

SUPREME COURT OF SOUTH DAKOTA

Judstra v. Donelan

712 N.W.2d 866 (S.D. 2006) · No. No. 23551 · Decided March 29, 2006

SUMMARY

The Supreme Court of South Dakota reviewed a stalking protection order restraining Michael Donelan from contacting Patricia Judstra. The court held that the trial court had not entered adequate findings of fact and conclusions of law to permit meaningful appellate review, particularly given conflicting evidence and reliance on proceedings from an earlier hearing. The protection order was reversed and the matter was remanded for additional findings and conclusions.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Per Curiam; Gilbertson, Chief Justice; Sabers, Justice; Konenkamp, Justice; Zinter, Justice; Meierhenry, Justice
JURISDICTION	South Dakota
DECIDED	March 29, 2006
DOCKET	No. 23551
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Donelan appealed the trial court's entry of a three-year stalking protection order restraining him from contacting or approaching Judstra.
STANDARD OF REVIEW	Protection orders are reviewed under the standard applicable to injunctions: factual findings are reviewed for clear error, and the decision to grant or deny the order is reviewed for abuse of discretion. Without adequate findings of fact, the appellate court cannot determine whether the findings are clearly erroneous or whether the trial court abused its discretion.
PRECEDENTIAL VALUE	Published South Dakota Supreme Court opinion; precedential.
PARTIES	Michael Robert Donelan v. Patricia Marie Judstra

TOPICS

- injunctions
- standard of review
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

civil procedure

appellate procedure

injunctions

remedies

QUESTIONS PRESENTED

1. Whether the trial court erred in granting a stalking protection order when it failed to enter adequate findings of fact and conclusions of law addressing the conflicting evidence and statutory elements of stalking.

HOLDINGS

1. A trial court granting a stalking protection order must enter sufficiently specific findings of fact and conclusions of law identifying the evidence it credits and explaining how that evidence satisfies the statutory elements of stalking; absent such findings, meaningful appellate review is impossible.
2. The protection order could not be affirmed on the existing record because the trial court's findings were inadequate and the record did not permit review of whether stalking had occurred.

KEY QUOTATIONS

“Without findings of fact, there is no way to determine the basis for the trial court's conclusions that stalking had occurred or whether those findings were clearly erroneous.” (712 N.W.2d at 868)

“In making a decision, the trial court must set forth the basis for its conclusions with sufficient specificity to permit a meaningful review.” (712 N.W.2d at 869)

FACTUAL BACKGROUND

Donelan, a self-employed contractor, performed work at Judstra's residence and continued contacting her about an alleged unpaid balance. After the trial court denied Judstra's first protection-order petition, Judstra alleged that Donelan approached, sneered at, and followed her at the courthouse after the hearing. Judstra relied on an affidavit and her boyfriend's testimony at the second hearing, while Donelan and four witnesses denied that he contacted her. The trial court entered a three-year stalking protection order but did not make formal findings resolving the conflicting evidence or explaining how the statutory elements of stalking were satisfied.

PROCEDURAL HISTORY

Judstra initially petitioned for a stalking protection order, but the trial court denied the petition after a November 2004 hearing. Following an encounter at the courthouse, Judstra filed a second petition. After a December 2004 hearing, the trial court found that stalking had occurred and entered a three-year protection order. The Supreme Court of South Dakota reversed and remanded because the record lacked adequate findings of fact and conclusions of law permitting meaningful appellate review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court was directed to enter findings of fact and conclusions of law, including background findings based on evidence presented at both hearings that allegedly justified issuance of the stalking protection order.

CASES CITED

- Goeden v. Daum, 2003 SD 91, ¶ 5, 668 N.W.2d 108, 110

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