

PETITION FOR PROTECTIVE ORDER	District Court of <u>BRYAN</u> County State of Oklahoma Case No. PO-20 <u>23-149</u> Court Phone Number (580) 924-1446																																								
Petitioner	Additional Petitioner Information																																								
<u>Elizabeth Nicole Harker</u> First Middle Last and/or on behalf of minor family member(s)	Name(s) and age(s) of minor family member(s) <u>Payleigh Lynn Davis</u> <u>(City, delegate joined in the case of Petitioner by DHS)</u>																																								
-VS-	Defendant Identifiers																																								
Defendant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>SEX</th> <th>RACE</th> <th>DOB</th> <th>HT</th> <th>WT</th> </tr> <tr> <td>M</td> <td>W H</td> <td>5/2/1992</td> <td>5'5"</td> <td>260</td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td>Blue</td> <td>Black</td> <td colspan="3">Left hand tattoo, piercings</td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2">53030133</td> <td>TX</td> <td colspan="2">11/2/2025</td> </tr> <tr> <th colspan="5">Other</th> </tr> <tr> <td colspan="5">None</td> </tr> </table>	SEX	RACE	DOB	HT	WT	M	W H	5/2/1992	5'5"	260	EYES	HAIR	DISTINGUISHING FEATURES			Blue	Black	Left hand tattoo, piercings			DRIVERS LICENSE #		STATE	EXPIRES		53030133		TX	11/2/2025		Other					None				
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<u>Paul Alexander Aguilar</u> First Middle Last Relationship to Petitioner: <u>Spouse</u> Defendant's Address (Street address, City, State, Zip Code) <u>215 24th St South East, Pampa, TX 75460</u>																																									

(Clerk's File Stamp Below)

1. Information About the Parties.

Several factors may apply. Please read ALL items below carefully & check any that apply.

A. The Defendant's Relationship to Petitioner(s):

1. Intimate Partner:

- Defendant is my current spouse
- Defendant is my former spouse
- Defendant and I are dating, or have dated, each other
- Defendant and I are, or have been, engaged in a sexual relationship
- Defendant and I are the biological parents of the same child
- Defendant and I currently live together, or previously lived together, in an intimate relationship
- Defendant is an Intimate Partner of a minor child listed above

FILED
 BRYAN COUNTY, OKLAHOMA
 DISTRICT COURT CLERK

DEC 12 2023

DONNA ALEXANDER
 COURT CLERK
 BY ase Deputy

II. Family or Household Member:

- Defendant is my parent, grandparent, stepparent, adoptive parent, or foster parent
- Defendant is my child, grandchild, stepchild, adopted child, or foster child
- Defendant is otherwise related to me (by marriage or blood) and _____ does or _____ does not (check one) live in the same household as me
- Defendant lives in the same household as me, or lived with me within the past year, but is NOT related to me (by marriage or blood)
- Defendant is a Family Member and/or Household Member (check one or both) of the minor child(ren) listed above

B. If you DID check one or more items in Section A above, then complete this section.

Petitioner is a (check all that apply):

- Victim of Domestic Violence/Abuse*
- Victim of Harassment*
- Adult Victim of Other Crime
- Family or Household Member of the Minor Child/Children Listed Above
- Victim of Stalking*
- Victim of Rape
- Victim of Child Abuse

C. If you DID NOT check one or more items in Section A above, then complete this section.

Defendant has committed the following acts against Petitioner and/or the minor(s) listed above:

- Rape
- Forcible Sodomy
- Sex Offense
- Kidnapping
- Assault and Battery with a Deadly Weapon
- Child Abuse
- Stalking*
- Other Crime against an Adult Victim

POLICE REPORT: If you are NOT a family or household member, or in a dating relationship with Defendant, please see Appendix 1 for further information about whether you must attach a police report.

DEFINITIONS: Terms with an asterisk (*) have specific meanings. See Appendix 2 for important definitions.

D. First Degree Murder (check if applicable). Petitioner is an Immediate Family Member of a Victim of First Degree Murder, and Defendant has Been Charged and Convicted of that Crime

2. Statement of Jurisdiction.

INSTRUCTION: Check all that apply

- Petitioner is a resident of the county wherein this Petition is filed.
- Defendant is a resident of the county wherein this Petition is filed.
- The domestic abuse occurred in the county wherein this Petition is filed.

