

1. **Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of domestic violence against Petitioner. Domestic violence includes: assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnaping, false imprisonment, or any other criminal offense resulting in physical injury or death to Petitioner or any of Petitioner's family or household members. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act to do violence to the Petitioner.

2. **No Contact.** Respondent shall have no contact with the Petitioner unless otherwise provided in this section, or unless paragraphs 13 through 19 below provide for contact connected with the temporary custody of and visitation with minor child(ren).

a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Contact at legal proceedings or through legal counsel constitutes an exception. Unless otherwise provided herein, RESPONDENT SHALL NOT GO TO, IN, OR WITHIN 500 FEET OF: Petitioner's current residence

4027 OAK PRESERVE DR

WINTER HAVEN FL 33880

or any residence to which

Petitioner may move; Petitioner's current any subsequent place of employment

or place where Petitioner attends school

; or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often:

Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

b. Other provisions regarding contact:

3. **Firearms.** unless paragraph a. is initialed below, Respondent shall not have in his or her care, custody, possession or control any firearm or ammunition. It is a violation of section 790.233, Florida Statutes, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession or control any firearm or ammunition.

NA a. Respondent is a state or local officer as defined in section 943.10(14), Florida Statutes, who holds an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency and is not prohibited by the court from having in his or her care, custody, possession or control a firearm or ammunition. The officer's employing agency may prohibit the officer from having in his or her care, custody, possession or control a firearm or ammunition.

b. Respondent shall surrender any firearms and ammunition in the Respondent's possession to the Polk County Sheriff's Department.

NA c. Other directives relating to firearms and ammunition:

NOTE: RESPONDENT IS ADVISED THAT IT IS A FEDERAL CRIMINAL FELONY OFFENSE TO SHIP OR TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE, OR POSSESS IN OR AFFECTING COMMERCE, ANY FIREARM OR AMMUNITION; OR TO RECEIVE ANY FIREARM OR AMMUNITION WHICH HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE WHILE SUBJECT TO SUCH AN INJUNCTION. 18 U.S.C. 922(g)(8).

4. Evaluation/Counseling.

a. The Court finds that Respondent has:

- N/A i. willfully violated the ex parte injunction;
- ii. been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; and/or
- N/A iii. in this state or any other state, had at any time a prior injunction for protection entered against the respondent after a hearing with notice

Note: If respondent meets any of the above enumerated criteria, the Court must order the Respondent to attend a batterers' intervention program unless it makes written factual findings stating why such a program would not be appropriate. See 741.30(6)(d), Florida Statutes.

b. Within () 10 days () _____ day(s), (but no more than 10 days) of the date of

this injunction, Respondent shall enroll in and thereafter without delay complete the following, and Respondent shall provide proof of such enrollment to the DOMESTIC VIOLENCE COORDINATOR, P.O. BOX 9000, J142, BARTOW, FLORIDA, 33831-9000 within () 30 days () _____ days, (but no more than 30 days) of the date of this injunction:

- i. A certified batterers' intervention program from a list of programs to be provided by the Court or any entity designated by the Court. Respondent shall also successfully complete any substance abuse or mental health evaluation that the assessing program counselor deems necessary as a predicate to completion of the batterers' intervention program.
- N ii. A substance abuse evaluation at: _____ or a similarly qualified facility and any substance abuse treatment recommended by that evaluation.
- A iii. A mental health evaluation by a licensed mental health professional at: _____ or any other similarly qualified facility and any mental health treatment recommended by that evaluation.
- A iv. Other: _____

NA c. Although Respondent meets the statutory mandate of attendance at a batterers' intervention program, the Court makes the following written findings as to why the condition of batterers' intervention program would be inappropriate _____

NA d. Petitioner is referred to a certified domestic violence center and is provided with a list of a certified domestic violence centers in this circuit, which Petitioner may contact.

5. Mailing Address. Respondent shall notify the Clerk of the Court of any change in his or her mailing address within ten (10) days of the change. All further papers (excluding pleadings requiring personal service) shall be served by mail to Respondent's last known address. Such service by mail shall be complete upon mailing. Rule 12.080, Fla.Fam.L.R.P., section 741.30, Florida Statutes.

6. Other provisions necessary to protect Petitioner from domestic violence:

TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME

7. Possession of the Home. Petitioner () Respondent shall have temporary exclusive use and possession of the dwelling located at:

4027 OAK PRESERVE DR
WINTER HAVEN FL 33880

8. Transfer of Possession of the Home. A law enforcement officer with jurisdiction over the home shall accompany () Petitioner () Respondent to the home, and shall place () Petitioner () Respondent in possession of the home.

