

*This opinion is nonprecedential except as provided by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
A25-1591**

Amarachi MaryJane Nwabugwu OBO minor child,
Respondent,

vs.

John Ikechukwu Nwabugwu,
Appellant.

**Filed June 29, 2026
Affirmed
Connolly, Judge**

Ramsey County District Court
File No. 62-HR-CV-24-1307

Amarachi Maryjane Nwabugwu, New Brighton, Minnesota (pro se respondent)

Amadu E. Swaray, Swaray Law Office, Ltd., Brooklyn Center, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges the district court's issuance of a harassment restraining order (HRO) against him, which was issued on behalf of his minor child. Appellant argues that the district court granted respondent an HRO on behalf of the parties' minor child, saying that the HRO was not supported by credible evidence, the evidence does not show

harassment, the evidence supporting the HRO was hearsay, and the evidence did not show the required adverse impact on the protected person. We affirm.

FACTS

Appellant John Ikechukwu Nwabugwu and respondent Amarachi MaryJane Nwabugwu are the parents of C.J.N., now 15, and three other minor children. The parties are separated, and the children have been spending alternate weeks with each parent. Prior to the separation, appellant had moved his mattress into the children's room to sleep.

In June 2024, he committed non-contact sexual misconduct against C.J.N. by masturbating while in the same room with her, which caused her psychological and emotional stress. Appellant also sent abusive messages to respondent, which caused her emotional stress and mental and psychological anguish. Respondent sought an HRO. On October 8, 2024, an ex parte HRO was issued, stating that appellant may not harass respondent or C.J.N., have direct or indirect contact with respondent, or go closer than 1,000 feet from respondent's residence except to pick up or drop off the children, until October 8, 2026. At a hearing in July 2025, the district court asked respondent if she sought an HRO to protect C.J.N. and herself or just C.J.N.; respondent's counsel answered that it was to protect just C.J.N.

C.J.N. did not testify at the hearing. Respondent's counsel offered to have C.J.N. testify in camera so the district court could hear from her directly, but appellant's counsel did not accept this offer.

Respondent testified that, in August 2024, C.J.N. told respondent she had witnessed two instances of appellant's masturbation. In the first instance, C.J.N. had heard him

masturbating, tried to let him know she was awake because the sound was so loud she could not sleep, and used the pillow to cover her head. In the second instance, when appellant had been half covered, C.J.N. said, “[D]addy, I am awake, what are you doing?” And appellant then covered himself completely. C.J.N. also told respondent that, since October 2024, she thought of the masturbation incidents whenever she saw appellant and she did not want to have physical contact with him, but would talk to him on the phone. When asked how C.J.N. was doing now that she lived only with respondent, respondent said she had improved and was less anxious.

The HRO was granted. It stated that, from the allegations in the petition, there were reasonable grounds to believe that appellant had engaged in harassment that had a substantial adverse effect on C.J.N. and that, until July 25, 2027, appellant was to have no contact with respondent or with C.J.N., but he could pick up and drop off the children and could have contact with C.J.N. in a therapeutic setting if approved by the therapist.

This appeal follows.

DECISION

Appellant argues that the district court abused its discretion in granting the HRO, in admitting hearsay evidence from respondent, and in admitting a psychotherapy report concerning C.J.N. because the report did not show that appellant’s acts had a substantial effect on her.

1. Grant of HRO

An appellate court reviews a district court’s grant of a harassment restraining order under an abuse-of-discretion standard. A district court’s findings of fact will not be set aside

unless clearly erroneous, and due regard is given to the district court's opportunity to judge the credibility of witnesses. But this court will reverse the issuance of a restraining order if it is not supported by sufficient evidence.

Kush v. Mathison, 683 N.W.2d 841, 843-44 (Minn. App. 2004) (citations omitted).

Appellant gives several reasons that the district court should “not have relied on [the evidence] to find that [appellant] harassed [C.J.N.],” but none of them indicates that granting the HRO was an abuse of the district court's discretion.

