

11

IN THE COURT OF COMMON PLEAS OF HENRY COUNTY, OHIO

KYLE KERN, *

Petitioner, *

Case No. 15CV0109 & 15CV0110

-VS- *

TRANSCRIPT OF PROCEEDINGS

CRAIG AND MICHELLE PARSONS, *

Respondent. *

* * * * *

HEARD:

September 16, 2015

BEFORE:

HON. JOHN S. COLLIER,
JUDGE

APPEARANCES:

Robert Bahret, Esq.,
on behalf of PLAINTIFF

Lorin Zaner, Esq.,
on behalf of DEFENDANTS

Prepared by:

Andrea M. Burgel
Official Court Reporter
Court of Common Pleas
Henry County Courthouse
Napoleon, Ohio

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: We are now
2 on the record in the matter of Kyle Kern verses Craig Parsons
3 in case #15CV0109 and Kyle Kern verses Michelle Parsons in case
4 #15CV0110. Would note for the record that present in the
5 courtroom at this time representing Mr. Kern is Mr. Robert
6 Bahret, Attorney at Law. Representing both Michelle Parsons
7 and Craig Parsons is Attorney Mr. Lorin Zaner. This matter
8 comes on for consideration today on a full hearing on a civil
9 protection stalking order and we would at this time be with the
10 petitioner.

11 MR. ZANER: Your Honor
12 at this time we would move for a separation of witnesses.

13 THE COURT: So granted
14 so if there is anyone that is going to testify that is not a
15 party they would need to leave the courtroom. You have no one
16 that would qualify as that?

17 MR. BAHRET: Nobody is
18 in that category that I know of.

19 THE COURT: Okay, very
20 good.

21 MR. ZANER: Your Honor
22 I would object to the petitioner's wife sitting at the counsel
23 table, the person that has filed this is the petitioner.

24 THE COURT: That would
25 be fine. Ms. Kern, yes you'll have to have a seat back there.

1 Call your first witness.

2 MR. BAHRET: Kyle Kern.

3 THE COURT: Please

4 raise your right hand. Would you swear or affirm the testimony
5 you're about to give is the truth?

6 MR. KERN: I do.

7 THE COURT: Please be

8 seated.

9 MR. BAHRET: Kyle state
10 your full name.

11 MR. KERN: Kyle Kern.

12 MR. BAHRET: And your
13 address?

14 MR. KERN: S873 County
15 Road 4, Liberty Center, Ohio.

16 MR. BAHRET: And where
17 is that relative to where the Parsons live?

18 MR. KERN: There is one
19 property separating our houses.

20 MR. BAHRET: And do any
21 part of your properties adjoin?

22 MR. KERN: They do not.

23 MR. BAHRET: Obviously
24 you know the Parsons?

25 MR. KERN: Yes I do.

1

MR. BAHRET: We're here

2

because you filed papers saying that they are doing things to

3

you that you don't like.

4

MR. KERN: Correct.

5

MR. BAHRET: Could you

6

elaborate on what those things are for the Court?

7

MR. KERN: Well, we've

8

got, they drive by our house, they take pictures as they drive

9

by our house, they stare at us as they drive by the house, Mr.

10

Parsons came on our property numerous times and been arrested

11

for it. I think three different instances. We have an

12

incident that happened the other night that has brought up,

13

from that residence, why or how, I don't know, but my kids

14

can't go outside, they're scared to go outside at this point...

15

MR. ZANER: Objection,

16

move to strike as to what his kids are.

17

THE COURT: Sustained.

18

Court would strike what he thought his kids feel.

19

MR. BAHRET: Well have

20

your kids expressed their opinions to you?

21

MR. ZANER: Objection,

22

hearsay.

23

THE COURT: Sustained.

24

MR. BAHRET: Your

25

Honor, they're minors, they're not even qualified to testify.

haven't
MR. ZANER: Why have

you brought them here and tried to see if their competent,
that's false.

THE COURT: That I
don't know.

MR. BAHRET: Okay,
Kyle, just tell me what you know, what, you say that the
Parsons stare at you and do things like that. How does that
make you react?

MR. KERN: We don't
know how to react because...

MR. ZANER: Objection.
to the term we, he's talking about him.

MR. KERN: I don't know
how to react because I don't know what they're going to do
next.

MR. BAHRET: Have they
ever...

MR. ZANER: Objection,
that's going to be a leading question.

THE COURT: Well, let
me hear the question first.

MR. BAHRET: Have they
ever done anything that you considered intimidating?

MR. KERN: Yes, they've

1 called the police numerous times in the last year. Once, my
2 wife was, they said was supposedly riding bike with two teenage
3 daughter, or two teenage girls and had supposedly make a gun
4 looking out of her hand, they called the police, it wasn't us,
5 it was actually the neighbor lady and her two daughter. They
6 called the police another time when there was a gentleman and
7 another lady at another neighbor's house, same thing, they act
8 like they're waiving and Michelle called and thought it was me
9 and my wife doing it, said they pointed and made a gun.

