NOT DESIGNATED FOR PUBLICATION

VALARIE HILL	*	**NO. 2003-CA-1239**
VERSUS	*	**COURT OF APPEAL**
ROBIN L. PARKER AND REVA L. PARKER	*	**FOURTH CIRCUIT**
	*	**STATE OF LOUISIANA**
	*	
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APPEAL FROM
25TH JDC, PARISH OF PLAQUEMINES
NO. 49-050, DIVISION "B"
Honorable William A. Roe, Judge
* * * * * *
Judge David S. Gorbaty
* * * * * *

(Court composed of Judge David S. Gorbaty, Judge Edwin A. Lombard, Judge Leon A. Cannizzaro Jr.)

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AFFIRMED

In this appeal, defendants aver that the trial court erred in finding them

in contempt of the court's previously issued protective order. For the reasons set forth below, we affirm.

STATEMENT OF FACTS AND PROCEDURAL HISTORY:

On September 9, 2002, Valerie Hill filed a petition for a temporary restraining order against mother and daughter, Robin Parker and Reva Parker. The petition alleged stalking and harassment against appellants, particularly during the time the three ladies were in attendance at Nunez Community College in Port Sulphur, Louisiana. It is evident from the record that there is bad blood between the parties due to Hill's current relationship with the ex-husband of Robin Parker (Reva Parker's father).

The rule to show cause was set for October 3, 2002, but the matter was re-scheduled by the court due to Hurricane Lili. Neither party appeared in court on that date, and the case was continued until October 10, 2002. There is nothing in the record to show whether the parties were issued notices for the new trial date. The case proceeded for hearing on October 10, 2002, with appellee present and the appellants absent. At the conclusion of the hearing, the trial court issued a protective order against appellants. The order generally prohibited appellants from harassing or contacting appellee and specifically ordered appellants to "stay away from petitioner's

place of employment/school and not to interfere in any manner with such employment/school or that of any person on whose behalf this petition is filed located at: Nunez Community College, Port Sulphur, Louisiana." Appellants were served with the protective order on October 22, 2002. Appellants did not contest the order.

On January 16, 2003, appellee filed a motion for contempt of court against appellants, alleging the continuing harassment by appellants. More particularly, appellee alleged one particular incident of harassment that occurred at school on January 15, 2003. The matter proceeded to trial on February 6, 2003, with all parties present. After hearing the testimony of the parties, the court recessed the trial until February 25, 2003, and issued witness subpoenas.

The matter resumed on February 25, 2003, at which time the court heard testimony from Barry Quirk, the director of the Plaquemines Learning Center, at Nunez Community College, and Todd Cruice, appellee's probation officer. Appellants were represented by counsel at the hearing on February 25, 2003. Upon conclusion of the trial, the court rendered judgment against appellants, finding them in contempt of court. Sentencing was pretermitted for two months.

Defendants' motion for new trial and motion to schedule a telephone

conference were denied by the trial court on March 5, 2003. Defendants subsequently filed this appeal.

DISCUSSION:

Appellants assign the following four errors:

1. The trial court erred in proceeding to trial on October 10, 2002, without noticing appellants of the rescheduled trial date.
2. The trial court erred in issuing a rule to show cause that did not identify the issues that the hearing would involve.
3. The trial court erred in issuing the protective order.
4. The trial court erred in finding appellants in contempt of court based on the invalid protective order.

At the outset, we must address the fact that appellants failed to timely challenge the October 10, 2002 judgment granting the protective order. The record reflects that appellants were served with notice of the judgment on October 25, 2002. Appellants did not file a motion for a new trial or a petition to annul the judgment to argue that the October 10, 2002 judgment was invalid. Accordingly, we find appellants' right to challenge that ruling of the trial court to be untimely. It was not until appellants were found in contempt of court on February 25, 2003, that they complained of the validity of the protective order. Moreover, appellants did not raise the issue at the contempt hearing where they were represented by counsel. We therefore find appellants' first three assignments of error to be without merit. The only remaining issue before the court on this appeal is the validity of the

February 25, 2003 judgment, holding appellants in contempt of court.

After a thorough review of the record, including the transcript of the February 6 and February 25 hearings, we find no error on the part of the trial court in finding appellants to be in contempt of court. Although there were no eyewitness accounts presented at trial, we conclude that the testimony of Mr. Cruice, appellee's probation officer, and Mr. Quirk, the director at the community college, corroborated many of the incidents of harassment described by appellee.

The trial judge stated his findings as follows:

> The Court finds, based on the evidence and the testimony adduced in this matter, that both defendants have repeatedly and constantly violated the Protective Order issued in this matter in regards to the enjoinment of harassment of Ms. Hill. The Court has been required to make a credibility consideration concerning the testimony of the witnesses. The Court believes that the petitioner in this matter is telling the truth. The facts supporting that proposition are the absolutely frivolous, ridiculous and repetitive phone calls to the probation officer, for instance by Ms. Parker….

The court went on to describe Ms. Parker as a "meddlesome, vindictive, belligerent, reprehensible violator of her (appellee) rights and of my court order."

STANDARD OF REVIEW:

In our three-tiered judicial system, findings of fact are allocated to the

trial courts. It is a well-settled principle that an appellate court may not set aside a trial court's finding of fact unless it is clearly wrong or manifestly erroneous. Where there is conflict in the testimony, reasonable evaluations of credibility and reasonable inferences of fact should not be disturbed upon review, even though the appellate court may feel that its own evaluations and inferences are as reasonable. Rosell v. ESCO, 549 So. 2d 840 (La. 1989). For the reviewing court, the issue to be resolved is not whether the trier of fact was wrong but whether the factfinder's conclusions were reasonable. Stobart v. State Through Department of Transportation and Development, 617 So. 2d 880 (La. 1993).

Given the appellate standard of review, we cannot say that the trial court committed manifest error in its factual finding or in its credibility determination. We find the decision reached by the trial court to be reasonable in light of the evidence presented.

CONCLUSION:

Accordingly, for the foregoing reasons, we affirm the judgment of the trial court finding appellants in contempt of court.

AFFIRMED