9. Personal Items. () Petitioner Respondent, IN PRESENCE OF A LAW ENFORCEMENT OFFICER, may return to the premises described above () on _____, at _____ a.m./p.m., or () at a time arranged with the law enforcement department with jurisdiction over the home, accompanied by a law enforcement officer only, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the premises shall go with () Petitioner () Respondent to the home and stand by to insure that he/she vacates the premises with only his/her personal clothing, toiletries, tools of the trade, and any items listed in paragraph 11 below. The law enforcement agency shall not be responsible for storing or transporting any property.

IF THE RESPONDENT IS NOT AWARDED POSSESSION OF THE THE HOME AND GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.

10. The following other personal possessions may also be removed from the premises at this time

11. Other: _____

TEMPORARY SUPPORT

12. Temporary Alimony.

a. The court finds that there is a need for temporary alimony and that () Petitioner () Respondent (hereinafter Obligor) has the present ability to pay alimony and shall pay temporary alimony to () Petitioner () Respondent (hereinafter Oblige) in the amount of \$ _____ per month, payable () in accordance with Obligor's employer's payroll cycle, and in any event, at least once a month () other _____

beginning _____. This alimony shall continue until modified by court order, until a final judgement of dissolution of marriage is entered, until Obligee dies, until this injunction expires, or until _____, whichever occurs first.

b. () Petitioner () Respondent shall be required to maintain health insurance

coverage for the other party. Any uncovered medical costs for the party awarded alimony shall be assessed as follows:

c. Other provisions relating to alimony: _____

13. Method of Payment.

a. Obligor shall pay any temporary child support/alimony ordered through income deduction, and such support shall be paid to the state disbursement unit. Obligor is individually responsible for paying this support obligation in the event that all or any portion of said support is not deducted from Obligor's income. Obligor shall also pay the applicable state disbursement unit service charge. Until child support/alimony payments are deducted from Obligor's paycheck pursuant to the Income Deduction Order, Obligor is responsible for making timely payments directly to the state disbursement unit.

b. Temporary child support/alimony shall be paid through the State Disbursement Unit. Obligor shall also pay the applicable Central Governmental Depository service charge.

c. Other Provisions relating to method of payment: _____

OTHER SPECIAL PROVISIONS

(This section to be used for inclusion of local provisions approved by the chief judge as provided in Florida Family Law Rule 12.610.)

DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

(Provisions in this injunction that do not include a line for the judge to either initial or write N/A are considered mandatory provisions and should be interpreted to be part of this injunction.)

1. This injunction is valid and enforceable in all counties of the State of Florida. Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under section 741.31, Florida Statutes.

When inconsistent with this order, any subsequent court order issued under Chapter 61, Florida Statutes, shall take precedence over this order on all matters relating to property division, alimony, child custody, or child support.

2. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.

3. Reporting alleged violations. If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation, or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.

4. Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters

occurring at the hearing and on the face of this injunction.

- 5. The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effect Respondent.

ORDERED on

November 10, 2005

Judith J. Flanigan
JUDITH FLANIGAN, CIRCUIT JUDGE

COPIES TO

Sheriff of Polk County

Respondent (or his or her attorney)

by U.S. Mail
by hand delivery in open court (Respondent must acknowledge receipt writing on the face of the original order - see below)

Respondent (or his or her attorney)

by hand delivery in open court (Respondent must acknowledge receipt writing on the face of the original order - see below)
 by certified mail (may only be used where Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of a certified copy of this injunction.)

- State Attorney's Office
- Attorney's instructions program (if ordered)
- County Governmental Depository of records
- Department of Revenue
- Other



IT IS THE ORDER OF THE COURT that the original of this order be a copy be filed in the office of the Clerk of the Circuit Court, Polk County, Oregon, and that two copies of this order be indicated to the

CLERK OF THE CIRCUIT COURT
[Signature]
DEPUTY CLERK

ACKNOWLEDGMENT

I, the undersigned, hereby acknowledge receipt of a certified copy of this injunction on 11/10/05

[Signature]

ACKNOWLEDGMENT

I, the undersigned, hereby acknowledge receipt of a certified copy of this injunction on 11/10/05

CIVIL COVER SHEET

FILED

05 AUG 23 AM 10:43

CIRCUIT COURT CIVIL/DOMV
POLK COUNTY CLERK

I. CASE STYLE

NAME OF COURT-CIRCUIT CIVIL

MIHAY-SMITH, LISA A

PETITIONER,

Case No. 53-2005DR-007833-0000-00

VS

SECTION NO.: 0005

SMITH, KERRY A

RESPONDENT .

