

FILED FOR RECORD
2011 MAR 23 AM 11:03
MIAMI-DADE COUNTY, FLA.

-TINJ-

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

FRANTZ PIERRE

Petitioner,

and

KETLEY JOACHIM

Respondent.

Case No.: 11-009036-FC-04
DOMESTIC VIOLENCE DIVISION

[X] ORIGINAL ORDER
[] EXTENSION

ISSUED: 03/18/2011 exp. 4/5/2011
EXPIRES: 04/04/2011 OR UNTIL THE
FINAL JUDGMENT OF INJUNCTION,
IF ENTERED, IS SERVED ON
RESPONDENT OR OTHERWISE
EXTENDED BY THE COURT.

TEMPORARY INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE

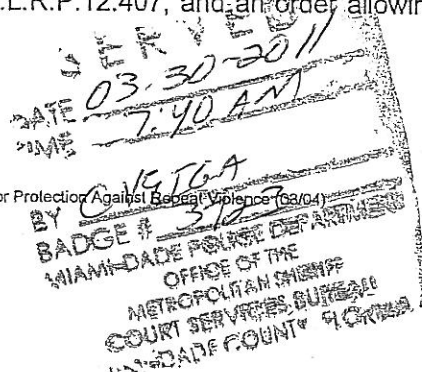
The Petition for Injunction for Protection Against Repeat Violence under section 784.046, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter under the laws of Florida. The term "Petitioner" as used in this injunction includes the person on whose behalf this injunction is entered.

It is intended that this protection order meet the requirements of 18 U.S.C. §2265 and therefore intended that it be accorded full faith and credit by the court of another state or indian tribe and enforced as if it were the order of the enforcing state or indian tribe.

NOTICE OF HEARING

Because this Temporary Injunction for Protection Against Repeat Violence has been issued without notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear and testify at a fifteen minute hearing regarding this matter on April 5th, 2011, at 09:00 AM a.m./p.m., when the Court will consider whether the Court should issue a Final Judgment of Injunction for Protection Against Repeat Violence, which shall remain in effect until modified or dissolved by the Court, and whether other things should be ordered. The hearing will be before The Honorable DON S. COHN, at North Dade Justice Center 15555 Biscayne Blvd. Miami, FL 33160-0000 Room: 2-7. If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted.

All witnesses and evidence, if any, must be presented at this time. In cases where temporary support issues have been alleged in the pleadings, each party is ordered to bring his or her financial affidavit, tax return, pay stubs, and other evidence of financial income to the hearing. Children are not permitted to testify unless a motion is filed pursuant to Fla.Fam.L.R.P.12.407, and an order allowing the testimony is granted prior to the hearing.



NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense. YOU ARE ADVISED THAT IN THIS COURT: Only Injunctions for Protection Against Domestic Violence Cases, filed pursuant to section 741.30 Florida Statutes, will be electronically recorded by the court. If your case is filed pursuant to chapter 784 (Repeat, Dating, or Sexual Violence), no recording is required to be made by the court. You may arrange in advance, at your own expense, for a court reporter to appear at the hearing. In all cases which have been recorded, or where a court reporter has been present, a transcript of the proceedings may be requested and prepared, at your own expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

FINDINGS

The statements made under oath by Petitioner make it appear that section 784.046, Florida Statutes, applies to the parties, that Petitioner is a victim of repeat violence, an immediate and present danger of repeat violence exists to Petitioner or to a member of Petitioner's immediate family, unless this injunction is issued without notice.

TEMPORARY INJUNCTION AND TERMS

This injunction shall be effective until the hearing set above, or until Final Judgment of Injunction, if entered, is served on Respondent or otherwise extended by the Court. THIS INJUNCTION IS VALID AND ENFORCEABLE IN ALL COUNTIES OF THE STATE OF FLORIDA. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

Willful violation of the terms of this injunction, such as refusing to vacate the dwelling that the parties share, going to Petitioner's residence, place of employment, school, or other place prohibited in this injunction, telephoning, contacting, or communicating with Petitioner, if prohibited by this injunction, or committing an act of violence against Petitioner constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes.

