



IN THE CIRCUIT COURT OF AUDRAIN COUNTY, MISSOURI
 Adult Abuse/Stalking
 Judgment Entry

Full Order of Protection

FILED

JUN 14 2005

PENNY J. CREED, CIRCUIT CLERK
 AUDRAIN COUNTY, MISSOURI

(Date File Stamp)

Judge or Division:
 LINDA R HAMLETT

Case Number: 05AU-PN00108

Petitioner:
 [Redacted]

Court ORI Number: MO004033J

Relationship to Respondent (specified on petition): vs. [Redacted]

Petitioner Identifiers:
 Date of Birth: [Redacted]

Sex: M Race: White

Respondent:
 DUSTIN LYNN BLUE

Address:
 [Redacted]
 MEXICO, MO 65265

Respondent Identifiers:

SEX	RACE	DOB	HT	WT
M	White			
HAIR	EYES	SOCIAL SECURITY #		
Sandy	Blue			
DRIVERS LICENSE #		STATE	EXP DATE	

- CAUTION:**
- Weapon Involved
- Concealed Carry Endorsement/Certificate Holder

Distinguishing Features:

- Appearances: Petitioner Respondent Respondent Fails to Appear
- GAL Petitioner's Attorney Respondent's Attorney Other:

The Court hereby finds:
 That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

- The Court hereby orders:**
- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above named Respondent be restrained from any contact with the Petitioner.
- Additional terms of this order are as set forth below.
- The terms of this order shall be effective until .

WARNINGS TO RESPONDENT:

If you hold a concealed carry endorsement or certificate of qualification, you must surrender such to the court, officer or the official serving this order.

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 Authorities in Indian Country (18 U.S.C. Section 2265). Crossing state, territory, 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.

- (Check Applicable Statement)
- Petitioner has filed a verified petition requesting an Order of Protection. Notice of the date set for the hearing, together with a copy of the petition and any Ex Parte Order of Protection, was served on Respondent at least three days prior to the hearing. The matter was heard and submitted to the court which, after due consideration, finds pursuant to Section 455.040 RSMo that Petitioner has proved the allegations of abuse or stalking.
- Petitioner and Respondent submit this judgment by consent and request that the court order the following:
- Petitioner has filed a motion for renewal of her/his full order of protection. Notice of the date set for hearing, together with a copy of the motion, was served on Respondent prior to the hearing as provided by law. The matter was heard and submitted to the court which, after due consideration, finds pursuant to Section 455.040 RSMo that the full order of protection should be renewed.

Order

(Only those provisions checked apply)

- This Order replaces and supersedes the Ex Parte Order of Protection entered in this cause on MAY 5, 2005 and serves as notice of termination of that Order.
- This Order renews the Full Order of Protection entered in this cause on _____ and serves as notice of renewal of that Order.
- Respondent shall not abuse, threaten to abuse, molest, stalk or disturb the peace of Petitioner wherever Petitioner may be found: .[01 & 04]
- Respondent shall not use, attempt to use, or threaten to use physical force against Petitioner that would reasonably be expected to cause bodily injury and shall not stalk, abuse, threaten to abuse, molest or disturb the peace of Petitioner wherever Petitioner may be found. [01]
- Respondent shall not communicate with Petitioner in any manner or through any medium. [05]
- Respondent shall not enter or stay upon the premises of wherever Petitioner may reside.
- Located at _____ (unless disclosure waived) [08]
- Respondent shall not transfer, encumber or otherwise dispose of the following property mutually owned or leased with Petitioner: . [08]
- Petitioner shall be given temporary possession of the following personal property:
- Respondent is authorized, accompanied by a law enforcement officer, to remove from the residence at the following personal property: .
- Respondent shall participate in a court approved counseling program for batterers substance abuse treatment at beginning .
- Custody of child(ren) shall be awarded as follows:

Child's Name

Person Awarded Custody [Respondent-06, Petitioner-09]

