

DIVISION OF DOMESTIC RELATIONS
IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

Cuyahoga County Sheriff Radio Room
LAW ENFORCEMENT AGENCY WHERE INDEXED

(216) 443 - 6085

PHONE NUMBER

Case No. **DV22 391235**

Judge **TONYA R. JONES**

State **OHIO**

**DOMESTIC VIOLENCE CIVIL PROTECTION ORDER
(CPO) FULL HEARING (R.C. 3113.31)**
☐ WITH SUPPORT ORDER

PETITIONER:

ALLISON STARK

First

Middle

Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner **ALLISON STARK**

DOB: [REDACTED]

RESPONDENT:

WILLIAM EASTON HORNER

First

Middle

Last

Relationship to Petitioner: **FORMER SPOUSE**

Address where Respondent can be found:
**2899 BLUE RIDGE DRIVE
MORRISTOWN, TN 37814**

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
MALE	W	6' 04"	200 LBS.
EYES	HAIR	DOB	
HAZEL	BALD	09/13/1986	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until

08 / 31 / 2027

(DATE CERTAIN – 5 YEARS
MAXIMUM)

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

This proceeding came on for a hearing on 09/01/2022 before the Court and the *Ex Parte* Order issued on 08/18/2022. The following individuals were present: Petitioner ALLISON STARK, with Counsel.

The Court hereby makes the following findings of fact:

The Court finds that Respondent was properly served. The Court further finds that Petitioner was sworn and gave testimony that supports findings that Respondent committed domestic violence as defined by R.C. 3113.31 and that Petitioner, the parties' children and Petitioner's other household members are in danger of domestic violence. Petitioner's testimony is found to be credible.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

The Court also finds: The parties were married and share two minor children. A decree of Divorce was issued in November 2021. Respondent was not awarded parental rights and no visitation orders were issued. See DR Case 20 382383. Petitioner testified that during the divorce proceedings Respondent was visibly angry with her, her attorney, his own attorney, and the Court. At some point, Respondent refused to participate and stopped coming to the hearings. Respondent claimed civil disobedience as a basis for his absence from the proceedings.

Respondent has mental health issues. In August 2020, Petitioner had Respondent probated because of suicidal thoughts. Petitioner believed that Respondent was a threat to himself and others because Respondent had access to weapons. Westlake police detained Respondent for a psychiatric evaluation. Respondent spent 5 days in St. Vincent Psychiatric unit. Initially, the hospital contacted Petitioner to consult with her on the Respondent's care. At some point, Respondent revoked his consent for the hospital to communicate with Petitioner. Respondent's parents were able to assist Respondent with his release from evaluation and treatment. Petitioner is aware that Respondent has an untreated mental health diagnosis of Bi-polar.

Respondent has substance abuse issues. Respondent has an active warrant for possession of drugs. When Respondent moved out of Petitioner's home, he left a baggie with psychedelic mushrooms in the basement next to the children's play area. Respondent habitually uses marijuana and abuses alcohol.

Respondent has engaged in menacing conduct. From April 2022 to the present Respondent has sent emails, postcards, and digital correspondence via social media platforms to Petitioner, Petitioner's mother, Petitioner's family, friends, and neighbors. Respondent sends links to documents on YOUTUBE, LinkedIn and GoFundMe. Respondent has also sent similar correspondence to this Honorable Court via email. Each correspondence has hyperlinks that are attached to Respondent's website where he alleges that Petitioner and her mother have conspired with the FBI to kidnap the minor children. Respondent also threatens to take the children from the Petitioner and change their identity so that Petitioner never sees the children again. Petitioner is concerned the Respondent will take the children out the country. Respondent has published and disseminated materials about Petitioner and her mother on a website created by Respondent for the purpose of raising money to assist him with his plot to gain possession of his children. Respondent has disseminated posting on his website that state that an agent named Brandon Brown would come to Cleveland and execute Petitioner, Petitioner's mother, and their children. See Petitioner's Exhibit A and B. Petitioner is concerned for her safety and the safety of her children because of Respondent's misrepresentations and violent threats related to her and her household members.

