

Protection order denial before tragic shooting shatters trust

THE recent domestic violence murder of a Columbus woman by her estranged husband who then killed himself sent a shock wave through this community. But the aftershock of learning that the victim had gone to court to seek a protection order — and was denied — has shattered the trust that we should have in our justice system.

“I think the system is broke,” Craig Yow told The Republic’s Andy East after Yow’s daughter, Julie Schmidtke, 36, was shot multiple times by her estranged husband. Charles Schmidtke, 41, burst into Julie’s Columbus home on Dec. 19, killed her and then shot himself in the head.

Ten days before that horrible event, Bartholomew Superior 2 Judge Jon Rohde denied Julie’s request for a protection order against Charles as they both appeared before him at a hearing, both represented by counsel, according to court records.

Because protection order cases are procedurally confidential by state law, we do not know what Rohde heard in his court during a hearing on this matter. And Rohde has so far declined to answer questions about why he denied Julie’s petition. His order denying a protection order says simply that she had “not shown, by a preponderance of the evidence, that a sex offense and harassment has occurred sufficient to justify the issuance of an order for protection.”

But what we do know from records that have come to light is concerning.

In her petition for a protection order, Julie alleged that she had been the victim of a sex offense and repeated acts of harassment. She provided detailed written and social media evidence supporting her allegations. She swore that Charles had caused her physical harm, placed her in fear of physical harm, and had committed a sex offense against her.

And Julie had done this in October of last year.

To be clear, Rohde could have acted immediately and issued a protection order on the spot based solely on Julie’s petition. One of the many things we don’t know is why he didn’t do that. The law clearly gave him the authority, if not the impetus, to do so.

The Indiana Civil Protection Order Act states in its opening section that it “shall be construed to promote the: (1) protection and safety of all victims of domestic or family violence in a fair, prompt and effective manner; and (2) prevent future domestic and family violence.”

Furthermore, guidance from the Indiana Office of Court Services stresses that judges should err on the side of caution when a petition for a protective order is filed.

“People seeking protection orders are in crisis and the parties’ safety should always be the court’s first priority,” that guidance says. “A judge should review each petition immediately ... Except for petitions based solely on harassment, the judge in the county where the protection order case is filed should promptly rule on the petition and issue an ex parte order for protection if one is necessary to ensure the protected person’s safety.”

That guidance wasn’t followed in this case. And while we acknowledge that the issuance of a protection order by itself cannot stop some people from harming others, the system utterly failed, and the result was catastrophic. Our local courts must step up and address this failing to begin to restore the community’s trust.