

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2005 SEP -8 PM 4:10

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

CLERK

DEPUTY

Beverly Carter
Petitioner,

Case No. CV-05-3990

vs.

TEMPORARY PROTECTION ORDER
AND NOTICE OF HEARING

Galen Slatter
Respondent (Restrained Person).

THE COURT FINDS:

- (1) The Court has jurisdiction over the parties and the subject matter.
- (2) The person(s) protected by this order are:

- Petitioner.
- Minor child/ren (first and last names): _____

- (3) The Respondent represents an immediate and present danger of domestic violence to the Protected Person(s) and irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to Respondent.

The Respondent will be given notice and an opportunity to be heard within a reasonable time after this order is issued, sufficient to protect the Respondent's due process rights.

Warnings:

This order shall be enforced, even without registration, by the courts of all fifty (50) states, the District of Columbia, the U.S. Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States and may be enforced on Tribal Lands (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).

VIOLATION OF ANY PROVISION OF THIS ORDER BY THE RESPONDENT OR A PERSON WHO IS RESTRAINED BY THIS ORDER, WHICH COULD INCLUDE THE PROTECTED PERSON, AFTER ACTUAL NOTICE OF ITS TERMS, IS A MISDEMEANOR AND MAY RESULT IN ARREST AND SENTENCING FOR UP TO ONE (1) YEAR IN JAIL AND A FIVE THOUSAND DOLLAR (\$5,000) FINE, EVEN IF THE PROTECTED PERSON CONSENTS TO THE VIOLATION.

THE COURT ORDERS:

- 1. **Expiration Date.** This order shall expire at 11:59 p.m. on 9-16-05.

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DEPUTY

2. **Personal Conduct Order.** Respondent shall not contact, either directly or indirectly; molest; menace; threaten, attempt or commit, (either in person or through any other person) any act of physical injury, sexual abuse, or forced imprisonment upon:

[01]

- The Protected Person
- The minor child/ren residing in the Protected Person's household.

To further the protection of the Protected Person no Protected Person shall contact Respondent, either directly or indirectly.

[05]

Exceptions are:

- to meet with or through attorneys or during legal proceedings
- contact by telephone to arrange visitation of the child/ren
- contact by telephone between _____ .m. and _____ .m. on _____ for the following purposes: _____
- to participate in counseling/mediation, if Court ordered
- to respond to an emergency involving the child/ren
- Other: _____

3. **Stay-Away Order.** Respondent shall not, **EVEN IF INVITED BY THE PROTECTED PERSON,**

- go to: go within 300 feet of: Police Station
- Protected Person's residence at Not given for protection purposes

[04]

- Protected Person's school campus or work place at _____
- Protected Person's child/ren's school campus or work place at _____
- Other: _____

4. **Move-out Order.** Respondent Protected Person is ordered to move from the residence at _____

[03]

and take from the residence only items needed for employment and necessary personal effects (at peace officer's discretion).

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BY _____ CLERK
DEPUTY

NA

5. **Child custody.** Custody of the minor child/ren is awarded
- as provided in the existing child custody order/divorce decree entered _____
 - as follows:

[06]

Name of Child (first, middle initial, last)	Birth Date	Sex	Custody Awarded To

- Protected Person Respondent

[09]

- shall NOT have the child/ren until further order of the Court
- shall have the child/ren as follows (*list days, times and conditions*): _____

[06]

- supervised by: _____
- neutral drop off/pick up location: _____
- child/ren to be transported by: _____

- Neither party shall remove the child/ren from _____ *Gale Slatter* _____

6. **Law enforcement assistance.** Peace officers are instructed to enforce this Court order by all necessary means, including arrest.

Law enforcement officers are ordered to:

NA

- Remove the Respondent from the residence at _____ **The time for removal shall be at the peace officer's discretion,** but no later than _____ hours after service of this order.
- Place the Protected Person in possession of the residence at _____
- Supervise the removal of Protected Person's Respondent's items needed for employment and necessary personal effects (at peace officer's discretion) from the residence.