- A visitation schedule shall be established for Petitioner Respondent [06] as follows: .
- The parties shall exchange the minor child(ren) for visitation at .
- Petitioner Respondent shall pay child support to Petitioner Respondent as follows: \$ per week per month, with the first payment due .
- Respondent shall pay maintenance to Petitioner as follows: \$ per week per month, with the first payment due .
- _____ is appointed as trustee to receive the maintenance and/or child support.
- Petitioner Respondent shall execute an income assignment for: child support maintenance.
- Respondent shall pay the rent or mortgage on the residence at _____ in the amount of \$ per to _____, with the first payment due _____
- Respondent shall pay Petitioner's rent at a residence, other than the residence previously shared with Respondent, in the amount of \$ per to _____, with the first payment due _____.
- Respondent shall pay the cost of medical treatment and services provided to Petitioner as a result of injuries sustained by an act of domestic violence committed by Respondent.
- Respondent shall surrender his or her license containing a concealed carry endorsement.
- Respondent presents a risk of harm to self or others and shall surrender his or her license containing a concealed carry endorsement.
- Court Costs are assessed against Respondent.
- Respondent shall pay to Petitioner attorney's fees in the amount of \$.
- Other Orders: .

Federal Firearms Restriction

The Court finds that:

- a. as a result of a hearing at which the Respondent received notice and had an opportunity to participate; and,
- b. Respondent is a spouse, former spouse, is or was cohabitating, or has a child in common with the Petitioner; and,
- c. Respondent is a credible threat to the physical safety of, or is explicitly prohibited within this Order from the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against the Petitioner; and,
- d. Respondent is restricted from harassing, stalking or threatening the Petitioner, the child they have in common or a child of the Petitioner's partner, or from engaging in any conduct that would place the Petitioner in reasonable fear of bodily injury to him or her self, the child in common, or child of the Petitioner's partner.

Respondent is prohibited from possessing a firearm pursuant to Federal Law.

(See Notice Regarding Firearm Restriction.)

Violation of this Order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars. If so ordered by the court, Respondent is forbidden to enter or stay at Petitioner's residence.

This Order shall be effective FOR ONE YEAR, unless sooner terminated or renewed.

SO ORDERED:

06/14/05
Date

[Signature]
Judge

Notice of Findings and Recommendations & Notice of Right to Rehearing

The parties are notified that the foregoing Findings and Recommendations have been entered this date by a commissioner, and all papers relative to the case or proceedings, together with the Findings and Recommendations, have been transferred to a Judge of the Court. The Findings and Recommendations shall become the Judgment of the Court upon adoption by order of the Judge. Unless waived by the parties in writing, a party to the case or proceeding heard by a commissioner, within fifteen days after the mailing of notice of the filing of the Judgment of the Court, may file a motion for rehearing by a Judge of the Court. If the motion for rehearing is not ruled on within forty-five days after the motion is filed, the motion is overruled for all purposes. Rule 129.13

Date

Commissioner

Order and Judgment Adopting Commissioner's Findings and Recommendations

It is hereby ordered, adjudged and decreed that the foregoing Findings and Recommendations entered by the commissioner are adopted and confirmed as a final Judgment of the Court.

Date

Judge

Consent Order Only

Respondent consents to entry of the above orders, but this consent shall not be taken as an admission by Respondent that the allegations contained in the petition are true.

Petitioner's Signature

Respondent's Signature

Attorney for Petitioner's Signature

Attorney for Respondent's Signature

If appropriate, copy sent to Court Appointed Special Advocate Guardian Ad Litem

Notice of Renewal of Order

This Full Order of Protection may be extended for additional periods of time upon application and a court hearing. Any application should be made at least two weeks before the expiration date indicated on the Full Order of Protection.

Notice to the Person Obligated to Pay Support or Maintenance

(Pursuant to Section 452.340)

Effective January 1, 1994, for every order for child support or maintenance entered or modified by the court under the authority of Chapter 452 or otherwise, income withholding under Section 452.350 RSMo shall be initiated on the effective date of the order unless the court finds there is good reason not to require immediate income withholding or a written agreement between the parties provides for an alternative arrangement.

