

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

TRISHA MARIE DUVALL, DUANE BOYD  
DUVALL,

Respondents,

v.

GEROLDINE JOYCE LAEMMLE,

Appellant.

No. 41455-4-II

UNPUBLISHED OPINION

Johanson, J. — Geroldine Laemmle appeals from the order of protection prohibiting her from contact with her daughter, son-in-law and grandchildren. We affirm.<sup>1</sup>

On September 3, 2010, Trisha and Duane Duvall filed a petition for an order of protection against Trisha's mother, Laemmle. They and Laemmle are in conflict over the raising of the Duvalls' children. They alleged that Laemmle: (1) frequently left boxes containing undesired gifts and letters for them and their children at their home; (2) showed up at random stores, scaring their daughter; (3) volunteered at their daughter's kindergarten class without telling them and without using her true name; and (4) in July 2010, put a tracking device on their vehicle. They submitted a statement from Pierce County Sheriff's Deputy Ryan Salmon explaining that the tracking device found on the Duvalls' vehicle was registered to Laemmle. He also submitted a

---

<sup>1</sup> A commissioner of this court initially considered Laemmle's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

collection of letters that Laemmle had sent to or left for the Duvalls.

At a hearing before a superior court commissioner, Laemmle denied having any involvement in the tracking device being placed on the Duvalls' vehicle. *See* Report of Proceedings at 5.<sup>2</sup> She admitted leaving gifts for her grandchildren, believing she has the right to do so. And she said her contacts with her daughter and granddaughter at stores were coincidental. The commissioner issued a one-year order of protection against Laemmle, finding “[RCW] 26.50.010 defines stalking in RCW 9A.46.110, which this court finds under the facts presented.” Clerk’s Papers at 81. Laemmle moved to revise the commissioner’s order, reiterating the position she had argued to the commissioner. After a hearing, the judge denied her motion to revise.

Laemmle argues that the evidence was insufficient for the trial court to issue an order of protection against her. We review the issuance of an order of protection for an abuse of discretion. *Hecker v. Cortinas*, 110 Wn. App. 865, 869, 43 P.3d 50 (2002). We find no abuse of discretion. RCW 26.50.030(1) and 26.50.060 empower the trial court to issue an order of protection where the petitioner sustains her allegation of “domestic violence.” “Domestic violence” in this context includes “stalking as defined in RCW 9A.46.110.” RCW 26.50.010(1)(c). A person commits stalking under RCW 9A.46.110(1) if she intentionally and repeatedly harasses or follows another, places that other person in reasonable fear of injury, and knows or should have known that the other person would feel frightened, intimidated or harassed. The Duvalls presented sufficient evidence to support the trial court’s finding that Laemmle had

---

<sup>2</sup> The hearing before the commissioner was not transcribed. We assume that Laemmle made the same arguments in that hearing that she made in the hearing on her motion to revise.

been stalking them by leaving unwanted gifts and letters, her undesired contact with them and her involvement in the placement of a tracking device on their vehicle. The trial court's decision to believe the Duvalls and to disbelieve Laemmle is a credibility decision beyond our review. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990). We affirm the entry of the order of protection and the denial of the motion to revise it.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

---

Johanson, J.

We concur:

---

Armstrong, J.

---

Penoyar, C.J.