

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

Order of Protection

Per R.C. 2903.214(F)(2), this order is indexed at

Case No. 2010CV00724

Judge LOGAN

County TRUMBULL State OHIO

CIVIL STALKING [REDACTED] OFFENSE
PROTECTION ORDER (SSOPO) FULL HEARING (R.C.
2903.214)

LAW ENFORCEMENT AGENCY WHERE INDEXED

()

PHONE NUMBER

PETITIONER:

GARRICK KRLICH
First Middle Last

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: GARRICK KRLICH DOB: 12/24/60
Petitioner's Family or Household Member(s):
DOB: _____
DOB: _____
DOB: _____
DOB: _____

v.

RESPONDENT:

RICH WITTKUGLE
First Middle Last

Address where Respondent can be found:

88 HILLVIEW
HUBBARD, OH 44425

RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
M	W	5'11"	235
EYES	HAIR	DATE OF BIRTH	
BROWN	BROWN	01/17/65	
DRIVER'S LIC. NO. & EXP. DATE			STATE

Distinguishing Features: _____

FIREARMS ACCESS – PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below. Additional terms of this order are set forth below.

The terms of this order shall be effective until 04 / 26 / 2015
DATE CERTAIN – MAXIMUM FIVE YEARS

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

This proceeding came on for a hearing on 04/26, 2010 before the Court and the Civil Stalking [REDACTED] Offense Protection Order *Ex Parte* filed on _____, _____, all in accordance with R.C. 2903.214.

The following individuals were present: PETITIONER WITH COUNSEL; RESPONDENT; WITNESSES & OBSERVERS

The Court hereby makes the following findings of fact: RESPONDENT CONSENTS TO THE ISSUANCE OF A FULL HEARING CIVIL STALKING PROTECTION ORDER.

- The court finds by a preponderance of the evidence that 1) the Respondent has knowingly engaged in a pattern of conduct that caused Petitioner to believe that the Respondent will cause physical harm or cause or has caused mental distress; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this order from stalking offenses.
- The court finds by a preponderance of the evidence that 1) the Petitioner or Petitioner's family or household member(s) are in danger of or have been a victim of a sexually oriented offense as defined in Ohio Revised Code 2950.01, committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this order from sexually oriented offenses.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT

- 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 03]
- 3. **RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities, insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items.
- 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

- 5. **RESPONDENT SHALL STAY AWAY** from protected persons named in this order, and shall not be present within 500 feet or _____ (distance) of any protected persons, wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, ***even with protected persons' permission.*** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 6. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.
- 7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this order.

9. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON. Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: _____

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

10. IT IS FURTHER ORDERED: [NCIC 08] RESPONDENT SHALL NOT BEEP HIS HORN OR CAUSE ANY OTHER TYPE OF DISTURBANCE AT OR NEAR PETITIONER'S HOME OR CAUSE OR ENCOURAGE OTHERS TO DO SO. THIS ORDER SUPERSEDES THE COURT'S PRIOR ORDER OF APRIL 27, 2010.

11. RESPONDENT IS ORDERED TO COMPLETE the following counseling, rehabilitation, or batterer's treatment program: _____

Respondent shall contact this program within 7 days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the court to receive information from the counseling program.

Respondent is ordered to appear before Judge _____ or Magistrate _____ on _____, _____, at _____ m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the court may issue a warrant for your arrest.


12. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS illegal drugs or beverages containing alcohol.

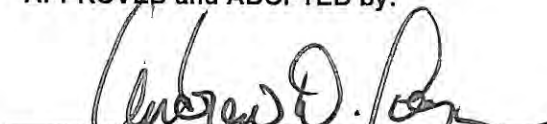
13. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under Federal and State Law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

14. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL 04/26, 2015 unless earlier modified or dismissed by order of this Court.

IT IS SO ORDERED.

APPROVED and ADOPTED by:


MAGISTRATE


JUDGE

NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.


Signature of Attorney for Petitioner (if applicable)

Robert A. Henkin #0021830
Print Name & Attorney Registration Number


Signature of Attorney for Respondent (if applicable)

John H. Chaney III (#0056193)
Print Name & Attorney Registration Number

Case # 2010 cv 724

6 Central Square # 905
Address

1129 Niles Crawford Road
Address

Youngstown, Ohio 44503-1508
City, State, Zip

Warren, Ohio 44484
City, State, Zip

(330) 746-8491
Phone

(330) 609-9999
Phone

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the following date:

By: _____
CLERK OF COURT

TO THE CLERK

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- Petitioner
- Respondent
- Police Department Where Petitioner Resides: HUBBARD P.D.
- Police Department Where Petitioner Works: _____
- The _____ Sheriff's Department
- Other: TRUMBULL COUNTY 911
- Attorney for Petitioner
- Attorney for Respondent

WAIVER OF HEARING

I have been advised of my right to have a hearing on the motion for a civil stalking protection order and hereby knowingly and voluntarily waive the hearing on the motion and agree to be bound by the terms set forth above.

