

00-105-CD
ALTA L. MARTELL "VS" TERRY A. SMITH

ALTA L. MARTELL VS. TERRY A. SMITH

NO. 2000-105-C.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ORIGINAL

④ Alta L. Martell
PLAINTIFF

vs.

⑨ Terry A. Smith
DEFENDANT

NO. 2000 - 105 - C.D.

FILED

JAN 28 2000

NOTICE TO DEFEND

William A. Shaw

Prothonotary

YOU HAVE BEEN ORDERED TO APPEAR IN COURT. If you do not appear at the Hearing, the relief requested by the Plaintiff may be granted in your absence and you may lose money or property rights or other rights important to you; or a BENCH WARRANT may be issued directing the Sheriff to arrest and bring you to Court. Attached is a copy of the Petition which indicates the relief the Plaintiff is requesting. Also, included in the Petition are the Plaintiff's reasons for this request.

You MUST obey the Order which is attached. If you disobey this Order, the police may arrest you. Under federal law, this Order is enforceable anywhere in the United States, and any violation of this Order in another state will result in federal proceedings against you. In addition, if you are subject to a FINAL PROTECTION ORDER, federal law will prohibit you from possessing, transporting, or accepting a firearm.

Attached you will find a copy of the TEMPORARY ORDER issued in this case. You MUST obey this Order until further Order of this Court. Failure to obey the TEMPORARY ORDER may result in your arrest by the police or Sheriff's Office. You will also be subject to the penalties of Indirect Criminal Contempt.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE A RIGHT TO BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE; HOWEVER, EVEN IF YOU DO NOT HAVE AN ATTORNEY YOU MUST APPEAR AT THE HEARING. IF YOU NEED HELP IN LOCATING AN ATTORNEY, PLEASE CONTACT:

OFFICE OF THE COURT ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641, EXTENSION 32

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Alta L. Martell :
PLAINTIFF :
vs. :
NO. 2000 - 105 - C.D.
Terry A. Smith :
DEFENDANT :
vs. :

PRO SE FORM
PETITION FOR PROTECTION FROM ABUSE

1. My name is Alta L. Martell

I am filing this Petition on behalf of: Myself and/or Another Person(s). If you checked "Myself", please answer all questions referring to yourself as "Plaintiff". If you checked "Another Person(s)", please answer all questions referring to that person as the "Plaintiff", and provide your address here, unless confidential:

PO Box 136 Frenchville, PA 16836

If you checked "Another Person(s)", also indicate your relationship with Plaintiff:

parent of minor plaintiff(s)
 adult household member with minor plaintiff(s)
 guardian ad litem of minor plaintiff(s)
 court appointed guardian of incompetent plaintiff(s)

2. [] My residence which is located at a confidential address within this county, said address to be kept confidential for my protection.

My address (which is not confidential) is: Gillingham Road

PO Box 136 Frenchville Girard Clearfield
(street address) (city/township) (county)

3. The person I am filing this Petition against is the Defendant, who resides at:

Buck Run Rd PO Box 56 Frenchville, Girard Clearfield
(street address) (city/township) (county)

Defendant's date of birth: 5/25/56 and Social Security No. 171-46-9698

[] Check here if Defendant is 17 years old or younger.

4. The Defendant's relationship to me is: Ex-Fiance

5. I wish the Defendant to be excluded from the following residence:

My residence of which the address is as listed above under question number '2'.
 My residence of which the address is confidential.

[] Residence is owned by: Henry & Cheryl Martell

[] Residence is rented by: _____

6. Plaintiff and Defendant are the natural/adoptive parents of the following child(ren):

Name Micah Dawn Martell D.O.B. 9/19/89
Name _____ D.O.B. / /
Name _____ D.O.B. / /
Name _____ D.O.B. / /

7. The facts of the most recent incident of abuse towards me [and the minor child(ren)] are as follows:

Date: 1/21/00 Time: 6:00 p.m.?

