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FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2022 AUG 23 AM 10:15
LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

STATE OF WASHINGTON
County of Thurston
I, Linda Myhre Enlow, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the following is a true and correct copy of the original and the same appears on file and of record in my office containing 1 pages. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court
DATED: _____

LINDA MYHRE ENLOW, THURSTON COUNTY CLERK
State of Washington
by _____ Deputy Clerk

Superior Court of Washington, County of Thurston Family and Juvenile Court

MIMI CLARA ROTH, DOB 1/30/1960
Petitioner,

vs.

BRANDON JAY ROTH, DOB 11/11/1982
Respondent

No. 22-2-30554-34

Protection Order (ORPRT-)

- Domestic Violence (PRT)
 - Sexual Assault (SXP) Harassment (AH)
 - Stalking (STKH) Vulnerable Adult (VA)
- Clerk's action required: 5.B., 10, 11, 12, 14
(360)709-3268 or (360)709-3275

Protection Order

1. This order is effective immediately and for one year from today's date, unless a different end date is listed here (*end date*):

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. This order restrains (*name*): BRANDON JAY ROTH

3. also known as (*list any known aliases*)

The restrained person must obey the restraints ordered in section 8.

Sex Male Race White Height 6ft 3 in Weight 195 Hair BLK Eyes Brown

Noticeable features (*Ex.: tattoos, scars, birthmarks*): Respondent has unknown distinguishing features.

Has access to firearms other weapons unknown

Surrender weapons ordered: Yes No

RCW 7.105.310, .315, .325 Mandatory (07/2022) PO 040	Protection Order p. 1 of 11	FAXED/COPY TO <u>TCSO</u> (Law Enforcement Agency where Petitioner resides for input into statewide computer system) Deputy Clerk's Initials <u>AS</u>
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4. This order protects (*name*): MIMI CLARA ROTH and the following children who are under 18 (if any) no minors

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	
5.		6.	

The person who filed this petition requested protection for (*check all that apply*):

- themselves**
- someone else.** The filing party has the right to petition on the protected person's behalf because:
- The filing party is a parent, legal guardian, or custodian of the minor protected person/s.
 - The filing party is age 18 or older and a family or household member of the minor protect person/s. (*For domestic violence orders only.*)
 - The filing party is age 15 to 17 and filed on behalf of a minor family or household member. The filing party has been chosen by the minor, and is capable of pursuing the minor's stated interest in this case.
 - The protected person is a vulnerable adult and the filing party is
 - the vulnerable adult's guardian, conservator, or legal fiduciary, or
 - an interested person as defined by RCW 7.105.010(18), or
 - WA Department of Social and Health Services.
 - The protected person is an adult who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility (*Do not check this for vulnerable adult or domestic violence petitions.*)

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. Under federal law, you may not be able to get or have a, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place, even if the court did **not** issue an Order to Surrender and Prohibit Weapons. 18 U.S.C. § 922(g)(8)

Findings

5. Notice and Hearing

The restrained person had reasonable notice and opportunity to participate. Notice of this hearing was served on the restrained person by:

- electronic service personal service service by mail
- service by publication other

The restrained person did did not have **actual notice** of this hearing.

The court held a hearing before issuing this full protection order. These people attended:

- Protected Person in person by phone by video
- Protected Person's Lawyer in person by phone by video
- Petitioner (if not the protected person) in person by phone by video
- Restrained Person in person by phone by video
- Restrained Person's Lawyer in person by phone by video
- Other: in person by phone by video

6. Basis and type of protection order

A. The restrained person and protected person/s are (check all that apply):

Intimate Partners

- current or former spouses or domestic partners
- parents of a child-in-common (unless child was conceived through sexual assault)
- current or former dating relationship (age 13 or older) who
 - never lived together live or have lived together

Family or household members

- parent and child stepparent and stepchild
- grandparent and grandchild parent's intimate partner and child
- current or former cohabitants as roommates
- person who is or has been a legal guardian
- related by blood or marriage (specify how)

Other (examples: coworkers, neighbors, acquaintances, strangers)

B. Based upon the petition, testimony, case record, and response, if any, the court finds by a preponderance of evidence that the protected person (or petitioner on their behalf) has proved the required criteria for the following protection order under Chapter 7.105 RCW. *Check only one!*

