

IN THE UTAH COURT OF APPEALS

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Christine M. Snyder,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellant,)		
)	Case No. 20100198-CA	
v.)		
)		
Barry J. Snyder,)	F I L E D	
)	(May 20, 2010)	
)		
Respondent and Appellee.)	<table border="1"><tr><td>2010 UT App 130</td></tr></table>	2010 UT App 130
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First District, Logan Department, 004100033
The Honorable Clint S. Judkins

Attorneys: Christine M. Snyder, Layton, Appellant Pro Se
Barry J. Snyder, Logan, Appellee Pro Se

Before Judges Davis, McHugh, and Voros.

PER CURIAM:

Christine Snyder (Snyder) appeals the district court's order dismissing its August 4, 2004 protective order. Snyder asserts that the district court's decision to dismiss the protective order was against the weight of the evidence. We affirm the district court's order dismissing the protective order.

Under the Cohabitant Abuse Act, a court may issue a protective order on behalf of "any cohabitant who has been subjected to abuse or domestic violence, or to whom there is a substantial likelihood of abuse or domestic violence." Utah Code Ann. § 78B-7-103 (2008). When reviewing challenges to a district court's decision regarding a protective order, "the appellate court is entrusted with ensuring legal accuracy and uniformity and should defer to the trial court on factual matters." Bailey v. Bayles, 2002 UT 58, ¶ 19, 52 P.3d 1158. This court will overturn a trial court's factual findings only if they are clearly erroneous. See Menzies v. Galetka, 2006 UT 81, ¶ 58, 150 P.3d 480. Factual findings are clearly erroneous when they are not adequately supported by the evidence in the record. See State v. Pena, 869 P.2d 932, 935 (Utah 1994).

Snyder first asserts that the district court erred by dismissing the August 4, 2004 protective order because Mr. Snyder allegedly violated the order several times. However, the

district court found that Snyder failed to present any evidence relevant to the issue of whether Mr. Snyder had violated the specific terms of the August 4, 2004 protective order.¹ The district court's determination that Snyder did not offer any evidence that Mr. Snyder violated the terms of the protective order is adequately supported by the record. Thus, we cannot say that the district court erred by dismissing the protective order on this basis. See id.

Snyder next asserts that the district court erred by determining that Snyder had misused the August 4, 2004 protective order. The district court determined that Snyder had confused the specific terms of the August 4, 2004 protective order with the parties' separate legal proceedings. To the extent that Snyder's references Utah Code section 78B-7-115(1)(c), which refers to claims of harassment by either party during the pendency of a protective order, see Utah Code Ann. § 78B-7-115(1)(c), the record indicates that the district court merely cautioned Snyder to review the content of the court's orders before requesting further intervention.² The record demonstrates that the district court's decision to dismiss the August 4, 2004 protective order was predicated on Snyder's failure to provide evidence that Mr. Snyder had violated the protective order, not that Snyder had abused such order. The record supports the district court's determination that there was no evidentiary basis to retain the protective order. Thus, we cannot say that the district court erred by dismissing the order.

Accordingly, the district court's order dismissing the August 4, 2004 protective order is affirmed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

J. Frederic Voros Jr., Judge

¹The district court noted that Snyder's evidence may be relevant to issues in the parties' separate legal proceedings.

²On appeal, Snyder does not raise any other issue pertaining to the requirements of Utah Code section 78B-7-115.