

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL DISTRICT

FILED
Circuit Court of Sweetwater County
Third Judicial District

IN AND FOR SWEETWATER COUNTY, STATE OF WYOMING

AUG 26 2025

NICOLE BOLTON,
Plaintiff/Petitioner,

Imma M. M. Chief Clerk
By: _____

Docket: CV-2025- 1091 G.

KARI COCHRAN.
Defendant/Respondent.

ORDER DENYING PETITION for STALKING ORDER of PROTECTION

Petitioner is employed as Assistant Superintendent for Sweetwater County School District #1. Respondent is a former district school board trustee and parent of a student who tragically committed suicide. The petitioner alleges that respondent has publicly accused petitioner of unprofessional and unethical conduct including publicly mocking families, failure to uphold her duty to serve and protect students, violations of state and school district rules and policies and many other deficiencies related to her position of trust and authority as Assistant Superintendent. As a result, the petitioner filed a Petition for a Stalking Order of Protection.

Attached to the petition are voluminous social media posts by respondent detailing her displeasure with respondent's performance as Assistant Superintendent, related news media reports and articles as well as comments by other members of the public in response to respondent's posts. It is abundantly clear from the posts and articles that respondent's intent is to persuade the school district administration to terminate petitioner from her employment and to use public opinion to pressure the administration to do so. In fact, respondent's posts refer to termination as the potential discipline and accountability that petitioner should face. The petitioner repeatedly states that she is fearful of damage to her credibility, reputation, professional integrity and standing in the community as well as loss of employment.

It is noteworthy that the petition and attached posts, articles and other materials do not allege that respondent has made threats of physical harm or assaults, or engaged in surveillance, obscene statements, profanity or name-calling. The focus of respondent's activities relate to petitioner's performance and behavior in the context of her employment as Assistant Superintendent. Responses from other members of the public to respondent's posts illustrate she has some level of public support and agreement with her displeasure with petitioner's performance in her employment.

Wyoming State Statute 6-2-506 sets forth the standards that must be met to obtain either a stalking criminal conviction, or a stalking order of protection.

"(a) As used in this section:

- (i) 'Course of conduct' means a pattern of conduct composed of a series of acts over any period of time evidencing a continuity of purpose;
- (ii) 'Harass' means to engage in a course of conduct, including but not limited to verbal threats, written threats, lewd or obscene statements or images, vandalism or nonconsensual physical contact, directed at a specific person that the defendant knew or should have known would cause:
 - (A) A reasonable person to suffer substantial emotional distress;

- (B) A reasonable person to suffer substantial fear for their safety or the safety of another person; or
 - (C) A reasonable person to suffer substantial fear for the destruction of their property. (b) Unless otherwise provided by law, a person commits the crime(act) of stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person, including but not limited to any combination of the following:
 - (i) Communicating, anonymously or otherwise, or causing a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses;
 - (ii) Following a person, other than within the residence of the defendant;
 - (iii) Placing a person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant;
 - (iv) Using any electronic, digital or global positioning system device or other electronic means to place another person under surveillance or to surveil another person's internet or wireless activity without authorization from the other person; or
 - (v) Otherwise engaging in a course of conduct that harasses another person.
- (c) This section does not apply to an otherwise lawful demonstration, assembly or picketing."
(Emphasis added)

Upon careful consideration of the matters alleged in the petition, and assuming that petitioner's allegations are true for purposes of reviewing the sufficiency of the petition, the Court finds as follows:

1. Assuming petitioner's allegations are true, it is without question that respondent intends to persuade the school district administration to hold petitioner accountable and face discipline, including termination as a result of petitioner's professional performance. It is clear that respondent intends to publicize her displeasure to sway public opinion in an effort to pressure the school district administration to that end.
2. Petitioner is a public employee in a position of trust and authority charged with prudent expenditure of public funds, helping formulate and carry out school district policies, and to help ensure the safety, well-being and educational opportunities of the district's children. She is appointed and ultimately held accountable by the district's board of trustees, all of whom are elected public officials. As a result, petitioner's employment activities and performance are subject to public scrutiny, except those matters explicitly made confidential by law. That scrutiny includes public comment, discussion and input whether complimentary or critical.
3. The statements made by respondent are expressions of dissatisfaction with petitioner's activities in her role as a public official. As such, the statements fall within constitutionally protected speech. Both the 1st Amendment of the U.S. Constitution and Article 1 Section 20 of the Wyoming Constitution prohibit this Court from enjoining future statements by the respondent which are critical of petitioner even if the intent of respondent is to negatively impact petitioner's employment. The Wyoming Supreme Court and United States Supreme Court have repeatedly ruled that the constitutional guarantee of freedom of expression forbids prior restraint of protected speech.
4. As noted above, W.S. 6-2-506 (c) exempts application of the stalking provisions to "otherwise lawful demonstration, assembly, or picketing." "Demonstration" is commonly known to mean protesting against something or expressing views on a political issue. "Picketing" means the demonstration by one or more persons to protest an entity's activities or policies and to pressure the entity to meet the protester's demands. In this case, the statements of respondent are clearly a form

of her demonstration against petitioner in her position as Assistant Superintendent and an effort to pressure the administration into disciplining the petitioner. The Wyoming Legislature made it clear when adopting this language that the stalking statutes not be used to restrain one's constitutionally protected right of expression, or as in this case, demonstration by speaking out critically about public officials. As a result, a stalking protection order is not available to address the issues in this case.

While the Court is unable to proceed with this case under the stalking protection order statutes, petitioner may have other remedies available, such as a cause of action for damages as a result of defamation due to libel or slander.

Wherefore, it is Hereby Ordered that petitioner's petition for Stalking Order of Protection is DENIED.

It is Further Ordered that the hearing scheduled for August 27, 2025 at 9:30 am is Hereby Vacated.

DONE This ZZ day of August 2025.



Michael L. Greer

Circuit Court Judge

