Cite as 2018 Ark. App. 148

ARKANSAS COURT OF APPEALS

DIVISION II
No. CV-17-467

CLIFTON LEWIS	APPELLANT	**Opinion Delivered:** February 21, 2018 APPEAL FROM THE JEFFERSON COUNTY CIRCUIT COURT [NO. 35DR-17-125]
V.		
RONDA LEWIS	APPELLEE	HONORABLE LEON N. JAMISON, JUDGE
		AFFIRMED

MIKE MURPHY, Judge

This is a one-brief appeal wherein appellant Clifton Lewis appeals an order of protection entered against him. He asserts that sufficient evidence does not support the order of protection. This case is now properly before us after we previously ordered rebriefing due to deficiencies in the appellant's abstract. We affirm.

On February 3, 2017, appellee Ronda Lewis filed a petition for order of protection in Jefferson County on behalf of herself and her two children against her husband, Clifton. In her affidavit, Ronda averred that Clifton had thrown her off the bed, pushed her, told her to shut up, and made her afraid to be at home due to his violent temper. After a hearing, the court entered a final order of protection preventing Clifton from contacting Ronda for two years.

Our standard of review following a bench trial is whether the circuit court's findings are clearly erroneous or clearly against the preponderance of the evidence. *Claver v. Wilbur*, 102 Ark. App. 53, 56, 280 S.W.3d 570, 571 (2008). A finding is clearly erroneous when, although there is evidence to support it, the reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been made. *Id.* Disputed facts and determinations of credibility of witnesses are both within the province of the fact-finder. *Id.*

When a petition for a protective order is filed under the Domestic Abuse Act, the circuit court may provide relief to the petitioner upon a finding of domestic abuse. Ark. Code Ann. § 9-15-205(a) (Repl. 2015). Pursuant to Arkansas Code Annotated section 9-15-103(3)(A), "domestic abuse" is defined as "[p]hysical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members."

On appeal, Clifton argues that Ronda did not provide any testimony that Clifton engaged in physical abuse, provide any photographs of any bruising to corroborate her statements made in the petition for order of protection, nor testify as to what conduct Clifton engaged in that made her afraid. He argues that she made only conclusory statements that she was fearful and that her actions following any alleged incidents were inconsistent with those of a person who fears for her safety.

At the hearing, Ronda testified that Clifton was put in jail in July 2016 for grabbing her, shaking her, and throwing her off the bed. She testified that Clifton was charged with domestic violence from that incident, that he is very unpredictable, and that it scares her. She testified that on January 31, 2017, he pushed her and told her to shut up several times.

Ronda also testified that she wrote to the prosecutor asking them to drop the domestic-battery charges against Clifton and that she did not show up to the hearing on those charges. She said that she did this because Clifton told her to, and she was scared for her life.

Clifton also testified. He denied ever hitting, pushing, or "doing anything physical toward" Ronda. He said that on the Saturday after Ronda had filed the petition for order of protection, while he was away for drill for the National Guard, she had texted him, "I love you, I can't wait to see you when you come back."

The court found that Clifton engaged in domestic abuse in July and January 2017. It also stated that it found Ronda a credible witness.

Ronda's testimony establishes that Clifton hit her, shook her, and made her fearful for her safety and life. Her testimony need not be corroborated. The court found her credible. Clifton asks us to reweigh the evidence insofar as Ronda's stories and behaviors appear inconsistent; however, it is within the sole province of the fact-finder to weigh credibility and resolve disputed facts. *Simmons v. Dixon*, 96 Ark. App. 260, 267, 240 S.W.3d 608, 613 (2006). To reverse on this basis would require this court to act as a super fact-finder or second-guess the circuit court's credibility determination, which is not our function. We are not left with a firm conviction that a mistake was made, and we affirm.

Affirmed.

ABRAMSON and GLOVER, JJ., agree.

McKissic & Associates, PLLC, by: *Gene E. McKissic, Sr.*, and *Jackie B. Harris*, for appellant.

One brief only.