- Domestic Violence Protection Order** – The restrained person has subjected the protected person to domestic violence: physical harm, bodily injury, assault, or the

infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking. *(For intimate partners or family or household members only)*

- Sexual Assault Protection Order** – The restrained person has subjected the protected person to nonconsensual sexual conduct or nonconsensual sexual penetration.
- Stalking Protection Order** – The restrained person has subjected the protected person to stalking.
- Vulnerable Adult Protection Order** – The restrained person has subjected the protected person to acts of abandonment, abuse, financial exploitation, or neglect. The protected person is a vulnerable adult as defined in Chapter 7.105 RCW because the protected person:
 - Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
 - Is an individual subject to guardianship under 11.130.25 or an individual subject to conservatorship under 11.130.360 RCW
 - Has a developmental disability as defined in RCW 71A.10.020.
 - Self-directs their own care and receives services from a personal aide under RCW 74.39.
 - Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
 - Is receiving in-home services from an individual provider under contract with DSHS.
 - Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.
- Vulnerable adult objects.** The petition was filed by someone other than the vulnerable adult and the vulnerable adult objects to some or all of the order. The court finds by clear, cogent and convincing evidence the petitioner established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult and the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect their person or estate in connection with the issues raised in the petition or order based on the following evidence:
 - No fee required *(stalking, hate crime, single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)*
- Antiharassment Protection Order** – The restrained person has subjected the protected person to unlawful harassment.
 - No fee required *(stalking, hate crime, single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)*

7. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

- Minors:** Washington state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction over the children.

Temporary Emergency Jurisdiction: The petitioner has until (date) _____ to return to (state/court with jurisdiction) _____ over the minors to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231

- The person who filed is not a parent** of one or more children listed above.
(*Important! Complete Attachment A: Non-Parent.*)

8. Other Findings

- Credible Threat:** The restrained person represents a credible threat to the physical safety of the protected person/s.
- The restrained person is under 18 years of age.** The court
- appointed (name) _____ as guardian ad litem to represent the restrained person in this proceeding.
- did not appoint someone to represent the restrained person because:
- _____
- Other:

Restraints (Check all that apply)

9. The court orders: To the restrained person:

General Restraints

- A. No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk
- the protected person the minors named in section 3 above
- these minors only:
- B. No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with
- the protected person the minors named in section 3 above
- these minors only:
- Exception (if any):** Only this type of contact is allowed: the respondent has arranged for the retrieval of his remaining belongings from the protected residence to occur through the respondent's brother, Demar Roth.
- C. Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*)
- of
- the protected person protected person's vehicle
- protected person's school protected person's workplace
- protected person's residence protected person's adult day program
- the shared residence
- the residence, daycare, or school of the minors named in section 3 above

- these minors only:
 other:

Address: The protected person chooses to (*check one*)

- keep their address confidential list their address here: 1816 Meixner Street NE, Olympia, WA 98506

D. Vacate shared residence: The protected person has exclusive right to the residence that the protected person and restrained person share (as listed in the Law Enforcement and Confidential Information form, PO 003). The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and the following items (*specify*):
from the residence while a law enforcement officer is present.

E. Stalking Behavior: Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.XXX), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of
 the protected person the minors named in section 3 above
 these minors only:
 these members of the protected person's household :

F. Intimate Images: Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. Electronic Monitoring: You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

H. Evaluation: The restrained person shall get an evaluation for: mental health
 chemical dependency (drugs) at:

The evaluation shall answer the following question/s:

An evaluation is necessary because:

I. Treatment: The restrained person shall participate in state-certified treatment as follows:

domestic violence perpetrator treatment program approved under RCW 43.20A.725 at

sex offender treatment program approved under RCW 18.155.070 at:

J. Personal Belongings: The protected person shall have possession of essential personal belongings, including the following:

K. Transfer of Assets: Do not transfer jointly owned assets.

L. Vehicle: The protected person shall have use of the following vehicle:

Year, Make & Model

License No.

- M. **Restrict Abusive Litigation:** Comply with the Order on Motion to Restrict Abusive Litigation (FL All Family 155), filed separately.
- N. **Pay Fees and Costs:** The protected person is granted judgment against the restrained person as provided in the Judgment (PO 005), filed separately. The court finds that the restrained person is not under active duty in military or SCRA has been complied with. 50 USC § 3931.