Any party violating this injunction may be subject to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and also may be charged with a crime punishable by a fine, jail, or both, as provided by Florida Statutes.

ORDERED and ADJUDGED:

1. **Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of violence against Petitioner, including assault, battery, sexual battery, or stalking. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Petitioner.

2. **No Contact.** Respondent shall have no contact with Petitioner unless otherwise provided in this section.

a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Unless otherwise provided herein, Respondent shall not go to, in, or within 500 feet of: Petitioner's current residence 2120 NE 171 STREET, NORTH MIAMI BCH, FL 33162- or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment or place where Petitioner attends school DADE COUNTY PUBLIC SCHOOL, 1400 BISCAYNE BLVD, MIAMI, FL 33137- ; or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often:

[Initial if applies; Write N/A if not applicable]

b. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

c. Other provisions regarding contact:

d. **Exceptions for court-related contact.** When scheduled for court appearances, the parties may both appear in court at the same time, but the parties shall not speak to, gesture at, or otherwise verbally or non-verbally communicate with or have any contact with each other unless expressly authorized to do so by the judge. Service of properly filed non-harassing papers, by counsel, by process server, or by mail, will not constitute a violation of this order. The parties must obtain approval from the court before scheduling or attending any deposition or mediation which will require attendance by both parties. Each party may, but is not required to, communicate with the other party's attorney, if applicable, but not in the other party's presence.

e. Petitioner and Respondent are employed by the same employer, work at the same physical location, or attend the same school. Accordingly, the following restrictions shall apply:

3. **Firearms.**

[Initial all that apply; write N/A if does not apply]

a. Respondent shall not use or possess a firearm or ammunition.

b. Respondent shall immediately surrender any firearms and ammunition in the Respondent's possession to the nearest police department to his/her home upon being served with the temporary injunction, and obtain a receipt of surrender. The receipt must be filed with the Clerk of Court within twenty four (24) hours and respondent must bring a copy to the final hearing.

c. Other directives relating to firearms and ammunition: _____

4. **Mailing Address.** Respondent shall notify the Clerk of the Court of any change in his or her mailing address within ten (10) days of the change. All further papers (excluding the final injunction, if entered without Respondent's being present at the hearing, and pleadings requiring personal service) shall be served by mail to Respondent's last known address. Such service by mail shall be complete upon mailing. Rule 12.080, Fla. Fam. L. R. P., section 784.046, Florida Statutes.

5. **Additional order(s) necessary to protect Petitioner from repeat violence:**

() Petitioner () Respondent is awarded the exclusive use and occupancy of the home which the parties share, although not as if a family. Respondent shall immediately leave said home, located at 2120 NE 171 STREET, NORTH MIAMI BCH, FL 33162- and Respondent is further ordered not to enter onto the residential premises of Petitioner, wherever located in the State of Florida.

() Petitioner () Respondent, in the presence of a law enforcement officer, may make a single visit to the premises described in the paragraph above for the purposes of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany () Petitioner () Respondent to the home and must stand by while he/she takes his/her personal items. The law enforcement agency shall not be responsible for storing or transporting any property. **IF THE RESPONDENT IS NOT AWARDED POSSESSION OF THE HOME AND GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

