

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

2009 TERM

Case No: 2009-0445

LAURA ASHLEY SAWYER

v.

THERESA LISTER

BRIEF FOR DEFENDANT/APPELLANT THERESA LISTER

Rule 7 Appeal from the Nashua District Court

On the Brief:

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ISSUES PRESENTED

- I. **Whether the Defendant's statements that she had a gun buried in Arizona coupled with comments that the Plaintiff should "watch out" or that the Defendant would "get her" were sufficient evidence to support the granting of a final order of protection based upon RSA 633:3-a where there was no imminent threat as both parties resided in New Hampshire and weapon was alleged to be buried across the country.**

- II. **Whether the trial court erred in granting a final order of protection for Ashley Sawyer, when it had denied a final order of protection for Thomas Deary Jr., when both applications were based upon similar claims that Ms. Lister threatened to use an AK-47 that was buried "somewhere" in Arizona.**

- III. **Whether the trial court erred in granting a final order of protection based upon RSA 633:3-a, and in finding Ms. Sawyer's fear for her personal safety credible and reasonable, where her fear was based upon Ms. Lister's statements to use a gun buried "somewhere" in Arizona to hurt her in New Hampshire.**

All of these issues were properly raised during the Final Hearing and in the Defendant's Notice of Appeal.

STATEMENT OF THE FACTS

Laura Ashley Sawyer and Thomas Deary, Jr., the Plaintiffs/Appellees, were living together and renting an apartment from the Defendant/Appellant, Theresa Lister. See Transcript page 3, (hereinafter “T. p. ___”). Because they had been threatened with eviction, (T. p. 7) on or about April 26th, 2009, both Ms. Sawyer and Mr. Deary moved from the apartment in the middle of the night without informing Ms. Lister. T. p. 6. After a landlord-tenant dispute began in which Ms. Lister informed Mr. Deary that she would seek monies for damages to their former apartment, (T. p. 13, 14), on April 28th, 2009, Ms. Sawyer and Mr. Deary obtained a temporary stalking petition from the Nashua District Court. See Brief pg 18, 23, (hereinafter “B. p. ___”).

In her stalking petition, Ms. Sawyer claimed, in part, that “Theresa Lister has threatened to stalk me at my place of work” and that “Theresa Lister has threatened me several times that she has a AK47 buried and will use it to hurt me and my boyfriend Thomas Deary.” B. p. 20-21. In his stalking petition, Thomas Deary claimed, in part, that Ms. Lister had sent him degrading texts and had degraded both Ms. Sawyer and himself to their employer. B. p. 24. In the Request for Protective Orders, Mr. Deary requested that Ms. Lister relinquish “[t]he ak-47 she said she buried after she had to use it.” B. p. 26. Neither Ms. Sawyer nor Mr. Deary testified or provided any additional evidence of the existence of the AK-47 and neither testified to seeing Ms. Lister with a weapon of any kind. At the final hearing, Ms. Sawyer testified that Ms. Lister had told her on prior occasions that she had an AK-47 buried “somewhere” in “Arizona.” (T. p. 9), but did not provide testimony as to when these statements were made—with the exception that they were made before they moved from the apartment. Id. Ms. Sawyer admitted that Ms. Lister had told her about the AK-47 “even when we were getting along” and reiterated that the AK-47 was “buried in Arizona somewhere.” T. p. 11.

At the final hearing, Mr. Deary testified that following receipt of a text message from Ms. Lister that she would see him at lunch, Ms. Lister went to the San Francisco Kitchen in Nashua for lunch and “sat outside for hours” drinking margaritas and talking to his manager. T. p. 14. Mr. Deary admitted that Ms. Lister coming to his place of employment after a fight with Ms. Sawyer and himself was “something that [Ms. Lister] always did when we got into a fight before, but now we’re not living with her and we don’t want to be around her (sic) is the point that we moved out.” T. p. 14. Mr. Deary then continued to complain about the landlord-tenant relationship. T. p. 15.