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CLERK
DEPUTY

7. **Conflicting Orders.**

If any term of another order conflicts with any term of this order you must follow the more restrictive term.

After this order is entered, a Court in another case may enter an order changing custody, support or property. The terms of any such order will control over any conflicting terms in this order.

8. **Changes by parties.** This order **cannot** be changed except by Court order.

9. **Order to clerk.** It is further ordered that the clerk of the court shall forward a copy of this order to the appropriate law enforcement agency for immediate service upon Respondent; and the clerk shall deliver or mail a copy of this order to the Petitioner.

10. **Other:** _____

[07]

[08]

NOTICE OF HEARING

The Petitioner and Respondent are notified that a hearing to decide whether a 90-day protection order will be issued is scheduled before Judge STOKER on SEPTEMBER 16, 2005, at 9 o'clock a m, at the TWIN FALLS County Courthouse located at 427 SHOSHONE ST. NORTH in TWIN FALLS Idaho.

WARNING: IF THE RESPONDENT DOES NOT APPEAR AT THE HEARING, A 90-DAY PROTECTION ORDER MAY BE ISSUED AGAINST THE RESPONDENT. IF THE PETITIONER FAILS TO APPEAR, THE PETITION MAY BE DISMISSED.

Date: 9/8/5

Signed: [Signature] RM Redman
for HS Judge

I have received a copy of this order.

Signed: _____
Petitioner

Date: _____

Signed: _____
Respondent

Date: _____

ATTENTION: KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO LAW ENFORCEMENT.

State of Idaho
County of Twin Falls
I hereby certify the foregoing to be true and correct copy of the original on file in the above entitled action.
KIRSTINA GLASCOCK
CLERK OF THE DISTRICT COURT
By [Signature]
COURT SERVICES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

SEP-8 PM 4:10
CLERK
DEPUTY

Beverly Carter,)
Petitioner (Person Seeking Protection Order),)

Case No. CV-05-3990

vs.)

SWORN PETITION FOR
PROTECTION ORDER

Galen Slatter,)
Respondent (Person You Want Restrained).)

THE LAW REQUIRES THAT THE RESPONDENT BE GIVEN A COPY OF THIS COMPLETED FORM.

1. **Protected Person(s)** I am seeking a protection order for:

- Myself.
- The following minor child/ren (first and last names): _____

My relationship to the child/ren is: Custodial Parent Non-Custodial parent Guardian

2. **Relationships** Please check all that apply to the relationship between the Respondent (person you want restrained) and you or, if you are filing for a minor, the relationship between the Respondent and the minor.

- Are married.
- Used to be married. State and county where divorced _____
- Are related by blood, marriage or adoption. How? Galen Slatter
- Live together.
- Used to live together. Last date lived together _____
- Are dating.
- Used to have a dating relationship. Date relationship ended Fall 2004
- Have a child together.

If a dating relationship please describe: (complete for adult or minor in a dating relationship):

Nature of relationship _____
Length of time of the dating relationship _____
How often saw each other _____
Time since the relationship ended _____

3. **Residence**

- I live or am staying in Twin Falls County, Idaho. Respondent lives in Twin Falls County, State of Idaho.
- The Respondent does not live with me.

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- I live with the Respondent at _____
Our home is rented or owned by both of us by me by the Respondent.
- I have left a residence where I lived with the Respondent. I want to return yes no If yes, to live to get personal belongings Other _____
- A business is run from the home. Type of business: _____
The business is run by me by the Respondent by both of us.

4. Child/ren affected by the protection order

I am the natural/adoptive parent or legal guardian of the following child/ren:

Name (First, Middle Initial, Last)	Birth Date	Sex	How Child is Related to		State(s) where child lived last 6 months
			Petitioner	Respondent	

During the last six (6) months the child/ren have lived with _____

5. Other court cases List any other court cases relating to the minor child/ren who will be affected by this protection order (divorce, child protection, guardianship, adoption, other protection order, etc.)

