

DESIREE CAPUANO	M-1046-CV-201500024	HEARING ORDER <input checked="" type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment Issued Date: 7/23/2015 (mm/dd/ccyy)
Plaintiff	Case No.	
Birth Date: 10/1/1980		
V.		
PATRICK FOX	AZ010051J	
Defendant		

- ☐ The request for:
- ☐ A protective order is ☐ granted ☐ denied ☐ withdrawn.
 - ☐ A hearing is denied.
 - ☐ A motion to continue is denied.
 - ☐ A motion to modify is denied.
- ☐ The Court continues the hearing set for ____/____/____ (Date). See Notice of Hearing.
- ☐ The Court cancels the hearing set for ____/____/____ (Date).
- ☐ On Plaintiff's motion, the Court dismisses the protective order listed above.

At time of hearing:

Plaintiff: ☒ Appeared ☐ Failed to Appear but did not have Notice ☐ Failed to Appear but had Notice
Defendant: ☒ Appeared ☐ Failed to Appear but did not have Notice ☐ Failed to Appear but had Notice

- ☐ The Court dismisses the protective order listed above.
- ☐ A protective order is ☐ denied ☐ granted ☐ Brady applies.
- ☒ The protective order listed above remains in effect. ☒ Brady applies.
- ☐ As attached, the Court modifies the protective order listed above. ☐ Brady applies.

Defendant has to appeal

12/16/15
Date

[Signature]
Judicial Officer

CERTIFICATE OF TRANSMITTAL

Copy ☒ mailed ☒ provided personally to Plaintiff on 12/16/15 by [Signature]
Copy ☒ mailed ☐ provided personally to Defendant on 12/16/15 by [Signature]
Copy ☒ mailed ☐ delivered ☒ faxed to Sheriff on 12/16/15 by [Signature]

SAHUARITA MUNICIPAL COURT
360 W SAHUARITA CENTER WAY, SAHUARITA, AZ 85629 PH - 520-344-7150

DESIREE CAPUANO Plaintiff Birth Date: 10/01/1980 vs PATRICK FOX Defendant	CASE NO: M1046CV201500024 Court ORI #: AZ010051J	NOTICE TO SHERIFF OF BRADY INDICATOR OP/IAH Issue Date: 07/23/2015
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Notice is hereby given to the Sheriff of this County that the protective order issued in the above-referenced case appears to meet the criteria established in the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. § 922). If the Sheriff determines the criteria established in the VCCLEA are met, the protective order should be assigned a positive Brady Record Indicator in the Protective Order File of the National Crime Information Center database.

The defendant may be disqualified from purchasing or possessing a firearm or ammunition based upon the following:

- ☐ [] The plaintiff and the defendant are intimate partners. As defined in 18 U.S.C. § 921(a)(32), "intimate partner" means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who lives or has lived in an intimate relationship with the person.
- ☐ [] The protective order was issued or affirmed after a hearing of which the defendant received actual notice and at which the defendant had an opportunity to participate.
- ☒ [✓] The defendant is subject to a protective order that restrains him or her from harassing, stalking, or threatening an intimate partner or child of an intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to himself or herself or a child in common.
- ☒ [✓] The protective order:
 - includes a finding that the defendant represents a credible threat to the physical safety of such intimate partner or child; OR
 - explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

DATE: 12/16/2015

Judicial officer Signature: 

CERTIFICATE OF TRANSMITTAL

Copy ☐ [] mailed ☐ [] delivered ☐ [] faxed to Sheriff on 12/16/15 by me

Copy ☐ [] mailed ☐ [] provided personally to Plaintiff on 12/16/15 by me

Copy ☐ [] mailed ☐ [] provided personally to Defendant on 12/16/15 by me

ORDER OF PROTECTION

[] Amended Order

Case No. M-1046-CV-201500024

Court ORI No. AZ010051J

County PIMA

State AZ

Former Case No. _____

PLAINTIFF

DESIREE CAPUANO

First Middle Last

PLAINTIFF IDENTIFIERS

10/1/1980

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

V.

DEFENDANT

PATRICK FOX

First Middle Last

Defendant/Plaintiff Relationship MARRIED NOW OR IN THE PAST

Defendant's Address : _____
BURNABY, BC V5G1T3 BURNABY, UN

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	W			
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
BRO	BRO			
DRIVER'S LICENSE #		STATE	EXP DATE	

CAUTION: [X] Weapon Alleged in Petition

[] Estimated Date of Birth

WARNINGS TO Defendant: This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by 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). As a result of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) and/or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. **Only the Court, in writing, can change this Order.**
This Order is effective for one year from date of service. VERIFY VALIDITY (call Holder of Record):

PIMA COUNTY SHERIFF'S DEPARTMENT - (520)351-4625

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

[] Defendant received actual notice of this Hearing and had an opportunity to participate.