Ms. Sawyer denied telling Ms. Sawyer that she would come find her (T. p. 19) and denied owning an AK-47, threatening Ms. Sawyer with an AK-47, or telling Ms. Sawyer that she had an AK-47. T. p. 20. In fact, she testified that she has “never tried to hurt those kids” and that she even “tried to help them”. T. p. 19. Ms. Lister had no interest in communicating with Ms. Sawyer “outside of taking her to court for damages to my property” (T. p. 19) and pointed out that the Friday prior to their vacating the apartment, Ms. Sawyer had visited with Ms. Lister and given a picture of herself to Ms. Lister. T. p. 20. Ms. Lister denied going to the San Francisco Kitchen to try to get Ms. Sawyer fired, as she would be seeking monies from Ms. Sawyer and Ms. Sawyer would need to have funds. (“...Why would I want her fired, I want money from her.” T. p. 23.).

Ms. Lister asked that the petitions be dismissed, as anything that both petitioners described did not equate to stalking or threatening behavior (T. p. 16) and arguing specifically that “[t]he whole AK-47 thing of somewhere, some time[,] [a gun] out in Arizona doesn’t fall anywhere within the imminency that’s” required as part of the stalking statute. T. p. 17.

The trial court then granted Ms. Sawyer a Final Order of Protection, finding that based upon a preponderance of the evidence the defendant told the plaintiff to “watch out”, that she would come and find her and that she would use an AK-47 to hurt her. B. p. 30. The court found that these allegations constitute a course of conduct that placed the plaintiff in fear of her safety. Id. The court dismissed the restraining order with regard to Mr. Deary, finding that it did not meet the burden required under the statute. Id. at 33. This appeal now follows.

SUMMARY OF THE ARGUMENT

This is a case in which a former tenant sought and received a final order of protection under RSA 633:3-a against her former landlord based upon claims that the landlord, Ms. Lister, had engaged in a course of conduct that had reasonably placed Ms. Sawyer in fear for her personal safety as Ms. Lister had told Ms. Sawyer to “watch out”, that she would “get her”, and threatened to “hurt” Ms. Sawyer with the use of an AK-47 that was buried “somewhere” in Arizona.

Under RSA 633:3-a, III-a, a person who has been the victim of stalking may file a civil petition seeking the relief available under RSA chapter 173-B, to include a protective order. See Fisher v. Minichiello, 155 N.H. 188, 193 (2007). Trial courts are required to make findings that a defendant engaged in two or more specific acts “over a period of time, however short, which evidence a continuity of purpose.” Id. To achieve the relief that is available under RSA 173-B, a petitioner must demonstrate that she is in “immediate and present danger of abuse.” RSA 173-B:4,I; see also Fillmore v. Fillmore Jr., 147 N.H. 283, 285 (2001). The threshold misconduct must “...neither be ‘too distant in time’ nor ‘non-specific’” and a petitioner must show that a credible threat to her safety exists. Id. at 768, see Alexander and Evans, 147 N.H. at 441-43. Importantly, the petitioner’s fear for her personal safety must be reasonable. Vlack v. Town of Rye & Record, 1999 U.S. Dist. LEXIS 22594, No. CIV 98-271-M, 1999 WL 813973 (D.N.H. May 28, 1999).

The evidence in the case below was insufficient to support the granting of a final order of protection. The evidence was insufficient to show that Ms. Lister’s statements constituted an on-going, credible threat to Ms. Sawyer’s personal safety, and that Ms. Sawyer was reasonably placed in such fear. Without any evidential support that the AK-47 even existed or that Ms.

Lister had reasonable access to it the court erred in treating any alleged threats of its use as part of the stalking “course of conduct.” Without the allegations of the threats of the use of an AK-47, the remaining statements of telling Ms. Sawyer to “watch out” or that Ms. Lister would “get her” are insufficient to justifying the granting of a final order. As such, the final order should have been dismissed. Even assuming the existence of an AK-47 buried in Arizona and Ms. Lister’s ability to access it, neither petitioner testified as to precisely when (over the course of this deteriorated landlord-tenant relationship) Ms. Lister had made the comments regarding the gun or its burial. Ms. Sawyer merely testified that the statements as to the AK-47 were made before she and Mr. Deary, Jr. left their apartment. Allegations of threats of the use of a buried gun, made sometime during the parties’ relationship, buried “somewhere” in Arizona, is too non-specific to meet the statutory requirement.

