

Temporary Order of Protection (Ex Parte Order of Protection)

Electronically filed per TCA §16-1-115

Case# (the clerk fills this in):

- Petitioner is under 18
 Resubmitted or Previously Voided

Log Page No. 1916504

19802026

In the General Sessions Court of Shelby County, TN

Petitioner (person needing protection)

If petitioner is under 18, insert child's name if filed on behalf of an unemancipated person (someone under 18 years of age) pursuant to TCA §36-3-602. This request is being made by _____ who is child's parent or legal guardian or a caseworker.

Thurston

Smith

first

middle

last

Petitioner's children under 18 protected by this Order:

Name	Age	Relationship to Respondent	Name	Age	Relationship to Respondent
1. _____			3. _____		
2. _____			4. _____		

Respondent's Information (person you want to be protected from):

Fergus

Nolan

first

middle

last

date of birth (MM/DD/YY)

758 McLean

Memphis

TN

38107

street address

city

state

zip

Respondent's Employer: Unknown

Employer's Name

Employer's phone #

Describe Respondent:

Sex	Race	Hair	Eyes	Height - Weight - SSN - Other																
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other: _____	<input type="checkbox"/> Black <input type="checkbox"/> Grey <input type="checkbox"/> Blond <input type="checkbox"/> Bald <input type="checkbox"/> Brown <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Brown <input type="checkbox"/> Hazel <input type="checkbox"/> Blue <input type="checkbox"/> Green <input type="checkbox"/> Gray <input type="checkbox"/> Other: _____	<table border="1"> <tr> <td>Height</td> <td>5'7</td> <td>Weight</td> <td>180</td> </tr> <tr> <td colspan="4">Social Sec. # (Provided to Clerk's Office if known)</td> </tr> <tr> <td colspan="4">Scars/Special Features</td> </tr> <tr> <td colspan="4">Phone Number</td> </tr> </table>	Height	5'7	Weight	180	Social Sec. # (Provided to Clerk's Office if known)				Scars/Special Features				Phone Number			
Height	5'7	Weight	180																	
Social Sec. # (Provided to Clerk's Office if known)																				
Scars/Special Features																				
Phone Number																				

Petitioner's relationship to the Respondent (Check all that apply):

- We are married or used to be married. We live together or used to live together.
 We have a child together. We are dating, used to date, or have had sex.
 We are relatives, related by adoption, or are/were in-laws. (Specify): _____
 We are the children of a person whose relationship is described above (Specify): _____
 The Respondent has stalked me The Respondent has sexually assaulted me.
 Other: _____

The Court having reviewed the Petition for Temporary Order of Protection and finding, pursuant to TCA §36-3-605(a), that Petitioner is under an immediate and present danger of abuse from the Respondent and good cause appearing, the court issues the following:

Warning!

- Weapon Involved
 Has or owns a weapon

Orders to the Respondent:

- Do not abuse, threaten to abuse, hurt or try to hurt, or frighten Petitioner and/or Petitioner's minor children under 18.
 Do not put Petitioner and/or Petitioner's minor children under 18 in fear of being hurt or in fear of not being able to leave or get away.
 Do not stalk or threaten to stalk Petitioner and/or Petitioner's minor children under 18.
 Do not come about the Petitioner and/or Petitioner's minor children protected by this order (including coming by or to a shared residence) for any purpose.

- Do not contact the Petitioner and/or Petitioner's minor children protected by this order either directly or indirectly, by phone, email, messages, mail or any other type of communication or contact.
- If the parties share(d) a residence, Respondent must immediately and temporarily vacate the residence shared with the Petitioner, pending a hearing on the matter.
- If the parties shared a residence, Respondent can obtain his/her clothing and personal effects such as medicine as follows: (List process as approved by local law enforcement personnel)

- You must not hurt or threaten to hurt any animals owned or kept by the Petitioner/Petitioner's children.
- Other Orders:

Go To Court on (date): 7/16/19 at 09:00 AM
 at (location): 201 Poplar, 2nd Floor Hearing Room

You must obey these orders until the date of the hearing or until changes are made by the court. If you do not agree with these orders, go to the court hearing and tell the court why. If you do not go, the court can make orders against you. You have the right to bring your own lawyer. If you do not obey all orders on this form, you may be fined and sent to jail.

