

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

FILED
MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS
08/28/2023 01:54 PM
CP 2023 08 0403

Order of Protection

FINAL APPEALABLE ORDER

Per R.C. 2903.214(F)(3), this Order is indexed at

Butler County Sheriff's Office

LAW ENFORCEMENT AGENCY WHERE INDEXED

(513) 785 - 1300

PHONE NUMBER

Case No. CP 2023 08 0403

Judge J. Gregory Howard

State OHIO

CIVIL STALKING PROTECTION ORDER
FULL HEARING (R.C. 2903.214)

CIVIL SEXUALLY ORIENTED OFFENSE
PROTECTION ORDER FULL HEARING (R.C. 2903.214)

PETITIONER:

ISAAC ADI

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner ISAAC ADI DOB: [REDACTED]

Petitioner's Family or Household Members:

Additional forms attached

DOB: _____

DOB: _____

DOB: _____

DOB: _____

RESPONDENT:

DARBI BODDY

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
Female	WHITE		
EYES	HAIR	DOB	
	BLONDE	/	/
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Relationship to Petitioner: _____

Address where Respondent can be found:

Distinguishing Features: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until 09 / 20 / 2025 (DATE CERTAIN – 5 YEARS MAXIMUM)

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

This proceeding came on for a hearing on 09 / 15 / 2023 before the Court and the Civil Stalking Protection Order Ex Parte or Civil Sexually Oriented Offense Protection Order Ex Parte issued on _____ / _____ / _____, all in accordance with R.C. 2903.214. The following individuals were present:

See attached addendum.

The Court hereby makes the following findings of fact:

See attached addendum.

Additional findings on a separate page are included and attached herein.

The Court finds by a preponderance of the evidence that 1) Respondent has knowingly engaged in a pattern of conduct that caused Petitioner to believe that Respondent will cause physical harm or cause or has caused mental distress; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from stalking offenses.

The Court finds by a preponderance of the evidence that 1) Petitioner or Petitioner's family or household members have been a victim of a sexually oriented offense as defined in R.C. 2950.01, committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from sexually oriented offenses.

The Court finds by clear and convincing evidence that 1) Petitioner or Petitioner's family or household members reasonably believed Respondent's conduct before the filing of the Petition endangered the health, welfare, or safety of Petitioner or Petitioner's family or household members; 2) Respondent presents a continuing danger to Petitioner or Petitioner's family or household members; and 3) the following orders are equitable, fair, and necessary to protect the persons named in this Order from experiencing a continuing danger.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order.
[NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

1. **RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 04]

2. **RESPONDENT SHALL NOT INTERFERE** with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g., telephone internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:

_____ within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

4. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order and shall not be present within 500 feet (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

6. **PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____ Exchange of the listed companion animals or pets shall take place as follows:

7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 05]

8. **RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

9. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect for the safety and protection of the protected persons named in

this Order. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

- 11. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS OWNED** by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

- 12. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

- 13. IT IS FURTHER ORDERED:** [NCIC 08]

- 14. RESPONDENT SHALL COMPLETE** the following counseling program:

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

- Respondent is ordered to appear before Judge or Magistrate _____ on _____ / _____ / _____ at _____ a.m. p.m. to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the Court may issue a warrant for your arrest.

- 15. RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

- 16. RESPONDENT SHALL BE SUBJECT TO ELECTRONIC MONITORING.** Respondent is ordered to report to _____

for placement of a global positioning system for the purpose of electronic monitoring for the duration of _____

this Order or until _____ / _____ / _____ whichever expires first. The Court further imposes the following terms and conditions:

17. The Clerk of Court shall cause a copy of this Order to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

18. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of this Order.

19. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or subpoenaing witnesses or obtaining a certified copy of this Order. This Order is granted without bond.

20. THE COSTS OF THIS ACTION ARE assessed against Respondent waived.

IT IS SO ORDERED.