As criminal cases of stalking require as a question of fact whether the acts would cause a *reasonable* person to fear for her personal safety, (See State v. Gubitosi, 152 N.H. 673, 681 (2005)), certainly cases where petitioners are seeking a civil stalking order require the same finding of fact of reasonability. No reasonable person residing in New Hampshire would fear the use of an AK-47 by another New Hampshire resident, where the weapon was alleged to be buried “somewhere” in Arizona. Any fear that Ms. Sawyer had because of such a threat was unreasonable and irrational, especially where there was no testimony to ever seeing Ms. Lister with any weapon and that AK-47 was buried half-way across the country, far from all parties.

It flies in the face of common sense that where two stalking petitions and two individuals testified to the same facts and circumstances that one petition would be granted and the other denied. The lower trial court granted Ms. Sawyer’s petition but dismissed Mr. Deary, Jr.’s. If Mr. Deary’s stalking petition did “not meet the burden required under the statute” and he

testified to similar statements of the threats to use an AK-47 that was buried in Arizona, then Ms. Sawyer's testimony on the same should also have not met that same burden. If the trial court found that statements to use a buried AK-47 did not reasonably cause Mr. Deary Jr. to fear for his personal safety, neither should it have found that those same statements cause Ms. Sawyer to fear for her own personal safety. The lower court's decision was in error and must be reversed.

ARGUMENT

- I. Whether the Defendant's statements that she had a gun buried in Arizona coupled with comments that the Plaintiff should "watch out" or that the Defendant would "get her" were sufficient evidence to support the granting of a final order of protection based upon RSA 633:3-a where there was no imminent threat as both parties resided in New Hampshire and weapon was alleged to be buried across the country.**

Under RSA 633:3-a, III-a, a person who has been the victim of stalking may file a civil petition seeking the relief available under RSA chapter 173-B, to include a protective order. See Fisher v. Minichiello, 155 N.H. 188, 193 (2007). The petitioner must prove "stalking" by a preponderance of the evidence and trial courts are required to make findings on the record that a defendant engaged in two or more specific acts "over a period of time, however short, which evidence a continuity of purpose." Id. To achieve the relief that is available under RSA 173-B, a petitioner must demonstrate that she is in "immediate and present danger of abuse." RSA 173-B:4,I; see also Fillmore v. Fillmore Jr., 147 N.H. 283, 285 (2001). The threshold misconduct must "...neither be 'too distant in time' nor 'non-specific'" and a petitioner must "...show more than a generalized fear for personal safety...to support a finding that a credible threat to her safety exists." Id. at 768, see Alexander and Evans, 147 N.H. at 441-43. Importantly, the petitioner's fear for her personal safety must be reasonable. Vlack v. Town of Rye & Record, 1999 U.S. Dist. LEXIS 22594, No. CIV 98-271-M, 1999 WL 813973 (D.N.H. May 28, 1999). Failing to meet these burdens requires dismissal of the order of protection.

The evidence in the case below was insufficient to show, by a preponderance of the evidence, that Ms. Lister's statements, including the statement of the use of a buried gun, constituted an on-going, credible threat to Ms. Sawyer's personal safety, and that she was

reasonably placed in such fear. Because the evidence in this case was insufficient to support the statutory requirements, the lower court erred in granting Ms. Sawyer a final order of protection. The lower court's decision must be reversed and the order vacated.

This Court reviews sufficiency of the evidence claims as a matter of law and upholds the findings and rulings of the trial court unless they are lacking in evidential support or tainted by error of law. Comer v. Tracey, 156 N.H. 241, 246 (2007). The evidence before the lower trial court was insufficient to support a finding that Theresa Lister had engaged in a course of conduct that caused Ms. Sawyer to reasonably fear for her personal safety. The issuance of the final order was based upon three factors: 1) the defendant telling the plaintiff to "watch out"; 2) that the plaintiff would come and find her; and 3) that she would use an AK-47 to hurt her. B. p. 31. Arguably, the most significant of these three factors was the alleged use of an AK-47. However, because both petitioners testified that any threats of use of an AK-47 involved a buried AK-47, and both petitioners testified that the AK-47 was buried "somewhere" in Arizona, a substantial distance from their home state of New Hampshire, the trial court lacked evidential support that the AK-47 existed, let alone that Ms. Sawyer was justifiably in fear for her personal safety because of it. Even assuming that threats to use a buried AK-47 were made, such threats are akin to a boxer threatening "to get" or "kill" his opponent when he gets in the ring. Nobody expects the boxer to actually kill his opponent and no reasonable person would expect a New Hampshire party to actually travel to Arizona to dig up a gun buried "somewhere" there, to clean it and then travel back to New Hampshire to use it against another New Hampshire resident. Without any evidential support that the AK-47 even existed or that Ms. Lister had reasonable access to it, the court erred in treating any alleged threats of its use as part of the stalking "course of conduct." Without the

