

**PETITION AND AFFIDAVIT TO
OBTAIN DOMESTIC ABUSE
PROTECTION ORDER**



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

Theresa Toledo
Petitioner,

Case No. CI 20-10222

Additional Petitioner/Minor Child(ren),

Additional Petitioner/Minor Child(ren),

**PETITION AND AFFIDAVIT TO
OBTAIN DOMESTIC ABUSE
PROTECTION ORDER**

vs. Alexander Toledo
Respondent.

ASSIGNED TO Johaus

1. Theresa Toledo, am petitioning for a domestic abuse protection order pursuant to Neb. Rev. Stat. § 42-924. I am filing this petition on behalf of: **(please check one)**

- Myself. I am a victim of domestic abuse.
- Myself and additional petitioner(s) who are victims of domestic abuse and whose name(s) is/are shown after mine in the caption of this petition. My relationship to the additional petitioner(s)/minor child(ren) is/are: custodial parent, guardian, other: _____.
- Only on behalf of the additional petitioner(s) who are in fear of domestic abuse and whose name(s) is/are shown after mine in the caption of this petition. My relationship to the additional petitioner(s)/minor child(ren) is/are: custodial parent, guardian, other: Grand mother.

AND:

- I am 19 or older or legally emancipated OR I am a minor and _____ years of age.
- I do not speak English. The language that I speak is: _____.

2. Check Only One:

- I have received address protection from the Secretary of State under the Address Confidentiality Program. (Service of any court process shall be made by mailing two copies of the process to the Office of Secretary of State, Address Confidentiality Program, Suite 2300, State Capitol Building, Lincoln, NE, 68509)
- I am living at a safe house or shelter for my own protection. Pursuant to Neb. Rev. Stat. § 29-4303, I cannot identify the name, address, location or phone number of the facility.

My address is 4810 So. 51st Street Omaha NE 68117
(Street or Route/Box) (City) (State) (ZIP code)

Mailing address (if different)

(Street or Route/Box) (City) (State) (ZIP code)

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JOHN M. FRIEND
CLERK DISTRICT COURT

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3. I do not agree to receive notification by email.

I agree to receive notification by email.

email address ttalado12@hotmail.com

NOTE: By providing this email address, I acknowledge that I am aware that this information will be public record. I also understand that I will only receive email communications regarding this case from the court.

4. My relationship to the respondent is: (Check the **ONE** that best applies):

spouse (husband or wife)

former spouse

child

someone I am living with

someone I have lived with in the past

the father/mother of one or more of my children

someone I am presently dating

someone I have dated in the past

Someone related to me in the following way: Grandson

Not applicable because requesting only on behalf of other(s)

5. I am filing this petition against the respondent whose age is: 27, and who resides at:

4810 So. 51st Street
(Street or Route/Box)

Omaha
(City)

NE
(State)

68117
(Zip)

Mailing address (if different)

(Street or Route/Box)

(City)

(State)

(Zip)

none
(Phone number)

The respondent does not speak English. The language that the respondent speaks is: _____

6. The following are identifying characteristics for the respondent : Sex: m Race: Hispanic/Black

Skin Tone: Medium

Height: 6'

Weight: 130

Eye Color: Brown

Hair Color: Black

Driver's License #: _____

State: _____

Exp. Date: _____

Place of Birth: Omaha, NE

Scars/Marks/Tattoos: Arms, legs, side

Other distinguishing features: _____

7. The respondent and I have or have not been involved in past or current court cases together. (i.e., divorce, paternity, custody, juvenile, criminal, or protection orders) If so: when, where, type of case, name of court(s), and case number(s).

8. The respondent and I are parents of the following minor child(ren).

Name	Age	Residence

I am the parent, but the respondent is not the parent, of the following minor child(ren):

9. I hereby ask the court to enter a protection order (mark all that apply):

- prohibiting the respondent from imposing any restraint upon me or upon my liberty;
- prohibiting the respondent from threatening, assaulting, molesting, or attacking me, or otherwise disturbing my peace;
- prohibiting the respondent from telephoning, contacting, or otherwise communicating with me;
- removing and excluding the respondent from my residence;

4810 So. 51st Street, Omaha, NE 68117

- ordering the respondent to stay away from the following location(s):
(specify address, location description, and connection of place to petitioner)

4810 So. 51st Street, Omaha, NE 68117

- granting me temporary custody of the following minor children for _____ days (not to exceed 90 days):
Name: _____ Age: _____ Residence: _____

- prohibiting the respondent from possessing or purchasing a firearm as defined in Neb. Rev. Stat. § 28-1201.

- ordering any other relief deemed necessary to provide for the safety and welfare of me and any designated family or household member, (describe relief requested and why):

10. I request to have a District Court Judge, or a County Court Judge preside over this proceeding. (I understand this request may not be granted.)

11. For purposes of the Protection from Domestic Abuse Act, abuse means the occurrence of one or more of the following acts: (a) attempting to cause or intentionally and knowingly causing bodily injury; (b) placing, by means of credible threat, another person in fear of bodily injury (either verbally or in writing), or; (c) engaging in sexual contact or sexual penetration without consent.

The dates or approximate dates and facts of the most recent and the most severe incident or incident(s) of domestic abuse are as follows: (Please write a brief but detailed description of each incident. Examples might include shoves, kicks or blows inflicted, weapons used, threats made, injuries sustained, medical or hospital treatment necessary).

A. Date/Time: _____ Description: _____

Alex is on Meth, mushrooms that im aware of, I haven't been able to see my grandchildren since summer because they are afraid of him as he talks to himself and says his step father is in his health which is not true. I told Alex that he needs help to get off the drugs and get a job. He has put holes in the basement walls where he stays and you can't even walk in the basement he had electronics in the walls & ceiling. I'm afraid he will start my house on fire.

B. Date/Time: June Description: _____

Alex went to North Platte with me to see my 99yr old mother and he took my car to Wal mart and stole a iPad and was arrested. He was arrested again about 9 months ago and spent 7 days in jail and he has a court hearing Jan 19, 2021 in Plattsmouth for having mushrooms. I need Alex out of my house now before he destroys my house or harms me, the drugs make him crazy.

C. Date/Time: _____ Description: _____

12. I request the court treat this Petition and Affidavit for a Domestic Abuse Protection Order as a request for a sexual assault protection order or a harassment protection order if it appears to the court, based on facts contained in this Petition and Affidavit and the evidence presented at a show cause hearing, that another type of protection order is more appropriate in this case, and the court makes such findings.

13. Additional Petitioner(s) (if needed):

Petitioner 2 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent (from list on number 4): _____

Residence:

The address of this Petitioner is the same as my address above.

This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 3 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent (from list on number 4): _____

Residence:

The address of this Petitioner is the same as my address above.

This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 4 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent (from list on number 4): _____

Residence:

The address of this Petitioner is the same as my address above.

This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 5 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent (from list on number 4): _____

Residence:

The address of this Petitioner is the same as my address above.

This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 6 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent (from list on number 4): _____

Residence:

The address of this Petitioner is the same as my address above.

This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

I hereby swear, or affirm, under penalty of perjury, the forgoing affidavit is true.

Theresa Toledo
Signature of Petitioner

(Name, Firm name, and Bar Number **IF** being completed by an attorney)

(do NOT sign UNTIL THE CLERK OF THE DISTRICT COURT OR A NOTARY IS PRESENT AND WITNESSES YOU SIGNING)

Subscribed and sworn before me on December 7, 2020

Maureen L. Pelzer
Clerk of the Court/Notary Public

(Seal)

My Commission Expires: 1/7/21

