

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: 07-12366
Division: H

JAY G. BAYKAL
Petitioner,

and

CAROLE A. LEWIS
Respondent.

HIL

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

I, (full legal name) JAY CHANAIK BAYKAL, being sworn, certify that the following statements are true:

SECTION I. PETITIONER (This section is about you. It must be completed. However, if you fear that disclosing your address to the respondent would put you in danger, you should complete and file Petitioner's Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(i), and write "confidential" in the space provided on this form for your address and telephone number.)

- Petitioner currently lives at: (street address) 7106 RIVERWOOD BLVD
(city, state and zip code) TAMPA, FL 33615
Telephone Number: (area code and number) (813) 243-0404
Race: Male Female Date of Birth 07-09-1952
- Petitioner's attorney's name, address, and telephone number is: W. MICHAEL THORNTON
14902 N. FLORIDA AVE. SUITE 10 TAMPA, FL 33615 (813) 969-2300
(If you do not have an attorney, write "none.")

SECTION II. RESPONDENT (This section is about the person you want to be protected from. It must be completed.)

Respondent currently lives at: (street address, city, state, and zip code) 7106 RIVERWOOD BLVD TAMPA, FL 33615
Respondent's Driver's License number is: (if known) N/A

2. Respondent is:
[all that apply]
- a. the spouse of Petitioner. Date of Marriage: _____
 - b. the former spouse of Petitioner.
Date of Marriage: _____
Date of Divorce: _____
 - c. related by blood or marriage to Petitioner.
Specify relationship: _____
 - d. a person who is or was living in one home with Petitioner, as if a family.
 - e. a person with whom Petitioner has a child in common, even if Petitioner and Respondent never were married or living together.

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- 3. Petitioner has known Respondent since (date) JUNE 12, 1992
- 4. Respondent's last known place of employment: WILDLIFE ON EASY STREET
Employment address: 12807 EASY ST. TAMPA, FL 33625
Working hours: UNREGULAR (MOSTLY DAY TIME)
- 5. Physical description of Respondent:
Race: W Sex: Male Female Date of Birth: _____
Height: 5,8 Weight: 155 Eye Color: BLUE Hair Color: _____
Distinguishing marks or scars: _____
Vehicle: (make/model) DOGE RAM Color: SILVER Tag Number: _____
- 6. Other names Respondent goes by (aliases or nicknames): UNKNOWN
- 7. Respondent's attorney's name, address, and telephone number is: UNKNOWN

(If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none.")

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION (This section must be completed.)

- 1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence against Respondent in this or any other court?
 Yes No If yes, what happened in that case? (include case number, if known)

- 2. Has Respondent ever received or tried to get an injunction for protection against domestic violence against Petitioner?
 Yes No If yes, what happened in that case? (include case number, if known)

- 3. Describe any other court case that is either going on now or that happened in the past, including a dissolution of marriage, paternity action, or child support enforcement action, between Petitioner and Respondent (include city, state, and case number, if known): FLORIDA
- 4. Petitioner is the victim of an act of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming the victim of an act of domestic violence. Below is a brief description of the latest act of violence or threat of violence that causes Petitioner to honestly fear imminent domestic violence by Respondent. (Use additional sheets if necessary.)

On (date) 10-16-02, at (location) ON THE PHONE AND AT HOME
the Respondent TOLD ME SHE WILL "KICK ME OUT OF THERE, WHATEVER IT TAKES." I HONESTLY FEAR I AM IN DANGER OF DEATH OR SERIOUS BODILY INJURY BECAUSE HER PRIOR HUSBAND WAS MISSING AND

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PRESUMED DEAD. ONE DAY SHE SAID TO ME
WHEN I ASKED HER WHAT HAPPENED IF YOUR HUSBAND
SHOWS UP NOW? HER RESPONSE WAS "DEAD BODY
CAN NOT TALK" HER FORMER HUSBAND'S DAUGHTER
TOLD ME SHE ^(PRESUMED) WOULD BE DANGEROUS AND WATCH
MY BACK. RESPONDENT CARRIES TWO GUNS LOADED
ALWAYS ONE IN HER TRUCK, ONE IN HER RESIDENCE.
SHE SAID SHE WAS A SUSPECT ^{IN} HER HUSBAND'S
DISAPPEARANCE. RECENTLY (3-4 DAYS AGO) SHE
TOLD ME HUMAN BONES WERE FOUND NEAR LAZY DAYS
RV CENTER, SHE SAID SHE HOPES IT'S NOT ON HER
PROPERTY OR SHE WILL BE IN DEEP SHIT.