allegations of the threats of the use of an AK-47, the remaining statements of telling Ms. Sawyer to “watch out” or that Ms. Lister would “get her” are insufficient to justifying the granting of a final order of protection. As such, the final order should have been dismissed.

Even assuming the existence of an AK-47 buried in Arizona and Ms. Lister’s ability to access it, neither petitioner testified as to precisely when (over the course of this deteriorated landlord-tenant relationship) Ms. Lister had made the comments regarding the gun or its burial. See Tracey, 156 N.H. at 247-248. Ms. Sawyer merely testified that the statements as to the AK-47 were made before she and Mr. Deary, Jr. left their apartment. T. p. 9.

Interestingly, Ms. Sawyer testified that Ms. Lister had told her about the AK-47 even when they were getting along, (T. p. 11), implying that the gun had been a frequent topic of conversation. Although apparently previously discussed between the parties, Ms. Sawyer did not seem to fear for her personal safety because of the statement until after a landlord-tenant dispute began. If Ms. Lister had indeed threatened to hurt Ms. Sawyer with the use of an AK-47 and Ms. Sawyer was truly afraid for her personal safety because of this threat she would have gotten a restraining order or sought to terminate her relationship with Ms. Sawyer immediately at or soon after the statement was made—not after being informed her former landlord would be seeking monies for damages to her former apartment.

In Fillmore, the plaintiff wife’s allegations that the defendant had “hit” her twice in the distant past, and on one occasion threatened to “make [her] life a living hell.”, in the context of a request for a domestic violence protective order, were “too distant in time and non-specific” to rise to the level of misconduct required to satisfy the threshold for either criminal threatening or harassment.” Id. at 286. Certainly, final orders of protection issued under RSA 633:3-a, based upon a course of conduct, also require a showing of “immediate and

present danger of abuse” and a “specific” threat or conduct to satisfy a finding of stalking. Allegations of threats of the use of a buried gun, sometime during the parties’ relationship, buried “somewhere” in Arizona, is too non-specific to meet this requirement.

In other cases in which final stalking orders have been issued based upon threats of the use of a weapon there has been testimony that the defendants have actually been seen with a weapon. See Kiesman v. Middleton, 156 N.H. 479 (2007)(petitioner testified that he did believe the defendant to have a firearm on him because roughly seven years earlier the defendant had brought a firearm with him); State v. Gubitosi, 152 N.H. 673, 674 (2005) (defendant appeared at petitioner’s home with a firearm tucked in the small of his back). Certainly, being seen with a weapon, in the context of other threatening behaviors, substantiates a person being in reasonable fear for their personal safety. In this case, however, the only testimony regarding a weapon was a buried weapon, buried in another state, half-way across the country. Neither plaintiff testified to ever seeing Ms. Lister with any weapon and both plaintiffs reiterated that the gun remained buried “somewhere” in Arizona. Even if the AK-47 did exist, the fact that it was buried “somewhere” in Arizona makes it highly unlikely that Ms. Lister could use it against Ms. Sawyer or Mr. Deary, Jr. and makes it improbable that Ms. Sawyer would reasonably fear for her personal safety because of it. The trial court erred in granting the final order of protection and its decision must be reversed.

II. Whether the trial court erred in granting a final order of protection for Ashley Sawyer, when it had denied a final order of protection for Thomas Deary Jr., when both applications were based upon similar claims that Ms. Lister threatened to use an AK-47 that was buried “somewhere” in Arizona.