RESPONDENT: [Signature]

DATE: 6/11/10

Richard M. Fragle

WARNING CONCERNING THE ATTACHED PROTECTION ORDER

NOTE: Rule of Superintendence 10.03 requires this Warning to be attached to the FRONT of all protection orders issued pursuant to R.C. 2903.213 and 2903.214 by the courts of the State of Ohio. TO BE USED WITH FORMS 10.03-B, 10.03-E, and 10.03-F.

WARNING TO RESPONDENT/ DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. Section 2265. Violating this Protection Order may subject you to federal charges and punishment. You may also be subject to federal penalty for possessing, transporting, or accepting a firearm under the Gun Control Act, 18 U.S.C. Section 922(g)(8).

Only the Court can change this order. The Petitioner / Alleged Victim cannot give you legal permission to violate this order. If you go near the petitioner or other protected persons, even with their consent, you may be arrested. You act at your own risk if you disregard this WARNING. If you want to modify or dismiss the order you must ask the Court.

WARNING TO PETITIONER / ALLEGED VICTIM

You cannot change the terms of this order by your words or actions. This order **cannot** be changed by either party without obtaining a written court order.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violating this Protection Order, whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.27, R.C. 2903.213 and R.C. 2903.214. If you have reasonable grounds to believe that Respondent / Defendant has violated this Protection Order, in Ohio under R.C. 2935.03, you should arrest and detain Respondent / Defendant until you can obtain a warrant. Federal and state laws prohibit charging a fee for service of this order.

FORM 10-A: PROTECTION NOTICE TO NCIC

(Required fields appear in bold print)

- New Form
- Modification of Previous Form

SUBJECT NAME WITTKUGLE RICH
 (LAST) (FIRST) (M.I.)
 ADDRESS 88 HILLVIEW HUBBARD OH 44425
 (STREET) (CITY) (STATE) (ZIP)
 PHYSICAL DESCRIPTION: HGT _____ WGT _____ HAIR BRN EYES _____ RACE W SEX M

NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)
 1. SSN _____ / _____ / _____ 2. DOB _____ / _____ / _____
 3.* DRIVERS LIC. NO. _____ STATE _____ EXPIRATION YR. _____
 4.* VEHICLE LIC. NO. _____ STATE _____ EXPIRATION YR. _____ LIC. TYPE _____
 (* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

BRADY HANDGUN DISQUALIFIERS:
 (18 U.S.C. § 922(d)(8) requires all "yes" to disqualify subject from purchasing a handgun)
 ▪ Does order protect an intimate partner or child(ren)? YES NO
 ▪ Did subject have opportunity to participate in hearing regarding order? YES NO
 ▪ Does order find subject a credible threat or explicitly prohibit physical force? YES NO
IS THE SUBJECT BRADY DISQUALIFIED? YES NO

CASE / ORDER NO. 2010CV00724 (15 DIGIT MAXIMUM)
 COURT ORIGINATING AGENCY IDENTIFIER _____ (9 DIGIT ORI ASSIGNED BY NCIC)
 R.C. 2903.213 R.C. 2903.214 NAME OF JUDGE LOGAN
 R.C. 2919.26 R.C. 3113.31

DATE OF ORDER 06 / 11 / 2010 EXPIRATION OF ORDER 04 / 26 / 2015
 (IN R.C. 2919.26 CASES, NONEXP MAY BE USED)

TERMS AND CONDITIONS OF ORDER (Mark all that are applicable) :
 01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child(ren) of the protected person.
 02 The subject shall not threaten a member of the protected person's family or household.
 03 The protected person is granted exclusive possession of the residence or household.
 04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
 05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.
 06 The subject has visitation or custody rights of the children named in this order.
 07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon.
 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of the order.
 Miscellaneous comments: _____

09 The protected person is awarded temporary exclusive custody of the children named.

LIST ALL PROTECTED PERSONS (Total of 9 allowed, may attach additional forms; **SSN is NOT necessary if DOB is given**):

PROTECTED PERSON KRLICH GARRICK
 (LAST) (FIRST) (M.I.)
 DOB 12 / 24 / 60 SSN _____ / _____ / _____ RACE W SEX M

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ / _____ / _____ RACE _____ SEX _____

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ / _____ / _____ RACE _____ SEX _____

Authorized by (signature): [Signature] Date 06/11/2010
 (circle one) Judge/Magistrate

OHP DATA ONLY #EPO MIS/