

FILED

JAN 16 2005

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF CLARK

CASE NO: 04-2-08908-9 Amended Denial of TEMPORARY ORDER FOR PROTECTION AND NOTICE OF HEARING (TMORPRT) (ORDY/NT)

Brian P. Carr vs. Karyn [Signature] DOB [X] DOB [X]

This Order is Effective Until Hearing on: Date January 19, 2005 Time 1:30 PM Clark County District Court Building 1200 Franklin Street 2nd Floor Vancouver WA

Identification of Minors: [ ] No Minors Involved.

Table with 8 columns: Name (First, Middle Initial, Last), Age, Race, Sex, Name (First, Middle Initial, Last), Age, Race, Sex. Row 1: Alexander R. Huntington-Chowenell, 6, W, M.

For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm. IT IS THEREFORE ORDERED THAT:

- 1 Respondent is RESTRAINED from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking [ ] petitioner [ ] the minors named in the table above [ ] these minors only:
2 Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of or service of court documents by a 3rd party or contact by Respondent's lawyer(s) with [ ] petitioner [ ] the minors named in the table above [ ] these minors only:
3 Respondent is RESTRAINED from going onto the grounds of or entering, knowingly coming within, or knowingly remaining within \_\_\_\_\_ feet of petitioner's current residence, or any future residence of petitioner during the life of this order. At present petitioner's address is [ ] confidential [ ] the following:

The court finds no emergency exists and denies the request for an immediate temporary order for protection - see attached for clarification Amended Denial of

4	Petitioner shall have exclusive right to the residence shared by the parties. The respondent shall immediately VACATE the residence. Respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present. Shared address is: <input type="checkbox"/> as stated above <input type="checkbox"/> as follows: _____.
5	Respondent is PROHIBITED from going onto the grounds of, knowingly coming within, or knowingly remaining within _____ feet of: petitioner's: <input type="checkbox"/> person <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> the day care or school of the minors named in the table above <input type="checkbox"/> of these minors only: <input type="checkbox"/> other:
6	Petitioner shall have possession of <input checked="" type="checkbox"/> essential personal belongings <input type="checkbox"/> including the following:
7	OTHER:
Complete the following only if protection is granted involving a minor:	
	<input type="checkbox"/> A parenting plan or custody order exists and will be followed. <input type="checkbox"/> Parties must obtain and follow a parenting plan or custody order. <input type="checkbox"/> Other:
8	Petitioner is GRANTED the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
9	Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
10	Respondent is RESTRAINED from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:

The respondent is directed to appear and show cause ~~why this temporary order should not be made effective for one year or more~~ and why the court should not order the relief requested by the petitioner or other relief which may include electronic home monitoring, payment of costs, and treatment.

**FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT GRANTING SUCH RELIEF.**

**THE NEXT HEARING DATE AND TIME IS SHOWN BELOW THE CAPTION ON PAGE ONE.**

#### WARNINGS TO THE RESPONDENT

Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the respondent has at least 2 previous convictions for violating a protection order issued under Titles 10, 26 or 74 RCW.

*Amended Denial of*  
 TEMP ORD FOR PROTECTION/NT OF HRG (TMORPRT) - Page 2 of 3  
 WPF DV-2.015 (6/2002) - RCW 26.50.030 (updt 3/03)  
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**WARNING TO THE RESPONDENT**

If the court issues a final protection order, the respondent may not possess a firearm or ammunition for as long as that final protection order is in effect. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9.41.040.

**YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

~~It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to :  Clark County Sheriff's Office  Police Department  Other \_\_\_\_\_ WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.~~

~~The clerk of the court shall also forward a copy of this order on or before the next judicial day to  Clark County Sheriff's Office  Police Department  Other \_\_\_\_\_ WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.  Petitioner shall make arrangements for service of this order.~~

~~The law enforcement agency where  petitioner lives  respondent lives shall assist  petitioner  respondent in obtaining possession of  residence  personal belongings located at: \_\_\_\_\_  Custody of the above-named minors, including taking physical custody for delivery to petitioner (if applicable).  Other:.~~

~~THIS TEMPORARY ORDER FOR PROTECTION IS EFFECTIVE UNTIL THE HEARING DATE SHOWN BELOW THE CAPTION ON PAGE ONE.~~

DATED

*Jan - 5, 2005*

at *5:00* a.m./p.m.

*[Signature]*  
JUDGE/COURT COMMISSIONER

Presented by:

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**JAN - 6 2005**

JoAnne McBride, Clerk, Clark Co.