

COURT OF APPEALS OF OREGON

M. R. D. / K. R. K. v. J. H. D.

350 Or. App. 57 (2026) · No. A185052 (Control); A185053 · Decided May 28, 2026

SUMMARY

The Oregon Court of Appeals affirmed two permanent stalking protective orders issued against J. H. D. under ORS 30.866. The court held that threats and related conduct, viewed in the context of prior violence, death threats, protective-order violations, and the respondent’s efforts to locate a petitioner, constituted qualifying contacts and supported objectively reasonable apprehension for personal safety; an unpreserved argument concerning one contact was not considered.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Per curiam; opinion by Powers, J.; Shorr, Presiding Judge; Powers, Judge; O’Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	May 28, 2026
DOCKET	A185052 (Control); A185053
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent appealed two circuit-court judgments imposing permanent stalking protective orders under ORS 30.866.
STANDARD OF REVIEW	Absent de novo review, the court reviews factual findings for any supporting evidence and legal conclusions for legal error. In a sufficiency-of-the-evidence challenge, the court views the evidence and reasonable inferences in the light most favorable to the trial court's disposition and defers to the trial court's credibility determinations.
PRECEDENTIAL VALUE	Published; precedential Oregon Court of Appeals opinion
PARTIES	J. H. D. v. M. R. D., K. R. K.

TOPICS

- family law procedure
- appellate procedure
- preservation of error
- standard of review
- free speech

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the March 2024 statements and conduct constituted qualifying contacts and threats sufficient to support permanent stalking protective orders under ORS 30.866.
2. Whether the trial court erred by relying, as to M. R. D.'s protective order, on a contact involving respondent and M. R. D.'s daughter-in-law, who was not an immediate family or household member.
3. Whether the second argument was preserved for appellate review or warranted plain-error review.

HOLDINGS

1. The evidence was legally sufficient to support the trial court's determination that respondent's statement that he wanted to beat K. R. K.'s ass constituted an unequivocal and imminent threat and a qualifying contact under Oregon's stalking-protective-order statute.
2. The evidence was legally sufficient to support the trial court's determination that respondent's statement, "I am coming for you," was an unequivocal threat of harm that was sufficiently imminent and constituted a qualifying contact.
3. Respondent's argument that the contact with B. could not support M. R. D.'s protective order was not preserved for appellate review, and the court declined to reach it because respondent did not request plain-error review.

KEY QUOTATIONS

"We conclude that, given the context of the contacts, including past violence, threats to kill petitioners, violation of a previous SPO, and driving from out of town to find K to tell him that he wanted to "beat [K]'s motherfucking ass," the evidence was legally sufficient to support entry of the SPOs." (59)

"To obtain an SPO under ORS 30.866, the civil stalking statute, a petitioner must establish by a preponderance of the evidence that: (1) the respondent engaged in at least two unwanted contacts with the petitioner or a member of the petitioner's immediate family or household within the preceding two years; (2) each contact gave rise to subjective alarm that was objectively reasonable; and (3) the contacts, when considered together, gave rise to objectively reasonable apprehension regarding the petitioner's personal safety or that of a household or family member." (64)

"Accordingly, we conclude the error is not preserved. Further, because respondent does not request plain-error review, we decline to reach the merits." (70)

FACTUAL BACKGROUND

Respondent and M. R. D. were married for approximately 20 years, while respondent and M. R. D.'s son, K. R. K., had a severely strained relationship involving prior violence and threats. During the relevant two-year period, respondent made threats to kill or harm both petitioners, violated a prior protective order, and engaged in threatening conduct involving M. R. D. In March 2024, respondent drove approximately an hour and a half to find K. R. K., confronted him in traffic, threatened to beat him, then drove to K. R. K.'s home and threatened K.

R. K.'s wife, B., by saying, "I'm coming for you." The petitioners testified that they were afraid and that their apprehension was based on respondent's history of violence, threats, firearm experience, and typical possession of a firearm.

PROCEDURAL HISTORY

M. R. D. and K. R. K. separately petitioned for stalking protective orders after respondent threatened and confronted them. The Baker County Circuit Court consolidated the matters for hearing, found two qualifying contacts, and entered permanent stalking protective orders for both petitioners. Respondent appealed, arguing that the contacts were legally insufficient and that one contact could not support M. R. D.'s order because it involved M. R. D.'s daughter-in-law. The Court of Appeals affirmed, declining to reach the unpreserved argument.

DISPOSITION

affirmed

CASES CITED

- H. L. P. v. Jones, 309 Or. App. 108, 109, 481 P.3d 415 (2021)
- M. C. H. v. Milligan, 208 Or. App. 229, 231, 236-37, 145 P.3d 180 (2006)
- C. J. R. v. Fleming, 265 Or. App. 342, 348-49, 336 P.3d 534 (2014)
- C. Q. R. v. Wafula, 305 Or. App. 344, 353, 471 P.3d 786 (2020)
- K. R. v. Erazo, 248 Or. App. 700, 705, 274 P.3d 214 (2012)
- State v. Rangel, 328 Or. 294, 303, 977 P.2d 379 (1999)
- S. L. L. v. MacDonald, 267 Or. App. 628, 633, 340 P.3d 773 (2014)
- L. B. v. Essin, 170 Or. App. 509, 518, 12 P.3d 1003 (2000), rev. denied, 331 Or. 674 (2001)
- M. D. O. v. Desantis, 302 Or. App. 751, 761-63, 461 P.3d 1066 (2020)
- A. Z. v. Lange, 336 Or. App. 652, 656-57, 562 P.3d 647 (2024)
- State v. Hejazi, 323 Or. App. 752, 758, 524 P.3d 534 (2023)
- State v. Johnson, 328 Or. App. 340, 347, 536 P.3d 1029 (2023), rev. denied, 372 Or. 588 (2024)
- J. L. B. v. Braude, 250 Or. App. 122, 125-31, 279 P.3d 290 (2012)
- M. F. v. Falkenstein, 236 Or. App. 445, 453, 236 P.3d 798 (2010)
- Ailes v. Portland Meadows, Inc., 312 Or. 376, 380, 823 P.2d 956 (1991)
- State v. Skotland, 372 Or. 319, 326, 549 P.3d 534 (2024)