II. TYPE OF CASE - DOMESTIC RELATIONS

() DOMESTIC VIOLENCE

() REPEAT VIOLENCE

III. NO JURY TRIAL IS DEMANDED IN COMPLAINT.

DATED THIS 8/23/2005 10:21:32 AM


PETITIONER

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

FILED
AUG 23 AM 10:43
CIRCUIT COURT CIVIL/DOMV
POLK COUNTY CLERK

MIHAY-SMITH, LISA A
PETITIONER,
VS
SMITH, KERRY A
RESPONDENT .

Case No: 53-2005DR-007833-0000-00
Section No.: 0005

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

I, LISA A MIHAY-SMITH, being sworn, certify that the following statements are true:

SECTION I. PETITION (This section is about you. It must be completed. However, if you fear that disclosing your address to the respondent would put you in danger, you should complete and file Petitioner's request for Confidential Filing of address, Florida Supreme Court Approved Family Law Form 12.980(i), and write "confidential" in the space provided on this form for your address and telephone number.)

1. Petitioner currently lives at: 4027 OAK PRESERVE DR
WINTER HAVEN FL 33880

Telephone Number: (863) 421-4654

Physical description of Petitioner:

Race: White Sex: F Date of Birth: 8/4/1966

2. Petitioner's attorney's name, address, and telephone number are: NONE

(If you do not have an attorney, write "none.")

SECTION II. RESPONDENT (This section is about the person you want to be protected from. It must be completed.)

1. Respondent currently lives at: 4027 OAK PRESERVE DR
WINTER HAVEN FL 33880

Respondent's Driver's License number is: S530501650560

2. Respondent is:

Yes a. the spouse of Petitioner. Date of Marriage: 8/10/2004

No b. the former spouse of Petitioner.

Date of Marriage: _____

Date of Divorce: _____

Yes c. related by blood or marriage to Petitioner.

Specify relationship: HUSBAND

Yes d. a person who is or was living in one home with Petitioner, as if a family.

No e. a person with whom Petitioner has a child in common, even if Petitioner and Respondent never were married or living together.

3. Petitioner has known Respondent since: 2001

4. Respondent's last known place of employment: R & L CARRIERS

LAKELAND FL

Working hours: _____

5. Physical description of Respondent: (also, see attached Respondent Information Sheet)

Race: White Sex: M Date of Birth: 2/16/1965

Height: 5'7 Weight: 250 Eye Color: BROWN Hair Color: BROWN/GREY

Distinguishing marks and/or scars: _____

Vehicle: (make/model) F150 OR TRAILBLAZER

Color: _____

Tag Number: _____

6. Other names Respondent goes by (aliases or nicknames): _____
7. Respondent's attorney's name, address, and telephone number are: NONE

(If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none. "

8. If Respondent is a minor, the address of Respondent's Parent or legal guardian is:

4027 OAK PRESERVE DR WINTER HAVEN FL 33880

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION

(This section must be completed.)

1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence against Respondent this or any other court?
No. If yes, what happened in that case?

2. Has Respondent ever received or tried to get an injunction for protection against domestic violence against Petitioner?
Yes. If yes, what happened in that case? {include city, state and case number, if known}

05DR-7778

3. Describe any other court case that is either going on now or that happened in the past, including a dissolution of marriage, paternity action, or child support enforcement action, between Petitioner and Respondent {include city, state, and case number, if known}:

CRIMINAL CASE

4. Petitioner is the victim of an act of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming the victim of an act of domestic violence. Below is a brief description of the latest act of violence or threat of violence that causes Petitioner to honestly fear imminent domestic violence by Respondent. (Use additional sheets if necessary.)

On SUNDAY at OUR HOME

On Sunday he came over to the bed and woke me up and asked me for the passwords to the bank account on line. I told him that he couldn't have them until Monday when we split up the joint bank account. He was really insisted about it. He started blocking my way so that I couldn't get out of the bedroom so I pushed him out of the way. He said, "Oooo you touched me I am calling the police" and that is what he did. When the police came out I went to jail.

_____ Check here if you are attaching additional pages to continue these facts.