

Image ID D00705734D01 Form 19-10	EX PARTE DOMESTIC ABUSE PROTECTION ORDER	Case Number CI-20-10222 Document Number 705734
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IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA

Theresa Toledo
Petitioner

Vs.
Alexander Toledo
Respondent

**EX PARTE
DOMESTIC ABUSE
PROTECTION ORDER**

 RENEWAL

The protected party(ies) of this Order is/are:

- | | |
|---|---------------------|
| 1. <u>Theresa Toledo</u> age: <u>74</u> | 4. _____ age: _____ |
| 2. _____ age: _____ | 5. _____ age: _____ |
| 3. _____ age: _____ | 6. _____ age: _____ |

The Petitioner alleges as follows:

RESPONDENT IDENTIFIERS

The relationship(s) of the protected party(ies) to the respondent is/are:

<u> </u> Spouse	<u>SEX</u>	<u>RACE</u>	<u>AGE</u>	<u>HT</u>	<u>WT</u>
<u> </u> Former Spouse	M		27	6'	130
<u> </u> Child(ren)					
<u> </u> A person he/she is currently living with	<u>EYES</u>	<u>HAIR</u>			
<u> </u> A person he/she has lived with in the past	Brown	Black			
<u> </u> Child in common					
<u> X</u> Related by blood or marriage	<u>DRIVERS LICENSE #</u>	<u>STATE</u>	<u>EXP DATE</u>		
<u> </u> A person he/she is presently dating	_____	_____	_____		
<u> </u> A person he/she has dated in the past					

DISTINGUISHING FEATURES

4810 S. 51 St TAT ARM - ARM, NONSPECIFIC
Respondent's Address TAT LEG - LEG, NONSPECIFIC

Omaha NE 68117

Respondent's Telephone Number

CAUTION: (for use by law enforcement)

 Weapon Involved Weapon Present on the Property

The terms of this order, unless otherwise modified by order of the court shall be effective for one year from 12/07/2020. In the case of an original order, this date is one year from the date of issuance. In the case of a renewal, this date is one year from either:

- the first calendar day following the expiration of the previous order, or
- the day the court grants the renewal,

whichever is later.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).
Only the Court can change this order.

THE COURT, hereby finds that it has jurisdiction over the parties and subject matter, and the Respondent has been or will be provided with reasonable notice and opportunity to be heard.

THE COURT, pursuant to Neb. Rev. Stat. §§ 42-924 and 42-925, upon ex parte consideration of the Petition and Affidavit, finds that the petitioner(s) has/have stated facts showing that the respondent:

- attempted to cause, or intentionally, knowingly, or recklessly caused, bodily injury to the petitioner(s);
- by means of a credible threat, placed the petitioner(s) in fear of bodily injury; or
- engaged in sexual contact or sexual penetration without consent as defined Neb. Rev. Stat. § 28-318.

FURTHER, it reasonably appears from the specific facts included in the affidavit that the petitioner(s) will be in immediate danger of abuse before the matter can be heard on notice.

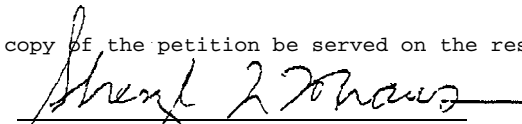
IT IS THEREFORE ORDERED that, unless otherwise modified by order of the court, a domestic abuse protection order against the respondent is granted for a period of one year from the date of this order. In the case of a domestic abuse protection order renewal, the order is effective for one year to commence on the first day following the expiration of the previous order or on the day the court grants the renewal, whichever is later. The petitioner(s) is/are granted the following relief:

- 1. Respondent is enjoined and prohibited from imposing any restraint upon the person or liberty of the petitioner(s).
- 2. Respondent is enjoined and prohibited from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner(s).
- 3. Respondent is enjoined and prohibited from telephoning, contacting, or otherwise communicating with the petitioner(s), except
No Exceptions
- 4. Respondent is removed and excluded from the residence of the petitioner(s), regardless of the ownership of the residence, located at:
4810 S. 51 St Omaha NE
- 5. The respondent is ordered to stay away from the following location(s):
4810 N 51 St., Omaha
- 6. The petitioner, _____ is awarded temporary custody of the following minor children: _____
Such temporary custody shall remain in effect until: _____
- 7. Respondent is enjoined and prohibited from possessing or purchasing a firearm as defined in Neb. Rev. Stat. § 28-1201.
- 8. _____

If the respondent wishes to appear and show cause why this order should not remain in effect or be renewed for a period of one year, he or she shall affix his or her current address, telephone number, and signature on the **Request for Hearing** form provided and return it to the clerk of the district court within ten (10) business days after service upon him or her. This order shall remain in effect during the time prior to the hearing. Costs are waived unless otherwise ordered by the court.

IT IS FURTHER ORDERED that a copy of this order and a copy of the petition be served on the respondent and a copy of this order be mailed to the petitioner(s).

