RENDERED: OCTOBER 30, 2026; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2025-CA-0626-ME

RODERICK EDWARD GADDY — APPELLANT

v.

APPEAL FROM BARREN CIRCUIT COURT
FAMILY COURT DIVISION
HONORABLE ASHLEY DOUGLAS, SPECIAL JUDGE
ACTION NO. 25-D-00027-001

RHEA BROOKE GARRETT; B.A.;
AND N.B., A MINOR CHILD — APPELLEES

OPINION
AFFIRMING

** ** ** ** **

BEFORE: COMBS, MOYNAHAN, AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Roderick Edward Gaddy, *pro se*, brings this appeal from a March 24, 2025, Order of Protection (Domestic Violence Order or DVO) entered

against him by the Barren Family Court upon petition by Rhea Brooke Garrett.[1] For the reasons stated, we affirm.

BACKGROUND

Gaddy and Garrett were in a relationship for about three and a half years and lived together for a period of time in Nashville, Tennessee. Garrett reported that after an incident of domestic violence in March of 2024, she left him and returned to Kentucky. Since that date, she alleged that Gaddy had become more abusive. She filed a petition for an order of protection in Barren Family Court for herself and her minor child on January 28, 2025. Garrett has two daughters, an adult child attending college and a minor daughter living at home. Garrett and Gaddy did not have any children together.

In her petition, Garrett reported a prior instance of domestic violence in 2024, and alleged Gaddy more recently had engaged in online harassment, including posting nude photos of her on social media accounts he created using her name. He tagged her adult daughter to the social media accounts. Gaddy also displayed Garrett's home address on social media, posted texts from Garrett's minor child, and revealed online personal information about Garrett's adult daughter. She alleged that he obtained the nude photographs from a phone which

[1] Roderick Edward Gaddy filed a Kentucky Rules of Civil Procedure (CR) 59.05 motion which the Barren Family Court denied by order entered on April 21, 2025. Gaddy filed his appeal on May 21, 2025.

he had stolen from her. Further, she reported he brought theft charges against her in Tennessee (later dismissed) that resulted in her being arrested in front of her child. She alleged Gaddy had made threats to her adult daughter via email and texts. She further alleged that Gaddy was stalking her and her children. Record at 4-5.

Shortly after the petition was filed and a summons was issued, the family court judge recused and continued the hearing date until a special judge could be appointed. A special judge was appointed February 6, 2025, who caused a summons to be reissued to Gaddy. After multiple attempts were made to serve the summons and petition at Gaddy's residence, he was served on March 17, 2025, at the Davidson County (Tennessee) Jail.

A hearing was held on March 24, 2025, which Gaddy did not attend. Garrett, her attorney, and the guardian *ad litem* appointed for the minor child appeared via Zoom. Garrett testified at the hearing. The court also reviewed the social media pages Gaddy allegedly had posted. The court found that domestic violence had occurred and may again occur and issued a DVO on March 24, 2025, for a period of three years, extending protection to Garrett and both her daughters.

On April 3, 2025, Gaddy filed a motion to set aside the protection order. Although he did not notice the motion for a hearing date, the clerk set the motion to be heard on April 14, 2025. The clerk sent the parties, including Gaddy,

notice of the date and time of the hearing. Garrett, through counsel, requested a continuance due to a conflict in counsel's schedule. On the date of the hearing, when Gaddy appeared late, the court granted Garrett's motion and continued the hearing to April 21, 2025. The judge informed Gaddy of the exact date and time of the new hearing date. Video Record (V.R.) April 14, 2025 – Hearing at 9:19. When the case was called on April 21, 2025, Gaddy did not appear at the hearing. The court stated on the record that it was treating his motion as a motion to alter, amend, or vacate. The court then denied his motion and the order of protection remained in effect. V.R. April 21, 2025 – Hearing at 8:36. Gaddy then filed a notice of appeal of the DVO after the denial of his motion to alter, amend, or vacate.