Location: Buck Run Rd Frenchville, PA

Describe in detail what happened, including any physical or sexual abuse, threat, injury, or incident of stalking: Terry was drinking. I called my mother

to check on my son-who refused to live there any longer- and
Terry became angry because I told her I needed her to watch
Micah the next day since I had work. He started yelling at
me-things I would rather not repeat- and told me I was
lying, that it was my boyfriend and I was making plans
to cheat on him. I told Micah to go upstairs. I didn't
want her to hear. He then grabbed me and slammed me
against the refrigerator and told me to get out now. I told
him fine I'd go. Then he shoved me back into the counter
and said I wasn't going anywhere but he wanted Micah
out or he would kill her. He started after her and I jumped
him from behind. I think my hands were around his neck.
She ran upstairs. I grabbed the phone and tried to call
911, he took the phone and smashed it on the floor. He
started slapping me and said he was going to kill both
of us because we were filthy whores. I screamed for Micah
to call for help and she kept screaming she didn't know the
number so I told her. He started charging up the steps
after her and I chased him. I tried to grab him and I
think I did but he kicked me in the chest and knocked me
down. I got back up and tried to grab again and all I got

QUESTION 7 (most recent incident of abuse) CONTINUED:

was the back of his sweat pants. When I tried to pull him down the steps they tore off of him and he kept going after her. He grabbed the phone and tore it out of the wall. Then he grabbed part of her computer and threw it at her. I jumped on him again and screamed for her to get to the car. He told me to get out again and started putting on a pair of pants. I tried to leave and he caught me at the door and shoved me on the floor and said I wasn't going anywhere. He said he was going to kill that little bitch in the car. She had the doors locked and I grabbed my shoes. He came back in and took my shoes and started slapping me across the face hard enough to knock me down. Everytime I would get up he would do it again. Finally I managed to shove him backwards and then he tried to hug me and told me how much he loved me and wanted to know why I was acting like this. I grabbed my shoes and started out the door again and he came after me. He grabbed me by the leg and tried to upset me on the ground when that didn't work he grabbed me by the heel and tried to pound it on the side of the car. I got loose and jumped in the car. He also bent my fingers and squeezed them because he was going to break my fingers for scratching him. He broke some nails instead. I went to my mother's and called the police.

QUESTION 7 (most recent incident of abuse) CONTINUED:

There are many things that he has done and said that I
really am not comfortable telling anybody at this time.

Terry Smiths Prelim Hearing - 2/9/00
10:30 AM. Charge - Simple Assault
Assessment, terrorist threats.
Told to take care.

8. The Defendant has committed prior acts of abuse against me, my minor child(ren), or the Plaintiff (if I am filing on behalf of someone else). List examples of such abuse, including any threats, injuries, or incidents of stalking, and state when such acts of abuse occurred:

A. 11-99 When I got my first pay from Eagle Express he went wild and told me he was tired of supporting me and he would teach me who was the man. I grabbed Micah and went to my mothers. When I went back the next day he kept shoving me around alternating between I love you and I should smash your face in. The only way he would leave me next was to have intercourse with him

B. 10-99 Terry fought with me to go out with him and I finally agreed so he would stop calling me filthy names and telling

C. Micah to get out because she wasn't his. We weren't there very long and he said he was hungry he wanted to go get something to eat. We got in the car and he told me to drive →

9. The Defendant has used or threatened to use the following weapon(s) against Plaintiff or the minor child(ren) listed above:

Guns

10. If Plaintiff and Defendant are parents of any minor child(ren), is there an existing Court Order regarding their custody? NO. Who has primary physical custody under that Order? _____.

11. Have you and the Defendant been involved in any of the following court actions? (If you are filing this Petition on behalf of another person, please answer this and all questions using that person as Plaintiff.)