OTHER SPECIAL PROVISIONS

1. ANY VIOLATION OF THIS INJUNCTION, WHETHER OR NOT AT THE INVITATION OF THE PETITIONER OR ANYONE ELSE, MAY SUBJECT THE RESPONDENT TO CRIMINAL PROSECUTION OR CONTEMPT OF COURT. THE PARTIES CANNOT AMEND THE INJUNCTION THEMSELVES EITHER VERBALLY, IN WRITING, OR BY INVITATION TO THE RESIDENCE OR SOME OTHER PLACE. MODIFICATIONS ARE ONLY VALID AND ENFORCEABLE AFTER HEARING AND WRITTEN COURT ORDER. EITHER PARTY MAY REQUEST THE COURT TO CHANGE OR END THIS INJUNCTION AT ANY TIME. SHOULD YOU DESIRE ANY CHANGES TO THIS INJUNCTION, PUT YOUR REQUEST IN WRITING AND FILE IT WITH THE DOMESTIC VIOLENCE CLERK'S OFFICE WHERE THE INJUNCTION WAS ISSUED. FOR FURTHER INFORMATION, CALL (305) 275-1155.
2. THE COURT MAY GRANT A CONTINUANCE BEFORE OR DURING A HEARING ON THIS MATTER UPON A SHOWING OF GOOD CAUSE BY EITHER PARTY, WHICH INCLUDES A CONTINUANCE TO OBTAIN SERVICE OF PROCESS. ANY INJUNCTION SHALL BE EXTENDED, IF NECESSARY, TO REMAIN IN FULL FORCE AND EFFECT DURING ANY PERIOD OF CONTINUANCE.
3. EACH PARTY IS DIRECTED TO IMMEDIATELY ADVISE THE CLERK OF THE COURT, DOMESTIC VIOLENCE DIVISION, IN WRITING, AT THE LOCATION WHERE THE CASE IS PENDING, OF ANY CHANGE OF ADDRESS. FAILURE TO COMPLY MAY JEOPARDIZE YOUR RIGHTS.
4. IT IS A FEDERAL CRIMINAL FELONY OFFENSE TO CROSS STATE LINES OR ENTER INDIAN COUNTRY FOR THE PURPOSE OF ENGAGING IN CONDUCT THAT IS PROHIBITED IN THIS INJUNCTION. 18 U.S.C. §2262. THE CRIMINAL PENALTY FOR VIOLATING THIS SECTION IS INCARCERATION OF UP TO LIFE IMPRISONMENT, DEPENDING ON THE NATURE OF THE VIOLATION.
5. RESPONDENT, UPON SERVICE OF THIS INJUNCTION, SHALL BE DEEMED TO HAVE KNOWLEDGE OF AND TO BE BOUND BY ALL MATTERS OCCURRING AT THE FINAL HEARING AND ON THE FACE OF THIS INJUNCTION, REGARDLESS OF WHETHER RESPONDENT APPEARS AT THE HEARING.
7. THIS TEMPORARY INJUNCTION MAY BE EXTENDED UNTIL SUCH TIME AS SERVICE OF THE FINAL INJUNCTION, IF ENTERED, IS MADE UPON RESPONDENT.

DIRECTIONS TO LAW ENFORCEMENT OFFICERS IN ENFORCING THIS INJUNCTION
(Provisions in this injunction that do not include a line for the judge to either initial or write N/A are considered mandatory provisions and should be interpreted to be part of this injunction.)

1. The Sheriff of Miami-Dade County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. This injunction is valid in all counties of the State of Florida. Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without a warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under section 784.047, Florida Statutes.
3. Should any Florida law enforcement officer having jurisdiction have probable cause to believe that Respondent has knowingly violated this injunction, the officer should arrest Respondent, confine him/her in the county jail without bail, and shall bring him/her before the Initial Appearance (Bond Hearing) Judge on the next regular court day so that Respondent can be dealt with according to law. The arresting agent shall notify the State Attorney's Office immediately after arrest. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.
4. This temporary injunction is extended until such time as service of the final injunction, if entered, is made upon respondent.

SIGNED AND DATED

ORDERED on this 18th day of March, 2011, at 10:15 a.m./p.m.

