

00-1420-CD.
TRINITY A. MCGARRY -vs- GREGORY A. WEBER

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

①
ORIGINAL

④ Trindle A. McGarry
PLAINTIFF
vs.
④ Gregory A. Weber
DEFENDANT

: NO. 2000 - 420 - C.D.

FILED

APR 07 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. Any Protection Order granted by a Court may be considered in subsequent proceedings under Title 23 of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53.

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 5982

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

Trindle A. McGarry
PLAINTIFF

vs.

NO. 2000 -

- C.D.

Gregory A. Weber
DEFENDANT

PRO SE FORM

PETITION FOR PROTECTION FROM ABUSE

1. My name is Trindle A. McGarry

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:

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: RD#1 Box 490A Apt. 2
East Street Curwensville Boro Clearfield
(street address) (city/township) (county)

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

RD#1 Box 490A Apt 2 - EAST Street Curwensville Pa 16833 - C.I.F.D.
(street address) (city/township) (county)

Defendant's date of birth: 1/10/68 and Social Security No. 189-64-8110

Check here if Defendant is 17 years old or younger.

4. The Defendant's relationship to me is: Boyfriend - Childrens Father

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: _____

Residence is rented by: Trindle A. McGarry

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

Name	Brendin Weber	D.O.B.	10/24/97
Name	Ethan Weber	D.O.B.	8/30/99
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: 04/02/00 Time: 10:30 A.m.
Location: RD#1 Box 490A Apt. 2

Describe in detail what happened, including any physical or sexual abuse, threat, injury, or incident of stalking: On April 2, 2000, Sunday, it was 10:30 am. and we got into an argument and Greg grabbed my wrists and pushed me on to the chair and then we ~~went~~ went back the hallway and argued and he grabbed me by the wrists and pushed me up against the wall.

12:00 a.m. And March 3, 2000, he came home drinking, doping and on steroids and he started arguing with me and I went back and laid on the bed and he came back and grabbed my foot and tried pulling me off the bed, then he turned me over and slapped me across the face.

7:30pm And then, December 29, 1999, we was arguing and he shoved me down on the couch and choked me, to where I couldn't barely breathe.

7:00pm And in ~~October~~, 1999, we was arguing and he told my kids that I was a no good mom and that I didn't

QUESTION 7 (most recent incident of abuse) CONTINUED:

love them anymore and I slapped him across the face and he got up shoved me and I fell on the floor and I got up and I had a bloody nose, bruise on my upper lip, and bruises on my stomach. And he is always threatening me that if I left him and take the kids that he would kill me or he is always saying if I find someone else that ~~he~~ he would kill us both and he is always threatening to kill himself.

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. When Greg is drinking is AT THE WORST. - Yelling, pushing & shoving me - I AM AFRAID THAT HE USE THE GUNS TO HURT OR KILL ME AND MY KIDS.

B. _____

C. _____

D. _____

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

He has threatened to kill me with Rifles and shotgun.

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:

X Keystone Legal - For custody - Set up - next week
X Keystone Legal to handle DFA hearing.

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.

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: 4/6/2000

Shindie A. McBarry
PETITIONER

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

TRINOLE A MCGARRY

PLAINTIFF

vs.

GREGORY A. Weber

DEFENDANT

(d.o.b. 1-10-68)

(S.S.# 189-64-8110)

NO. 2000 -

420 - C.D. (PNO)

TEMPORARY PROTECTION FROM ABUSE ORDER

AND NOW, this 7 day of April, 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:

[✓] RD 1 Box 490A Apt 2 EAST ST Curwensville Pike 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 or any other person protected under this Order, 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 or any other person protected under this Order, 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):

Brendan and Ethan Weber

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:

ALL GUNS

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

No use or possession of illegal drugs and/or alcohol. Defendant may be ordered to undergo drug or alcohol testing.

(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 19th day of April, 2000 at 9:00 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.

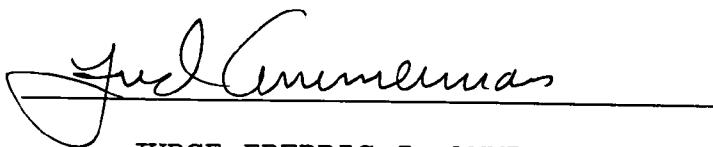
Absolutely no continuances of the hearing shall be granted unless by Order of Court. The Hearing Officer shall not continue any hearing due to either party's request for counsel as neither party has an absolute right to be represented by counsel in civil Protection From Abuse proceedings.

(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

Recd
FILED

APR 07 2000

O'Halloran, A. Shaw

Prothonotary

CC PTO

CC PTO

CC PTO

CC PTO

CC PTO

CC PTO

**CC Shrd
CC Cmdu. Baro Police
CC Hrg Office**

(2)

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

94 TRINDLE A. MCGARRY,

Plaintiff

vs.

: NO. 2000-420- C.D.

44 GREGORY A. WEBER,

Defendant

O R D E R

NOW, this 10th day of April, 2000, upon consideration of Plaintiff's Petition to withdraw her/his Protection From Abuse Petition and Order entered by this Court on the 7th day of April, 2000 and the Court having been advised that all filing fees and service costs have been paid in full, it is the ORDER of this Court that said Petition and Order be and are hereby WITHDRAWN. If applicable the Sheriff of Clearfield County is directed to return any weapon(s) to the Defendant which was/were taken as a result of these proceedings.

By the Court:

FILED

APR 10 2000

William A. Shaw
Prothonotary

Judie J. Ammerman

JUDGE FREDRIC J. AMMERMAN

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

<u>TRINDLE A. MCGARRY</u> ,	:
Plaintiff	:
	:
VS.	:
	:
<u>GREGORY A. WEBER</u> ,	:
Defendant	:

PETITION TO WITHDRAW PROTECTION FROM ABUSE ACTION

I, TRINDLE A. MCGARRY, do hereby request the Court to withdraw the Protection From Abuse Petition and Order issued on the 7th day of April, 2000 regarding the above captioned case.

I fully understand that by withdrawing this Petition and Orders I will no longer be under the Protection of the terms of this Court's Orders, and that any weapon(s) of the Defendant seized by the Sheriff of Clearfield County or any law enforcement agency will be returned to the Defendant.

I fully understand that all costs associated with filing the Petition and service of same must be paid in full and have been paid as of today's date.

Plaintiff's current address:

RD# 1 Box 490A Apt. 2
Curwensville, Pa 16833

Plaintiff's telephone number: (814) 236-1020

Defendant's current address:

Sixth Street
Grampian, Pa

Defendant's telephone number: (814) 236-1906

Shindell A. McSherry
Plaintiff's signature

4-10-00
Date

FILED

APR 10 2000

O/ 12:30/00
William A. Shaw
Prothonotary

1 CENT TO PSP

1 CENT TO SHFR

1 CENT TO PLFF &
DEFT.

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G
Tak

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MCGARRY, TRINDLE A.
VS
WEBER, GREGORY A.

00-420-CD

PROTECTION FROM ABUSE

SHERIFF RETURNS

NOW APRIL 10, 2000 PFA WAS NOT SERVED BY CLEARFIELD COUNTY SHERIFF. THE PFA WAS SERVED BY CURWENSVILLE BORO POLICE ON APRIL 7, 2000 AT 7:25 PM.

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

SWORN TO BEFORE ME THIS

11th DAY OF April 2000
William Shaw

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

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harr

CHESTER A. HAWKINS
SHERIFF

FILED

APR 11 2000
OP/15 am.
William A. Shaw
Prothonotary

E/Ked