3. Actions of the Defendant

INSTRUCTION: Check and complete one or more of the following. Fill in the blank lines of checked items.

DEFINITIONS: Terms with an asterisk (*) have specific meanings. See Appendix 2 for important definitions.

DOMESTIC ABUSE*: The Defendant has caused or attempted to cause physical harm to: _____ (Name(s))

DOMESTIC ABUSE*: The Defendant has threatened* imminent physical harm to: _____ (Name(s))

The Defendant has harassed* Elizabeth Hughes, Full-time Petitioner. (Name(s))

The Defendant has stalked* Elizabeth Hughes. (Name(s))

The Defendant has committed: Rape Forcible Sodomy Sex Offense Kidnapping

Assault and Battery with a Deadly Weapon Child Abuse First Degree Murder against

Elizabeth Hughes, Full-time Petitioner, current DHS & Duval PD employees. (Name(s))
use with Elizabeth Davis

The Defendant has committed the crime of Harassment & Stalking against Petitioner (adult victim of crime, 22 O.S. §60.2(A)).

4. Description of Incident(s)

The incident(s) which caused the filing of the petition occurred on or about 10/31/23 (Date(s)). Describe what happened, when and where the event(s) occurred. List all actions or behaviors you intend to present to the Court at the hearing.

10/31/23 Elizabeth Hughes was in hospital overnight, she made sure Hughes & English
have never come home since 11/1/23 Elizabeth's school house to get that evening back left to
go visiting. Did not return until early morning of 11/2/23 11/2/23 ~~did not~~ returned to the
house (107 N 4th Ave Duval, OK 992) with consent back about being married to
Elizabeth. when in hospital - the night of 11/1/23 with this date on phone, English + 11/2/23
English knew and that back work 1. middle with English in his car for the night of 10/31/23
but not heard was until he met at one point. The night before the trip was planned but did
it took 2. English got up and went to the house for work. Elizabeth asked if he was
single when she said "no" He was married". At this time, English had been considered
to back and going to the neighbor side of the bridge to wait for him to leave for
work before going home from school. Elizabeth Petitioner (duval) and Elizabeth's current

incident with him after realizing Elizabeth (his step-mom) might leave Brock
due to his cheating and she didn't feel safe living with Brock alone. On 11/2/23 Rayleigh
expressed to Brock (parent of Elizabeth & on recording) that he wants to live with
her birth mother Melissa Davis. He said he had after receiving about the topic, Brock
said Rayleigh could go to visit for the weekend of 11/11-11/12/2023 and for
Thanksgiving break the week of 11/18-11/26/2023. The afternoon of 11/15/23 Rayleigh
went to Abraham's home and said that she was going to write down a list of names
and incidents that had happened between her and Brock to show Melissa Davis
in hopes of her getting custody of Rayleigh. When Elizabeth came home, Rayleigh
and Brock left for work and went home to take the dog out. This is when
we learned that Brock's hand wasn't just under his shirt but was also under
her bra, cupping her breast. Reading this led to Elizabeth calling Melissa
immediately to tell her she needs to call the cops to get the PD involved that is when
case #23D23243 was opened and DHS came to the home with PD officers to take
statements. It was determined that because of Brock's past aggressive behavior and drugs
and because of him being a police officer with 3 years in his position that Elizabeth
& Rayleigh go to a hotel for safety concerns. That is why she was placed in Elizabeth's
custody. Brock had to tell Elizabeth this was going to work overnight so she could not
leave while he was at work. He said she had to go back to work. It doesn't answer and
would call Rayleigh, Abraham Pena, and even Elizabeth's work phone until he would
have talk from her. This happened the week before Rayleigh went to her grand
mother's apartment. He also took Elizabeth and Rayleigh in his car (to have
them no way to leave) to stay overnight at an Atoka OK hotel while he was
on shift for Atoka PD. Due to his harassment, cheating activities, and Rayleigh case it
case investigation it was decided for safety reasons the house out of 901 N 4th St
and into a new house with the Pena family. The security is in place and he
would be able to get to Elizabeth. He did not know the new address
but would demand to know it, saying to get the notices out of Elizabeth's hands.
DHS told him she cannot keep Rayleigh (he). Then on 11/30/23 Brock sent Elizabeth
a screenshot of his location (Abraham's new home) saying he knows where they live
the Pena's and Elizabeth do not feel safe knowing his aggression, his vindictiveness,
his possession of multiple weapons and his knowledge of their location. To protect
Rayleigh peace of mind, she doesn't know yet about him knowing the new address.