(Check here if you are attaching additional pages to continue these facts.)

PLEASE DO NOT WRITE ON THE BACK OF ANY PAGE

5. Additional Information

all that apply

- a. Other acts or threats of domestic violence as described on attached sheet.
- b. This or other acts of domestic violence have been previously reported to *(person or agency)*:

- c. Respondent owns, has, and/or is known to have guns or other weapons.
Describe weapon(s): TWO HAND GUNS ONE IN HER TRUCK, ONE IN RESIDENCE
- d. Respondent has a drug problem.
- e. Respondent has an alcohol problem.
- f. Respondent has a history of mental health problems. If checked, answer the following, if known.
Has Respondent ever been the subject of a Baker Act proceeding? () Yes () No
Is Respondent supposed to take medication for mental health problems? () Yes () No
If yes, is Respondent currently taking his/her medication? () Yes () No

SECTION IV. TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME (Complete this section only if you want the Court to grant you temporary exclusive use and possession of the home that you share with the Respondent.)

1. Petitioner claims the following about the home that Petitioner and Respondent share or that Petitioner left because of domestic violence:

all that apply

- a. Petitioner needs the exclusive use and possession of the home that the parties share at
(street address) 7106 RIVERWOOD BLVD
(city, state, zip code) TAMPA, FL 33615 (JOINT OWNERS)
- b. Petitioner cannot get another safe place to live because:

- c. If kept out of the home, Respondent has the money to get other housing or may live without money at
(street address) _____
(city, state, zip code) _____

2. The home is:

~~one only~~

- a. owned or rented by Petitioner and Respondent jointly.
- b. solely owned or rented by Petitioner.
- c. solely owned or rented by Respondent.

SECTION V. TEMPORARY CUSTODY OF MINOR CHILD(REN) (Complete this section only if you are seeking temporary custody of any minor child. You must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren). If you are asking the court to determine issues of temporary custody with regards to a minor child, you must also complete and file a Uniform Child Custody Jurisdiction Act (UCCJA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d).

Note: If the paternity of the minor child(ren) listed below has not been established through either marriage or court order, the Court may deny temporary custody, visitation, and/or support.

1. Petitioner is the natural parent, adoptive parent, or guardian by court order of the minor child(ren) whose name(s) and age(s) is (are) listed below.

Name	Place of Birth	Birth date	Sex

2. The minor child(ren) whom Petitioner is seeking temporary custody of:

~~one only~~

- a. saw the domestic violence described in this petition happen.
- b. were at the place where the domestic violence happened but did not see it.
- c. were not there when the domestic violence happened this time but have seen previous acts of domestic violence by Respondent.
- d. have not witnessed domestic violence by Respondent.

3. Name any other minor child(ren) who were there when the domestic violence happened. Include child(ren)'s name, age, sex, and parents' names.

4. Visitation

~~all that apply~~

a. Petitioner requests that the Court order reasonable visitation by Respondent with the minor child(ren), as follows: _____

b. Petitioner requests that the Court order supervised exchange of the minor child(ren) or exchange through a responsible person designated by the Court. The following person is suggested as a responsible person for purposes of such exchange. Explain: _____

c. Petitioner requests that the Court limit visitation by Respondent with the minor child(ren). Explain: _____

d. Petitioner requests that the Court prohibit visitation by Respondent with the minor child(ren) because Petitioner genuinely fears that Respondent imminently will abuse, remove, or hide the minor child(ren) from Petitioner. Explain: _____

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SECTION VI. TEMPORARY SUPPORT (Complete this section only if you are seeking financial support from the Respondent. You must complete and file a Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(f), if you are seeking child support. A Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), must be filed with the court at or prior to a hearing to establish or modify child support.)