Additional findings of this Order and warnings are set forth on the next page(s).

THE COURT, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period), **HEREBY ORDERS:**

NO CRIMES. Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

[X] **NO CONTACT.** Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: [] Phone [] Email/Fax [] Mail [] Other: _____

[] **NO CONTACT.** Defendant shall have no contact with **Protected Person(s)** except through attorneys, legal process, court hearings and as checked: [] Phone [] Email/Fax [] Mail [] Other: _____

THE COURT FURTHER ORDERS:

☐ RESIDENCE. Plaintiff is granted exclusive use and possession of the residence listed below.

☐ LAW ENFORCEMENT STANDBY. Defendant may return once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

PROTECTED LOCATIONS. Defendant shall not go to or near the Plaintiff's or other Protected Person's:

☒ Residence (leave blank if confidential):

250 E PLACITA LAGO DEL MAGO, SAHUARITA, AZ, 85629;

☐ Workplace (leave blank if confidential):

☐ School / Other:

☒ **FIREARMS.** Pursuant to A.R.S. § 13-3602(G)(4), the Court finds that Defendant poses a credible threat to the physical safety of the Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms and shall surrender same within 24 hours of service to: law enforcement

OTHER ORDERS.

07/23/2015

Date

Judicial Officer

MARIA M. AVILEZ

Printed Name

Warning

This is an official Court Order. If you disobey this Order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.

ADDITIONAL WARNINGS TO Defendant: Violations of this Order should be reported to a law enforcement agency, not the Court. Both parties must notify this Court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody order. You must file those requests separately in Superior Court. If you disagree with this Order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the Court that issued this Order. Nothing the Plaintiff does can stop, change, or undo this Order without the Court's written approval. You must appear in Court to ask a judge to modify (change) or quash (dismiss) this Order. **Even if the Plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the Plaintiff to contact you, you have the right to request a protective order against the Plaintiff. However, orders are not automatically granted upon request. Legal requirements must be met.**

PCO Codes: 1,4,5,7,8.

Sahuarita Municipal Court- 360 W. Sahuarita Center Way, Sahuarita, Az. 85629 520-344-7150

<u>Desiree Capuano</u> Plaintiff / Plaintiff Employer (Work Injunction ONLY) Birth Date: <u>10/01/80</u> Agent's Name (Work Injunction ONLY)	<u>Patrick Fox</u> Defendant Address <u>Burnaby, BC V5G 1T3</u> City, State, Zip Code, Phone	Case No. <u>CV 2015-00024</u> <div style="background-color: black; color: white; padding: 5px; text-align: center; font-weight: bold;"> This is <u>not</u> a court order. </div> PETITION for <input checked="" type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
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DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

- Defendant/Plaintiff Relationship: ☒ Married now or in the past ☐ Live together now or lived together in the past
☒ Child in common ☐ One of us pregnant by the other ☐ Related (parent, in-law, brother, sister or grandparent)
☐ Romantic or sexual relationship (current or previous) ☐ Dating but not a romantic or sexual relationship
☐ Other: _____
- ☒ If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in Maricopa (annulment) Superior Court,
 Case #: EC 2011-093719 (annulment) ^(COUNTY) Los Angeles (custody)
TD 035397 (custody)
- Have you or the Defendant been charged or arrested for domestic violence OR requested a protective order?
☐ Yes ☒ No ☐ Not sure
 If yes or not sure, explain: _____
- I need a court order because: (PRINT both the dates and a brief description of what happened.)

Tell the judge what happened and why you need this order. A copy of this petition is provided to the defendant when the order is served. (Do not write on back or in the margin. Attach additional paper if necessary.)

Dates	
<u>7/18/15</u>	<u>My physical address, email address, employment info, etc was added to a website he hosts</u>
<u>7/20/15</u>	<u>He was arrested and charged with criminal harassment against me</u>
<u>7/21/15</u>	<u>additional pictures and information was added to the website <u>www.desireecapuano.com</u></u>
<u>7/18/15</u>	<u>a very aggressive email was sent to me using profanity and insults</u>
<u>7/18/15</u>	<u>Received 9 emails from about information that</u>
<u>7/20/15</u>	<u>would be made public by him</u>

June 27th 2015 - He states he will contact my supposed employer and direct them to the website

January 11th, 2015 - He tells me that he discussed shooting me with our son and said that he would if there was no risk of going to jail

January 27th, 2015 - He tells me that he intends to hire someone to have sex with me so he can get "intimate" pictures for his website

January 28th, 2015 - He tells me that his primary goal in life is for me to experience as much misery as possible

July 18th, 2015 - He threatens to put my social security number on the website. I don't know how he would have it.

December 17th, 2014 - He states that he has a gun license and owns multiple firearms

May 18th, 2015 - He shows me the border in Canada that he uses to cross into the United States