MAGISTRATE H. MATTHEW REED

JUDGE J. GREGORY HOWARD

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE THE TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Order, which is a final appealable order, were served on or delivered to the parties indicated pursuant to Civ.R. 5(B) and 65.1(C)(3), including ordinary mail on _____ / _____ / _____

By: _____
CLERK OF COURT

TO THE CLERK

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- Petitioner Petitioner's Attorney
- Respondent's Attorney
- Law Enforcement Agency Where Petitioner Resides: _____
- Law Enforcement Agency Where Petitioner Works: _____
- Sheriff's Office _____
- Other: _____

WAIVER

I, _____ (Respondent) understand that I have the right to a full hearing on the Petition for Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order, and acknowledge each of the following:

1. I waive the right to have a full hearing on this Protection Order.
2. I waive the right to cross-examine witnesses and review evidence submitted in support of this Protection Order.
3. I waive the right to present witnesses and evidence on my own behalf.
4. I waive the right to file objections and recognize this may limit my right to appeal the issuance of this Protection Order.

I understand that based on the waivers listed above, a Protection Order will be entered against me.

RESPONDENT

DATE

Present for the hearing were Petitioner Isaac Adi, with counsel Robert Lyons, and Darbi Boddy, with counsel Robert Croskery. In addition to the testimony offered by the parties, Petitioner called three witnesses, Julie Shaffer, Stacey Maney, and Lynda O'Connor. Petitioner submitted five pieces of evidence and proffered one additional piece. While the Court will not address every piece of evidence admitted, or the testimony of every witness, all the evidence submitted and testimony provided was considered in reaching its decision. The Court notes that it considered only the evidence specifically admitted that was contained on the flash drive submitted by Petitioner.

Petitioner Isaac Adi brought this action seeking a protection order as to Respondent Darbi Boddy. Both currently serve on the Lakota School Board. Petitioner contends that certain actions taken by Respondent have caused, and will continue to cause, him mental distress. He further contends that the mental distress caused by Respondent has resulted in hospitalization. All three of the witnesses called by Petitioner did so without subpoena. Shaffer and O'Connor are also on the Lakota School Board, with O'Connor being the President. Maney is the Assistant Superintendent of Lakota Schools.

During the arguments of counsel, it was stated that granting a protection order on behalf of Isaac Adi as to Darbi Boddy would disenfranchise Boddy's constituents. The Court however finds that it was, and is, the behavior of Boddy that has disenfranchised her constituents. Petitioner, has demonstrated, by a preponderance of the evidence, that Respondent knowingly engaged in a pattern of conduct that caused, and will continue to cause, him mental distress.

At the close of Petitioner's case, Respondent made a motion to dismiss Petitioner's *Petition for Civil Stalking Protection Order*, which is governed by Civ.R. 41(B)(2).

After the plaintiff, in an action tried by the court without a jury, has completed the presentation of the plaintiff's evidence, the defendant, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence.

The Court declined to render judgment until the close of all evidence as permitted by the rule.

Pursuant to R.C. 2903.214(C)(1) petitioner must demonstrate that Respondent engaged in conduct that constitutes menacing by stalking, as defined by R.C. 2903.211, in order to obtain a civil protection order. *Harnar v. Becker*, 12th Dist. No. CA2020-10-068, 2021-Ohio-784, ¶6. As such, a court must find, by a preponderance of the evidence that a respondent knowingly engaged in a pattern of conduct that caused a petitioner to believe that a respondent will cause physical harm or cause or has caused mental distress. *Id.*, at ¶10. The Court finds it best that it proceed step by step in its analysis: first determining if Respondent exercised a pattern of conduct; then determining whether Respondent caused Petitioner mental distress; and finally determining whether Respondent acted knowingly.

A pattern of conduct requires only two or more actions closely related in time taking into account every action of a respondent regardless if, in isolation, the actions do not seem particularly threatening. *Id.*, at ¶8. R.C. 2903.211 does not specifically define what constitutes “closely related in time” leaving the trier of fact to resolve whether the incidents raised by a petitioner are closely related in time. *Cooper v. Manta*, 11th Dist. No. 2011-L-035, 2012-Ohio-867, ¶39, quoting *State v. Bone*, 10th Dist. No. 05AP-565, 2006-Ohio-3809, ¶4. The determination is to be based upon consideration of all the evidence in the context of all the circumstances in a case. *Id.* In this case, the Court finds that four incidents took place prior to Petitioner seeking relief, and one additional incident took place before a final hearing was conducted.

In April, 2023, Petitioner and Respondent attended a conference in Florida. During the conference, Respondent addressed Petitioner’s presence by calling attention to him and then reading from a prepared statement to a crowd, which on at least two of those occasions consisted of 200-300 attendees. The content of that statement will be discussed latter.

