

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

Grace Akinlemibola  
Brownsburg, Indiana

## IN THE COURT OF APPEALS OF INDIANA

Grace Akinlemibola,  
*Appellant-Petitioner,*

v.

Bolanle Sobande,  
*Appellee-Respondent.*

February 28, 2022

Court of Appeals Case No.  
21A-PO-1642

Appeal from the  
Hendricks Superior Court

The Honorable  
Michael J. Manning, Magistrate

Trial Court Cause No.  
32D05-2005-PO-200

**Molter, Judge.**

- [1] In July 2020, Grace Akinlemibola (“Grace”) obtained a one-year protective order against her sister, Bolanle Sobande (“Bolanle”). As the expiration of the protective order approached, Grace petitioned to renew the protective order, which the trial court denied. Grace appeals, claiming the trial court ignored

evidence that supported her request to extend the protective order. Finding no error, we affirm the trial court.

### **Facts and Procedural History**

- [2] Grace and Bolanle have had a contentious relationship since their childhood years in the 1990s. Grace resides with her parents in Brownsburg, Indiana, and Bolanle resides in Springboro, Ohio, with her seventeen-year-old son.
- [3] In May 2020, Grace filed a Petition for Protective Order (“Petition”) against Bolanle. Appellant’s App. Vol. II at 4–10. Grace alleged that on Christmas Day 2017, she gave gold crucifixes to Bolanle’s two older sons and a small silver cross to Bolanle’s daughter. Bolanle then said, “yea, I bet [the jewelry] isn’t even real gold.” They began shoving each other, and other family members soon intervened. Soon after this incident, Grace and Bolanle often argued and sometimes physically assaulted each other.
- [4] After conducting a hearing, on July 31, 2020, the trial court granted Grace’s Petition. *Id.* at 11–13. It found that Bolanle represented a credible threat to the safety of Grace or a member of Grace’s family and that Grace had shown, by a preponderance of the evidence, that domestic or family violence had occurred. The trial court enjoined Bolanle from threatening or committing acts of domestic violence and harassing Grace or members of Grace’s family, and from communicating—whether directly or indirectly—with Grace. The order of protection would expire on July 31, 2021.

- [5] About two months before the protective order was to expire, Grace filed a Verified Petition to Renew and Extend Protective Order (“Petition to Renew Protective Order”). *Id.* at 14–16. Grace claimed that renewal of the protective order was necessary because “Petitioner is still affected by the original acts” supporting the protective order and “new actions have occurred” since the protective order.
- [6] At the July 6, 2021 hearing, Bolanle testified that her son would move into the home shared by her parents and Grace because she was struggling to raise her son. *Tr.* at 10–11. Grace stated she did not want to have a “cordial relationship” with her nephew and that the reason he was going to live at Grace’s home was “to harass and offend [her].” Grace also testified that some of the earlier harassments “have persisted.” Grace asked the trial court to extend the protective order two more years.
- [7] Bolanle testified that while she had problems with Grace in the past, she did not understand why Grace sought an extension of the protective order because she had left Grace alone. *Id.* at 10. She reiterated that she wanted her son to live with her parents because she was having trouble raising her son. She testified that her son wanted to move in with her parents, explaining that “he’s actually expressed interest in living with them, he responds more favorably, more positively with them um he’s just, he’s a better person with them . . . .” *Tr.* at 14. Bolanle promised that she would not accompany her son when he would travel to her parents’ home and that she would stay away from Grace. Bolanle

assured the trial court that her home in Springboro, Ohio, was her permanent home, not a temporary residence.

- [8] On July 7, 2021, the trial court denied Grace’s Petition to Renew Protective Order. Appellant’s App. Vol. II at 2. It found that Bolanle: had not telephoned, contacted, or directly communicated with Grace since the protective order was issued; had talked to her mother about her son living at the home Grace and their parents shared but this communication was not intended as indirect communication from Bolanle toward Grace or that Bolanle intended to annoy or harass Grace; had not violated the protective order since it was issued; and does not represent a present, credible threat to Grace’s safety. Grace now appeals the denial of her Petition to Renew Protective Order.

### **Discussion and Decision**

- [9] Grace argues the trial court erred in denying her Petition to Renew Protective Order when it rejected her argument that Bolanle arranged for her son to move into the home where Grace and her parents lived so Bolanle could harass Grace. Grace also contends the trial court’s ruling was erroneous because she and Bolanle have had several altercations since their confrontation on Christmas Day 2017.
- [10] Civil protective orders are governed by the Indiana Civil Protection Order Act (“CPOA”), which we construe to promote the protection and safety of all victims of domestic or family violence or harassment in a fair, prompt, and effective way, and to prevent future domestic and family violence. Ind. Code §

34-26-5-1. A person who is or has been a victim of domestic or family violence may petition for an order for protection. Ind. Code § 34-26-5-2(a), (b); *Costello v. Zollman*, 51 N.E.3d 361, 364 (Ind. Ct. App. 2016), *trans. denied*. A person may ask a court to extend the duration of a protective order. Ind. Code § 34-26-5-8.

[11] Generally, a trial court has discretion to grant protective relief under the CPOA. *A.N. v. K.G.*, 10 N.E.3d 1270, 1271 (Ind. Ct. App. 2014). “To obtain an order of protection under the [CPOA], the petitioner must establish by a preponderance of the evidence at least one of the allegations in the petition.” *A.S. v. T.H.*, 920 N.E.2d 803, 806 (Ind. Ct. App. 2010). We neither reweigh the evidence nor judge witness credibility and consider only the evidence and reasonable inferences that support the judgment. *Id.* Grace appeals from a negative judgment because she carried the burden of proof on her Petition to Renew Protective Order. *See Garling v. Ind. Dep’t of Nat. Res.*, 766 N.E.2d 409, 411 (Ind. Ct. App. 2002), *trans. denied*. Thus, we will reverse the trial court only if we are convinced the evidence leads unerringly and unmistakably to a decision opposite that reached by the trial court. *Costello*, 51 N.E.3d at 367.

[12] The trial court entered findings of fact and conclusions of law, which we review under a two-tier standard: first we determine whether there is evidence to support the findings of fact, and then whether those findings of fact support the legal conclusions. *Campbell v. Campbell*, 993 N.E.2d 205, 209 (Ind. Ct. App. 2013), *trans. denied*. And when reviewing the evidence, we do not reweigh it;

we simply look to ensure that some evidence supports the trial court's findings.  
*Id.*

[13] The evidence supports the trial court's factual findings and legal conclusions, and Grace's arguments ask us to reweigh the evidence, which our standard of review does not allow. *See id.* Bolanle testified that she has left Grace alone and that she will not come near the home shared by Grace and her parents even though her son intends to move into that home. Bolanle also testified that she was not encouraging her son to move into the home to harass Grace but because she thought such a move was in her son's best interests. "[H]e responds more favorably, more positively with them um he's just, he's a better person with them . . . ." From this evidence, it was reasonable for the trial court to conclude that Bolanle had not violated the protective order since it was issued and that she did not represent a present, credible threat to Grace's safety. Thus, the trial court did not err in denying Grace's Petition to Renew Protective Order.

[14] Affirmed.

Robb, J., and Riley, J., concur.