Respondent's cyber conduct and electronic dissemination has caused Petitioner significant mental distress. Petitioner does not sleep well. Petitioner is afraid to leave her home. Petitioner is terrified that Respondent will locate the children at school and remove them. Petitioner's performance at work has been negatively impacted by Respondent's conduct. Petitioner believes that Respondent continues to have access to weapons. Respondent has told Petitioner that he could arrive at Petitioner's home "armed to the T" and take the children and Petitioner would never see them again. Petitioner believes that Respondent's conduct is escalating and will get worse. Petitioner requested a five-year order.

☐ **Additional findings on a separate page are included and attached herein.**

The Court further finds by a preponderance of the evidence that 1) Petitioner and Petitioner's family or household members are in danger and have been a victim of domestic violence as defined in R.C. 3113.31(A) committed by Respondent and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from domestic violence.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

☐ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:

is granted to: _____. Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g. telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

☒ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 04]

☒ **5. RESPONDENT SHALL STAY AWAY FROM ALL** protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☒ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 05]

☒ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE**

FORM 10.01-I: DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (DVCPO) FULL HEARING

Amended: April 15, 2021

Discard all previous versions of this form

FOLLOWING MOTOR VEHICLE:

to the law enforcement agency that served Respondent with the Order or as follows:

and Petitioner is granted exclusive use of this motor vehicle.

- ☒ 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:
- ☐ 10. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.
- ☐ 11. **PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

Exchange of the listed companion animals or pets shall take place as follows:

- ☒ 12. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.
- ☒ 13. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]
- RESPONDENT IS EXCEPTED** only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.
- ☒ 14. **RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS, AND AMMUNITION** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:
Respondent shall turn over all deadly weapons including firearms, and ammunition to their local police department or the Cuyahoga County Sheriff's Department.

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

- 15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

- ☐ 16. PETITIONER IS AN UNMARRIED FEMALE who gave birth to _____
(a child) born on _____. As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

- ☐ 17. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:
[NCIC 09]

This Order applies to the following ☐ child ☐ children:

- ☐ 18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.
☐ (A) Respondent's parenting time rights are suspended; or
☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows: [NCIC 06]

This Order applies to the following ☐ child ☐ children:

- ☒ 19. LAW ENFORCEMENT AGENCIES, including but not limited to, LOCAL LAW ENFORCEMENT
are ordered to assist Petitioner in gaining physical custody of the ☐ child ☒ children, if necessary.

- ☐ 20. RESPONDENT SHALL SUPPORT the protected persons named in this Order as follows:

- ☐ 21. RESPONDENT MAY PICK UP CLOTHING and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

- ☒ 22. RESPONDENT SHALL NOT USE OR POSSESS ☒ alcohol or ☒ illegal drugs.

- ☐ 23. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:

Respondent shall contact this program within _____ days after receiving

this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ 24. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate _____

on _____ at _____ ☐ a.m. ☐ p.m. to review Respondent's compliance with the terms of this Order. **RESPONDENT IS WARNED:** If you fail to attend the counseling program you may be held in contempt of court or the Court may issue a warrant for your arrest.

☒ 25. **RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐ 26. IT IS FURTHER ORDERED: [NCIC 08]

27. **THE CLERK OF COURT SHALL CAUSE A COPY OF THIS ORDER** to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

28. **THIS ORDER SURVIVES** a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.

29. **IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE**, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

30. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

31. **THE COSTS OF THIS ACTION ARE** ☐ assessed against Respondent ☒ waived.

IT IS SO ORDERED.

Charmine Dose

MAGISTRATE

Janya R. Jones

JUDGE

RECEIVED FOR FILING

SEP 20 2022

Cuyahoga County
Clerk of Courts
By  Deputy

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated pursuant to Civ. R. 5(B) and 65.1(C)(3), including ordinary mail, on

_____ day of _____, 20 _____

By: _____

CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☒ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☒ Sheriff's Office: _____
- CUYAHOGA COUNTY**
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ CSEA
- ☐ Other: _____