Only the court can change this Order. Neither you nor the Petitioner can agree to change this Order. Even if the Petitioner tries to contact you or agrees to have contact with you, you must obey this Order. If you do not, you can be sent to jail for up to 10 days and fined up to \$50 for each violation.
 (TCA §36-3-310)

Date: 7/2/2019 Time: 11:50 a.m. p.m.

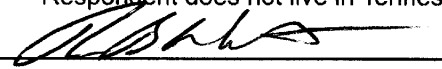


Judicial officer's signature

Warnings to Respondent:

The court will send a copy of this Order to all law enforcement agencies in this county. Any law enforcement officer who reasonably believes you have disobeyed this Order may arrest you.

If you hurt or try to hurt anyone while this Order, probation of diversion is in effect, you may face separate charges for aggravated assault, a Class C felony.
 (TCA 39-13-102(c))

<p>Proof of Service</p> <p>The Respondent was served copies of the Petition, Notice of Hearing, and Temporary Order of Protection on: (date): <u>7/5/19</u> at (time): <u>8:40</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.</p> <p>by (check one):</p> <p><input checked="" type="checkbox"/> Personal Service</p> <p><input type="checkbox"/> U.S. Mail per TCA §§ 20-2-215 and 20-2-216 (The Respondent does not live in Tennessee)</p> <p> Server's signature</p>	<p>If the Petitioner is under 18 and serving these documents would <i>not</i> put him/her at risk, the Clerk will serve and fill out below. (TCA § 36-3-605(c))</p> <p>I served the child's parents copies of the Petition, Notice of Hearing, and Temporary Order of Protection by personal delivery or U.S. Mail on: (date): _____ at (address): _____</p> <p>Clerk's Signature: _____</p>
--	--

Petition for Order of Protection and Order for Hearing

Electronically filed per TCA §16-1-115

Case# (the clerk fills this in):

19802026

In the General Sessions Court of Shelby County, TN

Amendment Resubmitted or Previously Voided

Petitioner's Name (person needing protection) [****Petitioner's children under 18 that are in need of protection are listed below:**

If petitioner is under 18, insert child's name if filed on behalf of an unemancipated person (someone under 18 years of age) pursuant to TCA §36-3-602. This request is being made by _____ who is child's parent or legal guardian or a caseworker.

Thurston

Smith

first

middle

last

**PETITIONER'S CHILDREN UNDER 18 THAT PETITIONER BELIEVES ARE IN NEED OF PROTECTION:

Name	Age	Relationship to Respondent	Name	Age	Relationship to Respondent
1. _____			3. _____		
2. _____			4. _____		

Respondent's Information (person you want to be protected from):

Fergus

Nolan

first

middle

last

date of birth (MM/DD/YY)

758 McLean

Memphis

TN

38107

street address

city

state

zip

Respondent's Employer: Unknown

Employer's Name

Employer's phone #

Describe Respondent:

Sex	Race	Hair	Eyes	Height - Weight - SSN - Other										
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other: _____	<input type="checkbox"/> Black <input type="checkbox"/> Grey <input type="checkbox"/> Blond <input type="checkbox"/> Bald <input type="checkbox"/> Brown <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Brown <input type="checkbox"/> Hazel <input type="checkbox"/> Blue <input type="checkbox"/> Green <input type="checkbox"/> Gray <input type="checkbox"/> Other: _____	<table border="1"> <tr> <td>Height</td> <td>5'7</td> </tr> <tr> <td>Weight</td> <td>180</td> </tr> <tr> <td>Social Sec. # (Provided to Clerk's Office if known)</td> <td></td> </tr> <tr> <td>Scars/Special Features</td> <td></td> </tr> <tr> <td>Phone Number</td> <td></td> </tr> </table>	Height	5'7	Weight	180	Social Sec. # (Provided to Clerk's Office if known)		Scars/Special Features		Phone Number	
Height	5'7													
Weight	180													
Social Sec. # (Provided to Clerk's Office if known)														
Scars/Special Features														
Phone Number														

1. What is your relationship to the Respondent? (Check all that apply):

- A. We are married or used to be married.
 B. We live together or used to live together.
 C. We have a child together.
 D. We are dating, used to date, or have had sex.
 E. We are relatives, related by adoption, or are/were in-laws (Specify): _____
 F. We are the children of a person whose relationship is described above (Specify): _____
 G. The Respondent has stalked me
 H. The Respondent has sexually assaulted me.
 I. Other: _____

Warning!