Divorce Custody Support Protection From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the Court Number, if known:

Refer to Keystone LEGAL

12. Defendant owes a duty of support to Plaintiff and/or the minor child(ren).

13. As a result of the abuse described above, I have suffered financial losses.

QUESTION 8 (prior acts of abuse) CONTINUED:

because he was drunk. When I started driving he began telling me how no-good + worthless I was. Told me I was having sex with two guys I spoke to at the bar (they were my cousins) I told him I would never go anywhere with him again + he grabbed the steering wheel and pulled the emergency brake causing us to spin out. We nearly wrecked. I drove the rest of the way "home", he told me to get what I needed and get out. I started to pack a few personal belongings and he grabbed me and told me how much he loved me. He said that I knew he was only kidding. He always called me by his ex-wives names and said I was a filthy welfare bum. When I didn't hug him back he shoved me against the wall and said the only way I was going out the door was in a box. He then began smashing furniture and he threw an ashtray through a kitchen window. He tore up my books so I couldn't go to school. He slapped me several times and told me I owed him a lot of sex before I could go anywhere. He said he would do to me what he did to his ex-wife he tied her up naked in the woods for 2 days. He made me stay awake until early Monday morning before I was allowed to sleep. This began on a Friday night. My daughter was at her friends house. 4a

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (check forms of relief requested):

Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or the minor child(ren) in any place where they may be found.

Evict/exclude Defendant from Plaintiff's residence and prevent Defendant from living at or attempting to enter any temporary or permanent residence of the Plaintiff.

Require Defendant to provide Plaintiff and/or minor children with other suitable housing.

Award Plaintiff temporary custody of the minor child(ren) and place appropriate restrictions on contact between Defendant and the child(ren).

Prohibit Defendant from having any contact with Plaintiff and/or the minor child(ren), either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor children.

Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this Petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor children.

Order Defendant to temporarily relinquish weapons to the Sheriff of this County and prohibit Defendant from transferring, acquiring or possessing any such weapons for the duration of the Order.

Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

Order Defendant to pay the costs of this action, including filing and service fees.

Order Defendant to pay Plaintiff's reasonable attorney's fees.

Grant such other relief as the Court deems appropriate.

Order the police or other law enforcement agency to serve Defendant with a copy of this Petition, any Order issued, and the Order for hearing. I will inform the police of any addresses, other than Defendant's residence, where he or she can be served.

VERIFICATION

I verify that I am the Petitioner in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge, information, and/or belief.

I understand that any false statements are made subject to the penalties of 18 Pa. C.S. Section 4094, relating to Unsworn Falsification to Authorities.

Date: 1/27/00

Alta C. Marshall
PETITIONER

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTA L. MARTELL,

PLAINTIFF

:

vs.

NO. 2000 - 105 - C.D. (PNO)

:

TERRY A. SMITH,

DEFENDANT

:

(d.o.b. _____)

:

(S.S.# _____)

:

:

:

TEMPORARY PROTECTION FROM ABUSE ORDER

AND NOW, this 28 day of January, 2000, (ISD) upon consideration of the attached Petition for Protection From Abuse, the Court hereby enters the following TEMPORARY ORDER:

(X) 1. The Defendant shall refrain from *abusing, harassing, and threatening* the Plaintiff and the minor child(ren) or placing her/him/them in fear of abuse in any place where she/he/they may be found.

() 2. Defendant shall not threaten or harass a member of the Plaintiff's family or household.

(✓) 3. Plaintiff is granted exclusive possession of the residence where she/he resides which is located at:

[✓] Gillingham Rd Po Box 136 Frenchville
64428 Township

[] a confidential location, and any subsequent address in which Plaintiff resides during pendency of this Order.

(✓) 4. Defendant is prohibited from having any contact with Plaintiff at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment.

(✓) 5. Defendant is restrained from making any communication with the Plaintiff, including but not limited to, personal, written or telephone contact, or others with whom the communication would be likely to cause annoyance or alarm the Plaintiff.

