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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

KACI ANGELO,

Appellant,

v.

TODD HALL, JR.,

Respondent.

2d Civil No. B286119  
(Super. Ct. No. D381216)  
(Ventura County)

Kaci Angelo appeals from an order denying her petition for a Domestic Violence Restraining Order (DVRO). She contends the trial court erred when it determined she did not meet her burden of proof. We affirm.

**FACTUAL AND PROCEDURAL HISTORY**

Angelo filed a petition seeking a DVRO against her former boyfriend and father of her child, Todd Hall, Jr. She alleged he committed several acts of domestic abuse as defined in the Domestic Violence Prevention Act. (Fam. Code, §§ 6203, 6320.) The trial court issued a temporary restraining order against Hall, and the matter proceeded to trial.

Hall testified that Angelo's allegations were untrue or exaggerated. He admitted committing several acts of which he was accused, but said he was trying to protect himself or their daughter from Angelo's acts or threats.

After three days of testimony, the trial court denied Angelo's petition. It made eight findings in response to her request for a statement of decision. After Angelo objected to the findings and moved to vacate the order, the court issued its final statement of decision, from which this appeal was taken.

## DISCUSSION

### *Standard of Review*

An order denying a DVRO is reviewed on appeal for abuse of discretion. (*Burquet v. Brumbaugh* (2014) 223 Cal.App.4th 1140, 1143.) In reviewing the evidence, we review the entire record, to determine whether there is any substantial evidence to support the findings below. (*Ibid.*) ““We must accept as true all evidence . . . tending to establish the correctness of the trial court's findings . . . , resolving every conflict in favor of the judgment.” [Citation.]” (*Ibid.*) We do not determine credibility or reweigh the evidence. (*Katsura v. City of San Buenaventura* (2007) 155 Cal.App.4th 104, 107.) If substantial evidence supports the judgment, reversal is not warranted even if facts exist which would support a contrary finding. (*Ibid.*)

Because Hall did not file a respondent's brief, we consider the record, the opening brief, and oral argument by Angelo. (Cal. Rules of Court, rule 8.220(a)(2).) We will reverse only if prejudicial error is shown. (*Nakamura v. Parker* (2007) 156 Cal.App.4th 327, 334.)

### *Substantial Evidence Supports the Findings*

Angelo contends the trial court erred when it ruled that certain acts did not compel relief in her favor, such as Hall throwing water in her face, blocking her movement to prevent her from leaving with their daughter in her car, and taking her phone to talk to a 911 operator. She also contends that his text messages in which he threatened to leave their infant daughter alone at home on one occasion, and to appear at her workplace “to put [her] in [her] place” on another, likewise compel the issuance of a DVRO. We disagree.

Substantial evidence supports the court’s findings that Angelo did not meet her burden of showing, by a preponderance of the evidence, that she is entitled to relief. Hall admitted that he threw a glass of water in Angelo’s face, because “[s]he was screaming, yelling, very violent. Just yelling and yelling and yelling and yelling. It was something that—should I have done it? Probably not. . . . No, it was not right. Why did I do it? It was just because it was a lot of screaming and yelling and it was just to stop the situation.” Although Angelo argues that the court erred when it found, contrary to Hall’s admission, that there was “insufficient evidence to find that [Hall] threw a glass of water in [her] face,” Angelo has not demonstrated prejudicial error in denying the DVRO based on this isolated incident.

Hall also admitted that he blocked Angelo’s car and got into the driver’s seat to prevent her from leaving with their daughter because he was “afraid that she was going to go drinking with [our] daughter.” He said that Angelo goes out drinking “every weekend she leaves” and had suffered a probation violation for drinking after their daughter was born.

He said she “hit me . . . and then called 911.” Hall did not hit her back. He “politely” asked her to give him the phone so he could talk to 911, and she did so. He “got out of the car” to talk with the 911 operator, and she “got in her car and left.” There was no abuse of discretion in denying a DVRO based on these facts.

Hall described an incident in which Angelo said he intentionally struck and bruised her. He said he was holding their daughter on the couch when Angelo tried to take her from him: “She goes, ‘Give her to me,’ and she kept reaching for [our daughter] like grabbing—grabbing her out of my hands—trying to grab her out of my hands.” He was concerned with their daughter’s safety, and “wasn’t sure if [Angelo] was still intoxicated from the night before, if she had taken Norcos that morning.” He “shooed her away and so there was a connection, yes. Did I hit her? No. . . . I was shooing her away to get her away because she was making our daughter scream and cry.” There was no abuse of discretion in denying a DVRO based on these facts.

Angelo claims she is entitled to a DVRO based on two text messages from Hall. In one, Hall threatened to “come down [to her workplace] right now put you in your place in front all your computer workers.” But she does not cite to the record to explain the context of the text, so we are unable to find fault with the court’s ruling that “this statement, taken in context, [does not] rise[] to the level required.”

In another text, Hall complained that he no longer wanted to care for their daughter “7 days a week” because “I get nothing done” and “[s]he’s been screaming since you left.” He said, “If it doesn’t stop. I’m walking out the door and she’ll be

here alone.” However, he did not leave, and the court found this text “to be an expression of frustration that was not acted upon.”

Here the entire record, when viewed most favorably in support of the order, supports the trial court’s findings that Angelo has not met her burden of proving entitlement to a DVRO. Accordingly, there was no abuse of discretion.

#### DISPOSITION

The order denying the petition for a permanent restraining order (September 22, 2017) is affirmed. Because no respondent’s brief was filed, no costs are awarded to either party.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Anthony Sabo, Commissioner  
Superior Court County of Ventura

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Law Offices of Laurie Peters and Laurie Peters, for  
Appellant.

No appearance for Respondent.