- Weapon Involved
 Has or owns a weapon

2. List all children under 18 that you have:

* Check here if listing addresses would put you or your child in danger. If so, leave any spaces for addresses blank.

Name of Child	Age	Is Respondent the parent of the child?	Does the child need to be protected from the Respondent?	Child's Address
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	

		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	

3. Where else have the children (that you and Respondent have together) lived during the last 6 months?

Children's previous addresses

Who did they live with at this address?

_____	_____
_____	_____
_____	_____
_____	_____

4. Other Court Cases - Are the children that you and Respondent have together involved in any other court case in Tennessee or another state? Yes No If "Yes", fill out below:

County and State
of other case: _____

Case Number
(if you know it): _____

Kind of Case (check all that apply): Divorce Domestic Violence Criminal Juvenile Child Support
 Other (specify): _____

5. Custody Rights - Does anyone besides you or the Respondent claim to have custody or visitation rights to the Children that you and Respondent have together? Yes No If "Yes", who?

Name

Address

_____	_____
_____	_____
_____	_____

6. Describe Abuse - (use additional sheets of paper if necessary and attach to Petition)

Describe abuse, stalking or assault (include, IF APPLICABLE, information about abuse or fear of abuse to your child(ren), personal property or animals)	Where and when did this happen?	Describe any weapons used?
Fergus Nolan is the alleged stalker of Thurston Smith/petitioner. Petitioner reported that on December 4, 2018, he met Fergus Nolan during an event. Petitioner stated that he did disclose his phone number to Fergus Nolan. Petitioner stated that Fergus Nolan then located him through social media. Petitioner reported that during January, 2019, Fergus Nolan began posting pictures of the MPD Badge and Clergy Badge of the petitioner on social media. Petitioner stated that Fergus Nolan enlarged this picture, made flyers and circulated them. Petitioner stated that Fergus Nolan targeted the petitioner and called the petitioner a "police hag and police pig lover." Petitioner stated that on February 24, 2019, Fergus Nolan intruded on his private event at the Brick wood Hall. Petitioner stated that Fergus Nolan was advised that the event was private and Fergus Nolan was asked to leave. Petitioner reported that Fergus Nolan refused to leave and continued to invade the private space of the petitioner until he was ready to leave. Petitioner did phone the police and when they arrived Fergus Nolan had left. Petitioner reported that on June 28, 2019, Fergus Nolan came to his residence and began peeping through the windows and through the fence. Petitioner stated that Fergus Nolan was pacing back and forth on his property. Petitioner stated that Fergus Nolan also called him but the petitioner did not answer the phone. Petitioner stated that Fergus Nolan left after about 20 minutes and then posted pics of the personal residence of the petitioner on social media. Petitioner stated that he feels terrorized, frightened, threatened and harassed. Petitioner is in fear for his safety and would like for the court to order Fergus Nolan to have no further contact with him.	6/28/019-Shelby County	None

I ask the court to make the following Orders after the hearing: (check all that apply)

7. **No Contact**

Please order the Respondent to not contact: me our children under 18, either directly or indirectly, by phone, email, messages, text messages, mail or any other type of communication or contact.

8. **Stay Away**

Please order the Respondent to stay away from my home my workplace or from coming about me for any purpose.

9. **Personal Conduct**

Please order the Respondent not to:

Cause intentional damage to my property or interfere with the utilities at my home.

Hurt or threaten to hurt any animals that I/we own or keep.

10. **Move-out / Provide other housing**

Please order the Respondent to (*check one*): move out of our family home immediately or provide other suitable house (if married)

Check here if your home or lease is in the Respondent's name **only**.

If the parties share a residence, please allow the Respondent to obtain his/her clothing and personal effects such as medicine and other things he/she may need.

11. **Counseling / Substance Abuse Programs**

Please order the Respondent to go to a certified batterers' intervention program if one available in the area or a counseling program.

12. **No Firearms**

Please order the Respondent not to have, possess, transport, buy, receive, use or in any other way get any firearm.

List all firearms that the Respondent owns, controls, or has access to:

13. **Animals / Pets**

Please give me custody and control of any animal owned, possessed, leased, kept or held by me, the Respondent, or the children listed above.

14. **Costs, fees, and litigation taxes**


Please order the Respondent to pay all court costs, lawyer fees, and taxes for this case.

