

*This opinion is nonprecedential except as provided by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
A25-0893**

In the Matter of:
Chelsea Boyd Kroes, petitioner,
Respondent,

vs.

Paul Joseph Kroes,
Appellant.

**Filed December 22, 2025
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-DA-FA-25-1280

Maury D. Beaulier, Jessa A. Carlson, Melchert Hubert Sjodin, PLLC, Waconia, Minnesota
(for respondent)

Michael D. Schwartz, Brandon M. Schwartz, Schwartz Law Firm, Oakdale, Minnesota (for
appellant)

Considered and decided by Worke, Presiding Judge; Bratvold, Judge; and Jesson,
Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the district court's order for protection (OFP), arguing that the record does not show that appellant committed domestic abuse, and the district court denied him adequate cross-examination of respondent. We affirm.

FACTS

In 2023, respondent Chelsea Boyd Kroes¹ and appellant Paul Joseph Kroes dissolved their 15-year marriage. The parties share joint legal custody and joint physical custody of their two minor children and have a parenting-time schedule.

In March 2025, Chelsea petitioned for an OFP protecting her from Paul. At the OFP hearing, Chelsea testified that Paul made threats on her life dating back to their marriage. She read a text-message from Paul that stated: "I have not treated you well for a long while. . . . I have been selfish and deceitful and done many things that have hurt you and traumatized you."

Chelsea testified about traumatizing incidents. She stated that, during the marriage, Paul had surreptitiously installed a camera in their bedroom pointed at Chelsea's side of the bed. When Chelsea found the camera, the webcam was actively streaming on the internet. During arguments, Paul would tell Chelsea that he disseminated the camera's content. Chelsea testified that she recently filed a police report, and there is an open investigation for invasion of privacy and under the revenge-porn statute.² Chelsea stated

¹ Because the parties share the same last name, we will refer to them by their first names.

² See Minn. Stat. § 617.261, subd. 1 (2020).

that Paul did not want her to talk to the police because his “other criminal activity” could come to light. He told her that if she talked, he would “f---ing kill” her.

Chelsea also testified that Paul has entered her garage to search her vehicle’s GPS. The garage is attached to the home, and Chelsea would frequently find her garage door left open. Chelsea testified that, when the children are not with her, she rarely sleeps at home, and when she does, she does not sleep in her bedroom because if someone enters her home “to try to kill [her]” she does not want to be found.

Chelsea testified that Paul has physically harmed her, but it was unintentional. She stated that Paul “punched [her] in the stomach when [she] was pregnant.” He also “elbowed” her “really, really hard” when “he was angry,” but she did not think that “the intent was to cause as much physical harm as he did.” Chelsea stated that Paul “would say that he would kill [her]. He would hack up [her] body into little pieces. He would dissolve it in chemicals and then dispose of [her] body in the swamp behind [their] house and then tell [their] kids that [she] ran away because [she] didn’t love them.” Chelsea testified that Paul’s threats “[t]errified” her, and she felt that he was capable of following through with his threats because she believes he is “sociopathic.”

Chelsea testified that she does not have a problem with Paul bringing the children into her home when he drops them off and she is home. She testified, however, that Paul has brought the children home early, when she is not home, and entered her home without her consent. Chelsea testified that she has asked Paul several times not to enter her home without her consent, but he continues to enter her home.

Chelsea testified: “I’m very fearful for my physical safety as [Paul] has threatened to kill me several times, and those threats have been made in the last six months.” She explained: “He has off and on over the years made threats and then more recently, he said if his criminal activity came to light, he would f---ing kill me. And that criminal activity has come to light. So, I’m very fearful as those investigations continue that things will get worse.”

Chelsea testified that she did not ask for protection for the children because Paul has not threatened the children, and she does not want to interfere with their relationship. On cross-examination, Paul’s attorney asked Chelsea if, as part of the judgment and decree, she stipulated that Paul is a “fit and proper” person to have joint custody of the children. Chelsea’s attorney objected. Paul’s attorney argued that the question was relevant because Chelsea described Paul as fit and proper to parent, which conflicts with her description of him “as sociopathic” and threatening. The district court ruled that the question was irrelevant because Chelsea was not seeking an OFP on behalf of the children.

At the hearing, Paul admitted that he did not treat Chelsea well and that he “traumatized” her. Paul admitted that he installed a camera in the bedroom but stated that it was not up for long. Paul also admitted that he accessed Chelsea’s vehicle’s GPS. And he agreed that Chelsea asked him numerous times not to enter her home. But he testified that he never physically harmed Chelsea or threatened to kill her. And he stated that he only briefly entered Chelsea’s home with the children and when they discovered that she was not home, they all waited for her in Paul’s vehicle.

On May 21, 2025, the district court filed an order granting the OFP, determining that Chelsea met her burden of proving that Paul “committed domestic abuse by inflicting fear or imminent physical harm, bodily injury, or assault, and by making terroristic threats.” This appeal followed.