Notice Regarding Firearms Restrictions

Pursuant to 18 USC 922

(g) it shall be unlawful for any person-

(8) who is subject to a court order that-

(a) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury,

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.

Sheriff's or Server's Return

I certify that I served this Order at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time), by:

(Check one)

- delivering a copy of the Order to _____ (name);
- leaving a copy of the Order at the dwelling place or usual abode of _____ (name)
with _____ (name), a person of _____ 's (name) family over the age of 15 years.
- other (describe) _____

Printed Name of Sheriff or Server _____

Sheriff or Server _____

Must be sworn before a notary public if not served by an authorized officer

Subscribed and sworn to before me on _____

(Seal)

My commission expires: _____

Date

Notary Public

Respondent's license surrendered for concealed carry suspension and is attached.

Missouri and federal law provides that the costs and fees for service of protection orders are not required. (455.010 RSMo & 42 U.S.C. Section 3796gg-5)

Complete for Out of State Service

I certify that:

- 1) I am authorized to serve process in civil actions within the state or territory where the above Order was served.
- 2) My official title is _____ of _____ County, _____ (state).

Served in _____ County, _____ (state), on _____ (date) at _____ (time).

Subscribed and Sworn To before me this _____ (date) day of _____ (month), _____ (year).

I am: (check one)

- the clerk of the court of which affiant is an officer.
- the judge of the court of which affiant is an officer.
- authorized to administer oaths in the state in which the affiant served the above summons.
(use for out-of-state officer)
- authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title _____

Respondent's Missouri license surrendered for concealed carry suspension and is attached.

Missouri and federal law provides that the costs and fees for service of protection orders are not required. (455.010 RSMo & 42 U.S.C. Section 3796gg-5)

Directions to Officer Making Return on Service

A copy of the Order must be served on each person. If any person refuses to receive the copy of the Order when offered to him, the return shall be prepared to show the offer of the officer to deliver the order and the person's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an incompetent person not having a legally appointed guardian, by delivering a copy of the Order to the individual personally or by leaving a copy of the Order at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the Order to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an incompetent person who has a legally appointed guardian, by delivering a copy of the Order to the guardian personally.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."



If served outside of Missouri, the officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

The return should be made promptly.

Instructions to Clerk

1. A copy of the Full Order of Protection shall be issued to Petitioner, Respondent, and the law enforcement agency (police or sheriff) in the city or county where Petitioner resides.
2. A copy of the Full Order of Protection shall be issued the same day the order is granted to the law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES).
3. A copy of the Full Order of Protection shall be served upon or mailed by certified mail to Respondent(s) at his or her last known address.
4. If Findings and Recommendations were entered by a Commissioner and transferred to a Judge for adoption, check the in the "Notice of Rehearing" section.
5. Respondent shall surrender his or her license containing a concealed carry endorsement. The endorsement shall be suspended and the license held by the court in a confidential manner until this Order is no longer valid.



Judge or Division: <u>Linda Hamlett</u>	Case Number: <u>05AU-AN00108</u>	MAY 05 2005 PENNY J. CREED, CIRCUIT CLERK AUDRAIN COUNTY, MISSOURI, MO. (Date File Stamp)
Petitioner: Petitioner's DOB: Sex: _____ Race: _____	Court ORI Number: Respondent's Home Address: _____	
vs. Respondent: <u>Dusty Blue</u>	Home Phone Number: _____	Respondent's Work Address: Work Phone Number:  Work Hours: 
Alias/Nicknames:	Respondent's Work Address:	
Respondent's DOB: SSN (if known): Race: <u>White</u> Sex: <input type="checkbox"/> F <input checked="" type="checkbox"/> M Hair Color: <u>Reddish Blond</u> Age: <u>21</u> Eye Color: <u>Blue</u> Height: _____ Hair Length/Style: <u>Short</u> Weight: _____ (Identifying Information for use by Law Enforcement)	Other Locations Where Respondent May Be Served:	Petitioner's Relationship to Respondent: <input type="checkbox"/> Spouse <input type="checkbox"/> Unmarried with Child(ren) in Common <input type="checkbox"/> Ex-Spouse <input type="checkbox"/> Unmarried, Intimate Residing/Resided Together <input type="checkbox"/> Related by Blood/Marriage <input checked="" type="checkbox"/> Other (specify) _____
Visible Identifying Marks (e.g. tattoos, birthmarks, braces, mustache, beard, pierced ear, glasses)		

