

DA 19-0150

IN THE SUPREME COURT OF THE STATE OF MONTANA

2019 MT 271N

MARA GUIFFRIDA,

Petitioner and Appellee,

v.

RON GLICK,

Respondent and Appellant.

APPEAL FROM: District Court of the Eleventh Judicial District,
In and For the County of Flathead, Cause No. DR 18-885
Honorable Heidi J. Ulbricht, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Ronald Dwayne Glick, Self-represented, Kalispell, Montana


For Appellee:

Paul A. Sandry, Johnson, Berg & Saxby, PLLP, Kalispell, Montana

Submitted on Briefs: October 16, 2019

Decided: November 12, 2019

Filed:


Clerk

Justice Ingrid Gustafson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Ron Glick appeals from a Protection Order from the Eleventh Judicial District Court, Flathead County, dated December 7, 2018, requiring him, in part, to stay at least 1500 feet away from Mara Guiffrida's residence and place of work. The Protection Order expires on December 6, 2019. Glick raises numerous issues on appeal, which are without merit, unsupported by legal argument and citation, unrelated to the Protection Order proceedings, or already reviewed and rejected by this Court in his prior motion to disqualify Judge Ulbricht. We affirm the District Court.

¶3 "The decision to continue, amend or make permanent an order of protection is for the District Court to determine, and we will not overturn its decision absent an abuse of discretion." *Schiller v. Schiller*, 2002 MT 103, ¶ 24, 309 Mont. 431, 47 P.3d 816. The District Court conducted a hearing and took evidence pursuant to § 40-15-202, MCA. The District Court took judicial notice of two prior orders of protection it had granted to Guiffrida against Glick. Both Glick and Guiffrida testified and Glick called two additional witnesses to testify on his behalf. Glick confirmed that in October 2018 he repeatedly visited Guiffrida's next door neighbor and had walked past Guiffrida's home. Given the

history between the parties, Guiffrida testified Glick’s behavior caused her to have an anxiety attack, asthma attack, and caused sleeplessness. After reviewing the record, we conclude there was substantial evidence from Guiffrida’s testimony that Glick was stalking her and that an order of protection was appropriate. *See Boushie v. Windsor*, 2014 MT 153, ¶ 12, 375 Mont. 301, 328 P.3d 631 (“It is within the province of the finder of fact to weigh the evidence presented and determine the credibility of witnesses.” (quoting *State v. Gladue*, 1999 MT 1, ¶ 40, 293 Mont. 1, 972 P.2d 827)).

¶4 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review. The District Court’s ruling was not an abuse of discretion.

¶5 Affirmed.

/S/ INGRID GUSTAFSON

We concur:

/S/ MIKE McGRATH
/S/ JAMES JEREMIAH SHEA
/S/ DIRK M. SANDEFUR
/S/ JIM RICE