

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

JOANIE BINGGELI,

Respondent,

v.

DEBORAH A. HAMMOND,

Appellant.

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**DOCKET NUMBER WD70903**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** January 19, 2010

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**Appeal from**

The Circuit Court of Platte County, Missouri  
The Honorable Daniel M. Czamanske, Judge

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**APPELLATE JUDGES**

Division Three: James Edward Welsh, P.J., and Mark D. Pfeiffer and Karen King Mitchell, JJ.

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**ATTORNEYS**

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Parkville, MO

Respondent *pro se*,

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Attorneys for Appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

JOANIE BINGGELI, )  
)  
Respondent, )  
v. )  
)  
DEBORAH A. HAMMOND, )  
)  
Appellant. )

WD70903

Platte County Circuit Court

Before Division Three Judges: James Edward Welsh, P.J., and Mark D. Pfeiffer and Karen King Mitchell, JJ.

Deborah Hammond appeals the trial court’s judgment granting an order of protection prohibiting Hammond from stalking or abusing Joanie Binggeli. On appeal, Hammond presents one point in which she claims that the trial court erred in granting the full order of protection because Binggeli failed to present any evidence that Hammond’s conduct caused Binggeli to have a fear of physical harm.

**REVERSED.**

**Division Three holds:**

In a light most favorable to the trial court’s judgment, the record at trial establishes that Hammond engaged in a pattern of conduct of far more than two incidents in which her conduct served no legitimate purpose. Instead, Hammond’s conduct was designed to harass Binggeli for the embarrassment and disappointment that Binggeli caused Hammond over the extra-marital affair Binggeli engaged in with Hammond’s boyfriend. As Binggeli admitted at trial, “[Hammond] has every right . . . to be angry and hate me.” However, the crux of Binggeli’s plea to the trial court is best summed up by her testimony immediately following the previous comment: “But, I do not feel like this should affect my work.”

While patently immature, none of the acts Binggeli complained of caused Binggeli any fear of danger of physical harm, reasonable or otherwise. Binggeli’s frustration with Hammond that Hammond’s conduct might cause her to lose her job was not sufficient evidence to justify an order of protection under Missouri’s Adult Abuse Act, because Hammond’s conduct, by Binggeli’s admission, did not cause Binggeli to be in fear of danger of physical harm. The trial court erred in entering a full order of protection against Hammond. We, therefore, reverse the trial court’s judgment entering a full order of protection against Hammond.

**Opinion by: Mark D. Pfeiffer, Judge**

January 19, 2010

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