ATTACH ADDITIONAL PAGES IF NECESSARY

5. Other Cases. Please list all cases (divorce, protection orders, paternity, guardianship, criminal, juvenile, civil) involving the Defendant and yourself, or a child you have with the Defendant (attach additional sheets of paper if necessary):

Case Name	Case Number	County & State
	23D23243	
	23D23243 23D23243	Byron, OK

6. Type of Order Requested. INSTRUCTION: Check either A or B

A. Petitioner does not request an Emergency Ex Parte Protective Order but does request the following relief, checked below, after notice and hearing, in a Final Order;

OR

B. Petitioner does request an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger. Petitioner requests the following relief, checked below, in the Ex Parte Order AND, after notice and hearing, requests the same relief in a Final Order.

RELIEF REQUESTED

INSTRUCTION: Check EACH item which you are requesting from the Court

1. Defendant should be prohibited from attempting or having **ANY CONTACT** whatsoever with the Petitioner, 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.

2. Defendant should be prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the Petitioner, and from use, attempted use or threatened use of physical force against the Petitioner that would reasonably be expected to cause bodily injury.
3. Defendant should be prohibited from engaging in other conduct that would place the Petitioner in reasonable fear of bodily injury to the Petitioner or the Petitioner's household members or relatives.
4. Defendant should be ordered to leave and remain away from the residence located at: 184 Cypress Point Dr. Durant, OK 74901, Oklahoma, on or before the 1st day of December, 2023 at 1:29 a.m./6.m. and take no action to change utilities or telephone service.
5. The Court should order Law Enforcement Officers to accompany the **Defendant** to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant leaves the premises, and the Court should further order Defendant NOT to go to the above residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present.
6. The Court should Order Law Enforcement Officers to 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:
_____, Oklahoma.
7. The Court should Order Defendant, who is a minor, to leave the residence located at _____

(address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to 10A O.S. §2-2-101(A).
Circle Age of Minor Defendant: 13 14 15 16 17
8. There is an existing child visitation order and the Court should suspend or modify child visitation to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order. 22 O.S. §60.4(l)(1).
9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. 22 O.S. §60.4(C)(1) and (E)(1).
10. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner.
11. Pursuant to 22 O.S. §60.17, Petitioner makes application to monitor the location of the Defendant by computer or cellular inquiry. The Defendant should be ordered to use an active, real-time, twenty-four-hour GPS monitoring device, and costs of the GPS device and monitoring should be paid by Defendant.

12. Pursuant to 22 O.S. §60.4, Petitioner requests that billing responsibility and rights to the following household utilities and/or wireless telephone number (and wireless numbers for minor children) be transferred to petitioner's name. _____

Note: A public utility or wireless service provider's normal requirements for setting up a new account still apply. Petitioner will be responsible for paying for the account.

13. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to Durant P.D.

14. The Defendant should be ordered to pay the court costs and service of process fees (pursuant to 22 O.S. §60.2(C)(1), no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously).

15. The Defendant should be ordered to pay the Petitioner's attorney's fees in the amount of \$ _____

PETITIONER REQUESTS THE COURT TO ORDER THE FOLLOWING ADDITIONAL RELIEF:

Allow Elizabeth Harker access to the child support
to care for Brynleigh while in her custody. And to file
and pay the cost of the divorce and any back owe child
101 N 4th Ave. Sandbank.

7. Warnings To Petitioner:

A. Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to 21 O.S. §§500 and 504, the penalty for perjury, or subornation of perjury, is a felony punishable by imprisonment for not more than five (5) years.