(.) . . 6. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child(ren):

The local law enforcement agency in the jurisdiction where the child(ren) are located shall ensure that the child(ren) are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

() 7. Defendant is prohibited from possessing and/or purchasing a firearm or other weapon. Defendant shall immediately relinquish the following weapons to the local law enforcement agency for delivery to the Sheriff's Office:

() 8. The following additional relief is granted: _____

(x) 9. A COPY OF THIS ORDER SHALL BE SERVED ON THE LAW ENFORCEMENT AGENCY WHERE PLAINTIFF RESIDES AND ANY OTHER AGENCY SPECIFIED HEREAFTER:

() 10. THIS ORDER SUPERSEDES [] ANY PRIOR PFA ORDER AND [] ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

(x) 11. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING. (EXP)

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for Indirect Criminal Contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. Section 6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. Section 6113. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. Sections 2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

THIS ORDER SHALL BE ENFORCED BY THE POLICE WHO HAVE JURISDICTION OVER THE PLAINTIFF'S RESIDENCE 'OR' ANY LOCATION WHERE A VIOLATION OF THIS ORDER OCCURS 'OR' WHERE THE DEFENDANT MAY BE LOCATED. IF DEFENDANT VIOLATES ANY PROVISIONS OF THIS ORDER, DEFENDANT SHALL BE ARRESTED ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT. AN ARREST FOR VIOLATION OF THIS ORDER MAY BE MADE WITHOUT WARRANT, BASED SOLELY ON PROBABLE CAUSE, WHETHER OR NOT THE VIOLATION IS COMMITTED IN THE PRESENCE OF LAW ENFORCEMENT.

SUBSEQUENT TO AN ARREST, THE LAW ENFORCEMENT OFFICER SHALL SEIZE ALL WEAPONS USED OR THREATENED TO BE USED DURING THE VIOLATION OF THIS ORDER 'OR' DURING PRIOR INCIDENTS OF ABUSE. WEAPONS MUST FORTHWITH BE DELIVERED TO THE SHERIFF'S OFFICE OF THE COUNTY WHICH ISSUED THIS ORDER, WHICH OFFICE SHALL MAINTAIN POSSESSION OF THE WEAPONS UNTIL FURTHER ORDER OF THIS COURT, UNLESS THE WEAPON(S) ARE EVIDENCE OF A CRIME, IN WHICH CASE, THEY SHALL REMAIN WITH THE LAW ENFORCEMENT AGENCY WHOSE OFFICER MADE THE ARREST.

(x) 12. Hearing on this Petition is scheduled for the 14th day of FEBRUARY, 2000 at 10 : 00 am before Hearing Officer Warren B. Mikesell, II, Esquire, third floor, Clearfield County Courthouse Annex, Domestic Relations Office Conference Room, Clearfield, Pennsylvania. Please note: The only persons permitted to attend this hearing are the Plaintiff, Defendant and any witness(es) which Plaintiff and/or Defendant have requested to be present. All other persons will be asked to leave, but are permitted to wait on the first floor of the Courthouse Annex for the hearing to end. The hearing is scheduled for one (1) hour only.

Absolutely no continuances of the hearing shall be granted unless by Order of Court. The Hearing Officer shall not continue any hearing due to either party's request for counsel as neither party has an absolute right to be represented by counsel in civil Protection From Abuse proceedings.

(x) 13. **THE PLAINTIFF AND DEFENDANT ARE HEREBY DIRECTED TO PROVIDE TO THE HEARING OFFICER AT THE HEARING A CURRENT PHOTOGRAPH OF THEMSELVES.**

If the Plaintiff fails to appear for the hearing as set forth in Paragraph 12 above or any subsequent Protection From Abuse hearing, the Plaintiff is advised that filing fee and costs may be assessed against the Plaintiff and that the action may automatically be dismissed.

If the Defendant fails to appear for the hearing as set forth in Paragraph 12 above or any subsequent Protection From Abuse hearing, the Defendant is advised that filing fee and costs may be assessed against the Defendant in addition to the entry of an Order.

BY THE COURT



JUDGE FREDRIC J. AMMERMAN

FILED

REG'D
JAN 28 2000
O 3-351
William A. Shaw
Prothonotary
1 C.C.P. 8
CUPST & BART
ACC SHFT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
MARTELL, ALTA L. 00-105-CD
VS
SMITH, TERRY A.

