

ORDER OF PROTECTION

<p style="text-align: center;">TYPE OF ORDER</p> <p><input type="checkbox"/> Final Order</p> <p><input type="checkbox"/> Continued Order</p> <p><input type="checkbox"/> Amended Order/Interim Order</p>	<p>District Court of <u>Seo</u> County State of Oklahoma</p> <p>Case No. PO-20 <u>21-10</u></p> <p>Court Phone Number () _____</p>																																			
<p style="text-align: center;">Petitioner</p> <p style="font-size: 1.2em; text-align: center;">PO-2021-00010 Nova Harp -- VS -- Billy D Oliver</p>	<p style="text-align: center;">Additional Petitioner Information</p> <p>Name(s) and age(s) of minor family member(s)</p> <p>_____</p> <p>_____</p>																																			
<p style="text-align: center;">Defendant</p> <p>_____</p> <p style="text-align: center;">First Middle Last</p> <p>Relationship to Petitioner: _____</p> <p>Defendant's Address (Street address, City, State, Zip Code) _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">Defendant Identifiers</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">SEX</th> <th style="width: 15%;">RACE</th> <th style="width: 15%;">DOB</th> <th style="width: 15%;">HT</th> <th style="width: 15%;">WT</th> </tr> <tr> <td style="text-align: center;">M</td> <td style="text-align: center;">W</td> <td></td> <td></td> <td></td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td></td> <td></td> <td colspan="3"></td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2"></td> <td></td> <td colspan="2"></td> </tr> <tr> <td colspan="5">Other</td> </tr> </table>	SEX	RACE	DOB	HT	WT	M	W				EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE	EXPIRES							Other				
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SEQUOYAH COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

MAR 29 2022

GINA L. COX, COURT CLERK

BY [Signature] DEPUTY

A. CAUTION:

- Weapon Involved – Type: _____
- Weapon Present on Property
- Unknown if Weapon Present

B. THE COURT FINDS:

- 1) That it has jurisdiction over the parties and subject matter.
- 2) That the Defendant has been provided with reasonable notice and opportunity to be heard.
- 3) That a Final Order of Protection is necessary to protect the Petitioner(s) pursuant to the Protection from Domestic Abuse Act (22 O.S. §60.1, et seq.).
- 4) Additional terms of this Order follow on succeeding pages.

C. THE COURT ORDERS THE FOLLOWING RELIEF (as specifically marked in check boxes below):

1) FINAL ORDER – NO FINDING OF DOMESTIC ABUSE AND/OR STALKING OF INTIMATE PARTNER OR CHILD. Federal firearms prohibition does not apply.

2) FINAL ORDER – DOMESTIC ABUSE AND/OR STALKING. Following the hearing of which Defendant had actual notice and opportunity to appear and respond, the Court finds that the Defendant represents a credible threat to the physical safety of an intimate partner or child. Defendant is prohibited from possession of firearms or ammunition for the term of this Order.

NOTICE: Federal Firearm Prohibition: Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition (18 U.S.C. §922(g)(8)) while subject to a court order requested by an intimate partner or their child, with penalty up to \$250,000 fine and 10 years in prison.

Validity: This Order shall have statewide and nationwide validity unless specifically modified or terminated by a judge of the district courts (22 O.S. §60.7). This Order shall be enforced, even without registration or filing, by the courts of any state, the District of Columbia, any U.S. Territory, or Indian Tribe (18 U.S.C. §2265). Crossing state, territorial or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. §2262).

3) Duration:

3a) This Final Protective Order shall remain in effect until 28 March 2023 @ 9:30^{a.m.} or for a period not to exceed five years from the date of issue, unless extended, modified or rescinded by the Court upon Motion or agreement. *Pursuant to 22 O.S. 60.4 (G)(1)(a), if the Defendant is incarcerated the protective order remains in effect during the period of incarceration and the period of incarceration shall not be included in the calculation of the five-year time limitation.

OR:

3b) This Final Protective Order shall be continuous, and shall remain in effect until modified, vacated or rescinded, or if the Court approves any consent agreement entered into by the plaintiff and defendant. The Court finds that one or more of the conditions set forth in 22 O.S. 60.4 (G)(1)(b) exists in the present matter, specifically:

- the person has a history of violating the orders of any court or governmental entity, the person has previously been convicted of a violent felony offense,
- the person has a previous felony conviction for stalking as provided in Section 1173 of Title 21 of the Oklahoma statutes,
- a court order for a final Victim Protection Order has previously been issued against the person in this state or another state,
- the person has a history of domestic violence or other violent acts.

4) Defendant is prohibited from attempting or having **ANY CONTACT** whatsoever with the Petitioner, hereinafter "protected person," either in person, through others or by telephone, mail, electronic means, or any other manner, at any time or place unless specifically authorized by the Court.

5) Defendant is prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking, threatening, or otherwise interfering with the protected person(s), and from use, attempted use or threatened use of physical force against the protected person(s) that would reasonably be expected to cause bodily injury.

