

Commonwealth of Kentucky
Court of Appeals

NO. 2025-CA-1067-MR

MANDY COX

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE BRYAN D. GATEWOOD, JUDGE
ACTION NO. 25-D-500256-002

HARRY VINEGAR

APPELLEE

OPINION
VACATING AND
REMANDING

** ** *

BEFORE: ACREE, CALDWELL, AND COMBS, JUDGES.

COMBS, JUDGE: Appellant, Mandy Cox (Mandy), appeals from an Order of the Jefferson Family Court holding her in contempt for violating an Emergency Protective Order (EPO). After our review, we vacate and remand with instructions as set forth below.

On February 27, 2025, the Appellee, Harry Vinegar (Harry), filed a petition for an order of protection against Mandy. The family court entered an

EPO on Harry's behalf and scheduled an evidentiary hearing for March 10, 2025.

KRS¹ 403.730(1)(a) provides as follows: "If the review indicates that domestic violence and abuse exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future."

On March 4, 2025, Mandy was served with the EPO.

Mandy failed to appear at the March 10, 2025, evidentiary hearing, and the court entered a Domestic Violence Order (DVO) for Harry against Mandy.

On April 29, 2025, Harry, by counsel, filed a motion for contempt alleging that Mandy had violated the March 10, 2025, **DVO** on March 31, 2025.

A hearing on Harry's contempt motion was scheduled for May 19, 2025, but it was continued after Mandy showed up late and requested appointment of counsel. Mandy informed the court that she had not received any paperwork; *ie.*, service of process. At that point, the court advised that it was "happy to have you served today." It appears that Mandy was served with the DVO on May 19, 2025.

Ultimately, the family court conducted a contempt hearing on July 7, 2025; both parties were present,² represented by their respective counsel, and both

¹ Kentucky Revised Statutes.

² Harry attended by Zoom; his counsel was in the courtroom.

testified. The court held Mandy in contempt. Its July 7, 2025, Order provides in relevant part as follows:

An Emergency Protective Order was entered on February 27, 2025 ordering [Mandy] to stay 500 feet from [Harry]. She was served with the emergency protective order on March 4, 2025, and had knowledge of said order at the time of the incident [on March 31, 2025]. . . . The Court finds that [Harry] is credible, and that the violation as testified by [Harry] occurred.

The Court, after notice, appointment of counsel, and a hearing sentences [Mandy] to 45 days to serve for violating this Court's Emergency Protective Order dated February 27, 2025. [Mandy] had not yet been served with the Domestic Violence Order entered March 5, 2025³ and thus did not have notice of it, but she was on notice of the Emergency protective Order entered in February upon which she was served process on March 4, 2025.

(Bold-face original) (italics added).

Mandy now appeals. Although Harry has not filed an Appellee's brief, we have declined to impose any sanction as permitted by RAP⁴ 31(H) and will instead consider the merits. It appears likely that Mandy has served her sentence, but we hold that the appeal is not moot consistent with *Adams v. Anderson*, No. 2025-CA-1309-MR, 2026 WL 1501021, at *2 (Ky. App. May 29, 2026) (applying collateral consequences exception to appeals where sentence for

³ The DVO was entered on March 10, 2025 -- not on March 5, 2025.

⁴ Kentucky Rules of Appellate Procedure.

criminal contempt has been served). Ramifications (“collateral consequences”) may flow from the fact of the imposition of a criminal sentence regardless of whether the time of incarceration was served.

Mandy argues that the family court erred by holding her in contempt for failure to follow the March 10, 2025, DVO because she was unaware of it at the time of the alleged violations. However, the family court did **not** hold Mandy in contempt for violating the DVO as Harry had stated in his motion for contempt. Rather, the court held Mandy in contempt **for violating the February 27, 2025, EPO.**

As Mandy correctly notes, an EPO generally lasts only until the DVO hearing occurs. KRS 403.730(2)(a)4. explicitly provides that an EPO “[e]xpires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court[.]” Thus, in the case before us, the EPO expired on March 10, 2025 -- *three weeks before* the March 31, 2025, violent incident upon which Harry’s contempt motion was based. We cannot construe the July 7, 2025, Order holding Mandy in contempt as implicitly extending the EPO after it expired. *See Fedders v. Vogt-Kilmer*, 292 S.W.3d 905, 908 (Ky. App. 2009) (once DVO expired, no further action could be based upon it).

Accordingly, we must VACATE the July 7, 2025, Order holding Mandy in contempt and remand this case to the family court with instructions to dismiss the motion for contempt. This decision in no way should be construed as condoning the disturbing acts of violence perpetrated by Mandy upon Harry. But the pertinent statute sets forth specific time-lines that must be met as a matter of fundamental due process.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEE.

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