

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

JANE DOE

NO. 2018 CW 1508

VERSUS

KYLE POULICEK

**OCT 12 2021**

---

In Re: Jane Doe, applying for supervisory writs, Family Court  
in and for the Parish of East Baton Rouge, No. 214372.

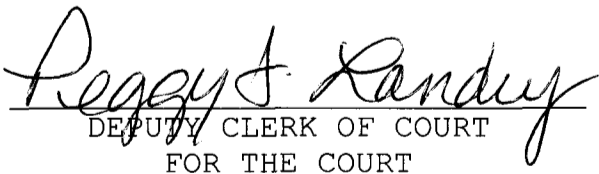
---

**BEFORE: WHIPPLE, C.J., WELCH AND CHUTZ, JJ.**

**WRIT DENIED.** At a hearing on a protective order, the petitioner must prove the allegations of abuse by a preponderance of the evidence. See La. R.S. 46:2135(B). Proof is sufficient to constitute a preponderance of the evidence when the entirety of the evidence, both direct and circumstantial, shows that the fact sought to be proved is more probable than not. **Head v. Robichaux**, 2018-0366 (La. App. 1st Cir. 11/2/18), 265 So.3d 813, 816. A trial court's decision to issue or deny a protective order is reversible only upon a showing of an abuse of discretion. **Id.** at 817. Additionally, the trial court sitting as a trier of fact is in the best position to evaluate the demeanor of the witnesses, and its credibility determinations will not be disturbed on appeal absent manifest error. **Id.** We find that the trier of fact did not abuse its discretion in dismissing the relator's petition for protective order as the relator did not meet her burden of proof.

**VGW**  
**JEW**  
**WRC**

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT