

Magistrate Court Case No. 19S-245

JAMIE R MILLER

Petitioner (First/Middle/Last)

By Parent/Guardian/Custodian (if applicable)

v.

DERRICK EVANS

Respondent (First/Middle/Last)

Law Enforcement

Completed Service
Verification on Page 4

Yes

No

PERSONAL SAFETY ORDER FOLLOWING FINAL HEARING

W. Va. Code § 53-8-7; § 53-8-10

On the 9th day of MAY, 2019, the petitioner filed with this Court a PETITION, pursuant to *West Virginia Code § 53-8-4*, alleging certain acts or offenses by the respondent and requesting this Court grant appropriate relief.

The Court held a Final Hearing in this matter on the 20th day of May, 2019, based upon the following:

(Check one as applicable.)

Service was waived by the respondent.

OR

A Temporary Personal Safety Order was previously issued and served upon the respondent, scheduling this matter for a Final Hearing.

OR

The respondent appeared at the hearing on the Temporary Personal Safety Order, and both the petitioner and respondent expressly consented to waiving the hearing on the Temporary Personal Safety Order.

The following were present for the hearing: JAMIE MILLER, DERRICK EVANS

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C. The petitioner has reasonable apprehension of continued, unwanted, or unwelcome contacts by the respondent, based upon the following act(s) committed by respondent (*Check any or all that apply.*):

- Sexual Offense(s) or Attempted Sexual Offense(s) as defined in *West Virginia Code § 53-8-1.*
- Stalking in violation of *West Virginia Code § 61-2-9a(a).*
- Repeated credible threats of bodily injury knowing or having reason to know that the threats caused reasonable fear for safety in violation of *West Virginia Code § 53-8-4(a)(3).*

-OR-

Without admitting any act:

- The respondent consents to the entry of a Personal Safety Order.

D. The Court also finds that (*Check any that are applicable OR check Not Applicable.*)

- a weapon was used, or threatened to be used, in the offense(s) for which the PETITION was filed.
- the respondent has violated a prior Personal Safety Order.
- the respondent has been convicted of an offense involving the use of a firearm.

-OR-

- Not Applicable

The Court further makes the following findings of fact in relation to the conclusions stated in Paragraphs A,B,C, and D: RESPONDENT SHALL REFRAIN FROM HAVING ANY CONTACT WITH THE PETITIONER EVEN THRU A THIRD PARTY.

- Respondent shall refrain from entering the residence of the person(s) named above.
- Respondent shall stay away from the place of employment, school, and residence of the person(s) named above.
- Respondent shall not visit, assault, molest, or otherwise interfere with the persons(s) named above; and if any such protected person is a child, respondent shall not engage in such conduct with siblings or minors residing in the household of the child.
- Based upon the matters found in Paragraph D of the Findings stated above, the respondent is prohibited from possessing a firearm as defined in *West Virginia Code § 61-7-7*. (Check one below.)
 - Respondent shall surrender all firearms and ammunition possessed or owned by the respondent to the law enforcement officer serving this Order.
 - Respondent shall transfer all firearms and ammunition possessed or owned by the respondent to a qualified third party. The law enforcement officer serving this Order shall determine if the third party is qualified to possess firearms and is not otherwise prohibited by law from possessing firearms.

If no qualified third party is available, the respondent shall surrender all firearms and ammunition possessed or owned by respondent to the law enforcement officer serving this Order.

If the respondent is required to surrender firearms and ammunition, the respondent shall provide, within 5 days of the date of this Order, written documentation to the Magistrate Court Clerk of all firearms and ammunition surrendered or transferred. The written documentation shall include the description of each firearm and the name of the law enforcement agency or third party having possession of the respondent's firearms.

- Respondent shall pay the fees and costs of this proceeding in the amount of \$ _____ to the Magistrate Court unless a fee waiver request has been granted.
- Other relief the Court deems necessary: _____

SERVICE BY COURT

Served upon petitioner on this 20 day of May, 2019, by Hand.

Magistrate / Magistrate's Assistant/Clerk/Deputy Clerk.

Andrea Beard

Signature

Served upon respondent on this 20 day of May, 2019, by Hand.

Magistrate / Magistrate's Assistant/Clerk/Deputy Clerk.

Andrea Beard

Signature

Served upon _____ by first-class mail on
[specify non-party(ies) served]

this _____ day of _____, 20____, by _____.

Signature