DECISION

OFP

Paul argues that the district court abused its discretion by issuing an OFP because Chelsea described past behavior but nothing “imminent” or “immediate.” “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).

Under the Minnesota Domestic Abuse Act, an individual may petition for an OFP alleging domestic abuse. Minn. Stat. § 518B.01, subd. 4 (2024). “Domestic abuse” is conduct “against a family or household member by a family or household member” that includes, but is not limited to, inflicting “fear of imminent physical harm, bodily injury, or assault,” and terroristic threats. *Id.*, subd. 2(a) (2024). “Whoever threatens, directly or

indirectly, to commit any crime of violence with purpose to terrorize another . . . or in a reckless disregard of the risk of causing such terror” is guilty of threatening violence. Minn. Stat. § 609.713, subd. 1 (2024).

A petitioner bears the burden to demonstrate domestic abuse by a preponderance of the evidence—meaning, the petitioner must show that it is more probable than not that domestic abuse occurred. *Oberg ex rel. Minor Child v. Bradley*, 868 N.W.2d 62, 64-65 (Minn. App. 2015). “An overt physical act is not necessary to support the issuance of an OFP.” *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009). “Present intent to inflict fear of imminent physical harm, bodily injury, or assault can be inferred from the totality of the circumstances, including a history of past abusive behavior.” *Id.*

Here, the district court found Chelsea credible in describing Paul’s conduct that caused her to fear “imminent physical harm, bodily injury, or assault.” *See Butler*, 977 N.W.2d at 871 (stating that this court defers to district court credibility determinations). Not only did the district court credit Chelsea’s testimony that Paul made threats during their marriage, specifically threatening to “hack up [her] body . . . dissolve [her body] in chemicals and then dispose of [her] body . . . and [] tell [their] kids that [she] ran away because [she] didn’t love them,” but he also recently threatened to “f---ing kill” her if his criminal activity came to light. Chelsea testified that law enforcement is investigating Paul. Thus, the record supports the district court’s finding of fear of imminent harm.

Additionally, Paul suggests that Chelsea cannot fear him because she stated that she would welcome him into her home when she is there but is only concerned about him entering her home when she is not there. But Chelsea’s concern about Paul entering her

home without her consent relates to what he could do while he is unsupervised in her home. He covertly installed a camera in the bedroom when he lived there. After moving out, he entered her garage, obtained her GPS data, and left her garage door open and unsecured, leaving her home vulnerable. So, not only is there concern about what Paul could do while he is in Chelsea's home when she is not present to monitor his behavior, there is also the concern that he will leave her home open and susceptible to other potential criminal conduct.

Finally, the district court determined that Paul committed domestic abuse by making terroristic threats. Chelsea testified that Paul threatened to kill her, which qualifies as a threat of violence. *See State v. Rund*, 896 N.W.2d 527, 534 (Minn. 2017) (stating that threat to "kill police officers in tweets" fits within terroristic-threats statute prohibition of terrorizing or exhibiting a reckless disregard of the risk of terrorizing). The district court did not abuse its discretion by granting the OFP because the district court's findings are not "manifestly contrary to the weight of the evidence." *See Ekman*, 812 N.W.2d at 895 (quotation omitted).

Admission of Evidence

Paul also argues that the OFP should be reversed because the district court did not allow relevant cross-examination "on [Chelsea's] acknowledgement that [he] was a fit and proper person" to have joint custody of the two minor children to dispute Chelsea's claims of "horrific threats." Essentially, Paul is questioning how Chelsea can stipulate that he is "fit and proper" to parent their children but also claim that he threatened to kill her and tell her children she left them because she did not love them.

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 evidentiary rulings at an OFP hearing for an abuse of discretion. *Id.* To be entitled to relief, Paul must demonstrate that the district court abused its discretion in its evidentiary ruling which caused prejudice. *See id.* “An evidentiary error is prejudicial if it might reasonably have . . . changed the result of the [proceeding].” *George v. Est. of Baker*, 724 N.W.2d 1, 9 (Minn. 2006).

The district court ruled that Paul’s question was irrelevant. Relevant evidence is “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401. To be relevant, the evidence that Chelsea stipulated that Paul was fit and proper to be a parent would have to tend to make a fact of consequence to the issuance of the OFP more probable or less probable. A fact of consequence to the issuance of the OFP would be whether Chelsea met her burden to establish the existence of domestic abuse—that Paul committed domestic abuse against Chelsea. The evidence is not relevant to whether Paul’s conduct caused Chelsea to fear “imminent physical harm, bodily injury, or assault” because the evidence relates to Chelsea’s belief about Paul as a parent, not about her fear of his treatment of her. Paul fails to show that the district court abused its discretion in its evidentiary ruling. Moreover, this record supports the district court’s grant of the OFP regardless of the outcome of the district court’s evidentiary ruling.

Affirmed.