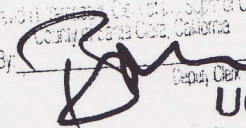


Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

2009 AUG 26 P 4:17

 Superior Court of California
 County of Santa Clara
 By: 
 Clerk

 UCS
 B. RADA

Fill in court name and street address:

 Superior Court of California, County of
 SANTA CLARA
 170 PARK AVENUE
 191 NORTH FIRST STREET
 SAN JOSE, CA 95113
 FAMILY COURT

Fill in case number:

 Case Number:
 109DV012978

1 Protected person's name:

 Melanie Wade
 (first) (middle) (last)

 Protected person's address (skip this if you have a lawyer): (If you
 want your address to be private, give a mailing address instead):

City: State: CA Zip:

Telephone number (optional):

 Lawyer (if any): (Name, address, telephone number, and State Bar
 number): SELF-REPRESENTED

2 List the full names of all family or household members protected by this order: KELLI WADE

3 Restrained person's name:

 Dana Stubblefield
 (first) (middle) (last)

 Description of that person: Sex: ☒ M ☐ F Height: 6'3 Weight: 350 Race: B
 Hair Color: OO Eye Color: BR Age: 38 Date of Birth: 11/1/77
 Relationship to protected person: EX FIANCÉE

4 The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): Aug 26, 2009 with (name of judicial officer): HON. SHARON CHATMAN

The orders end on (date): November 04, 2009 at (time): 1:30pm

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

 5 ☒ The people in 1 and 3 must return to court/department 101 on (date): 11/04/09
 at (time): 1:30 ☐ a.m. ☒ p.m. to review (specify issues):

 RESTRAINING ORDER APPLICATION ANSWER SHALL BE FILED AND SERVED BY
 10/14/2009.

Certificate of Compliance With VAWA

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.



Your name: _____

Case Number:
109DV012978

6 ☒ Personal Conduct Orders

The person in (3) must **not** do the following things to the protected people listed in (1) and (2):

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. ☒ Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or another person in order to serve legal papers is allowed and does not violate this order.

☐ A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ (If more orders, list them in item (17).)

7 ☒ Stay-Away Order

The person in (3) must stay at least 300 yards away from:

- a. ☒ The person listed in (1)
- b. ☒ The people listed in (2)
- c. ☒ Home ☒ Job ☒ Vehicle of person in (1)
- d. ☐ The children's school or child care
- e. ☒ Other (specify): _____

**EXCEPTION: STAY-AWAY ORDER WILL
BE REDUCED TO 30FT WHEN BOTH
PARTIES ARE AT FAMILY COMMUNITY
CHURCH SERVICES AND EVENTS. 478
PIERCY RD, SAN JOSE, CA 95138**

8 ☐ Move-Out Order

The person in (3) must move out immediately from (address): _____

9 ☐ Child Custody and Visitation

Child custody and visitation are ordered on the attached Form DV-140 or (specify other form): _____

10 ☐ Child Support

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 ☐ Spousal Support

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 No Guns or Other Firearms or Ammunition

The person in (3) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

13 Turn in or sell guns and firearms.

The person in (3):

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

This is a Court Order.

Restraining Order After Hearing (CLETS-OAH)
(Order of Protection)
(Domestic Violence Prevention)

DV-130, Page 2 of 5



Your name _____

Case Number:
109DV012978

14 ☒ Record Unlawful Communications

The person in ① has the right to record communications made by the person in ③ that violate the judge's orders.

15 ☐ Batterer Intervention Program

The person in ③ must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 No Fee to Notify (Serve) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

17 ☐ Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (*specify other form*): _____

18 Service

a. ☒ The people in ① and ③ were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in ① was at the hearing. The person in ③ was not.

(1) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in ③ must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone-not the people in ① or ② - must personally "serve" a copy of this order to the person in ③.

19 Attached pages are orders.

• Number of pages attached to this 5-page form: ZERO

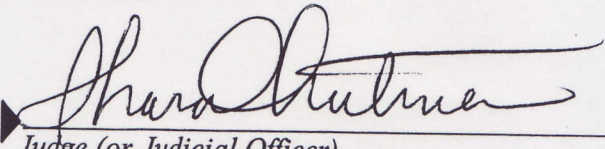
• All of the attached pages are part of this order.

• Attachments include (*check all that apply*):

☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343

☐ Other (*specify*): _____

Date: AUGUST 26, 2009


Judge (or Judicial Officer)
HONORABLE SHARON A. CHATMAN

This is a Court Order.

Instructions for Law Enforcement**20 Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

21 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

22 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

23 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact from the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

24 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

25 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

26 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.

Restraining Order After Hearing (CLETS-OAH)
(Order of Protection)
(Domestic Violence Prevention)

DV-130, Page 4 of 5



ROHC/JS 08.26.09

Your name: _____

Case Number:
109DV012978

Warnings and Notices to the Restrained Person in 3

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

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- 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.
- If you do not obey this order, you can go to prison and/or pay a fine.

28 You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

-Clerk's Certificate-

[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Since my Ex-Fiancé, Dana Stubblefield, and I broke up on July 16, 2009, he has been calling me on my cell phone, up to 50+ times, several times a week and at times it is nonstop. I am fearful for my life because during his phone calls, Dana continuously threatened me with physical violence and death, by stating, "I'm not done with you until you're six-feet under." Also, Dana frequently talked about killing himself and on a previous occasion, I witnessed Dana holding a knife to his wrist threatening suicide.

I repeatedly told Dana to stop calling and harassing me, but he ignored my request. I recently changed my phone number in an attempt to stop Dana's constant death threats against me.

Dana and I were in a dating relationship for about three years.

On July 28, 2009, Dana came by my home (I live with my mother), uninvited and unannounced. When no one answered his knocks at the front door, Dana began shouting my name and looking around the property for me.

Dana has left messages with my mother stating, "Melanie needs to watch her back."

I recently filed a Police Report, case #09-209-1032, for PC 422 – Criminal Threats, against Dana for the above mentioned threats. Officer Fontaine #3352 was the responding Officer. Many times, I have contacted Dana's Probation Officer, Esmerelda Gumpton, and informed her of Dana's actions.

I believe that Dana's death threats are real and I am in a constant state of panic and fear for not knowing when Dana will carry out his threats against me, my family, or friends. Dana has been depressed and increasingly unstable ever since his public admittance of steroid use and now even more so since our break up.

Dana is violent and unpredictable. I feel unsafe around him and I would like for him to be restrained from contacting me and my mother.

m) Do you have a criminal protective order (restraining order from criminal court)?

☐ YES ☒ NO If YES, please attach a copy.

n) Describe the **worst abuse** and **when** it happened:

☐ The most recent abuse is the worst abuse OR

☒ The worst abuse WAS (approximate date) June 2008 and the person I

want a restraining order against (describe what they did to you):

• When I was riding my bicycle home from work he chased me with his truck and ran me off the road. His truck made contact with my bike and I fell on the street. I suffered multiple cuts & bruises.

o) Describe any other **previous** (past) violence or threats of violence that you haven't already written about here (include dates or about when it happened):

Sept. 2008

After an argument, I walked home with my personal items and he chased me and assaulted me. He got out of his truck and physically wrestled with me to steal my things. His younger daughter, Kayla, was witnessing this the whole time. The police were called.