's testimony that he had (1) raised his voice during dinner on the night of the Halloween incident, (2) accused wife of creating dissension in the family during an argument just before the Halloween incident, and (3) dealt with mental-health struggles, all of which he asserts are irrelevant to whether domestic abuse occurred under Minn. Stat. § 518B.01 (2022 & Supp. 2023).

Under Minn. R. Evid. 401, evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable.” Relevancy is a low bar, requiring only that the evidence, even if remotely, assists the fact-finder in resolving the ultimate issue. *State v. Swinger*, 800 N.W.2d 833, 839 (Minn. App. 2011), *rev. denied* (Minn. Sept. 28, 2011).

We conclude that appellant has not shown that the district court abused its discretion in ruling that each of the challenged pieces of evidence meets the low bar to establish relevance. Husband's behavior and comments towards wife just before the Halloween incident are relevant because they provide useful background and context to the underlying issue. *See State v. Loving*, 775 N.W.2d 872, 880 (Minn. 2009) (noting that evidence of defendant's prior threats and abusive behavior provided relevant context to underlying incident). Husband's volatile behavior leading up to the Halloween incident could tend to make it more probable that he committed acts of domestic abuse later that evening.

Therefore, husband has not shown that the district court abused its discretion in ruling that wife's testimony about his behavior was relevant. Minn. R. Evid. 401.

Similarly, the testimony about husband's mental-health struggles, including that he often sent concerning text messages to wife, were relevant to the allegation in wife's petition that husband would "fake emergencies" whenever he had parenting time so that she could not leave the house. Wife offered the testimony about husband's concerning statements as evidence supporting that allegation, as well as to show that husband's erratic behavior was escalating just before the Halloween incident. The district court therefore did not abuse its discretion by admitting wife's testimony.

B. The district court's admission of hearsay evidence did not prejudice husband.

Husband also appears to argue that the district court abused its discretion by admitting certain hearsay statements, including that A.O. "was scared" after husband allegedly threw a car jack into wife's car and that the children were "very scared" during the Halloween incident.

Hearsay is an out of court statement offered "to prove the truth of the matter asserted." Minn. R. Evid. 801(c). The rules of evidence bar the admission of hearsay evidence unless an exception to the rule against hearsay applies. Minn. R. Evid. 802.

Even assuming without deciding that the challenged statements are hearsay not admissible under any exception, husband fails to demonstrate any prejudice resulting from the district court admitting the statements. With respect to A.O.'s statement, the district court did not cite the car-jack incident as one of the acts of domestic abuse supporting an

OFP, and the statement therefore did not impact the outcome of the hearing. *George*, 724 N.W.2d at 9.

Similarly, the district court did not rely on wife's testimony that the children were "very scared" during the Halloween incident, as the district court's order merely notes that the incident occurred "in the presence of the children," without referring to their mental state. Moreover, independent evidence corroborates that the children were afraid during the Halloween incident, including testimony that they were "crying and screaming" during the incident and video evidence that one of the children cried out after husband broke through the locked bedroom door. The district court therefore did not abuse its discretion by admitting the statements. *W.G.O. ex rel. Guardian of A.W.O. v. Crandall*, 640 N.W.2d 344, 349 (Minn. 2002) (noting that cumulative evidence that is corroborated by other competent evidence is harmless).

II. The district court did not abuse its discretion by issuing an OFP.

Husband next contends that the district court abused its discretion by issuing the OFP because (1) the district court's findings regarding the Halloween incident are clearly erroneous, (2) husband returned to the home two days after the incident, indicating that wife was not truly in fear during the incident, and (3) the cited incidents of domestic abuse were minor events over the span of a long relationship. We are not persuaded.

A district court may grant an OFP if it finds sufficient evidence of domestic abuse. Minn. Stat. § 518B.01, subd. 4. Relevant to this case, the definition of "domestic abuse" includes "the infliction of fear of imminent physical harm, bodily injury, or assault" on a family or household member. Minn. Stat. § 518B.01, subd. 2(a). To obtain an OFP, the

petitioner is required to show that domestic abuse has occurred by a preponderance of the evidence. *Oberg v. Bradley*, 868 N.W.2d 62, 64 (Minn. App. 2015).

“We review the district court’s decision to grant an OFP for an abuse of discretion.” *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted). We review the district court’s factual findings for clear error and will not reverse those findings unless they are “manifestly contrary to the weight of the evidence.” *Ekman*, 812 N.W.2d at 895 (quotation omitted). “We defer to the district court’s credibility determinations and do not reconcile conflicting evidence.” *Butler v. Jakes*, 977 N.W.2d 867, 871 (Minn. App. 2022) (quotation omitted).