In their applications for stalking petitions filed on April 28, 2009, both Ms. Sawyer and Mr. Deary, Jr. included references to a buried AK-47. Mr. Deary, Jr. included his reference in the Request for Protective Order section, requesting that Ms. Lister relinquish “the AK-47 she said she buried after she had to use it.” B. p. 26. During the final hearing, Ms. Sawyer testified that Ms. Lister threatened several times that she had an AK-47 and said it was “buried in Arizona somewhere. She’s told me that many times.” T. p. 9. At the same hearing, Mr. Deary, Jr. testified that he had a witness who also heard Ms. Lister state that she had a buried AK-47 in Arizona that she would use it. T. p. 11-12. The trial court, however, granted Ms. Sawyer’s a final order of protection based in part upon the threats to use the AK-47 to hurt Ms. Sawyer and denied Mr. Deary’s, finding that “[t]he restraining order with regard to Mr. Deary does not meet the burden required under the statute and that one is dismissed.” T. p. 28.

It flies in the face of common sense that where two stalking petitions and two individuals testified to the same facts and circumstances that one petition would be granted and the other denied. If Mr. Deary’s stalking petition did “not meet the burden required under the statute” and he testified to similar statements of the threats to use an AK-47 that was buried in Arizona, then Ms. Sawyer’s testimony on the same should also have not met that same burden. If the trial court found that statements to use a buried AK-47 did not reasonably cause Mr. Deary Jr. to fear for his personal safety, neither should it have found that those

same statements cause Ms. Sawyer to fear for her own personal safety. The lower court's decision was in error and must be reversed.

III. Whether the trial court erred in granting a final order of protection based upon RSA 633:3-a, and in finding Ms. Sawyer's fear for her personal safety credible and reasonable, where her fear was based upon Ms. Lister's statements to use a gun buried "somewhere" in Arizona to hurt her in New Hampshire.

Ms. Sawyer failed to meet her burden to demonstrate that Ms. Lister's threats to use an AK-47, buried "somewhere" in Arizona, to hurt her placed Ms. Sawyer in an "immediate and present danger of abuse." RSA 173-B:4,I; see also Fillmore v. Fillmore Jr., 147 N.H. 283, 285 (2001). RSA chapter 173-B includes language of immediacy in regards to the threatened or actual misconduct, i.e., the petitioner must show that the misconduct places her in "immediate and present danger of abuse." As RSA 633:3-a incorporates RSA chapter 173-B and specifically provides that the procedures and burdens of proof to be applied in such proceedings shall be the same as those set forth in RSA 173-B, before issuing a final order of protection under RSA 633:3-a a trial court must find that the acts constituting the course of conduct placed the petitioner in "immediate and present danger of abuse." (emphasis added). In the case below, statements to use a gun that was buried somewhere in Arizona, to hurt Ms. Sawyer in New Hampshire, was not a "credible" threat against Ms. Sawyer. The word "credible" is defined as "capable of being believed." Webster's New Universal, Unabridged Dictionary, 2001 Edition. The petitioner's testimony that Ms. Lister threatened to hurt her with the use of a AK-47 is not capable of being believed. Even the trial court found the threat of the use of an AK-47 to be ridiculous. T. p. 20. That that same weapon was alleged to be buried somewhere in Arizona only makes the threat that much more ridiculous.

As criminal cases of stalking require as a question of fact whether the acts would cause a *reasonable* person to fear for her personal safety, (See State v. Gubitosi, 152 N.H. 673, 681 (2005)), certainly cases where petitioners are seeking a civil stalking order require the same finding of fact of reasonability. No reasonable person residing in New Hampshire would fear the use of an AK-47 by another New Hampshire resident, where the weapon was alleged to be buried “somewhere” in Arizona. Any fear that Ms. Sawyer had because of such a threat was unreasonable and irrational, especially where there was no testimony to ever seeing Ms. Lister with any weapon and that AK-47 was buried half-way across the country, far from all parties.