While Respondent readily admits to the incidents, she argues that the incidents in Florida should be considered one incident. The Court does not agree. Respondent took the opportunity to call out her colleague on three separate occasions. One was while at lunch, another while congregating near the

registration table, and the third during a question and answer session, which based on the evidence submitted was not an appropriate time to do so. In the recording of the third reading, it is apparent that Respondent's speech was not well-received and upon finishing her statement she immediately shifted to asking a question of the presenter.

The fourth incident, specifically considered by the Court occurred in June, 2023 after a meeting involving school board members. The final incident which the Court will specifically reference took place in August, 2023. While it may appear that these events occurred over a span of time that some may not consider closely related, the Court, as the trier of fact, finds that given all the circumstances of this case, the actions taken by Respondent equate to a pattern as provided in R.C. 2903.211. Respondent, by reason of her position as a school board member, took multiple opportunities while in the presence of Petitioner, at events or meetings necessitated by, or in furtherance of, their positions to seek out and interact with Petitioner. Again, Petitioner alleges that all of these interactions have led to mental distress. Having concluded that Petitioner set forth a pattern of conduct, the Court will next address whether Petitioner has demonstrated mental distress.

Respondent believes that Petitioner is unable to demonstrate that he suffered from mental distress as a result of her actions. The Court does not agree. During the hearing Respondent set forth the definition of mental distress as provided by R.C. 2903.211(D)(2):

- (a) Any mental illness or condition that involves some temporary substantial incapacity;
- (b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

The definition, however, is not quite as concrete. A petitioner's mental distress need not be incapacitating or debilitating and need not be established by expert testimony. *Mather v. Hilfinger*, 12th Dist. No. CA2020-12-083, 2021-Ohio-2812, ¶23. It is up to the trier of fact to determine whether a petitioner incurred mental distress as a result of a respondent's actions. *Id.* The Court, as trier of fact,

may rely on its own knowledge and experience, even without a showing of professional certainty, to determine whether mental distress has been caused based on the facts introduced at trial and the reasonable inference drawn therefrom. *Id.*

The testimony presented clearly shows that Respondent's actions had an effect upon Petitioner. Petitioner explained that Respondent's actions in Florida caused him embarrassment, and fear that further verbal assaults would occur. He addressed multiple individuals who he felt were in positions that could assist him. At one point he intended to avoid attending additional sessions so as to avoid Respondent. Upon being assured that he was safe, he attended the session only to have Respondent use a question and answer period to again read from her script and call out Petitioner. Only after further assurances that Respondent was warned and would not exhibit the same behavior did Petitioner attend the sessions scheduled for the next day.

Turning to the incident of June 13, 2023, Petitioner attempted to avoid Respondent after a meeting involving school board members. At the end of the meeting, Respondent followed Petitioner out of the building where the meeting took place. Respondent contends that at first, she was the one being followed and that she was upset that Petitioner made derogatory remarks about her. The remarks, if made, appear to have been made outside the purview of the general public. At some point, it is undisputed that Petitioner ended up in front of Respondent. It was then that Petitioner stopped abruptly causing Respondent to jump back. This resulted in Respondent's phone, which she was using to video Petitioner, in Petitioner's face. Respondent contends that Petitioner then slapped the phone from her hands and proceeded on his way. Other than her testimony, she offered no corroborating evidence. She indicated that she took the video to the Sheriff's Office and no charges were pressed as a result. Given the fact that Respondent herself testified she was following Petitioner so closely that a sudden stop caused her to be in such close physical proximity to Petitioner that her phone ended up in his face, the Court is not swayed by her conclusion that she was assaulted. Instead, it would appear that Petitioner,

acting out of concern that someone was close to him, stopped to address the situation. He then discovered that Respondent was following him so closely that contact may have occurred.

The final specific incident considered by the Court took place on August 18, 2023. Although, the event occurred after the initial filing in this matter, it still lends to a pattern of conduct that if not corrected will cause Petitioner further mental distress. On August 18, the board held various committee hearings. At some point Petitioner stepped out to take a work related call. Upon his return, Respondent proceeded to, according to one of the witnesses, badger Petitioner about his absence. She repeatedly asked him about his absence, to which he kept responding that he did not answer to her. Not satisfied with his answer, she pulled out her phone and appeared to start videotaping Petitioner. Shortly thereafter, Petitioner started to show signs of distress. The witnesses confirmed that Petitioner's demeanor had changed from being his jovial self to being in tears and shaking. Petitioner decided to leave the meeting and he was followed by his colleague, O'Connor. She recalled him indicating that he was going to go to the hospital and that she was so concerned for his well-being that she did not feel it safe for him to leave on his own.

