

FILED: March 28, 2012

IN THE COURT OF APPEALS OF THE STATE OF OREGON

ANGELA M. GEVING,
Petitioner-Respondent,

v.

MABLE A. YOUNG,
Respondent-Appellant.

Lane County Circuit Court
181020709

A147188

Ted Carp, Judge.

Submitted on February 23, 2012.

George W. Kelly filed the brief for appellant.

David C. Force filed the brief for respondent.

Before Haselton, Presiding Judge, and Armstrong, Judge, and Hadlock, Judge.

PER CURIAM

Reversed.

1 PER CURIAM

2 Respondent appeals a stalking protective order (SPO) that the trial court
3 entered against her. A detailed recitation of the facts would not benefit the bench, the
4 bar, or the public. On appeal, respondent contends that the record lacked sufficient
5 evidence to establish an objectively reasonable basis for petitioner to have felt alarmed or
6 coerced. We agree and, accordingly, reverse.

7 ORS 163.738(2)(a)(B) provides that a court may enter an SPO against a
8 person if it finds by a preponderance of the evidence that

9 "(i) The person intentionally, knowingly or recklessly engages in
10 repeated and unwanted contact with the other person or a member of that
11 person's immediate family or household thereby alarming or coercing the
12 other person;

13 "(ii) It is objectively reasonable for a person in the victim's situation
14 to have been alarmed or coerced by the contact; and

15 "(iii) The repeated and unwanted contact causes the victim
16 reasonable apprehension regarding the personal safety of the victim or a
17 member of the victim's immediate family or household."

18 The evidence submitted to the court was legally insufficient to establish the requisite
19 objectively reasonable alarm on petitioner's part. Thus, the trial court erred in entering an
20 SPO against respondent.

21 Reversed.