MAR 23 2011

CIRCUIT JUDGE

JUDGE CARYN CANNER SCHWARTZ
COUNTY COURT JUDGE



STATE OF FLORIDA COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original of the same as the same appears in the records of the
Clerk of the Court.
MAR 23 2011
Deputy Clerk SK 1381

MAR 23 2011

NAME OF RESPONDENT: KETLEY JOACHIM

Physical description of Respondent:

Date of Birth	01/03/1962	Social Security #	UNKNOWN
Race	BLACK	Sex	FEMALE
Height	5 ft. 5 in.	Weight	190
Hair Color	BLACK	Eye Color	BLACK

Distinguishing marks or scars: NONE

Aliases (other names) Respondent uses or has used: UNKNOWN

Nickname(s): NONE

Vehicle information:

Make	NISSAN	Color	WHITE
Model	PATHFINDER	Tag	UNKNOWN

ATTACH PHOTO, IF AVAILABLE

COPIES TO:

Sheriff of Miami-Dade County

Petitioner: ☒ by U. S. Mail ☒ by hand delivery

Respondent: ☒ forwarded to sheriff for service ☐ by U.S. Mail ☐ by hand delivery

☐ State Attorney's Office

☐ Other: _____

☐ Petitioner's Attorney: ☐ by U.S. Mail
☐ by hand delivery

☐ Respondent's Attorney: ☐ by U.S. Mail
☐ by hand delivery

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

By: _____

Deputy Clerk



DOMESTIC VIOLENCE DIVISION

FRANTZ PIERRE

Petitioner,

Case No. 2011-9036FCOY

v.

KETLY JOACHIM

Respondent.

NOTICE OF RELATED CASES

Petitioner submits this Notice of Related Cases as required by Florida's Rule of Judicial Administration 2.545(d). A related case may be open or closed civil, criminal, domestic violence, juvenile delinquency, juvenile dependency, guardianship or domestic relations case. A case is "related" to this domestic/repeat/dating/sexual violence case if it involves any other same parties, children, or issues and it is pending at the time the party files a domestic/repeat/dating/sexual violence case; if it affects the Court's jurisdiction to proceed; if an order in the related case may conflict with an order on the same issued in the new case; or if an order in the new case may conflict with an order in the earlier litigation.

☒ ONE ONLY

☐ There are NO related cases.

☒ The following are the related cases (add additional pages if necessary):

RELATED CASE NO. 1

Case Name(s):

Petitioner:

Respondent:

Case No.:

Division:

Type of Proceeding [☒ all that apply]: [☐ Dissolution of Marriage [☐ Paternity
[☐ Child Support [☐ Juvenile Dependency/Delinquency [☐ Criminal [☐ Guardianship
[☐ Domestic/Repeat/Sexual/Dating Injunction. [☐ Other (specify):

RELATED CASE NO. 2

Case Name(s):

Petitioner:

Respondent:

Case No.:

Division:

Type of Proceeding [☒ all that apply] : [☐] Dissolution of Marriage [☐] Paternity
[☐] Child Support [☐] Juvenile Dependency/Delinquency [☐] Criminal [☐] Guardianship
[☐] Domestic/Repeat/Sexual/Dating Injunction [☐] Other (specify): _____

RELATED CASE NO. 3

Case Name(s): _____

Petitioner: _____

Respondent: _____


Case No.: _____ Division: _____

Type of Proceeding [☒ all that apply] : [☐] Dissolution of Marriage [☐] Paternity
[☐] Child Support [☐] Juvenile Dependency/Delinquency [☐] Criminal [☐] Guardianship
[☐] Domestic/Repeat/Sexual/Dating Injunction [☐] Other (specify): _____

The Petitioner acknowledges a continuing duty to inform the Court of any cases in this or any other state that could affect the current proceeding.

I attest to the truthfulness of the claims made in this affidavit.

Dated: MAR 18 2011

Signature of Party: 

Printed Name: FRANTZ PIERRE

Street Address: 2120 N.E. 171ST STREET

City, State, Zip: N. MIAMI BEACH, FL. 33162

Telephone No.: 305-434-6418

[☐] ☒ IF ADDRESS IS CONFIDENTIAL

I certify that a copy of the foregoing was mailed or served to the other party listed below on
Date : MAR 18 2011

Other Party:

Name: KETLEY JOACHIM

Street Address: 210 N.E. 170ST STREET

City, State, Zip: NORTH MIAMI BEACH, FL. 33162