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IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

BRYAN ANTHONY REO	**CASE NO. 20CS000520**
Petitioner	**JUDGE EUGENE A. LUCCI**
vs.	
MARTIN LINDSTEDT	**JUDGMENT ENTRY ADOPTING MAGISTRATE'S OPINION**
Respondent	

After reviewing the MAGISRATE'S OPINION dated June 4, 2020, and finding no error of law or other defect on its face, the court adopts it here per Civ.R. 65.1(F)(3)(c).

The court referred this matter to the magistrate per to Civ.R. 65.1(F)(1). For the following reasons, denying petitioner Bryan Anthony's request under R.C. 2903.214 for a civil stalking protection order ("CSPO") against respondent Martin Lindstedt is warranted.

APPLICABLE LAW

To obtain a CSPO under R.C. 2903.214, a petitioner must demonstrate—by a preponderance of the evidence—that the respondent engaged in menacing by stalking as provided by R.C. 2903.211(A)(1). *E.g., Cooper v. Manta*, 11th Dist. Lake No. 2011-L-035, 2012-Ohio-867, ¶30. R.C. 2903.211(A)(1) provides: "No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person." *Id.*

Several terms in R.C. 2903.211(A)(1) are defined. For example, "pattern of conduct" is defined as "two or more actions or incidents closely related in time." R.C. 2903.211(D)(1). What equates to "closely related in time," however, is a fact-specific inquiry. *See, e.g., Cooper* at ¶39; *see also Felty v. Harper*, 10th Dist. Franklin No. 08AP738, 2009-Ohio-2855, ¶9, (considering facts arising after ex part CSPO granted at full hearing). Also defined is "mental distress," which means "[a]ny mental illness or condition that involves some temporary substantial incapacity [or] ... would normally require ... mental health services." R.C. 2903.211(D)(2).

Exhibit 43

FACTS & FINDINGS

The petitioner—on behalf of himself and father Anthony Reo—filed for a CSPO against the respondent on March 30, 2020. The magistrate granted the petitioner alone an ex parte CSPO against the respondent after an ex parte hearing the same day, then set and later continued the matter for a full hearing on May 28, 2020, per R.C. 2903.214(D)(2)(a)(i). The magistrate denied the respondent's request to attend such hearing by phone. Only the petitioner appeared and testified at the full hearing.

How the petitioner and the respondent crossed paths is unknown. The petitioner is an Ohio-licensed attorney. The respondent is pastor of a white supremacist church in Missouri whose unconventional take on Christianity lauds certain violence and hate.

The petitioner and the respondent have been embroiled in multiple lawsuits against each other for several years now where, by January 2016, the respondent had turned especially threatening toward the petitioner as a result. The petitioner consequently obtained a CSPO against the respondent once before. It went from March 2016 to January 2019.

In the few months since then, the respondent has apparently turned to increasingly threatening language in various legal filings and emails with the petitioner.

The petitioner introduced three such filings as evidence, pointing out several sentences in each as specific examples against the respondent. These filings show the respondent broadly threatened violence against large groups of people which number anywhere from the thousands to millions. Nowhere do they show the petitioner being specifically threatened by the respondent.

Contrarily, the respondent explicitly forbade any harm coming upon the petitioner as a result of forthcoming violence. He explained that the petitioner's witnessing of this violence sufficed as punishment. Somehow,

still, the petitioner insisted that he is the sole target of this violence because he falls within these large groups threatened by the respondent. The magistrate failed to connect the same dots without more to go on. The filings show no more than the respondent reiterating the same fire-and-brimstone rhetoric against nearly everyone but white supremacists.

Additionally, what transpired between the petitioner and the respondent after the magistrate issued the ex parte CSPO here calls in doubt the former's supposed fear and distress involving the latter. The petitioner causally mentioned recent emails with the respondent as further evidence. Yet what this evidence revealed is that petitioner has unconcernedly kept in direct contact with the respondent via several emails between them.

The emails mainly concern pending legal matters, including this one, with the petitioner ultimately claiming ignorance to where the ex parte CSPO thrice conspicuously warns in boldface type that all communication is prohibited unless explicitly authorized by the issuing court. The petitioner provided the respondent with this same bad legal advice, thereby subjecting the latter to arrest at the former's whim if reported.

The petitioner also became noticeably unforthcoming about the specifics within his emails sent to the respondent after the magistrate granted the ex parte CSPO. Only after repeat questioning about just one of these emails, dated April 28, 2020, did some illuminating details become apparent, as it revealed the petitioner undeniably belittling and needling the respondent while simultaneously reminding the latter about the ex parte CSPO.

Indeed, the petitioner does not appear so distressed by, or fearful of the respondent that the former requires a CSPO against the latter. The petitioner instead appears heavily in doubt with regard to his truthfulness and sincerity in this matter.

Applying the law to these facts, the magistrate thus finds the petitioner failed to prove by a preponderance of the evidence that the respondent engaged in menacing by stalking as provided by R.C. 2903.211(A)(1). Accordingly, the recommendations which immediately follow are made to the court per Civ.R. 65.1(F)(3).

RECOMMENDATIONS

For the foregoing reasons, the magistrate recommends the court: (1) vacate the ex parte CSPO and *Form 10-A to NCIC*; (2) dismiss the petition on its merits; (3) have any weapons forfeited to law enforcement be released to the respondent if no other protection order is pending against him or other restriction exists; and (4) instruct the clerk to send copies of its judgment entry to the interested parties.

Wherefore, per Civ.R. 65.1(F)(3)(c)(v), the ex parte CSPO and *Form 10-A to NCIC*—both dated March 30, 2020—are hereby vacated, and the petition is dismissed on its merits. Any weapons forfeited to law enforcement as part of the ex parte CSPO are thus to be released to the respondent so long as another protection order is not pending against him or other restriction exists. Lastly, the clerk is to send copies of this entry to both parties via regular mail, as well as Lake County Sheriff's Office via interoffice mail.

IT IS SO ORDERED.

JUDGE EUGENE A. LUCCI

Clerk of Courts – Copies to:
Bryan Anthony Reo, *Petitioner*
Martin Lindstedt, *Respondent*
Lake County Sheriff's Office

I IDENTIFY THIS TO BE A TRUE COPY OF THE RECORDS ON FILE IN THE LAKE COUNTY CLERK OF COURTS OFFICE.

DEPUTY
MAUREEN O'KELLY, CLERK OF COURTS