

COURT OF APPEALS
ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

HOPE A. WORKMAN	:	JUDGES:
	:	Hon. John F. Boggins, P.J.
Plaintiff-Appellee	:	Hon. Sheila G. Farmer, J.
	:	Hon. Julie A. Edwards, J.
-vs-	:	
	:	Case No. 04-COA-057
ANDREW L. WORKMAN	:	
	:	
Defendant-Appellant	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Civil appeal from Ashland County Court of Common Pleas, Case No. 04-DMV-011

JUDGMENT: REVERSED

DATE OF JUDGMENT ENTRY: MARCH 15, 2005

APPEARANCES:

For Plaintiff-Appellee
BARBARA L. WILLIAMS
P. O. Box 261
West Salem, OH 44287

For Defendant-Appellant
THOMAS L. MASON
P. O. Box 345
153 West Main Street
Ashland, OH 44805

Boggins, J.

{¶1} This is an appeal from a decision of the Common Pleas Court of Ashland County extending the time period in which a civil protection order (CPO) would apply.

{¶2} No Appellee's brief has been filed.

STATEMENT OF THE FACTS AND CASE

{¶3} The original CPO was granted by consent of the parties without an evidentiary hearing and would have expired on May 29, 2004.

{¶4} Shortly prior to such date, Appellee filed a motion to extend the CPO. Such motion was also granted without an evidentiary hearing over Appellant's objection.

{¶5} The sole Assignment of Error is:

ASSIGNMENT OF ERROR

{¶6} "I. THE TRIAL COURT COMMITTED PREJUDICIAL ERROR BY EXTENDING A CIVIL PROTECTION ORDER WITHOUT ANY EVIDENCE.

{¶7} "THIS ERROR IS REFLECTED IN THE JUDGMENT ENTRY DATED JULY 27, 2004."

I.

{¶8} The applicable statutory provisions are R.C. 3113.31 (E)(3)(a) and (c) which state:

{¶9} "Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval.

{¶10} "(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved."