Adult Abuse/Stalking Petition for Order of Protection

- I am Petitioner and Respondent is at least 18 years of age under 18 but emancipated
 at least 18 years of age under 18 but emancipated
- I reside in Mexico (city), Mo (state),
in the County of Audrain.
Respondent may be found in Mexico (city), Mo (state),
in the County of Audrain.
- An act of abuse or stalking occurred at _____ (address),
Mexico (city), Mo (state), in the County of Audrain.
- Respondent and I: (check one or more)
 are related by blood. were related by marriage.
 are spouses. are related by marriage.
 were spouses. have no relationship other than Respondent has stalked me.
 have child(ren) in common. are in a continuing romantic or intimate social relationship.
 are or were residing together. were in a continuing romantic or intimate social relationship.
- Complete for Adult Abuse Petition Only.
Respondent and I: (check one or more)
 reside together.
 previously resided together at _____ (address),
_____ (city), _____ (state), in the County
of _____.
 never resided together.
- Complete for Stalking Petition Only.
Respondent is stalking me. Explain relationship (example: co-workers, neighbors, etc.)

Complete for Adult Abuse Petition Only

7. The residence in which I live is: (check one or more)
- jointly owned, leased or rented or jointly occupied by Respondent and me.
 - owned, leased, rented or occupied by me.
 - jointly owned, leased, rented or occupied by me and someone other than Respondent.
 - owned, leased, rented or occupied by someone else, and Respondent is my spouse.
 - jointly occupied by me and another person, and Respondent has no property interest therein.

8. Respondent has knowingly and intentionally: (check at least one)
- coerced me
 - stalked me
 - harassed me
 - sexually assaulted me
 - unlawfully imprisoned me
 - followed me from place to place
 - caused or attempted to cause me physical harm
 - placed or attempted to place me in apprehension of immediate physical harm
 - threatened to do any of the above

by the following act(s): (Include the most recent date(s) of each act described.)

On or around the last week of April Dusty Blue ~~stuck~~ struck with a hard push - My " " Then on 5-5-05 at around 11:30 He drove up and down My street trying to fight me then again at 12:30

9. I am afraid of Respondent, and there is an immediate and present danger of abuse or stalking of me because: (describe)

His dad and him tried to beat me up and said they would get me on 5-5-05 at 12:30 pm - I have a bad back if they knock me down it could paralyze me.

10. Photographs/Exhibits are filed as evidence of my injuries.

Complete for Adult Abuse Petition Only.

11. It is in the best interest of the minor children that custody be awarded as follows:

Child's Name	DOB	SSN	Age	Address (If other than Petitioner)
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

	Who did each Child reside with during last six months	Relationship to Parties (Explain if not Respondent's Child)	Persons to Receive Custody	
			Temporary	Full
1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

(If necessary, attach additional sheets.)

12. Indicate any prior or pending custody court cases before, or orders entered by, this court or any other court involving the following parties.
(If none, so state):

- a. Petitioner _____
- b. Respondent _____
- c. Children (identified in item 11) _____

13. Order Petitioner's residential address on voter's registration record to be closed to the public.

MEMO: 5-5-05

The First Dusty Blue tried to fight me he called me a pussy-fag He would kick my fucken ass - said I could fuck my boy friend in the ass I was a stupid mother fucker he was going to hurt me knock my fucking head off. The mother said I was poor and gay. I never watched my kids. My kids were trouble makers and that she would make sure they would get me. She was calling harassing on me. That I was a narc for calling the cops. The Dad - Kevin Shoemaker has told me He was going to drop me and to stop yelling at his wife. I was nothing but a punk and I better watch my back. Then Dusty the son - was coming back down the street told me he didnt care about jail He was going to kick my ass just wait. This all happened on 5-5-05 12:30pm and first time was 11:30 Am