Appellant argues that there is no credible evidence that he engaged in masturbation when C.J.N. could see and hear it because C.J.N. “was not available to testify” at trial. But the district court had at least two sources of evidence to support its decision. Respondent testified in detail that, in August 2024, C.J.N. had told her about the two incidents of masturbation she witnessed while in the same room with appellant. And the district court considered the report of a guardian ad litem (GAL), which stated: “This writer [i.e., the GAL] spoke with [C.J.N.] and she confirmed the allegations of witnessing [her] father masturbating in the same room as her and her siblings.” Thus, the district court found that respondent's testimony and the statement in the GAL's report were credible evidence, and the district court, not appellant, is the judge of credibility. *See id.*

Appellant argues that respondent did not have personal knowledge of the masturbation because she did not witness it. But respondent testified that she had seen appellant masturbate when they were together and had heard C.J.N. state that he also masturbated when in the room with his children. Appellant offers no support for his view

that respondent must have seen the same masturbation that C.J.N. saw to provide credible testimony.

Appellant argues that evidence suggests that C.J.N.'s allegation "was fabricated and engineered by respondent." But this argument is based on recordings of respondent saying that, since appellant wanted the marriage dissolution to be difficult, she was going to make it difficult. It does not support appellant's stated inference that "providing the court with an allegation about appellant's masturbation in the presence of the minor child to get a protective order against him to preclude him from contact with the minor child was part of the fulfilment of [respondent's] promise" to make the dissolution difficult.

Appellant argues that his "denial of the allegation [of masturbation] was credible." Again, the district court, not appellant, is the judge of credibility. *See id.* The district court's finding that appellant did engage in masturbation indicates that it did not find appellant credible.

Appellant argues that the fact that the masturbation incidents occurred in June and C.J.N. did not report them to respondent until August "reinforces the theory that [the incidents] were fabricated" because "had they actually occurred, [C.J.N.] would likely have immediately informed respondent." Appellant offers no support for his theory that a child immediately reports the alarming acts of one parent to the other parent. He also argues that C.J.N. "would have very likely told her siblings about [the masturbation] immediately after [it] occurred, and the siblings would have likely, in turn, told respondent about it." Appellant offers only speculation that C.J.N.'s younger siblings would have heard about the incidents in June 2024 and immediately informed respondent.

Finally, appellant argues that, while the psychotherapy report was admissible, it did not prove “that the masturbation had a substantial adverse impact on [C.J.N.’s] privacy, safety, and security.” The report states:

[C.J.N.] meets criteria for generalized anxiety disorder as evidenced by worry and anxiety about a number of events or activities. This anxiety is often worry over an event that does not happen and is unlikely to happen. . . . At this time [C.J.N.] has difficulty controlling worries which causes her emotional distress.

The report also states that “[C.J.N] told [respondent] that twice she woke up to [appellant] masturbating and told [respondent] about it, that she knew what was going on and thought it was ‘gross.’” While the report does not say that appellant’s masturbation was the sole cause of C.J.N.’s condition, it does mention the masturbation, along with her being in a new school and the parties’ dissolution, as among the causes of her anxiety. It is not necessary that the masturbation be the sole cause for it to have had “a substantial adverse impact on [C.J.N.’s] privacy, safety, and security.”

Appellant has not shown by any of his arguments that the district court abused its discretion by relying on the evidence and granting the HRO.

2. Hearsay Evidence

Appellant argues that “[t]his court must reverse . . . the [HRO] because the [district] court relied on . . . hearsay evidence to grant the [HRO]” and that “respondent’s testimony that appellant masturbated in the presence of [C.J.N.] was hearsay and should not have been admitted into evidence.” When appellant’s counsel objected to the testimony as hearsay, the district court replied, “I’m going to sustain [the objection], but

the majority of this [evidence of appellant's masturbation] is already in, so go ahead.”

“The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.” Minn. R. Civ. P. 61. Because evidence on the point had already been admitted without objection, we conclude any alleged error regarding this particular evidence on the point was harmless.

Moreover, after appellant's counsel objected to the hearsay evidence, respondent's counsel told the district court, “[If appellant's] counsel wants the court to have an in-camera session with the minor, which we will not object to, that's fine as well, to get the information directly from the child.” Later in the hearing, when appellant's counsel argued that there was no evidence, respondent's counsel replied: “[U]nfortunately, we can't have a minor child testifying against her parents. But if counsel insists on testimony, we are open to having an in-camera testimony of [C.J.N.] so the Judge can hear from the child herself about what she witnessed or didn't witness.” Thus respondent's testimony, to which appellant's counsel objected as hearsay, was necessary because appellant's counsel did not accept the invitation of respondent's counsel to have C.J.N. testify in camera.

Affirmed.