15. **Other Orders: (General Relief)**

I also ask the court to:

1. Make an immediate Temporary Order of Protection. (Ex-Parte Order of Protection)
2. Notify law enforcement in this county of that Order.
3. Serve the Respondent a copy of that *Order* and Notice of Hearing to take place within 15 days of service.
4. Serve a copy of the Request, Notice of Hearing and Temporary Order on the parents of the Petitioner (if the Petitioner is under 18 years of age) unless the Court finds that this would create a serious threat of serious harm to the Petitioner. T.C.A. §36-3-605(c)

Petitioner (or parent/legal guardian/caseworker) signs here in front of notary/clerk/judicial officer and swears that he/she believes the above information to be true:

▶ 

Date: 7/2/2019

Notary fills out below-

I declare that the Petitioner has read this Petition,
And swears it to be true to the best of her/his knowledge.
Sworn and subscribed before me, the undersigned authority,

By (Print name of notary): Deborah Casey

On this date: 7/2/2019

▶ 

Notary or Court Clerk or Judicial Officer signs here

Date notary's commission expire: _____

The court finds good cause and will issue a Temporary Order of Protection.

The court does not find good cause and denies a Temporary Order of Protection - The court finds there is no immediate and present danger of abuse to the petitioner and denies the Petitioner's request for a *Temporary Order of Protection*. The court will set the matter for hearing.

Notice to the Respondent about Firearms

If the court grants the Petitioner's request for a Protective Order:

- You will not be able to have a firearm while this or any later protective order is in effect. You will have to transfer all firearms in your possession within 48 hours to any person who is legally allowed to have them. 18 U.S.C. §922(g)(8), TCA §36-3-606(g), TCA §36-3-625.
- You will not be allowed to buy a firearm until the court says otherwise.

I ask the court to make the following Orders after the hearing: (check all that apply)

7. **No Contact**

Please order the Respondent to not contact: me our children under 18, either directly or indirectly, by phone, email, messages, text messages, mail or any other type of communication or contact.

8. **Stay Away**

Please order the Respondent to stay away from my home my workplace or from coming about me for any purpose.

9. **Personal Conduct**

Please order the Respondent not to:

- Cause intentional damage to my property or interfere with the utilities at my home.
- Hurt or threaten to hurt any animals that I/we own or keep.

10. **Move-out / Provide other housing**

Please order the Respondent to (check one): move out of our family home immediately or provide other suitable house (if married)

Check here if your home or lease is in the Respondent's name **only**.

If the parties share a residence, please allow the Respondent to obtain his/her clothing and personal effects such as medicine and other things he/she may need.

11. **Counseling / Substance Abuse Programs**

Please order the Respondent to go to a certified batterers' intervention program if one available in the area or a counseling program.

12. **No Firearms**

Please order the Respondent not to have, possess, transport, buy, receive, use or in any other way get any firearm.

List all firearms that the Respondent owns, controls, or has access to:

13. **Animals / Pets**

Please give me custody and control of any animal owned, possessed, leased, kept or held by me, the Respondent, or the children listed above.

14. **Costs, fees, and litigation taxes**

Please order the Respondent to pay all court costs, lawyer fees, and taxes for this case.

15. **Other Orders: (General Relief)**

ORDER FOR HEARING

The Petitioner and Respondent must go to court and explain to the judge why the judge should or should not issue an Order of Protection against the Respondent.

This hearing will take place on (date): 7/16/2019 at (time): 09:00 AM

at (location): 201 Poplar, 2nd Floor Hearing Room



Judicial Officer's -signature

Date: 7/2/2019

Proof of Service of Petition, Notice of Hearing and Temporary Order of Protection:

Respondent was served on: (date): 7/5/19

at (time): 8:40 a.m. p.m. by (check one):

- Personal Service
- U.S. Mail per TCA §20-2-215 and §20-2-216 (The Respondent does not live in Tennessee.)

Server's signature [Handwritten Signature]

Print Name R. B. Whitaker SH3756

Print Name

Petitioner was served on: (date): _____

at (time): _____ a.m. p.m. by (check one):

- Personal Service

Server's signature _____

Print Name _____

If the Petitioner is under 18 (and Petitioner is a social worker filing on behalf of a minor) and service of these documents would not put him/her at risk, the Clerk will serve and fill out below. (TCA § 36-3-605(c))

I served the child's parents copies of the Petition, Notice of Hearing, and Temporary Order of Protection by personal delivery or U.S. Mail on: (date): _____

at (address): _____

Clerk's Signature: _____