

STATE OF OREGON
CLACKAMAS COUNTY COURTS
FILED: **ENTERED**
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2020

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
807 Main St Oregon City Oregon 97045

Jolynne Milone

Case No: 20SK02242

Petitioner

and

Dixie Lea Bailey

- TEMPORARY STALKING PROTECTIVE ORDER
- FINAL STALKING PROTECTIVE ORDER AND JUDGMENT
- ORDER OF CONTINUANCE
- JUDGMENT OF DISMISSAL

Respondent

This matter came before this Court on 10/21/2020, for hearing on issuance of a:

- Temporary Stalking Protective Order
- Final Stalking Protective Order and Judgment.

PETITIONER: Appeared in person Did not appear With attorney McElroy, Thomas
 RESPONDENT: Appeared in person Did not appear With attorney Oliveros, Gregory

The court considered the allegations made in the Petition and other evidence offered and
FINDS:

- (For Temporary Order) probable cause that:
- (For Final Order and Judgment) by a preponderance of the evidence that:

1. Respondent has engaged intentionally, knowingly, or recklessly in repeated and unwanted contact with the Petitioner or a member of the Petitioner's immediate family or household, and it was reasonable for Petitioner to be alarmed or coerced by this contact.
2. Respondent knew or should have known that the repeated contact was unwanted.
3. It is objectively reasonable for a person in Petitioner's situation to have been alarmed or coerced by Respondent's contact.
4. Respondent's repeated and unwanted contact caused the Petitioner reasonable apprehension regarding the Petitioner's own personal safety or the safety of a member of his/her immediate family or household.
5. The unwanted contact occurred within two years of the filing of this action.
6. If applicable: Any unwanted contact that was purely communicative in nature was perceived by Petitioner as a credible threat of imminent serious personal violence or physical harm to Petitioner or to a member of his/her family, and it was reasonable to believe that such threat was likely to be followed by unlawful acts.

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7. Optional additional findings: FIREARMS PROHIBITION AND DISPOSSESSION

(only required if firearms terms are ordered)

- Respondent represents a CREDIBLE THREAT to the physical safety of Petitioner.
- Petitioner and Respondent have a QUALIFYING RELATIONSHIP:
 - spouses/Registered Domestic Partners *(current or former)*
 - sexually intimate relationship *(current or former)*
 - cohabitants *(current or former)*
 - adults otherwise related by blood or marriage
 - unmarried parents of a minor child

IT IS HEREBY ORDERED that:

- Temporary Stalking Protective Order
- Final Stalking Protective Order and Judgment

8. Respondent shall **stop stalking** Petitioner or member of Petitioner’s immediate family or household members and shall **stop all contact and avoid all contact** with Petitioner or members of Petitioner’s immediate family or household. Contact includes but is not limited to:

- A. Coming into the visual or physical presence of the other person;
- B. Following the other person;
- C. Waiting outside the home, property, place of work or school of the other person or of a member of that person's immediate family or household and being at the following places: _____

- D. Sending or making written or electronic communications in any form to the other person;
- E. Speaking with the other person by any means;
- F. Communicating with the other person, including through a third person;
- G. Committing a crime against the other person;
- H. Communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
- I. Communicating with business entities with the intent of affecting some right or interest of the other person;
- J. Damaging the other person's home, property, place of work, or school; or
- K. Delivering directly or through a third person any object to the home, property, place of work or school of the other person.
- L. Other: _____

IT IS FURTHER ORDERED THAT:

An *ex-parte* hearing on **TEMPORARY** relief having been held:

- 9. **Respondent must appear** at a hearing on this Temporary Stalking Protective Order on ____ / ____ / ____ (date) and ____ (time) in Room ____ of the Clackamas County Courthouse (807 Main St, Oregon City, OR 97045) to show cause why the Temporary Stalking Protective Order should not be continued for an indefinite period. The Temporary Stalking Protective Order issued on ____ / ____ / ____ (date) shall be enforceable against the Respondent until terminated by the court or until service upon the Respondent of a Final Stalking Order. *See attached* **“Order to Personally Appear for Hearing; and Notice.”**
- 10. **NO** Temporary Stalking Protective Order shall issue, as the Court finds Petitioner has not proven a basis for such order.

A hearing on **PERMANENT** relief having been set for today after notice to the Respondent:

11. CONTINUANCE

The hearing shall be CONTINUED to ____ / ____ / ____ (date) and ____ (time) in Room ____ of the Clackamas County Courthouse. The Stalking Protective Order issued on ____ / ____ / ____ (date) shall remain in effect pending this hearing.

12. WARRANT

A Warrant for Respondent’s arrest shall issue because Respondent did not appear. Security amount is set at \$5,000 / \$_____.

13. DISMISSAL

The Temporary Stalking Protective Order issued on ____ / ____ / ____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has not proven the basis for this order or

Petitioner did not appear.

14. VOLUNTARY DISMISSAL

The Temporary Stalking Protective Order issued on ____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has made such a request voluntarily.

15. FINAL ORDER AND JUDGMENT

The court has ordered the continuation of the terms of the restraint detailed above in Paragraph 8. This Order is a Final Judgment and is of unlimited duration unless modified by law or by further order of the court.

16. ATTORNEY FEES

Pursuant to ORS 30.866(4)(c), Petitioner is awarded attorney fees in the amount of \$_____

Other order regarding award of attorney fees to Petitioner: _____

17. MENTAL HEALTH EVALUATION

- Respondent is ordered to undergo a mental health evaluation and, if indicated by the evaluation, treatment.
- Respondent is without funds to obtain the evaluation or treatment or both. Respondent is referred to
(mental health agency): _____

18. SERVICE: Petitioner Respondent was served in Court with a copy of this Order.

19. DATE OF BIRTH: Respondent's date of birth is: (See CIF)

(Optional terms-only required if firearms terms are ordered)

20. Immediate Firearms Prohibition

Respondent is immediately prohibited from **purchasing or possessing any firearms or ammunition** (Event: FQOR)

21. Firearms Surrender *(if a qualifying relationship exists and a credible threat finding is made after hearing)*

Respondent is ordered to surrender all firearms and ammunition according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this Order.

➤ Respondent is ordered to file a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*.

FIREARMS NOTIFICATION

If **Box 20 is checked**, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)). You may be held in contempt of court for violation of this prohibition.

If **Box 21 is checked**, you are required to surrender any firearms and ammunition you have in

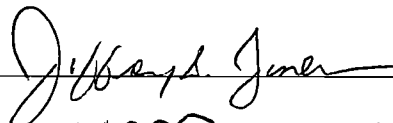
Notice and Opportunity to Participate:

The Order was issued after a hearing of which Respondent received actual notice and at which Respondent had the opportunity to participate. CERTIFICATES OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT

FULL FAITH AND CREDIT PROVISIONS: This Order meets all full faith and credit requirements of the Violence Against Women Act, 18 USC §2265. This Court has jurisdiction over the parties and the subject matter. Respondent was or is being afforded notice and timely opportunity to be heard as provided by Oregon law. This Order is valid and entitled to enforcement in this and all other jurisdictions.

Judge Signature:

NOVEMBER 19, 2020



Faxed to CCSO (agency) on 11/19/20 (date) at 11:25 (AM/PM) by TGN (clerk)