PROTECTION FROM ABUSE

SHERIFF RETURNS

NOW FEBRUARY 9, 2000 AT 10:27 AM EST SERVED THE WITHIN PFA
ON TERRY A. SMITH, DEFENDANT AT CLEARFIELD COUNTY JAIL, 410
21ST ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA
(MEETING PLACE) BY HANDING TO TERRY A. SMITH A TRUE AND
ATTTESTED COPY OF THE ORIGINAL PFA AND MADE KNOWN TO HIM THE
CONTENTS THEREOF.
SERVED BY: DAVIS.

36.00 SHFF. HAWKINS (COSTS DUE)
10.00 SURCHARGE (COSTS DUE)

SWORN TO BEFORE ME THIS

11th DAY OF February 2000

William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

SO ANSWERS,

Chester A. Hawkins
My. Marilyn Harris

CHESTER A. HAWKINS
SHERIFF

FILED

FEB 11 2000
01308
William A. Shaw
Prothonotary
KCB

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ALTA L. MARTELL, :
Plaintiff :
: :
VS. : NO. 2000-105-C.D.
: :
TERRY A. SMITH, :
Defendant :
:

FILED

FEB 16 2000

William A. Shaw
Prothonotary

PROTECTION FROM ABUSE FINAL ORDER OF COURT

Plaintiff's Address: P.O. Box 136, Frenchville, Pennsylvania 16836

Plaintiff's Social Security Number: 193-54-7505

Plaintiff's Date of Birth: August 15, 1966

Counsel of Record for Plaintiff: _____

Defendant's Address: P.O. Box 56, Frenchville, Pennsylvania 16836

Defendant's Social Security Number: 171-46-9894

Defendant's Date of Birth: May 25, 1956

Counsel of Record for Defendant: _____

Names of ALL PROTECTED PERSONS: not applicable

AND NOW, this 14th day of February, 2000, an action under the Protection From Abuse Statute having been filed by the Plaintiff; the Petition and Notice of said Hearing having been served on the Defendant by the Clearfield County Sheriff's Office on or about February 9, 2000;

Plaintiff having appeared or having failed to appear;
Defendant having appeared or having failed to appear;
 following a full Hearing or
 by Consent Order - *without determination of facts on the underlying complaint*;

upon consideration of the Petition in the above-captioned case, the following Order is Issued:

Plaintiff's request for a Final Protection Order is DENIED; or
 Plaintiff's request for a Final Protection Order is GRANTED subject to the following terms and conditions:

1. Except as otherwise provided in Paragraph 2, the Defendant is:

01 a. Directed to refrain from abusing, harassing, threatening or stalking Plaintiff or the minor child(ren) named as Protected Persons above.

02 b. Directed to refrain from threatening any member of Plaintiff's immediate family or household.

03 c. Defendant is completely excluded from the residence located at:

or any other residence where Plaintiff may live. Exclusive possession of the residence is granted to Plaintiff; Defendant shall have no right or privilege to enter or be present on the premises.

04 d. Defendant is prohibited from entering the residence, place of employment, business or school of the Plaintiff and/or the minor child(ren).
Name(s) of Plaintiff and/or minor children is/are listed on Page 1 of this Final Order under ALL PROTECTED PERSONS.

05 e. Defendant is prohibited from having ANY CONTACT with:
Plaintiff, or
Plaintiff's minor child(ren) _____.

Contact with the Plaintiff and/or the minor child(ren) herein listed shall include, but not be limited to, personal, written and/or telephone contact.

2. Temporary custody of the below named child(ren) is awarded to:

a. The *Plaintiff*
 b. The *Defendant*

06

The child(ren)'s name(s) is/are:

until *final Order of Court or as per Addendum "A"* attached to this Order.

Visitation shall be as per Addendum "A", and/or: _____

07 3. Defendant shall immediately turn over to the local law enforcement agency, or deliver to the Sheriff's Office, any and all weapons used or threatened to be used by Defendant in an act of abuse against Plaintiff and/or the minor child(ren). Defendant is prohibited from acquiring or possessing any other like or similar weapons for the duration of this Order.