6) Defendant is prohibited from engaging in other conduct that would place the protected person(s) in reasonable fear of bodily injury to the protected person(s) or the protected person(s) household members or relatives.

7) Defendant is ordered to leave and remain away from the residence located at: Plaintiff residence, Oklahoma, on or before the 29 day of March, 2022 at 12:01 a.m./p.m. and take no action to change utilities or telephone service.

8a) If this Order is served upon Defendant at the residence to be vacated, Law Enforcement Officers shall remain at the residence until **Defendant** removes necessary clothing and personal effects and leaves the premises.

8b) If this Order is served upon Defendant at a location other than the residence to be vacated, Law Enforcement Officers shall accompany the Defendant to the residence and remain in attendance until **Defendant** removes necessary clothing and personal effects and leaves the premises. Defendant is ordered NOT to go to the residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present as stated in this paragraph.

9) Law Enforcement officers shall accompany the **Petitioner** (i.e. provide a "civil standby") to the current or recent past residence to remove necessary clothing and personal effects, and remain in attendance until Petitioner leaves the premises. Such residence is located at the following address:

10) Defendant who is a **minor**, is ordered to leave the residence located at:

(address, city, state) and shall be immediately placed in custody of _____ pursuant to 10A O.S. §2-2-101(A), and a preliminary inquiry in a juvenile proceeding is hereby ordered to determine whether further court action pursuant to the Oklahoma Juvenile Code should be taken against the juvenile defendant.

- Circle Age of Minor Defendant: 13 14 15 16 17

11) There is an existing visitation order, and in order to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order, the Court suspends or modifies child visitation as follows:

a. All visitation is suspended until another Court assumes jurisdiction and modifies.

b. All visitation must be supervised, and in the presence of the following supervisor:

c. Pickup/Delivery of child(ren) for visitation shall be by/at: _____

d. Other: _____

12) Exclusive care and custody of certain animal(s) is awarded to the Petitioner. Defendant is ordered to have no contact with said animal(s) and is forbidden from taking, harming or disposing of said animal(s). (Identify animal(s)): _____

13) The Defendant is ordered to obtain domestic abuse counseling or treatment as follows (must be provided by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. 21 O.S. §644):

14) The Court finds that the conditions set forth in 22 O.S. §60.17 exist in the present matter, and therefore GPS tracking of the Defendant is necessary. Defendant is ordered to use an active, real-time, twenty-four-hour GPS monitoring device and Defendant shall pay the costs of the GPS device and monitoring. The Court authorizes the Petitioner to monitor the location of the Defendant through computer or cell phone inquiries, as provided in 22 O.S. §60.17.

15) Pursuant to 22 O.S. §60.4, paragraph J, the Court finds that in order for Petitioner to maintain certain household utilities and/or wireless telephone number (including wireless numbers for minor children) a **SEPARATE ORDER will issue directing the following utility and/or wireless telephone providers to transfer rights and billing responsibility to Petitioner.**

16) Defendant shall immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to

17) The Defendant is ordered to pay the court costs and service of process fees immediately or per payment plan if separately ordered.

18) The Defendant is ordered to pay the protected person's attorney's fees in the amount of \$ _____.

19) The court costs and fees are waived upon a finding that the Defendant does not have an ability to pay.

20) IT IS FURTHER ORDERED:

D. WARNINGS TO DEFENDANT AND PROTECTED PERSON(S):

- 1. The filing or non-filing of criminal charges and the prosecution of the case shall not be determined by a person who is protected by the protective order, but shall be determined by the prosecutor.**
- 2. No person, including a person who is protected by the order, may give permission to anyone to ignore or violate any provision of the order. During the time in which the order is valid, every provision of the order shall be in full force and effect unless a court changes the order.**
- 3. The order will be in effect for a maximum of five (5) years unless extended, modified, vacated or rescinded by the court.**
- 4. A violation of the order is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1) year in the county jail, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year in the county jail or a fine of up to Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Additional offenses and penalties are provided in federal and state law, including 22 O.S. §60.6.**
- 5. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition.**
- 6. As a result of this order, it MAY be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8).**
- 7. Any person who knowingly and willfully presents any false or materially altered protective order to any law enforcement officer to effect an arrest of any person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by a fine not exceeding \$5,000.00, and shall in addition be liable for any civil damages to the Defendant.**
- 8. This Order complies with the Violence Against Women Act's full faith and credit provision (18 U.S.C. §2265) and his Order is enforceable throughout Oklahoma and in all 50 states, U.S. territories, Tribal Land and the District of Columbia.**

Dated this 29 day of March, 2022



JUDGE OF THE DISTRICT COURT

RECEIPT FOR SERVICE OF ORDER

The undersigned Defendant was present in open Court when the above Order was entered by the Court, and by his/her signature below indicates Service and Receipt of a true copy of the above Order of the Court.

Defendant present Objected to continuing
Defendant Protective Order. Defendant left before
(Validity and enforceability of this Order does not require signature above)
Order was completed