PRELIMINARY MATTERS

To begin, upon review of Gaddy's brief filed in this appeal, he has failed to fully comply with the Kentucky Rules of Appellate Procedure (RAP). In his brief, Gaddy does not reference the record and fails to state how and when the issues raised on appeal were properly preserved below for appellate review. RAP 32(A)(4). Additionally, as noted by counsel for appellee, a number of Gaddy's citations to cases appear to be fictional or the cases do not stand for what Gaddy purports they represent. While *pro se* litigants at times are held to less stringent standards than lawyers in drafting formal pleadings, Kentucky courts still require

pro se litigants to follow applicable civil rules including the RAP. *Prescott v. Commonwealth*, 572 S.W.3d 913, 919 (Ky. App. 2019).

Frankly, this Court could strike Gaddy's brief for noncompliance with RAP and dismiss this appeal. RAP 10(B); RAP 31(H); *see also Commonwealth v. Roth*, 567 S.W.3d 591, 594-96 (Ky. 2019); *Hamburger v. Plemmons*, 654 S.W.3d 99, 101-02 (Ky. App. 2022). However, given there is limited record, including hearing transcripts, on appeal, and Gaddy did provide some documents from the record in his appendix in lieu of pinpoint citations, we have elected at our discretion to consider the merits based upon the record on appeal. Our review proceeds accordingly.

STANDARD OF REVIEW

This Court's standard of review for DVO proceedings is as follows:

> Prior to entry of a DVO, the court must find "from a preponderance of the evidence that an act or acts of domestic violence and abuse have occurred and may again occur. . . ." KRS 403.750(1). The preponderance of the evidence standard is satisfied when sufficient evidence establishes the alleged victim was more likely than not to have been a victim of domestic violence. *Baird v. Baird*, 234 S.W.3d 385, 387 (Ky. App. 2007). The definition of domestic violence and abuse, as expressed in KRS 403.720(1), includes "physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members. . . ." The standard of review for factual determinations is whether the family court's finding of domestic violence was clearly erroneous. CR 52.01;

> *Reichle v. Reichle*, 719 S.W.2d 442, 444 (Ky. 1986). Findings are not clearly erroneous if they are supported by substantial evidence. *Moore v. Asente*, 110 S.W.3d 336, 354 (Ky. 2003). "[I]n reviewing the decision of a trial court the test is not whether we would have decided it differently, but whether the findings of the trial judge were clearly erroneous or that he abused his discretion." *Cherry v. Cherry*, 634 S.W.2d 423, 425 (Ky. 1982) (citation omitted). Abuse of discretion occurs when a court's decision is unreasonable, unfair, arbitrary or capricious. *Kuprion v. Fitzgerald*, 888 S.W.2d 679, 684 (Ky. 1994) (citations omitted).

Caudill v. Caudill, 318 S.W.3d 112, 114-15 (Ky. App. 2010).

ANALYSIS

Gaddy first argues that his due process rights were violated both in the service of initial process and in the court's holding hearings without taking testimony from him. The minimum requirements of due process require adequate notice and a meaningful opportunity to be heard. *W.R.G. v. K.C.*, 673 S.W.3d 81, 84 (Ky. App. 2023). Gaddy claims that the service of the summons did not inform him of the initial hearing date, so he did not receive his due process right to notice. The record refutes his contention as it contains an affidavit submitted by the Davidson County deputy sheriff stating that she "caused a copy of the Protective Order Summons + Petition . . . to be served upon: Roderick Gaddy served at DDC Davidson County Jail." Record at 36. The Protective Order Summons contained the time, date, and location of the hearing, and it includes a Proof of Service

statement that the documents were "[s]erved by delivering true copies[,]" which was checked and signed by the serving officer. Record at 37.

The record further reflects that Gaddy had notice of every hearing held in the case including the hearing on his motion to alter, amend, or vacate the DVO. According to his own declaration in his Notice of Appeal, Gaddy went to the Simpson County Judicial Center on the date of the latter hearing but simply failed to arrive at the courtroom on time. Record at 78-79. Thus, the record shows that Gaddy was not denied the opportunity to testify, as he claims, but failed to avail himself of the opportunity to be heard through his own actions. Accordingly, we find no due process of law violation.