08 4. The Plaintiff/Defendant is/are ORDERED to provide the following additional relief:

08 5. The Plaintiff/Defendant is ORDERED to permit the Plaintiff/Defendant to return to the Plaintiff's/Defendant's residence, as herein described, on _____, 2000, between ____:____ a.m./p.m. and ____:____ a.m./p.m. for the sole purpose of permitting the Plaintiff/Defendant to retrieve items of personal property belonging to Plaintiff/Defendant. Any items of personal property in dispute as to ownership shall remain at the Plaintiff's/Defendant's residence until the Court of proper jurisdiction shall have determined its rightful owner. There shall be no conversation as to the basis or circumstances surrounding this Order or the nature of the Plaintiff and Defendant's broken relationship.

6. Defendant shall pay \$ _____ to Plaintiff as compensation for Plaintiff's losses, which are as follows:

7. The Plaintiff/Defendant shall provide the Clearfield County Prothonotary a recent photograph of herself/himself within fifteen (15) days of this Order.

8. The PLAINTIFF shall pay the costs and fees of this suit within FORTY-FIVE (45) DAYS of the date of this Order to the Clearfield County Protection From Abuse Coordinator's Office located on the second floor in the Annex of the Clearfield County Courthouse (230 East Market Street, Clearfield, PA 16830):

Prothonotary's Office.....	filing fee:	\$ 80.00
Prothonotary's Office.....	state assessment fee:	\$ 0.00
Sheriff's Office.....	service fee:	\$ 46.00
Hearing Officer.....	fee:	\$ 40.00
Hearing Officer.....	costs:	\$ 20.00
Administrative.....	costs:	\$ 10.00
Additional Relief.....(see Paragraph 7):		\$ _____
Other.....	costs:	\$ _____
 <u>TOTAL AMOUNT DUE:</u> \$ 196.00		

PLEASE SUBMIT A MONEY ORDER MADE PAYABLE TO "PROTHONOTARY'S OFFICE" AS PAYMENT. NO OTHER FORM OF PAYMENT WILL BE ACCEPTED BY THE COORDINATOR.

PLAINTIFF'S share of fees and costs: 100 % / \$ 196.00.

DEFENDANT'S share of fees and costs: 0 % / \$ 0.00.

ALL COSTS PERTAINING TO THIS ACTION MUST BE PAID WITHIN THE FORTY-FIVE (45) DAY PERIOD. FAILURE TO COMPLY WITH THIS PROVISION OF THIS 'FINAL ORDER' WILL RESULT IN THE RESPONSIBLE PARTY BEING IN CONTEMPT AND IN THE AUTOMATIC ISSUANCE OF A BENCH WARRANT FOR THAT PARTY'S ARREST WITHOUT FURTHER NOTICE OR HEARING. THERE WILL BE ADDITIONAL COSTS ASSIGNED ONCE THE BENCH WARRANT HAS BEEN ISSUED AND THE RESPONSIBLE PARTY WILL BE OBLIGED TO PAY ANY AND ALL ADDITIONAL COSTS RELATED THERETO.

The **PLAINTIFF** shall **ALSO** be responsible for payment of all service fees registered with the Prothonotary's Office within thirty (30) days of the date of this Order. Payment shall be made directly to the Protection From Abuse Coordinator within the 45 day payment period.

- 9. In the event either party shall relocate or have a change of address, the said party shall immediately, in writing, notify the Court of same. Said writing shall contain the new address and shall reference the caption in this matter. All mail shall be addressed to the Protection From Abuse Coordinator, 230 East Market Street, Clearfield, Pennsylvania 16830.

