



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

OCTOBER TERM, 2026

Angela Ferrante v. Steven Adkins*	}	APPEALED FROM:
	}	Superior Court, Chittenden Unit,
	}	Family Division
	}	CASE NO. 24-FA-01104
		Trial Judge: Kate T. Gallagher

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

Defendant appeals a family division order granting a final relief-from-abuse (RFA) order to plaintiff based on the court's finding that defendant stalked plaintiff and there was a danger of further abuse. On appeal, defendant argues that his actions were legitimate exercises of his right to free speech and the evidence did not support a finding that there was a danger of further abuse. We affirm.

The background facts are recited in this Court's prior decision in this case. Ferrante v. Adkins, No. 25-AP-219, 2026 WL 106734 (Vt. Jan. 9, 2026) (unpub. mem.). The parties met while hiking the Appalachian Trail in late 2022 and had a brief relationship. In April 2024, plaintiff filed for an RFA order alleging that defendant had begun stalking her and that she was afraid of him. After plaintiff shared concerns about defendant on a private chat group, defendant made posts on a website, in which he disparaged her and made allegations regarding her mental health. Defendant then "began a barrage of social media posts about plaintiff, including posting pictures of her, her former employer and coworkers, and her contact information." Id. at *1. Defendant called and left several voicemails with plaintiff. In one, defendant appeared to think he was contacting plaintiff's employer. Plaintiff expressed that defendant's behavior of monitoring her and his angry tone frightened her. At the hearing she testified that "defendant made hundreds of posts and continued to post about her after she obtained a temporary RFA order." Id. at *2. Defendant provided a different version of events and denied trying to threaten plaintiff.

The court denied plaintiff's request for an RFA. The court concluded that plaintiff's allegations met the definition of stalking, but the court was not persuaded that defendant's actions caused plaintiff to fear for her safety or suffer emotional distress. The court found that defendant's behavior was precipitated by plaintiff's action of posting about defendant in an

online group and that plaintiff had essentially caused defendant's actions. The court therefore found there was no danger of further abuse.

Plaintiff appealed to this Court, arguing that the family court had engaged in impermissible victim-blaming and that the court's finding that she did not suffer substantial emotional distress was not based on the evidence. This Court agreed and reversed, observing that "it was not the court's role to try to assess who was to 'blame' for defendant's actions or to assess whether it was appropriate for plaintiff to attempt to warn others about defendant via a private chat group." Id. at *5. We indicated that the family court was instead required to "determine if plaintiff needed protection from defendant," and remanded for additional proceedings. Id.

On remand, the trial court clarified with the parties that the prior decision had established that defendant engaged in abuse by stalking plaintiff and the sole question on remand was whether there was a danger of future abuse.¹ See 15 V.S.A. § 1103(c)(1)(A) (providing that RFA order will be granted when defendant has abused plaintiff and "there is a danger of further abuse"). Plaintiff testified and submitted social media posts in which defendant continued to post about plaintiff, including calling her "bat shit retarded," mocking the court process, boasting about an out-of-court settlement he received, and mentioning prior violent acts he engaged in on the trail such as bear spraying other hikers and taking items from another hiker. Plaintiff testified that defendant's behavior of fixating on her and continuing to post about her personally and the legal proceedings was extremely disturbing and caused her fear, particularly in light of violent behavior she observed by him in 2022. The court also admitted recordings that defendant posted on a website in which he indicated that he lacked impulse control, that he looked at every woman as an object, and he was going to "pour some . . . gas on the fire." Plaintiff testified that defendant's statements made her terrified and gave her concern that defendant's abuse would continue.

Defendant also testified. He stated that his posts were intended to set the record straight and to counter plaintiff's false claims against him. He admitted that he should not have used the language "bat shit retarded," but also denied making the posts. He indicated that the audio recordings were responding to a woman who had assaulted him and that he was the victim of domestic abuse.

The family court made oral findings on the record. The court found that defendant's ongoing anger towards plaintiff, taunting of plaintiff online, and inability to let go of the events demonstrated that there was a danger of future abuse. The court therefore granted the RFA order. Defendant appeals.

To obtain an RFA order, a plaintiff must prove by a preponderance of the evidence that a family member abused them and that there is a danger of further abuse. 15 V.S.A. § 1103(b), (c). "Abuse" is defined to include stalking and "[p]lacing another in fear of imminent serious physical harm." Id. § 1101(1). This Court's review is "deferential," and "[w]e will uphold the

¹ Before the family division, there was a discussion of whether the assessment of whether there was a danger of future abuse should be made based on the evidence presented at the first RFA hearing or based on current events. The court decided to take limited testimony. In its findings, the court indicated that under both evidentiary time frames, there was a risk of future abuse. The issue of which time frame was appropriate is not raised in this appeal and we therefore do not address it.

family division’s findings if supported by the evidence and its conclusions if supported by the findings.” Poss v. Alarie, 2023 VT 55, ¶ 8, 218 Vt. 479 (quotation omitted).

On appeal, defendant first argues that his social media posts were legitimate exercises of his right to free speech under the First Amendment to the U.S. Constitution and that the posts therefore should not form the basis of the court’s findings. Because defendant did not raise any objection on First Amendment grounds in the family division, he has failed to preserve this argument for appeal, and we do not address it. Id. ¶ 18 (providing that argument must be presented to trial court to be preserved for appeal).

Defendant next argues that the evidence did not support a finding of future abuse because his social media postings were not directed at plaintiff and were not threatening. Because the family division is in the “unique position to assess the credibility of witnesses and weigh the strength of evidence at hearing,” we will reverse a protective order only for an abuse of discretion. Raynes v. Rogers, 2008 VT 52, ¶ 9, 183 Vt. 513.

Here, the court appropriately assessed defendant’s posts and considered them in the context of his past actions and the parties’ relationship as a whole. The court explained that a danger of future abuse may be inferred from obsessive behavior by someone who has previously engaged in abusive conduct. The court found that defendant continued to be angry about past events and his version of the facts was contrary to what was previously found by the family division, and affirmed in the prior appeal. “The court was free to weigh the competing accounts of what were, essentially, undisputed events and make credibility determinations of the witnesses.” Poss, 2023 VT 55, ¶ 20. Based on defendant’s continued anger, multiple posts about plaintiff, and inability to move on, the court found that there was a danger of future abuse. The court’s decision is supported by “a reasonable basis,” and is therefore affirmed. Townsend v. Townsend, 2026 VT 32, ¶ 5.

Affirmed.

BY THE COURT:

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice