

FINAL HEARING DATE:

May 17, 2012

3/10

9:00 a.m., Room 3030, Family Court, 440 Ross Street, Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION

No. FD 12-00800

ANDREW LEE
Plaintiff,

Type of Pleading:
PETITION AND TEMPORARY ORDER

vs.

RASHAII BRACKNEY
Defendant.

Code:
PROTECTION FROM ABUSE

Filed on Behalf of:
PLAINTIFF, Pro Se

ADDRESS OF PLAINTIFF:

Confidential

Telephone: (412) 277-5530

Date of Birth: 01/13/1967

ADDRESS OF DEFENDANT: (work)

Zone 1 Police Station

Date of Birth: / 52 yr old

Weapons Supplement

PETITION FOR PROTECTION FROM ABUSE

1. PLAINTIFF'S NAME IS: Andrew M. Lee

2. PLAINTIFF IS FILING THIS PETITION ON BEHALF OF :
 myself and/or minor child(ren) an incompetent adult

If you are filing on behalf of another person(s), indicate your relationship to that person(s):
 I am the parent of the minor child(ren) I am an adult household member of the minor child(ren)
 I am guardian of the minor child(ren) I am the court appointed guardian for an incompetent adult

3. LIST Plaintiff's minor children AND ALL other minor children residing in Plaintiff's household:

NAME	Date of Birth	Are YOU the parent?	Is Defendant the parent?	Is child living with you?	ARE YOU SEEKING Custody? Protection?
<u>N/A</u>					

4. PLAINTIFF'S ADDRESS:

PA
OR: - CONFIDENTIAL

5. DEFENDANT'S INFORMATION:
NAME: Rashall Brackney
ADDRESS, if known:
zone 1 Police Station

Plaintiff is asking to evict and/or exclude the Defendant from this residence which is: OWNED or RENTED
 by Plaintiff only
 by Plaintiff and Defendant
 by Defendant only, and Defendant owes a duty of support
 support as the parties are married or have children together
 OTHER: (confidential parents, friends, etc.):

THE DEFENDANT AND I:
 presently live together
 have NEVER lived together
 have lived together, but SEPARATED on: _____ (date)

Def. Date of Birth: 52 yrs / old

6. THE DEFENDANT IS: (check all relationships that apply)
 my current or former spouse
 my current or former sexual or intimate partner
 a current /former cohabitant (lived together like spouses)
 the parent of Plaintiff's child(ren)
 other: _____
(parent, child, brother, sister, other family member)

S.S. No.: ___/___/___ - ___/___ - ___/___/___/___
 check here if you have reason to believe that Defendant is required to carry a firearm as a condition of employment, is a licensed firearms dealer, is employed by a licensed firearms dealer or manufacturer, or is employed as a writer, researcher or technician in the firearms or hunting industry.

7. HAVE PLAINTIFF AND DEFENDANT BEEN INVOLVED IN ANY OF THE FOLLOWING COURT ACTIONS? Protection From Abuse Support Custody Divorce Juvenile Court

8. For Court Use Only:		Orders Dated:	FD Number / Suffix: (if different from this filing):	
PFA:	Temporary Orders	/		
	Final Orders			
	Cross PFA Filings:			
CUSTODY:	_____			
	Pending Dates:			
DIVORCE:	Filing date: _____		Decree Granted: _____	
SUPPORT:	_____			
JUVENILE COURT:			JV Number: _____	

9. IF PLAINTIFF AND DEFENDANT ARE THE PARENTS OF ANY MINOR CHILDREN TOGETHER, (listed in paragraph #3) IS THERE AN EXISTING COURT ORDER REGARDING THEIR CUSTODY?

NO YES

If YES, describe the terms of the order. If NO, describe any visitation practices or schedules.

If YES, in what County and State was the order issued? _____

If YES, are you requesting to change the terms of the existing custody order? YES NO

10. Plaintiff IS **NOT** seeking new custody relief or to amend an existing custody order through this Petition.

-OR-

Plaintiff IS seeking new custody relief and/or to amend an existing custody order through this Petition.
 (If checked, CUSTODY SUPPLEMENT must be completed and attached as the next page, "Petition, page 2A")

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from the residence specified in the petition, be prohibited from possessing any firearm, other weapon, ammunition or any firearm license, and lose other important rights, including custody of your children. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

BE ADVISED THAT THE DATE, TIME AND PLACE OF THE FINAL HEARING ARE SET FORTH IN THE ATTACHED TEMPORARY ORDER OF COURT

If an order of protection has been entered, you MUST obey the order until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of Indirect Criminal Contempt which is punishable by a fine of up to \$ 1,000.00 and/or up to six months in jail under 23 Pa.C.S.A. §6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. §2265, this order is enforceable anywhere in the United States, tribal lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

If this order directs you to relinquish any firearm, other weapon, ammunition or any firearm license to the sheriff, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 Pa.C.S.A. §6108.3. You must relinquish any firearm, other weapon, ammunition or any firearm license listed in the order no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later that 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa. C.S.A. §6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. §922(g)(8).