In addition to the distress exhibited at the times of some specific incidents, testimony was provided that the other individuals on the board had an agreement that Petitioner was never to be left alone with Respondent. The witnesses testified that Respondent's presence at meetings caused some concern for the safety of all individuals in attendance and school resource officers were specifically stationed during meetings as a result of that concern. Petitioner testified that in early July, 2023, the stress of being on the board and interacting with Respondent caused him to be hospitalized for three days. Additionally, witnesses provided testimony that Petitioner had indicated that his health was suffering as a result of his interactions with Respondent. Based on the foregoing, the Court finds that Petitioner has established by a preponderance of the evidence that the actions of Respondent have caused him mental distress, and if left unchecked will continue to cause Petitioner mental distress.

Finally, the Court must determine if Respondent knowingly engaged in a pattern of conduct that caused Petitioner to believe that she will cause physical harm or cause or has caused mental distress. R.C. 2901.22(B) provides that: “[a] person acts knowingly, regardless of purpose, when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature.” A respondent’s subjective intent is not relevant, instead the issue is whether a respondent acts when she is aware that her conduct will probably cause mental distress, regardless of whether it was her purpose to cause that result. *T.V. v. R.S.*, 8th Dist. No. 110049, 2021-Ohio-2444, ¶35.

In this case, it is apparent that Respondent had, and continues to have, an agenda when interacting with Petitioner. Respondent testified that she was concerned that Petitioner no longer espouses the ideas he took office with, ideas which were in conformity with her own beliefs. As Respondent saw their beliefs diverge, she felt it necessary to act in a manner so as to make Petitioner see the error of his ways and convince him to, once again, align with her. In other words, Respondent undertook all of her interactions with Petitioner with the intent to pressure him into changing his beliefs and actions.

The fact that Respondent prepared remarks to deliver to the attendees of the conference in April demonstrate that she knowingly undertook actions to solicit a reaction from Petitioner. Despite Respondent’s testimony that she was only calling attention to Petitioner so that others may help, she was seeking help to pressure him into changing the beliefs she was under the impression he held. During cross-examination, Petitioner was asked why he did not take the opportunity to respond to Respondent’s remarks, he replied that the forum was not an appropriate place to do so.

Respondent was often the only board member voting against certain issues, issues she felt Petitioner should be in agreement with her on. Rather than try to work through their differences, or respect Petitioner’s possible change of beliefs, Respondent took every opportunity to exert pressure, bully, and, at times, punish Petitioner by embarrassing him in front of others.

It is telling that despite two investigations that did not result in criminal charges, Respondent steadfastly believed that the subject of the investigation was a pedophile and used that belief to call out Petitioner for supporting the individual, knowing that by doing so she would be negatively impact other's opinions of Petitioner. When asked about the script that she read in Florida, Respondent appeared happy to retrieve her phone so that she could once again read from the script and accuse Petitioner of supporting a pedophile. Clearly, Respondent knowingly acted in such a way that would cause a reasonable person mental distress. See. *State v. Werfel*, 11th Dist. No. 2006-L-163, 2007-Ohio-5198, ¶27. Respondent would have the Court believe that she was simply acting in furtherance of her duties as an elected school board member. The Court disagrees, as outlined in the above analysis, Respondent undertook, and will continue to undertake, actions which are more than just expressing political ideas, they are actions sharply directed at another individual so as to exert undue pressure on them to confirm to her beliefs or punish them for not changing their beliefs.

The Court notes that while there was testimony regarding the fact that Respondent has a concealed carry license, there was no evidence that Respondent was in possession of a firearm during any of her interactions with Petitioner, as such the Court finds does not find it necessary to restrict her possession of a firearm. See *Wallace v. Masten*, 4th Dist. No. 02CA13, 2003-Ohio-1081 ¶41.

Based on the forgoing analysis, the Court finds that Respondent has knowing engaged in a pattern of conduct that caused, and will cause, Petitioner mental distress.