

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**  
**A24-1650**



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Linda M. Spronk,

Respondent,

vs.

Travis Donald Jasper,

Appellant.

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**ORDER OPINION**

Pipestone County District Court  
File No. 59-CV-24-334

Considered and decided by Ross, Presiding Judge; Connolly, Judge; and Wheelock, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. The parties are residents of a small town in a rural area; appellant Travis Jaspers owns parcels of land to the north and to the south of the residence of respondent Linda Spronk and her husband (Spronk).<sup>1</sup> Prior to this incident, the Spronks and appellant had not spoken to each other for at least eight years.

2. In 2023, respondent was subpoenaed to appear as a witness in a case against appellant.

3. On the night of September 8, 2024, respondent and Spronk were in their home and heard noise that included someone shouting. They viewed and listened to the

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<sup>1</sup> Respondent takes no part in this appeal. We nonetheless review the appeal on the merits under Minn. R. Civ. App. P. 142.03.

recording from their home-surveillance camera, heard a voice shouting an obscenity at respondent, and concluded that the voice was appellant's, although they had not spoken to him for eight years. They called the police; when an officer responded, respondents played the recording for them, and the police also thought the voice was appellant's.

4. On September 9, respondent filed a petition for a harassment restraining order (HRO) against appellant, in which she stated that, during the night, appellant drove by the edge of the Spronk property in a side-by-side off-road vehicle, revving his motor and sounding his horn; that his children revved their dirt bikes and set off firecrackers; that he shouted obscenities at her; that the drive-bys were getting more frequent and more aggressive; and that appellant was on drugs.

5. The district court granted respondent's petition; appellant was served with an ex parte HRO and requested a hearing. Respondent, Spronk, and appellant testified at the hearing, at which appellant was represented by counsel; respondent participated pro se.

6. Respondent's testimony included much of what she had said in the petition. When asked if she could recognize appellant's voice even though he was more than 100 feet away and driving a loud side-by-side vehicle, she answered, "[Y]es, sir, absolutely. We have a camera system." Respondent also testified that the drugs she claimed appellant used might be medical marijuana and that she had never seen appellant use drugs.

7. Spronk testified that, on September 8, he was in the house but did not hear the swearing until he went to the security camera video, heard the audio, and recognized the voice as appellant's and he could hear some mumbling and looked at the video, but "couldn't really make it out."

8. Appellant testified that he (A) has a construction company, (B) uses only medical cannabis, (C) has been subject to random drug testing since 2019 and has never failed a test, (D) has properties north and south of respondent's property, and (E) did not have his side-by-side vehicle at his home because it was in the shop and therefore could not have driven or drive it back and forth in front of respondent's property on September 8, 2024.

9. Appellant said he objected to the restraining order because it provides that any violation could result in the violator being arrested without a warrant and taken to jail. Appellant argued that, if he drove his side-by-side vehicle down the road in front of respondent's house, he might be arrested and go to jail.

10. The district court issued an HRO stating that:

[t]here are reasonable grounds to believe that [appellant] has engaged in harassment which has or is intended to have a substantial adverse effect on [the] safety, security, or privacy of [respondent] by committing the following acts: . . . frightened [respondent] with threatening behavior as follows: Driving by [respondent's] residence in a manner meant to disturb, alarm, and intimidate [her].

The HRO directed that appellant "shall not harass" respondent, "shall have no direct or indirect contact with" respondent, and shall not drive past or enter respondent's property.

11. "An appellate court reviews a district court's grant of [an HRO] under an abuse-of-discretion standard." *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004).

12. Respondent has not demonstrated that it was appellant who drove past her property and harassed her. The video-camera recordings do not show who was in the

vehicle making the noise or how many people were in it; both respondent and Spronk conceded this point.

13. The only identification of appellant was the identification of his voice, which respondent had not heard for eight years, shouting three words. “Identification of a person by recognition of his voice from hearing it at different times is generally upheld as admissible.” *State ex rel. Tribble v. Hedman*, 192 N.W.2d 432, 435 (Minn. 1971). But, even if respondent had heard appellant’s voice at different times, all those times were at least eight years earlier, and the voice sample was only four shouted syllables, not a series of words spoken in a normal tone.

14. Moreover, respondent and Spronk both testified that they did not hear the voice shouting the words when it happened; they had to listen to a recording to determine what was being said.

15. Harassment requires a finding of “repeated incidents of intrusive or unwanted acts, words, or gestures.” Minn. Stat § 609.748, subd. 1(a)(1) (2024). And a “district court err[s] by issuing a restraining order based on a finding of only one incident of harassment.” *Roer v. Dunham*, 682 N.W.2d 179, 182 (Minn. App. 2004).

16. The district court abused its discretion in granting respondent’s petition for an HRO against appellant.

**IT IS HEREBY ORDERED:**

1. The district court’s order is reversed.

2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: 5/6/25

**BY THE COURT**

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Judge Francis J. Connolly