

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**November 8, 2007**

David R. Schanker  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2006AP2869**

**Cir. Ct. No. 2006CV147**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STEPHANIE KRUEGER,**

**PETITIONER-RESPONDENT,**

**V.**

**BRENT A. HARRIS,**

**RESPONDENT-APPELLANT.**

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APPEAL from an order of the circuit court for Richland County:  
EDWARD E. LEINEWEBER, Judge. *Affirmed.*

Before Dykman, Lundsten and Bridge, JJ.

¶1 PER CURIAM. Brent Harris appeals an order granting a domestic abuse injunction on Stephanie Krueger's petition. He contends that she did not present sufficient evidence to meet the statutory standards for an injunction. We disagree, and therefore affirm.

¶2 Krueger filed the petition several weeks after a physical altercation with Harris. In testimony, a police report and in medical reports she asserted that Harris physically attacked her for no reason. He opposed the petition and asserted that Krueger attacked him. He conceded he put his hand around her neck and choked her, but testified that he did so because she had grabbed and was squeezing his genitals. The incident occurred at a cabin Harris owned in Taylor County, where he and Krueger had planned to spend the night. Krueger's petition alleged that she and Harris had been in a dating relationship. She described Harris as her boyfriend at the time, "solid" for the last four months before the fight, and off and on for several months before then. Harris described Krueger as his girlfriend at the time. They did not live together.

¶3 The trial court concluded that reasonable grounds existed to believe that Harris engaged in or may engage in domestic abuse of Krueger. On appeal he contends that the evidence did not establish a domestic relationship between Harris and Krueger, and Krueger failed to prove a pattern of domestic abuse because there was only the one incident of violence between them.

¶4 Harris argues that a domestic abuse injunction is available only when the parties have lived together, or had a child together, citing *Petrowsky v. Krause*, 223 Wis. 2d 32, 33, 588 N.W.2d 318 (Ct. App. 1998), for that proposition. *Petrowsky* addressed a former version of the domestic abuse law which did in fact limit the remedy as indicated. See WIS. STAT. § 813.12 (1995-96). The version of § 813.12 under which Krueger filed her petition provides that persons in a "dating relationship," without regard to living arrangements, may also

obtain an injunction under the section. *See* § 813.12(1)(am) (2005-06).<sup>1</sup> A dating relationship between Harris and Krueger was not disputed at trial, with both parties agreeing that they were boyfriend/girlfriend and Harris not challenging Krueger’s comment that they were “solid” for at least four months. A “dating relationship” means “a romantic or intimate social relationship between 2 adult individuals but ... not ... a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.” Section 813.12(1)(ag). The parties’ description of their relationship, coupled with the fact they were on an overnight trip with each other, constitutes sufficient evidence to conclude that they had more than a casual relationship.

¶5 Harris next argues that Krueger failed to prove a pattern of domestic abuse. However, by its plain terms WIS. STAT. § 813.12 does not require a pattern of conduct. An injunction may issue on “reasonable grounds to believe that the respondent has engaged in, or ... may engage in, domestic abuse.” Section 813.12(4)(a)3. “Domestic abuse” means any of several acts, none of which need happen more than once. *See* § 813.12(1)(am).<sup>2</sup> One of those acts is the intentional

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

<sup>2</sup> WISCONSIN STAT. § 813.12(1)(am) defines “domestic abuse” to include:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., or 5.

infliction of physical pain, which undisputedly occurred when Harris choked Krueger.

¶6 It is true that WIS. STAT. § 813.12(4)(aj) directs the court to consider “the pattern of abusive conduct of the respondent” in determining whether to issue an injunction. However, we do not construe this section to require that more than one act of abuse occur before an injunction may issue. To do so would directly contradict WIS. STAT. §§ 813.12(4)(a)3. and 813.12(1)(am), which plainly and unambiguously provide that an injunction may issue on one incident of abuse. Whether multiple acts have occurred is something the court must consider, but not a criterion the court must find to exist.

*By the Court.*—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