14. Pursuant to Section 455.010 to Section 455.085 RSMo, it is requested that the court issue an Ex Parte Order of Protection restraining Respondent from: (check all that apply)
- abusing, threatening to abuse, molesting or disturbing the peace of Petitioner wherever Petitioner may be found.
 - stalking Petitioner.
 - entering the dwelling of Petitioner located at (see notice below) _____
 - communicating with Petitioner in any manner or through any medium.
 - other: Just leave me alone and Quit trying to hurt me and my kids

15. It is further requested that, upon the hearing of this cause, the court issue an Order of Protection enjoining Respondent from the above acts for such time as is necessary to protect Petitioner and that the court: (one or more may be selected)
- Award custody of the minor child(ren) to Petitioner Respondent.
 - Order visitation with the minor child(ren) to Petitioner Respondent as follows: _____
 - Order Petitioner Respondent to pay child support to Petitioner Respondent in the amount of \$ _____ (check one) per week per month.
 - Order Petitioner Respondent to pay maintenance to Petitioner Respondent in the amount of \$ _____ (check one) per week per month.
 - Order that Respondent make or continue to make the rent or mortgage payments in the amount of \$ _____ on the residence occupied by Petitioner.
 - Order that Respondent pay Petitioner's rent at a residence, other than the residence previously shared with Respondent, in the amount of \$ _____.
 - Order that Petitioner be given temporary possession of the following personal property: _____
 - Prohibit Respondent from transferring, encumbering, or otherwise disposing of the following property mutually owned or leased with Petitioner: _____
 - Order Respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior.
 - Order Respondent to pay a reasonable fee for housing and other services provided to Petitioner by a shelter for victims of domestic violence.
 - Order Respondent to pay the cost of medical treatment or services provided to Petitioner as a result of injuries sustained by an act of domestic violence committed by Respondent.
 - Order Respondent to pay court costs.
 - Order Respondent to pay Petitioner's attorneys fees.
 - Other (specify): _____

I swear/affirm under penalty of perjury that these facts are true according to my best knowledge and belief.

5-5-05

Date

Petitioner's Signature

Address (Optional)

Mexico Mo. 65265
City, State and Zip

Telephone

Attorney's Name, Missouri Bar No., if Applicable

Address

City, State and Zip

Telephone

NOTICE: Section 455.030.3 RSMo provides that a Petitioner seeking protection under the Adult Abuse Act is not required to reveal any current address or place of residence on this motion. **Do not provide this information if doing so will endanger you.**

Definition of Abuse

You are notified that under Section 455.010 (1) RSMo the term "abuse" includes, but is not limited to:

1. the occurrence of, or
2. attempt to do, or
3. threats to do any of the following acts against Petitioner:
 - (a) purposely or knowingly placing or attempting to place Petitioner in fear of physical harm;
 - (b) purposely or knowingly causing physical harm to Petitioner with or without a deadly weapon;
 - (c) compelling Petitioner by force or threat of force to engage in conduct from which Petitioner has a right to abstain or to abstain from conduct in which Petitioner has a right to engage;
 - (d) engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to Petitioner and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to Petitioner. Such conduct might include, but is not limited to:
 - a. Following Petitioner about in a public place or places;
 - b. Peering in the window or lingering outside the residence of Petitioner;
 - (e) causing or attempting to cause Petitioner to engage involuntarily in any sexual act by force, threat of force, or duress; or
 - (f) holding, confining, detaining, or abducting Petitioner against Petitioner's will.

Definition of Stalking

You are notified that, under Section 455.010(10) RSMo, "stalking" occurs when an adult purposely and repeatedly engages in an unwanted course of conduct that could cause alarm to a reasonable person. "An unwanted course of conduct" is behavior that serves no legitimate purpose. Such conduct may include following a person or unwanted communication or contact. "Repeated" means two or more incidents that show a continuity of purpose, in other words, that are intended to cause alarm. "Alarm" means fear of physical harm.