- 10. BRADY INDICATOR. [] YES response [x] NO response
 - a. The **Plaintiff** or protected person(s) is a spouse, former spouse, a person who cohabits or has cohabited with the **Defendant**, a parent or a common child, a child of that person, or a child of the **Defendant**.
 - b. This Order is being entered either in lieu of a full hearing and by consent of both parties, OR following a full hearing during which the **Defendant** was present and had an opportunity to be heard or of which the **Defendant** received actual notice thereof and failed to appear.
 - c. Paragraph 1(a) of this Order has been checked to restrain the **Defendant** from harassing, stalking, or threatening the Plaintiff or the listed protected persons.
 - d. The **DEFENDANT** represents:
 - i. A credible threat to the physical safety of the **Plaintiff** or the other listed protected person(s); OR
 - ii. The terms of this Order prohibit the **DEFENDANT** from using, attempting to use, or threatening to use physical force against the **Plaintiff** or the listed protected person(s) that would reasonably be expected to cause bodily injury.

- 11. **This Order supersedes**
 - [] any prior Protection From Abuse Order **AND/CR**
 - [] any prior Order of Court relating to child custody.

- 12. **All provisions of this Order shall expire in one year, on**
, 2001.

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA. C.S. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. SECTION 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C. §§ 2261-2262. IF PARAGRAPH 12 OF THIS ORDER HAS BEEN CHECKED, YOU MAY BE SUBJECT TO FEDERAL PROSECUTIONS AND PENALTIES UNDER THAT "BRADY" PROVISION OF THE GUN CONTROL ACT, 18 U.S.C. § 922(g), FOR POSSESSION, TRANSPORT OR RECEIPT OF FIREARMS OR AMMUNITION.

NOTICE TO LAW ENFORCEMENT OFFICIALS

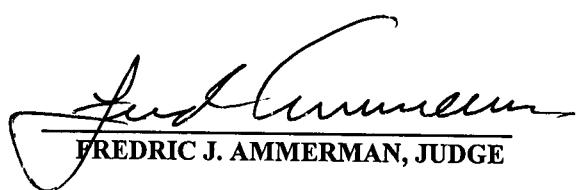
THE POLICE WHO HAVE JURISDICTION OVER THE PLAINTIFF'S RESIDENCE OR ANY LOCATION WHERE A VIOLATION OF THIS ORDER OCCURS OR WHERE THE DEFENDANT MAY BE LOCATED, SHALL ENFORCE THIS ORDER. AN ARREST FOR VIOLATION OF PARAGRAPHS 1 THROUGH 5 OF THIS ORDER MAY BE WITHOUT WARRANT, BASED SOLELY ON PROBABLE CAUSE, WHETHER OR NOT THE VIOLATION IS COMMITTED IN THE PRESENCE OF THE POLICE. 23 PA. C.S. § 6113. SUBSEQUENT TO AN ARREST, THE POLICE OFFICER SHALL SEIZE ALL WEAPONS USED OR THREATENED TO BE USED DURING THE VIOLATION OF THE PROTECTION ORDER OR DURING PRIOR INCIDENTS OF ABUSE. THE CLEARFIELD COUNTY SHERIFF'S OFFICE SHALL MAINTAIN POSSESSION OF THE WEAPONS UNTIL FURTHER ORDER OF THIS COURT. WHEN THE DEFENDANT IS PLACED UNDER ARREST FOR VIOLATION OF THE ORDER, THE DEFENDANT SHALL BE TAKEN TO THE APPROPRIATE AUTHORITY OR AUTHORITIES BEFORE WHOM DEFENDANT IS TO BE ARRAIGNED. A "COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT" SHALL THEN BE COMPLETED AND SIGNED BY THE POLICE OFFICER OR THE PLAINTIFF. PLAINTIFF'S PRESENCE AND SIGNATURE ARE NOT REQUIRED TO FILE THE COMPLAINT. IF SUFFICIENT GROUNDS FOR VIOLATION OF THIS ORDER ARE ALLEGED, THE DEFENDANT SHALL BE ARRAIGNED, BOND SET AND BOTH PARTIES GIVEN NOTICE OF THE DATE OF HEARING.

BY THE COURT:



WARREN B. MIKESELL, II, ESQUIRE

BY THE COURT:



FREDRIC J. AMMERMAN, JUDGE

PLAINTIFF

COUNSEL FOR PLAINTIFF

DEFENDANT

COUNSEL FOR DEFENDANT

FILED

FEB 16 2000

07841CC fax PSP
William A. Shaw
Prothonotary
ICC Shrd.

