

COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT,
CLERMONT COUNTY

Thomason v. Thomas

2026-Ohio-1234 · No. CA2025-07-051 · Decided April 6, 2026

SUMMARY

The Ohio Twelfth District Court of Appeals reviewed the issuance of a three-year civil stalking protection order based on repeated offensive social-media posts. The court held that credible evidence supported menacing by stalking and affirmed the order's issuance, but concluded that its prohibition on communications concerning the appellee and her family was an impermissibly broad, content-based restriction on speech. The court vacated that portion of the order and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth Appellate District, Clermont County
WRITING FOR THE COURT	Hendrickson, P.J.; Robert A. Hendrickson, P.J.; Mike Powell, J.; Melena S. Siebert, J.
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Clermont County
DECIDED	April 6, 2026
DOCKET	CA2025-07-051
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed the issuance of a three-year civil stalking protection order and challenged the order's restrictions on his speech under the First Amendment and Article I, Section 11 of the Ohio Constitution.
STANDARD OF REVIEW	Whether the CSPO was supported by sufficient credible evidence and was against the manifest weight of the evidence; constitutional restrictions on speech were reviewed under strict scrutiny.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	William A. Thomas v. Brittney Thomason

TOPICS

free speech

first amendment

overbreadth doctrine

strict scrutiny

appellate procedure

PRACTICE AREAS

constitutional law

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QUESTIONS PRESENTED

1. Whether credible evidence supported the finding that Thomas engaged in menacing by stalking sufficient to justify a civil stalking protection order under R.C. 2903.211 and R.C. 2903.214.
2. Whether Paragraph 7 of the CSPO was an unconstitutional prior restraint and overbroad, content-based restriction on Thomas's speech.
3. Whether the speech restrictions were narrowly tailored and the least restrictive means of protecting Thomason and her family.

HOLDINGS

1. The trial court did not err in issuing the three-year CSPO because credible evidence established by a preponderance of the evidence that Thomas engaged in a pattern of conduct that knowingly caused Thomason mental distress.
2. Paragraph 7 was an overbroad, content-based prior restraint on speech because it effectively prohibited Thomas from making any future post or communication concerning or referencing Thomason, her family, or her business, regardless of the content or context.
3. Paragraph 7 had to be vacated and the matter remanded for the trial court to issue a narrowly tailored provision protecting Thomason and her family while respecting Thomas's right to free speech; the remaining CSPO provisions remained affirmed.

KEY QUOTATIONS

“A content-based regulation of protected speech cannot be sustained unless it is the least restrictive means to achieve a compelling state interest.” (§ 38)

“As written, the prohibition on any “contact,” including any comment, post, message, or other writing about appellee, is demonstrably overbroad, and constitutes an impermissible prior restraint on appellant's speech.” (§ 40)

FACTUAL BACKGROUND

Thomas repeatedly posted derogatory and allegedly false material about Thomason, her family, and her residential cleaning business on the Change Clermont Facebook page. The posts included photographs and references to Thomason's children, allegations linking her business and family to criminal activity, and public disclosures concerning her mental-health treatment. Thomason testified that the posts caused serious mental distress, anxiety, fear, reputational harm, and the need for mental-health treatment.

PROCEDURAL HISTORY

Thomason petitioned the Clermont County Court of Common Pleas for a civil stalking protection order based on Thomas's repeated social-media posts about her, her family, and her business. A magistrate denied an ex parte order, but after a full hearing on July 3, 2025, the trial court issued a three-year CSPO on July 10, 2025. Thomas appealed, and the appellate court affirmed the issuance of the CSPO but vacated Paragraph 7, reversed in part, and remanded for a narrower provision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate Paragraph 7 of the CSPO and direct the Clermont County Court of Common Pleas to revisit its definition of contact and issue a provision narrowly tailored to protect Thomason and her family while observing Thomas's right to free speech. The remaining CSPO provisions are affirmed.

CASES CITED

- Tucker v. Uhl, 2023-Ohio-3680, ¶ 15 (12th Dist.)
- Mather v. Hilfinger, 2021-Ohio-2812, ¶ 16 (12th Dist.)
- McGrady v. Muench, 2019-Ohio-2677, ¶ 12 (12th Dist.)
- Fouch v. Pennington, 2012-Ohio-3536, ¶ 9 (12th Dist.)
- McBride v. McBride, 2012-Ohio-2146, ¶ 10 (12th Dist.)
- Dunn v. Clark, 2016-Ohio-641, ¶ 8 (12th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 17, 20
- Martinez v. Martinez, 2023-Ohio-4783, ¶ 15 (12th Dist.)
- Hacker v. House, 2015-Ohio-4741, ¶ 21 (12th Dist.)
- Gherman v. Culberson, 2025-Ohio-4513, ¶ 42 (12th Dist.)
- Halcomb v. Greenwood, 2019-Ohio-194, ¶ 36 (12th Dist.)
- Jones v. Wall, 2016-Ohio-2780, ¶ 14 (12th Dist.)
- Harnar v. Becker, 2021-Ohio-784, ¶ 6 (12th Dist.)
- Wilson v. Wilson, 2023-Ohio-4243, ¶ 24 (12th Dist.)
- Kronk v. Getts, 2024-Ohio-1516, ¶ 15 (12th Dist.)
- Coleman v. Razete, 2019-Ohio-2106, ¶¶ 15, 25, 34 (10th Dist.)
- Morrison v. Dible, 2025-Ohio-4415, ¶¶ 21-24 (3d Dist.)
- Kreuzer v. Kreuzer, 2001-Ohio-1542 (2d Dist.)
- Miller v. Leone, 2024-Ohio-1325, ¶ 33 (7th Dist.)
- State v. Bilder, 99 Ohio App.3d 653, 664 (9th Dist. 1994)
- State v. Smith, 126 Ohio App.3d 193, 210 (7th Dist. 1998)
- Bolger v. Youngs Drug Prods. Corp., 463 U.S. 60, 65 (1983)

- *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)
- *Reed v. Gilbert*, 576 U.S. 155, 163 (2015)
- *United States v. Alvarez*, 567 U.S. 709, 717 (2012)
- *Ehlers v. Thomas*, 2024-Ohio-2531, ¶¶ 16, 20 (12th Dist.)
- *Alexander v. United States*, 509 U.S. 544, 550 (1993)
- *State ex rel. Toledo Blade Co. v. Henry Cty. Court of Common Pleas*, 2010-Ohio-1533, ¶ 21
- *Bey v. Rasawehr*, 2020-Ohio-3301, ¶¶ 22, 33, 35, 43, 50

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