Next, Gaddy argues that the DVO has a jurisdictional defect because Garrett included a request for protection of her adult daughter in her petition when the statutory framework provides that a petition for a DVO may only be filed by an adult on behalf of a minor who is a victim of domestic violence and abuse. Gaddy's Brief at 2-3. As stated, Garrett filed the initial petition on behalf of herself and her minor daughter. However, as part of her motion for relief, she requested that the court restrain Gaddy from unauthorized contact or communication with her adult daughter. Record at 7. Following the hearing, the court ruled that it would include the adult daughter in the order of protection, even though she was over 18, because it appeared that Gaddy was using contact with the

adult daughter to engage in abusive contact with the younger daughter. V.R. March 24, 2025 – Hearing at 8:48. This oral finding demonstrates that the court was clearly not misled, as Gaddy suggested, into believing that both of Garrett's daughters were minors.

Once a family court has found that dating violence and abuse, sexual assault, or stalking has been established by a preponderance of the evidence, the DVO may include a number of restraints on the respondent's actions. KRS 403.740(1). These may include restraining the respondent from "[a]ny unauthorized contact or communication with the petitioner **or other person specified by the court**[,]" as well as prohibiting the respondent from "[a]pproaching the petitioner **or other person specified by the court**[.]" KRS 403.740(1)(a)2.-3. (emphasis added). The statutory scheme thus enables the court to issue the order to protect other persons besides those on whose behalf it was filed, and nothing in KRS Chapter 403 requires that "other persons" protected by a DVO be minors. This appears to be sufficient statutory authority for the family court to restrain Gaddy from having contact with both of Garrett's children.

Next, Gaddy argues that Garrett filed the DVO petition for a retaliatory purpose and to avoid litigation between the parties elsewhere. Gaddy cites a number of matters in his brief that were never placed into evidence before the court, and will be disregarded in this appeal. Further, the allegation that Garrett

is using the DVO to try to avoid discovery in other litigation between the parties is totally without merit. The court made a specific finding that it was Gaddy who was being abusive through use of the court system. V.R. March 24, 2025 – Hearing at 8:48:20-40. Garrett testified that there was litigation filed against her by Gaddy in Tennessee, and that Gaddy had been instructed by the court in that proceeding not to contact Garrett except through the court portal. In an apparent response, the DVO in this case excepted "court in Nashville and Barren" from the places that Gaddy was to remain at least 500 feet away from all protected persons. Record at 46. Thus, other litigation between the parties was not affected by the DVO and nothing in the record on appeal establishes that Garrett was attempting to frustrate Gaddy's access to the courts.

Finally, Gaddy argues the court's DVO was not supported by sufficient evidence under the statutory requirements for the DVO to be issued. The issuance of a DVO is governed by KRS 403.740, which provides that a family court may enter a DVO if it "finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur[.]" KRS 403.740(1). "Domestic violence and abuse" is defined as "[p]hysical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried

couple[.]" KRS 403.720(2)(a). Gaddy seems to be arguing on appeal that his online harassment of Garrett does not fit within the foregoing definition.

In this case, the family court found that the parties were in a relationship, that they lived together, and before they broke up there was physical violence by Gaddy on more than one occasion. The court found that after Garrett moved out from their Tennessee residence, Gaddy continued what the court termed "a pattern of abusive behavior." V.R. March 24, 2025 – Hearing 8:47:20-30. The court found an act of domestic violence had occurred, and due to the abusive contact continuing after Gaddy received the summons in this case, concluded there was a continuing risk of domestic violence. V.R. March 24, 2025 – Hearing 8:46:35-8:49:30.

Accordingly, based on our thorough review of the record below and evidence presented at the hearing on March 24, 2025, we find no error in the issuance of the DVO by the family court. The DVO entered on March 24, 2025, is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:	BRIEF FOR APPELLEE:
Roderick Edward Gaddy, *Pro Se* Hermitage, Tennessee	Courtney E. Carr Kentucky Legal Aid Bowling Green, Kentucky