

Commonwealth of Kentucky

Court of Appeals

NO. 2010-CA-001545-ME

ROGER N. MEADOWS

APPELLANT

v.

APPEAL FROM ESTILL CIRCUIT COURT
HONORABLE THOMAS P. JONES, JUDGE
ACTION NO. 09-CI-00119

CARA CAMILLE MEADOWS

APPELLEE

OPINION
AFFIRMING

** ** * * * * *

BEFORE: DIXON AND MOORE, JUDGES; ISAAC,¹ SENIOR JUDGE.

DIXON, JUDGE: Roger N. Meadows appeals an order of the Estill Circuit Court reissuing a domestic violence order for an additional three-year period on behalf of his former wife, Cara Camille Meadows, and their minor child. We affirm.

¹ Senior Judge Sheila R. Isaac sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

Roger and Cara were married in July 2005, and one child was born during their marriage. In July 2007, the parties separated, and Cara obtained a three-year DVO against Roger in Powell District Court. In June 2008, the Powell Circuit Court rendered a decree of dissolution. In April 2009, after Cara had moved to Estill County and Roger had relocated to Florida, the Powell Circuit Court granted Cara's request to transfer the case to Estill Circuit Court. After the transfer, the parties continued to litigate issues of visitation and child support. In June 2010, Cara filed a motion to reissue the DVO prior to its expiration. On July 23, 2010, the Estill Circuit Court held a hearing where Cara testified regarding Roger's alleged aggressive behavior and anger-management issues that caused her to fear for the safety of herself and their child. In contrast, Roger denied Cara's allegations, and he asserted she was using the DVO to prevent him from having visitation with their child. At the conclusion of the hearing, the trial court granted Cara's motion and reissued the DVO for an additional three years.

On appeal, Roger contends the court abused its discretion because there was no evidence of domestic violence warranting the extension of the DVO.²

KRS 403.750(2) allows a trial court to reissue a DVO an unlimited number of times. Further, the court has discretion to reissue a DVO even if no new

² In his brief, Roger also questions the constitutional ramifications of reissuing the DVO, and he contends Estill Circuit Court was an improper venue for the DVO proceeding. We decline to address these issues, as they were not addressed below and are unpreserved for our review. *Shelton v. Commonwealth*, 992 S.W.2d 849, 852 (Ky. App. 1998).

acts of domestic violence occurred during the time frame of the original order.

Kingrey v. Whitlow, 150 S.W.3d 67, 70 (Ky. App. 2004).

In the case at bar, Cara and Roger offered conflicting testimony regarding Roger's propensity for violence and anger, and Cara asserted her continuing fear of Roger when he lost his temper. The trial court was in the best position to assess the credibility of the witnesses and conflicting testimony.

Buddenberg v. Buddenberg, 304 S.W.3d 717, 720 (Ky. App. 2010). After careful review, we find no error in the court's decision to reissue the DVO.

For the reasons stated herein, we affirm the judgment of the Estill Circuit Court.

ALL CONCUR.

BRIEFS FOR APPELLANT:

Roger N. Meadows, *Pro Se*
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BRIEF FOR APPELLEE:

M. Alex Rowady
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