Firearms and Other Dangerous Weapons

- O. **Surrender Weapons:**

Important! Also use form Order to Surrender and Prohibit Weapons, WS 001.

Findings. The Court (*check all that apply*):

- must** issue the orders referred to above because:
- the court ordered the **No Harm** restraints above (section 8.A.) and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:
 - the restrained person represents a **credible threat** to the physical safety of a protected person, OR
 - This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.
- Therefore, weapons restrictions are required by state law. RCW 9.41.800(2).
- the court finds by a preponderance of the evidence that the restrained person:
- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.
- may** issue the orders referred to above because the court finds by a preponderance of evidence that the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the Order to Surrender and Prohibit Weapons filed separately.

Minors

- P. **Custody:** The protected person is granted temporary care, custody, and control of
- the minors named in section 3 above
 - these minors only:

(Only for children the protected and restrained person have in common.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

- Q. **Interference:** Do not interfere with the protected person's physical or legal custody of
 the minors named in section 3 above
 these minors only:
- R. **Removal from State:** Do not remove from the state:
 the minors named in section 3 above
 these minors only:
- S. **School Attendance:** Do not attend the elementary, middle, or high school (school name) _____, that a protected person attends.
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form Appendix A School Attendance.)

Pets

- T. **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (Specify name of pet and type of animal.):
- U. **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. **Stay Away:** Do not knowingly come within, or knowingly remain within (distance) 1,000 feet of the following locations where the pet/s are regularly found:
 Protected person's residence (home address may be kept confidential)
 Other (specify):

Vulnerable Adult

- W. **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. **Accounting:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (date)
- Y. **Property Transfer:** Do not transfer the property of:
 the vulnerable adult the restrained person
This restraint is valid until (specify date, not to exceed 90 days)

Other

Z.

Other Orders (Check all that apply)

10. **Law enforcement must help the protected person with** (per RCW 7.105.320)
- Possession of the protected person's residence.
 - Possession of the vehicle listed in section L above.
 - Possession of the protected person's essential personal belongings located at
 - the shared residence the restrained person's residence
 - other location
 - Custody of the minors named in section 3 above
 - these minors only
 - Other:

11. **Washington Crime Information Center (WACIC) and Other Data Entry**

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency where the petitioner resides as indicated on page one of this order.

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

12. **Service on the Restrained Person**

- Required.** The restrained person must be served with a copy of this order and any order to surrender and prohibit weapons.

- The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city)

(check only one): Sheriff's Office or Police Department

- The **protected person** (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court. (This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.)

Clerk's Action. The court clerk shall forward a copy of this order and any order to surrender and prohibit weapons on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of these orders to the protected person.

- Alternative Service Allowed.** The court authorizes alternative service by separate order (specify): via electronic service
- Not required.** See section 4 above for appearances.

- The restrained person appeared at the hearing where this order was issued and received a copy.
- The restrained person appeared at the hearing where this order was issued but refused to accept a copy of this order. Additional service is not required.
- The restrained person appeared remotely or left the hearing early but received actual notice of the order. Additional service is not required.
- The restrained person did **not** appear at the hearing. However, the material terms of this order have not changed from the Temporary Protection Order that was served on the restrained person. Additional service is not required.

13. Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the vulnerable adult adult's guardian/conservator restrained person's parent/s or legal guardian/s (name/s) is:

Required.

- The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city)

(check only one): Sheriff's Office or Police Department

- The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

- Not required.** They appeared at the hearing where this order was issued and received a copy.

14. Other Orders (if any):

15. Review Hearing

- No review hearing is scheduled.

- The court schedules a review hearing on (date): _____ at (time): _____

For (purpose): _____

Ordered.

Dated: 8/23/2022 at 10:03 a.m./p.m.



 Judge/Court Commissioner NATHAN KORTOKRAX

Court Phone: 360-709-3295

 Print Judge/Court Commissioner Name

Court Address: 2801 – 32nd Avenue SW, Tumwater, WA 98512

I received a copy of this Order:

▶ _____
Signature of Respondent/Lawyer WSBA No. Print Name Date

▶ _____
Signature of Petitioner/Lawyer WSBA No. Print Name Date

Protected person must complete a Law Enforcement and Confidential Information form, PO 003, and give it to the court clerk.

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The Proof of Surrender in the court file should say which agency has the firearms. RCW 9.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 USC § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.