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

Lawyer Referral Service
The Allegheny County Bar Association
400 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
(412) 261-5555

"Notice Page"

Andrew Lee

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

3/10

Plaintiff

FAMILY DIVISION

vs.

Rashall Brackney

No. FD

Defendant

Code: Protection From Abuse

Def. Date of Birth: 52 yrs old

Def. Social Security Number: / / - / - / / /

TEMPORARY PROTECTION FROM ABUSE ORDER

Name(s) of All Protected Persons, including Plaintiff and minor children:

Andrew Lee

AND NOW, this 8 day of May, 2012, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

A FINAL HEARING FOR THE PLAINTIFF AND DEFENDANT WILL BE HELD

on the 17 day of May, 2012, at 9:00 A.M. Check-In at ROOM 3030, 3rd Floor, Family Court Building, 440 Ross Street, Pittsburgh, PA

PENDING THE FINAL HEARING, IT IS ORDERED:

- 1.) Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
2.) Defendant shall be evicted and excluded from the residence at:

Confidential

OR any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order. IF FOR ANY REASON DEFENDANT RETURNS TO PLAINTIFF'S RESIDENCE WITHOUT WRITTEN PERMISSION OF THE COURT, DEFENDANT SHALL BE ARRESTED ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT.

- 3.) Except as may be provided in Paragraph 5 of this order, Defendant is prohibited from the SCHOOL, DAYCARE, BUSINESS, or PLACE OF EMPLOYMENT of the Plaintiff, or any other person protected under this order.
4.) Except as may be provided in Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this Order, either directly or indirectly, by telephone or by any other means, including through third persons.

5.) CUSTODY:

A. THERE IS A CURRENT CUSTODY ORDER AS TO THE CHILD(REN) OF THE PARTIES.

Date of Custody Order: _____ Docket No. _____ County: _____

THIS PFA ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

The parties shall follow the existing custody order, subject to the conditions and limitations regarding contact or custody exchanges, if set forth below.

OR

THIS PFA ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

Any prior orders regarding custody are temporarily suspended pending the Final PFA hearing.

B. PENDING THE FINAL PFA HEARING, ALL CONTACT BETWEEN DEFENDANT AND THE MINOR CHILD(REN) AND/OR PLAINTIFF SHALL BE LIMITED TO THE FOLLOWING:

- ___ - No contact with the minor child(ren) pending the Final PFA Hearing.
- ___ - Minor child(ren) may initiate telephone calls to Defendant.
- ___ - Defendant is permitted to call and have reasonable telephone contact with child(ren).
- ___ - Supervised visitation under the conditions set forth below.
- ___ - Visitation / partial custody with the minor child(ren) only at the times and dates approved by Plaintiff.
- ___ - Defendant may have a third party contact Plaintiff, only to arrange visitation.

Other: _____

Exchange locations and conditions: _____

C. PENDING THE FINAL PFA HEARING, PLAINTIFF IS AWARDED TEMPORARY CUSTODY OF THE FOLLOWING MINOR CHILDREN:

The local law enforcement agency in the jurisdiction where the child(ren) are located shall ensure that the child(ren) are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS: (Check all that apply)

DEFENDANT IS PROHIBITED FROM POSSESSING, TRANSFERRING OR ACQUIRING ANY FIREARMS OR OTHER WEAPONS FOR THE DURATION OF THIS ORDER. * See paragraph #7

___ Defendant shall RELINQUISH to the sheriff, or a designated local law enforcement agency for delivery to the sheriff, ANY and ALL items checked below and all items listed in "Attachment A" (Attached as "Temporary Order - Page 4"), which is incorporated herein by references.

- ___ - firearms licenses owned or possessed by Defendant
- ___ - firearms, other weapons or ammunition

Defendant may relinquish firearms, other weapons and ammunition to the sheriff or a designated law enforcement agency for delivery to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party, provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. §6105.