DATED on December 7, 2020



JUDGE - Sheryl Lohaus

Printed on 12/07/2020 at 3:54 P.M.

CASE FILE COPY

FILED BY

Clerk of the Douglas District Court

12/07/2020

**PROTECTION ORDER
INFORMATION
DOMESTIC ABUSE**

A domestic abuse protection order is a court order issued to provide protection to a victim of domestic abuse, pursuant to Neb. Rev. Stat. § 42-924 et seq. Pursuant to Neb. Rev. Stat. § 42-903, a victim of domestic abuse includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common, persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other.

In order to qualify for a protection order for domestic abuse, the acts of abuse must be those in which the respondent:

- the victim must tell the judge the events and dates of when they say they were abused. This must include the most recent and most severe incident(s).
- attempted to cause or intentionally, knowingly, or recklessly caused bodily injury, with or without a dangerous instrument, or
- placing, by means of a credible threat, the petitioner or child of the petitioner in fear of bodily injury,
- or by engaging in sexual contact or sexual penetration without consent.

A protection order may:

- prohibit the respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, and telephoning, contacting, or otherwise communicating with the petitioner.
 - remove and exclude the respondent from the residence of the petitioner, regardless of the ownership of the residence.
 - require the respondent to stay away from any place specified by the court.
 - prohibit the respondent from possessing or purchasing a firearm.
 - order other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.
- award the petitioner temporary custody of any minor children for up to 90 days.

Once the protection order petition is granted, it may not be withdrawn except upon order of the court. The protection order shall be effective for one year, from issuance, unless otherwise modified by the court.

In the event the protection order is sought for a minor child, the petition should be filed by the parent, guardian, or next of kin of the minor child.

A court, on its own motion or at the request of the petitioner, may treat a petition for a domestic abuse protection order as a request for a sexual assault protection order or harassment protection order, if it appears from the facts in the petition, affidavit and evidence presented at a show-cause hearing that such other protection order is more appropriate.

NOTICE TO PETITIONER

If you requested this protection order and wish to request a hearing, contact the Clerk of the District Court.

Fees to cover costs associated with the filing, issuance, or service of a protection order shall not be charged, except that a court may assess such fees and costs if the court finds that the statements contained in the application were false and that the protection order was sought in bad faith.

NOTICE TO RESPONDENT

If there has been an **Ex Parte** Protection Order served upon you and you wish to request a hearing to show cause why the order should not remain in effect, you must request a hearing on the provided "Request for Hearing" form by completing the form and returning it to the clerk of the district court at the address listed at the bottom of the form. You must return the form within ten (10) business days after you have been served. The court will schedule a hearing within thirty (30) days after reviewing your request and shall notify you and the petitioner of the hearing date.

If there is a hearing scheduled and you wish to defend against the claims set forth in the application for a protection order, you must appear at the hearing. You are warned that if you fail to appear, the case will proceed without you and a final order may be entered against you for the relief requested in the petition.

You are required to obey the terms of the protection order as soon as it is served upon you. If you disobey the terms of the protection order issued by a Nebraska court, or a protection order issued in another state, the District of Columbia, tribal lands and U.S. territories, you will be subject to the following **Nebraska Revised Statutes**.

Violation of a Protection Order: Any person convicted of violating the terms of a protection order after being served shall be guilty of a Class I misdemeanor. Any person convicted of violating a protection order who has a prior conviction for violating a protection order shall be guilty of a Class IV felony. Neb. Rev. Stat. § 42-924.

Penalties: A Class I misdemeanor is punishable by not more than one year imprisonment, or one thousand dollar fine, or both. A Class IV felony is punishable by a maximum of two years imprisonment and 12 months post-release supervision, or ten thousand dollars fine, or both. Neb. Rev. Stat. §§ 28-106 & 28-105.

If a protection order has been issued against you, the following **United States Federal Statutes** apply to the issuance of a qualifying protection order.

Full Faith and Credit Provision: Pursuant to 18 U.S.C. § 2265, this order is enforceable in all fifty (50) states, the District of Columbia, tribal lands and U.S. territories. The penalties for violation of this order are determined by the existing penalty of the location in which the violation occurred. Nebraska's Domestic Abuse Full Faith and Credit provisions are found in Neb. Rev. Stat. § 42-931.

Interstate Domestic Violence/Violation of a Protection Order:

- If you travel across state or tribal borders with the intent to injure the petitioner and then intentionally commit a crime of violence causing bodily injury to the petitioner, you may be convicted of committing a federal offense under 18 U.S.C. § 2261(a)(1). You may also be convicted of committing a federal offense if you cause the petitioner to cross state or tribal borders for this purpose. 18 U.S.C. § 2262(a)(2).
- If you travel across state or tribal borders with the intent to violate the final protection order and subsequently violate such order, you may be convicted of committing a federal offense under 18 U.S.C. § 2261(a)(1).
- You may also be convicted of committing a federal offense if you cause the petitioner to cross state or tribal borders for either of these purposes. 18 U.S.C. § 2262(a)(2).