_____ *Order of Protection*

I have applied for a protection order(s) before in the county of Twin Falls on (date) _____
_____, against (name) Tim Wahlin

The Respondent has applied for a protection order(s) before in the county of _____
on (date) _____, against (name) _____

The Respondent has been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) Rape, domestic battery

I have been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) _____

6. Information about the violence

Domestic violence means physical injury, sexual abuse or forced imprisonment or threat thereof.

a. Please describe the most recent acts or threats of domestic violence committed by the Respondent against you or the minor child/ren.

When? (date and time) December 2004

Where? (address or general location) 446 6th Ave North

Who was present? (minor children, friends, family, etc) Galen, Beverly

What happened? Beverly reported to the police in June 2005 that Galen Slater had forcibly raped her. She moved from the apartment she rented from him in July of 2005. Galen has tried to reach Beverly by phone several times over the last several months including last night and once today.

Beverly reports that Galen was physically abusive during and after their dating relationship, hitting her open handed & with his fist on the face and on her bottom. She states he said mean things to her, told her she was stupid. He calls her a slut, a bitch, and a whore.

Beverly states she is afraid of Galen and wants him to stay away from her.

On one occasion Beverly relates Galen pulled a small tree out of the ground and throw it at her.

Do not write on the back of this page. Include a separate sheet if you need more room.

Was a weapon involved? No Yes How? _____

Describe any injuries. Beverly states Galen left bruises on her face before.

Is there anything else you want the judge to know about what happened? _____

b. Please describe past acts or threats of domestic violence: _____

Do not write on the back of this page. Include a separate sheet if you need more room.

7: I ask the Court to order the following:

A. Personal Conduct Order.

The Respondent shall not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, follow, harass or otherwise disturb the peace of the Petitioner minor on whose behalf the petition is brought minor child/ren residing in the Petitioner's household.

B. Stay Away Order. The Respondent shall at all times stay away from:

- My residence at _____
- No address is given because I do not want my address on this petition.
- Protected Minor's residence at: _____
- My workplace and/or school at: _____
- Protected Minor's workplace and/or school at: _____
- My child/ren's school and/or childcare at: _____
- Other: _____

C. Move-out Order. The Respondent shall move from the residence at _____ and take from the dwelling only items needed for employment and necessary personal effects (at peace officer's discretion).

NA

NA Child Custody. Temporary custody of the minor child/ren named in Section 4 above, be awarded to: me Respondent. The other parent should have:
 Visitation as follows (list specific days and times) _____

- Neutral drop off and pick up location at _____
- Transportation provided by _____
- Supervised visitation, why and supervised by whom _____

No visitation.

E. **Treatment/Counseling.** That the Respondent be ordered to participate in treatment or counseling services for (purpose) _____

F. **Other relief requested:** _____

I SWEAR UNDER OATH OR AFFIRM I HAVE READ THIS APPLICATION, OR HAVE HAD IT READ TO ME, AND THE FACTS STATED IN THIS APPLICATION ARE TRUE.

INTENTIONALLY PROVIDING FALSE INFORMATION IS A CRIME.

Date: 9-8-05

Signed: Bonny Costa
Petitioner

Subscribed and sworn to before me this 8 day of Sept, 2005.

Clerk of the District Court

By Shelli R. Guam
Deputy Clerk

Joni Hebecker
Twin Falls Police

Kathie Larson
Referral & Information Services

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

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BY _____
CLERK

DEPUTY

1 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
2 IN AND FOR THE COUNTY OF TWIN FALLS, MAGISTRATE DIVISION


3
4 Beverly Carter,)
5 Petitioner,)
6 and)
7 Galen Slatter,)
8 Respondent)
9 _____)

Case No.: CV-05-3990

RESPONSE

10
11
12 The herein identified Respondent concomitantly states that he does not intend
13 to contest the herein identified action by the Petitioner and firmly refutes
14 all of the Petitioner's claims and accusations in their entirety.

15
16
17
18 Dated this 14th day of September 2005.

19
20
21 
22 Galen Slatter