ICC. Pl.

ICC. def.

ICC hearing officer

*E
FEB*

ORIGINAL

CIVIL BENCH WARRANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTA L. MARTELL,
Plaintiff

vs.

TERRY A. SMITH,
Defendant

No. 2000-105-C.P.

FILED

APR 03 2000

William A. Shaw
Prothonotary

TO: *C & D INVESTIGATIONS (814) 765-2740*
P.O. Box 263, Hyde, Pennsylvania 16843

You are hereby commanded by the Court of Common Pleas of Clearfield County, Civil Division, to take DEFENDANT, TERRY A. SMITH who stands charged in said Court for failure to make payment in full of Protection From Abuse fees/costs and forthwith bring said person before Judge Fredric J. Ammerman to be dealt with according to law.

WITNESS this 3rd day of April, 2000.

William H. Brin

Prothonotary/Clerk of Courts
Civil Division

Defendant's Address: P.O. Box 56

Frenchville, Pennsylvania 16836

Social Security #: 171-46-9894

Date of Birth: 05/25/1956

Costs: \$ 1 9 6 . 0 0

Service Fee: \$ 6 0 . 0 0

Service Date: / /2000

Expenses: \$

Served By:

TOTAL: \$

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTA L. MARTELL,
Plaintiff

vs.

TERRY A. SMITH,
Defendant

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No. 2000-105-C.D.

O R D E R

NOW, this 7th day of July, 2000, it is the ORDER of this Court that Bench Warrant previously issued April 3, 2000 against Defendant Terry A. Smith be and is hereby RESCINDED.

By the Court,



FREDRIC J. AMMERMAN, JUDGE

FILED

JUL 07 2000
010:25 PM
William A. Shaw
Prothonotary

FILED

JULY 27 2000
OAG/27/CC
William A. Shaw
Prothonotary
FBI
Investigation

ORIGINAL

CIVIL BENCH WARRANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTA L. MARTELL,
Plaintiff

vs.

TERRY A. SMITH,
Defendant

No. 2000-105-C.D.

TO: *C & D INVESTIGATIONS (814) 765-2740*
P.O. Box 263, Hyde, Pennsylvania 16843

You are hereby commanded by the Court of Common Pleas of Clearfield County, Civil Division, to take PLAINTIFF, ALTA L. MARTELL who stands charged in said Court for failure to make payment in full of Protection From Abuse fees/costs and forthwith bring said person before Judge Fredric J. Ammerman to be dealt with according to law.

WITNESS this 7th day of July, 2000.

William H. Allen

Prothonotary/Clerk of Courts
Civil Division

FILED

Defendant's Address: P.O. Box 136

JUL 07 2000

William A. Shaw
Prothonotary

Social Security #: 193-54-7505

Date of Birth: 08/15/1966

Costs: \$ 1 9 6 . 0 0

Service Fee: \$ 60.00

Service Date: _____ / _____ /2000

Expenses: \$ 90

Served By: _____

TOTAL: \$

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FILED

JUL 07 2000
O'DRAGH, C.J.D
William A. Shaw
Prothonotary
Investigative
FBI

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTA L. MARTELL,
Plaintiff

*

*

*

vs.

No. 2000-105-C.D.

*

*

TERRY A. SMITH,
Defendant

*

O R D E R

NOW, this 1st day of September, 2000, Plaintiff having paid costs related to the Protection From Abuse Petition filed to the above referenced docket number and Bench Warrant costs related thereto, it is the ORDER of this Court that the Bench Warrant previously issued in this matter July 7, 2000 be and is hereby RESCINDED.

By the Court,



FREDRIC J. AMMERMAN, JUDGE

FILED

SEP 05 2000

William A. Shaw
Prothonotary

WINGARD

1 certified copy to C & D Investigations

FILED

SEP 05 2000

0/3:45/00

William A. Shaw
Prothonotary

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