Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NOS. 2020-200 & 2020-201

APRIL TERM, 2021

Felicia Stefani v. Dee Kalea*	}	APPEALED FROM:
	}	
	}	Superior Court, Washington Unit,
	}	Civil Division
	}	
	}	DOCKET NO. 14-6-20 Wnsa
Cheyenne Barnaby Baker v. Dee Kalea*	}	DOCKET NO. 15-6-20 Wnsa
		Trial Judge: Timothy B. Tomasi

In the above-entitled cause, the Clerk will enter:

In these consolidated cases, defendant appeals pro se from the issuance of two anti-stalking orders against her. We affirm.

Plaintiffs Felicia Stefani and Cheyenne Barnaby Baker sought anti-stalking orders against defendant in June 2020.[1] They alleged that while they were horseback riding on the road near Ms. Stefani's home, defendant drove by them at a rapid speed, clipping one of their horses. Defendant then allegedly slammed on her brakes, honked her horn, cursed and shouted at plaintiffs, turned her vehicle around, and raced by them again. She then turned around again and drove by plaintiffs, continuing to yell and honk her horn. Plaintiffs provided detailed testimony to this effect at the hearing. Defendant denied engaging in the behavior at issue.

At the close of the hearing, the court found that plaintiffs had proved by a preponderance of the evidence that defendant stalked them. It found that defendant engaged in a course of conduct that would cause a reasonable person to fear for her safety. It credited plaintiffs' testimony that defendant drove by them at a fast rate of speed, very close to plaintiffs, and that she hit one of the horses. When plaintiffs asked the defendant to slow down, defendant slammed on the brakes, honked her horn, and started screaming obscenities at plaintiffs. She then turned around and drove back even faster past plaintiffs, revving the engine and continuing to scream and yell. She turned around again, again came close to the horses, and sped off with her horn blaring. The court found that her behavior greatly concerned plaintiffs and they feared their horse might buck or bolt. Both

[1] A third plaintiff—Ms. Stefani's mother and legal guardian—also sought an anti-stalking order against plaintiff. She was not present during the alleged horseback riding incident and based her request for relief on other conduct. The court denied her request at the close of the hearing.

plaintiffs testified that they feared for their own safety and for the safety of each other. The court determined that this course of conduct would cause a reasonable person to fear for her safety.

The court found that the driver in question was defendant. Both plaintiffs testified that they recognized defendant as the driver. Ms. Barnaby-Baker had met defendant a week earlier and Ms. Stefani had known defendant for over twenty years. The court noted that some of the comments made by the driver during the incident, testified to by plaintiffs, reflected at least some knowledge of plaintiffs, further supporting its finding that defendant was the driver. The court thus granted plaintiffs' request for anti-stalking orders. Defendant appeals.

Defendant argues that the court should have credited her testimony and rejected the testimony offered by plaintiffs. She contends that plaintiffs offered only "hearsay, . . . coached, or false sworn testimony." Defendant suggests that she was ignorant of the grounds on which plaintiffs sought relief and contends that plaintiffs should have been required to present exculpatory evidence.[2] While this appeal was pending, defendant filed a series of motions, essentially raising the same arguments as those included in her brief.

We reject defendant's claims of error and deny her motions. As relevant here, stalking "means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to: (A) fear for his or her safety or the safety of a family member." 12 V.S.A. § 5131(6). A course of conduct "means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property." Id. § 5131(1)(A).

As set forth above, the court credited plaintiffs' testimony that defendant was driving the vehicle on the day in question and that she engaged in the acts described by plaintiffs. The court's findings support its conclusion that defendant engaged in a course of conduct that would cause a reasonable person to fear for her safety. See id. § 5131(6). While defendant disagrees with the result, she fails to show that any of the court's findings are clearly erroneous. See Mullin v. Phelps, 162 Vt. 250, 260 (1994) (on review, Supreme Court will uphold trial court's findings unless there is no credible evidence to support them). All of defendant's arguments address the credibility of witnesses and the weight of the evidence, matters reserved exclusively for the trial court. See Cabot v. Cabot, 166 Vt. 485, 497 (1997) ("As the trier of fact, it [is] the province of the trial court to determine the credibility of the witnesses and weigh the persuasiveness of the evidence."). We do not reweigh the evidence on appeal. Defendant's motions similarly attack the credibility of witnesses and the weight-of-the-evidence, issues that fall squarely within the trial court's discretion.

We reject defendant's suggestion that the complaints against her were illegible or that she lacked notice of the conduct at issue. These assertions are unsupported by the record. We further note that while hearsay can be admissible at trial, the court's decision here was not based on

[2] Although she asserts otherwise, defendant includes materials in her brief—unsigned affidavits purportedly from various individuals—that were not introduced below. We do not consider these materials. See Hoover v. Hoover, 171 Vt. 256, 258 (2000) ("[O]ur review is confined to the record and evidence adduced at trial. On appeal, we cannot consider facts not in the record.").

hearsay but instead on plaintiffs Stefani's and Barnaby-Bakers' eyewitness accounts of what occurred. We find no error in the court's decision.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Karen R. Carroll, Associate Justice