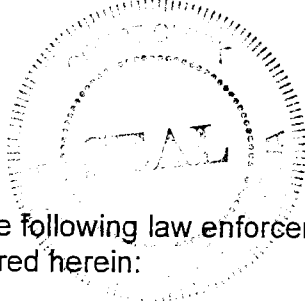
B. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff pursuant to 22 O.S. §60.2 (C)(2). It is against the law to file a petition for a protective order against a spouse or former spouse for the purposes of harassment, undue advantage, intimidation or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause. Violators may be subject to criminal penalties pursuant to 22 O.S. §60.4(H).

8. Sworn Statement/Affirmation of Truth

I state, under penalty of perjury under the laws of Oklahoma, that I have read the above and foregoing document, understand the meaning thereof, and declare that the facts and statements contained herein are true to the best of my knowledge and belief.

E. Aguilar
PETITIONER

Subscribed and sworn to before me this 1 day of December, 2023.



Monica Alexander
Deputy Court Clerk, Judge or Notary

Petitioner requests the following law enforcement agencies receive a copy of any Protective Order entered herein:

Name of Agency or Agencies (use additional pages if necessary)

Petition for Protective Order
Appendix 1

Law Enforcement Complaint (Police Report) Required?	
If you ARE a family or household member or in a dating relationship with Defendant, then Police Report <u>IS NOT</u> required	
If you ARE NOT a family or household member or in a dating relationship with Defendant, then see rows below	
<u>Actions of Defendant:</u> <ul style="list-style-type: none"> • Rape • Forcible Sodomy • Sex Offense • Kidnapping • Assault and Battery with a Deadly Weapon • Child Abuse • First Degree Murder (Petitioner is an Immediate Family Member of the Victim) 	<p>Police Report IS REQUIRED for <u>Final Order</u> of Protection</p> <p>Police Report IS NOT required for</p> <ul style="list-style-type: none"> • Emergency Temporary (weekend) Order • Emergency Ex Parte Order
<ul style="list-style-type: none"> • Stalking • Other Crime Not Listed Above 	<p>Police Report IS REQUIRED</p>

Authority: 22 O.S. §60.2, paragraphs (A)(1) and (G).

(A)(1). . . If the person seeking relief is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of this section. . . .

(G) A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, child abuse, or member of the immediate family of a victim of first-degree murder, may petition, or have a petition filed on the victim's behalf if the victim is a minor, for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario requirements in this section. . . .

Petition for Protective Order
Appendix 2

Selected Definitions – 22 O.S. §60.1

Dating Relationship - Intimate association, primarily characterized by affectionate or sexual involvement. For purposes of [the Protection from Domestic Abuse Act], a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

Domestic Abuse. Any act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member.

Family or Household Members -

- a. Parents, including grandparents, stepparents, adoptive parents and foster parents,
- b. Children, including grandchildren, stepchildren, adopted children and foster children,
- c. Persons otherwise related by blood or marriage living in the same household,
- d. Persons otherwise related by blood or marriage, or
- e. Persons not related by blood or marriage living in the same household.

Harassment - A knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury.

Intimate Partner -

- a. Current or former spouses,
- b. Persons who are or were in a dating relationship,
- c. Persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
- d. Persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

Living in the Same Household -

- a. Persons who regularly reside in the same single-dwelling unit,
- b. Persons who resided in the same single-dwelling unit within the past year, or,
- c. Persons who have individual lease agreements whereby such person has his or her own private bedroom and shares the common areas.

Stalking - The willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:

- a. maintaining a visual or physical proximity to the individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace of the individual or contacting the employer or coworkers of the individual,
- d. appearing at the residence of the individual or contacting the neighbors of the individual,
- e. entering onto or remaining on property owned, leased or occupied by the individual,
- f. contacting the individual by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the individual or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the individual. This subparagraph applies regardless of where the act occurs,
- h. sending any physical or electronic material or contacting the individual by any means, including any message, comment, or other content posted on any Internet site or web application,
- i. sending to a family member or member of the household of the individual, or any current or former employer of the individual, or any current or former coworker of the individual, or any friend of the individual, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the individual,
- j. placing an object on, or delivering an object to, property owned, leased or occupied by the individual,
- k. delivering an object to a family member or member of the household of the individual, or an employer, coworker, or friend of the individual, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the individual, or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.