

STATE OF NORTH CAROLINA

Gaston County

FILED

File No. **08CV0434**
 In The General Court Of Justice
 District Court Division

Name Of Plaintiff (Person Filing Complaint)

Tracy Hedgepath

2008 JAN 28 PM 12:35

VERSUS

GASTON COUNTY, C.S.C.

COMPLAINT AND MOTION
 FOR
 DOMESTIC VIOLENCE
 PROTECTIVE ORDER

Name And Address Of Defendant (Person Accused Of Abuse)

Austen minter
913 W. fifth Ave.
Gastonia NC 28052

BY _____

G.S. 50B-1, -2, -3, -4

(Check only boxes that apply and fill in blanks. Additional sheets may be attached.)

- I live in Gaston County, North Carolina.
- The defendant and I are married. are divorced.
 are persons of the opposite sex who are not married but live together or have lived together.
 have a child in common.
 are parent and child or grandparent and grandchild.
 are current or former household members.
 are persons of the opposite sex who are in or have been in a dating relationship.
- There is is not another court proceeding between the defendant and me pending in this or any other state.
 (List county, state and what kind of proceeding, if applicable.)

4. The defendant has attempted to cause or has intentionally caused me bodily injury; or has placed me or a member of my family or household in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that: (Give specific dates and describe in detail what happened.)
Austen minter has threatened to kill me many times, He stomped me to the ground 2 weeks ago screaming and hitting and kicking me to the ground my 3 and 4 year old child was screaming stop daddy dont hurt mommy. Just Sat 1-26 Austen broke into my house destroyed ~~my house~~ my House, slung my clothing every where outside and All my kid clothing every where in my hous. On 1-27 Austen came to my work Hallaring my name, I had my personal manager to make him leave. He went to check on my car and he ~~harred~~ harred bad language at her and backed up and squilled tires beside

5. The defendant has attempted to cause or has intentionally caused bodily injury to the child(ren) living with me or in my custody; has placed my child(ren) in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that: (Give specific dates and describe in detail what happened.)
Austen has made the children fearless, scared of bad noises when talking loud, and the kids just all the time say I dont wantt daddy hitting you anymore.

- I believe there is danger of serious and immediate injury to me or my child(ren).
- (Check this block if you ask for temporary child custody.) The defendant and I are the parents of the following child(ren) under the age of eighteen.

A COPY OF "AFFIDAVIT AS TO STATUS OF MINOR CHILD" (AOC-CV-609) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth
<u>Destiny minter</u>	<u>F</u>	<u>2-23-03</u>			
<u>Austen minter</u>	<u>M</u>	<u>2-12-04</u>			
<u>Serenity minter</u>	<u>F</u>	<u>7-6-07</u>			

8. (Fill in the block if you are asking for temporary child custody) The minor child(ren) listed in No 7. above is exposed to a substantial risk of physical or emotional injury or sexual abuse in that: (Describe in detail what happened that created a risk of physical or emotional injury or sexual abuse.)
 Destiny, Austen, and Serenity has been emotional injured by ~~the defendant~~
~~seeing~~ seeing the dad Austen hit me threaten me and call me names
 damage my care with children in car, shouting in to house, back
 about 1 year ago.

9. The defendant has firearms and ammunition as described below, has a permit to purchase a firearm, and has a permit to carry a concealed weapon. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms and gun permits.)

10. The defendant has used or threatened to use a deadly weapon against me or minor child(ren) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that (give specific dates and describe in detail what happened)
 Austen has threatened to shoot me several times, said he would kill me
 if ~~the~~ ~~defendant~~ I would not have him to be with his kids. As far as I know
 he has no firearms but friends he know they do.

11. The defendant has made threats to commit suicide in that (give specific dates and describe in detail what happened)
 He has said if I want stay with him

Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:
 (Check only boxes that apply.)

- 1. I want emergency relief.
- 2. Since there is a danger of acts of domestic violence against me or my child(ren), I want an Ex Parte Order before notice of a hearing is given to the defendant.
- 3. I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).
- 4. I want possession of our residence at the address listed below, and I want the defendant to move from and not return to the residence.
- 5. I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.
- 6. I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, toiletries and tools of trade.
- 7. I want the defendant to be ordered not to come on or about:
 - (a) my residence.
 - (b) any place where I am receiving temporary shelter.
 - (c) the place where I work.
 - (d) any school(s) the child(ren) attend.
 - (e) the place where the child(ren) receives day care.
 - (f) the place where I go to school.
 - (g) Other: (name other places)

Mom's House
416 E. main St
Dallas NC 28034
 The child(ren) currently attend: (name school)
Lingerfelt Elem
New Hope Child Develop. Center

VERSUS

File No.

08 CVD 434

Name Of Defendant

Austin Minter

- 8. I want the defendant to be ordered to have no contact with me.
- 9. I want possession and use of the following vehicle:
Describe Vehicle
- 10. I want temporary custody of our minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.
- 11. I want the defendant to be ordered to make payments for the support of our minor child(ren), as required by law, but I understand it is only temporary and that I must file a separate child support action for regular, permanent child support.
- 12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.
- 13. I want the Court to order the defendant to surrender to the sheriff his/her firearms, ammunition, and gun permits to purchase a firearm and carry a concealed weapon.
- 14. I want the defendant to be ordered to attend an abuser treatment program.
- 15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.
- 16. I want the defendant to be ordered to make payments for my support as required by law, but I understand it is only temporary and that I must file a separate action for regular permanent spousal support.
- 17. Other: (specify) 1 Year ordered

Date 1-28-08

Signature Of Plaintiff (Person Filing Complaint)

Tracy Hedgepath

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate.

SWORN AND SUBSCRIBED TO BEFORE ME

Date 1-28-08

Date 1-28-08

Signature Valarie Jackson

Signature Of Plaintiff Tracy Hedgepath

- Deputy CSC
- Assistant CSC
- Clerk of Superior Court
- Designated Magistrate

Name Of Plaintiff (Type Or Print) Tracy Hedgepath

Notary Date My Commission Expires

SEAL

County Where Notarized