10 MR. ZANER: Objection,
11 objection.

12 THE COURT: Hold on,
13 basis?

14 MR. ZANER: Speculation
15 as to what my client thought or didn't think.

16 THE COURT: I'll
17 disregard.

18 MR. KERN: I'm just
19 asking what the sheriff told me.

20 MR. ZANER: That's
21 hearsay.

22 MR. BAHRET: Kyle when
23 you say make a gun, what do you mean?

24 MR. KERN: A gun figure
25 out of a hand when they waive it looks like a figure of a gun.

inaccurate
called after
pointed
2nd incident

1 And it was not us. They had...

2 MR. ZANER: Move to
3 strike, it's irrelevant.

4 THE COURT: I don't
5 know that it's irrelevant. I'll note for the record that a
6 finger pointed with the thumb up and the index finger pointed
7 was the gesture that was demonstrated by the witness.

8 MR. ZANER: By somebody
9 else, not to you guys...

10 MS. PARSONS: Yes.

11 MR. BAHRET: And Kyle
12 have you...

13 MR. ZANER: Your Honor,
14 if I might, just so the Court is clear, it's somebody else
15 allegedly pointing a finger gun at my clients it's not my
16 clients pointing that...

17 THE COURT: I
18 understand that.

19 MR. ZANER: I just
20 wanted to make sure the record is clear.

21 MR. KERN: But we were
22 questioned about it because we were told it was us.

23 MR. PARSONS: You did
24 do it.

25 MR. ZANER: Be quiet.

1 You do it again you're out of here.

THE COURT: Just answer

2
3 Mr. Bahret's questions, okay.

MR. BAHRET: Have you

4
5 ever had occasion to have debris on your property?

MR. KERN: Yes, Mr.

6
7 Parsons drove by and threw a beer can at me and told me to f
8 off one night. I called the police, he was arrested for that.

9 We've had debris in the last week in our driveway again. We

10 haven't had anything, believe it or not since that instance

11 before. I can't say it was Mr. Parsons, I just know we got the

12 same type of debris in the driveway again. There was another

13 instance they called the police on us, saying that we drove an

14 SUV through their yard. They could identify me to a T, the SUV

15 has tinted windows, I was actually out mowing and there was no

16 yard marks in the yard and when the deputy came down I was out

17 mowing because they called pizza, cause I had just gotten off

18 the phone with Pizza Hut because they screwed the order up and

19 it was actually my wife driving it when they said they could

20 identify me as doing it. They called the law on me for

21 shooting fireworks; they were scared for their lives. It

22 wasn't us; it was a neighbor across the street shooting

23 fireworks. The sheriff showed up at my house for that,

24 realizing that it wasn't us once again. I just don't know what

25 to expect, this just keeps going on and on and then I have an

1 instance the other night that scared the hell out of me.

2 MR. BAHRET: Tell us
3 about that.

4 MR. KERN: I was out
5 running and a car came up behind me which I identified as a car
6 that sits in their driveway. I thought they threw fireworks
7 out the window at me, got next to me, knew somebody was going
8 to do something else so I stopped and as I stopped another bang
9 went off and I turned back to run left and at that time the
10 lights came on in the car and I could see a silhouette and the
11 gun and shot fire more times at me. At that time I knew it was
12 a gun because I saw the fire come out of the barrel and I could
13 identify the vehicle. I called the sheriff once again.

14 MR. BAHRET: Do you and
15 your family have fear that Craig Parsons and his wife may
16 retaliate for that incident?

17 MR. KERN: I do.

18 MR. BAHRET: And did
19 that incident result in the arrest of their son?

20 MR. KERN: Yes it did.

21 MR. BAHRET: Alright,
22 anything else that they've done that you consider intimidating
23 or put you in any kind of fear or concern for your family?

24 MR. KERN: Yes, Mr.
25 Parsons, numerous times has come up behind us at a rapid pace

Said Parsons
in 9th cell
but then he
cent
7 X's
Report
8x's

1 on the road, passes us and then slows down in front of us. On
2 County Road T heading into Liberty Center. I can identify him
3 doing it. He's done it to me; he's done it to my wife.

4 MR. ZANER: Objection.

5 THE COURT: Sustained

6 with regard to the spouse.

7 MR. BAHRET: What's the
8 general time frame for these incidents Kyle?

9 MR. KERN: As far as
10 what time of day?

11 MR. BAHRET: No, how
12 long ago are we talking about?

13 MR. KERN: This summer,
14 early spring was the last that this had happened.

15 MR. BAHRET: Can you,
16 do you take the position that you are in fear for your own
17 safety?

18 MR. KERN: I do.

19 MR. BAHRET: Are you in
20 fear for the safety of your family members?

21 MR. KERN: I am.

22 MR. BAHRET: Thank you.
23 If you want to question him go ahead.

24 THE COURT: Cross?

25 MR. ZANER: Your Honor