[all that apply]

- 1. Petitioner claims a need for the money he or she is asking the Court to make Respondent pay, and that Respondent has the ability to pay that money.
- 2. Petitioner requests that the Court order Respondent to pay the following temporary alimony to Petitioner. (Petitioner must be married to Respondent to ask for temporary alimony.) Temporary Alimony Requested \$ _____ every () week () other week () month.
- 3. Petitioner requests that the Court order Respondent to pay the following temporary child support to Petitioner. (The respondent must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren) for the court to order the respondent to pay child support.) Temporary child support is requested in the amount of \$ _____ every () week () other week () month.

SECTION VII. INJUNCTION (This section summarizes what you are asking the Court to include in the injunction. This section must be completed.)

- 1. Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against domestic violence that will be in place from now until the scheduled hearing in this matter.
- 2. Petitioner asks the Court to enter, after a hearing has been held on this petition, a final judgment on injunction prohibiting Respondent from committing any acts of domestic violence against Petitioner and:
 - a. prohibiting Respondent from going to or within 500 feet of any place the Petitioner lives;
 - b. prohibiting Respondent from going to or within 500 feet of the Petitioner's place(s) of employment or school; the address of Petitioner's place(s) of employment or school is: _____
 - c. prohibiting Respondent from contacting Petitioner by mail, by telephone, through another person, or in any other manner;
 - d. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's minor child(ren) must go often (include address): _____
 - e. granting Petitioner temporary exclusive use and possession of the home Petitioner and Respondent share;
 - f. granting Petitioner temporary exclusive custody of the parties' minor child(ren);
 - g. establishing visitation rights with the parties' minor child(ren);
 - h. granting temporary alimony for Petitioner;
 - i. granting temporary child support for the minor child(ren);
 - j. ordering Respondent to participate in treatment, intervention, and/or counseling services;
 - k. referring Petitioner to a certified domestic violence center; and any other terms the Court deems necessary for the protection of Petitioner and/or Petitioner's child(ren), including injunctions or directives to law enforcement agencies, as provided in section 741.30, Florida Statutes.

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I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION, AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

Dated: 10-18-02

(initials)

[Signature]
Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me



by 10/17/02
[Signature]
Notary Public or Deputy Clerk

Personally known

[Print, type, or stamp commissioned name of notary or clerk.]

Produced identification

Type of identification produced _____

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT, IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: 02-12366 Division: H

INSTR # 2002371708
OR BK 12054 PG 1423
RECORDED 10/30/02 09:06 AM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DEPUTY CLERK K Lopez

JAY C BAYKAL
Petitioner,

And

CAROLE A LEWIS
Respondent,

ORDER DENYING PETITIONER FOR INJUNCTION
FOR PROTECTION AGAINST
 DOMESTIC VIOLENCE OR () REPEAT VIOLENCE

The Court has reviewed the Petition for Injunction for Protection Against Domestic or Repeat Violence filed in this cause and finds that Petitioner has failed to comply with one or more statutory requirements applicable to that petition including the following:

1. Petitioner has failed to allege in a petition directed to domestic violence that Respondent is a member of Petitioner's family or resides in the same dwelling unit with Petitioner.
2. Petitioner has used a petition form other than that which is approved by the Court and the form used lacks the statutorily required components.
3. Petitioner has failed to complete a mandatory portion of the petition.
4. Petitioner has failed to sign the petition.
5. Petitioner has failed to allege facts sufficient to support the entry of an injunction for protection against domestic or repeat violence because: No facts of violence or specific evidence of imminent fear.

6. Other: _____

It is therefore, ORDERED AND ADJUDGED that the petition is denied without prejudice to amend or supplement the petition to cure the above stated defects.

ORDERED ON Oct 19, 2002

[Signature]
CIRCUIT JUDGE

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

RICHARD AKE
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

RETURN TO FAMILY LAW