

VERMONT SUPREME COURT
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Case No. 24-AP-075

Note: In the case title, an asterisk () indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

ENTRY ORDER

AUGUST TERM, 2024

Jill Krowinski v. Kyle Wolfe*

} APPEALED FROM:
} Superior Court, Washington Unit,
} Civil Division
} CASE NO. 21-ST-01122
Trial Judge: Timothy B. Tomasi

In the above-entitled cause, the Clerk will enter:

Defendant appeals a civil division order extending an anti-stalking order to protect plaintiff, the Speaker of the Vermont House of Representatives. On appeal, defendant argues that he was engaging in constitutionally protected First Amendment activity. We affirm.

In 2021, the court granted plaintiff an anti-stalking order finding that defendant threatened or made threats against plaintiff and ordering defendant to stay away from plaintiff. The order specified that defendant could not “talk to, telephone, text, email, or use any other electronic communication to make contact” with plaintiff and could not post to her or about her on social media or ask others to give her messages. Defendant’s appeal of the order was dismissed as untimely filed.¹ In 2022, the court granted a one-year extension and this Court affirmed. Krowinski v. Wolfe, No. 23-AP-021, 2023 WL 4699358 (Vt. July 21, 2023) (unpub. mem.) [<https://perma.cc/NPB9-GA7M>].

In December 2023, plaintiff moved for a two-year extension to the anti-stalking order. Plaintiff alleged that she continued to fear defendant and he continued to threaten and attempt to contact her, despite the restrictions in the existing anti-stalking order and conditions of release in pending criminal cases for violating the order. Defendant opposed the request, arguing that his conduct was not stalking because he was attempting to redress grievances with plaintiff in her official capacity as Speaker of the Vermont House.

Following a hearing, the court made findings on the record. In a written order, the court found the extension necessary to protect plaintiff because defendant violated the existing order numerous times and plaintiff had a well-justified and credible fear of continuing violations and stalking behavior. In reaching its conclusion, the court considered and rejected defendant’s assertion that he was engaged in constitutionally protected activities, explaining that anti-stalking orders can restrict conduct to safeguard individuals. Plaintiff moved to reconsider, arguing that his behavior was protected speech under the First Amendment. The court denied the motion,

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from this filing is
available in the
Clerk's Office.**