Here, the district court determined that domestic abuse occurred based on its finding that, during the Halloween incident, husband:

became agitated over a missing Amazon package, began yelling and screaming at [wife] in the presence of the children, pinned [wife] against the stairwell, refused to leave the home when asked multiple times, banged on the locked bedroom door, and busted the locked door in with his shoulder when [wife] refused to open it.

The district court also found that husband committed domestic abuse by preventing wife from leaving the home while he exercised parenting time.

The district court’s findings regarding the Halloween incident correspond with wife’s testimony and are further supported by the video evidence of husband breaking

through the locked bedroom door. Although husband offers a competing version of the incident, the district court determined that wife's account was more credible, a determination to which we defer. *Id.* at 871. Furthermore, the district court's finding that husband's conduct inflicted "fear of imminent physical harm, bodily injury, or assault *during* this incident" is supported by both wife's testimony and her scream recorded on the video exhibit. Simply because husband returned to the home two days after the incident does not mean that wife was not placed in fear during the incident. We therefore conclude that the district court's findings regarding the Halloween incident are not "manifestly contrary to the weight of the evidence." *Ekman*, 812 N.W.2d at 895.

Additionally, the incidents of domestic abuse cited by the district court are sufficient to grant an OFP. There is no requirement in Minn. Stat. § 518B.01 that the domestic abuse must span a significant timeframe to warrant an OFP, and caselaw demonstrates that a single incident of domestic abuse is sufficient to sustain an OFP. *See Aljubailah ex rel. A.M.J. v. James*, 903 N.W.2d 638, 644 (Minn. App. 2017). Moreover, the district court did not base its domestic abuse finding solely on the Halloween incident, but also on the "several times" in which husband intentionally blocked wife from leaving the home while he exercised parenting time. Because the "intent to inflict fear of imminent physical harm . . . can be inferred from the totality of the circumstances," and because "[a]n overt physical act is not necessary to support the issuance of an OFP," wife's testimony regarding these incidents supports the district court's finding that husband engaged in domestic abuse. *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009). The district court's

findings regarding husband's domestic abuse are therefore supported by the record and the district court acted within its discretion by issuing an OFP.

III. The district court did not abuse its discretion by ordering supervised parenting time.

Husband appears to contend that the district court abused its discretion by ordering supervised parenting time because (1) the record does not support its finding that wife and the children's safety requires that his parenting time be limited, and (2) it failed to make any findings related to the children's best interests. We are not convinced.

Upon granting an OFP, and upon finding that "the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time," the district court "shall condition or restrict parenting time as to time, place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children." Minn. Stat. § 518B.01, subd. 6(a)(4). In evaluating custody and parenting time in relation to granting an OFP, the district court "may consider particular best interest factors that are found to be relevant" but "[f]indings under section 257.025, 518.17, or 518.175 are not required with respect to the particular best interest factors not considered by the court." *Id.* The district court has discretion to grant relief under section 518B.01, including broad discretion on parenting-time decisions. *Beardsley v. Garcia*, 731 N.W.2d 843, 848 (Minn. App. 2007), *aff'd*, 753 N.W.2d 735 (Minn. 2008).

Here, the record shows that the children observed husband verbally abuse wife and exhibit violent behavior on multiple occasions and that these incidents caused wife and the children to suffer emotional distress. Although there are no allegations of direct abuse

towards the children, their presence during husband's abusive conduct towards wife supports the district court's decision to order supervised parenting time. *See id.* at 851 (“[E]ven when there has not been physical abuse of the child[ren], the child[ren] may suffer emotional distress in the presence of an abusive parent”); *Hall v. Hall*, 408 N.W.2d 626, 629 (Minn. App. 1987) (affirming OFP ordering supervised visitation despite lack of allegations of abuse directed at children), *rev. denied* (Minn. Aug. 19, 1987). Because the record supports the district court's finding that supervised parenting time was necessary to ensure wife's and the children's safety, the district court acted within its broad discretion by limiting husband's parenting time to supervised visits.

Furthermore, the district court did not err by failing to make findings regarding the children's best interests. Not only does Minn. Stat. § 518B.01, subd. 6 not require best-interests findings, but we have previously concluded that “in ordering temporary custody and parenting-time in connection with an OFP, the district court is not required to make statutory findings on the best-interests factors.” *James*, 903 N.W.2d at 645. This conclusion is consistent with the OFP statute's goal of providing efficient relief for domestic-abuse victims. *Id.* Husband's argument therefore fails.

Affirmed.