The District Court of New Hampshire provided a helpful standard in determining whether actions constitute a reasonable person to fear for their personal safety in Vlack v. Town of Rye & Record, 1999 U.S. Dist. LEXIS 22594, No. CIV 98-271-M, 1999 WL 813973 (D.N.H. May 28, 1999). In Vlack, the trial court found that Ms. Vlack had engaged in a course of conduct that would cause a reasonable person to fear for his personal safety in violation of the stalking statute where Vlack continued to phone her victim despite requests not to do so, sent letters, sent gifts to his workplace, entered onto his property and shouted at his back door, and trailed his wife to a store. Id. [WL] at *5. There was additional evidence that Vlack was emotionally unstable and possibly suicidal. Id. In its standard, the district court concluded that “a detached police officer, particularly under the circumstances of this case, could reasonably view those [communications] as evidence that [the] plaintiff had become obsessed with [the victim] and, in light of the other evidence known to the officer, was stalking him and posed a potential danger to him and his family members.” Id.

In the case below, applying the same standard set forth in Vlack, a detached police officer would be presented with the following: two individuals who, facing eviction, fled their

landlord's premises in the middle of the night. The landlord and the former tenants then exchanged text messages with each other, the landlord informing the tenants she was going to seek monies from them for damages to the apartment, the one tenant asking her not to send any more text messages. The landlord then went to the tenants' place of employment for drinks (as she normally did after they had arguments) and did not engage with the tenants. The tenants then brought a petition to the district court citing these incidents, along with allegations that even when the parties were getting along, the parties had discussed the landlord having a gun buried "somewhere" in Arizona. The tenants did not bring a restraining order and were not afraid of the landlord's comments about the gun until they left the apartment. No detached police officer, particularly under the circumstances of this case, could reasonably view the above as evidence that Ms. Lister had become obsessed with Ms. Sawyer, was stalking her, or that Ms. Lister posed a danger to Ms. Sawyer. The final order should have been dismissed against both Ms. Sawyer and Mr. Deary, Jr. The trial court's decision was in error and must be reversed.

CONCLUSION

In sum, the lower court's decisions represented error and the final order of protection awarded to Ms. Sawyer against Ms. Lister must be reversed. The evidence in the case below was insufficient to show, by a preponderance of the evidence, that Ms. Lister's statements, including the statement of the use of a buried gun, constituted an on-going, credible threat to Ms. Sawyer's personal safety, and that she was reasonably placed in such fear. Without any evidential support that the AK-47 even existed or that Ms. Lister had reasonable access to it, the court erred in treating any alleged threats of its use as part of the stalking "course of conduct." Without the allegations of the threats of the use of an AK-47, the remaining statements of telling Ms. Sawyer to "watch out" or that Ms. Lister would "get her" are insufficient to justifying the granting of a final order of protection. Even assuming the existence of an AK-47 buried in Arizona and Ms. Lister's ability to access it, because neither petitioner testified as to precisely when (over the course of this deteriorated landlord-tenant relationship) Ms. Lister had made comments regarding the gun or its burial, the claims in the stalking petition were too non-specific to meet the statutory requirement and should have been dismissed. Further, civil stalking orders require finding that a person was *reasonably* placed in fear for their personal safety. No reasonable person residing in New Hampshire would fear the use of an AK-47 by another New Hampshire resident, where the weapon was alleged to be buried "somewhere" in Arizona. Because both petitioners testified to similar allegations of threats involving the use of an AK-47, the trial court erred in granting Ms. Sawyer's petition and dismissing Mr. Deary's. If Mr. Deary's stalking petition did "not meet the burden required under the statute" and he testified to similar statements of the threats to use an AK-47 that was buried in Arizona, then Ms. Sawyer's testimony on the same should also have

not met that same burden. Ms. Lister asks this Court to reverse the trial court's decision and vacate the final order of protection entered against Theresa Lister.

Respectfully submitted,
SMITH-WEISS SHEPARD, P.C.
47 Factory Street
Nashua, NH 03060
(603) 883-1571

Date

Melissa S. Penson Bar # 15290

CERTIFICATE OF SERVICE

I hereby certify that an original and eight (8) copies of the Petitioner/Appellant's Brief this _____ day of _____, 2009, been delivered to the Clerk, New Hampshire Supreme Court. In addition, two (2) copies of this Brief have been mailed to Ms. Laura Sawyer, Pro Se Petitioner/Appellee.

Melissa S. Penson, Esq. Bar # 15290

REQUEST FOR ORAL ARGUMENT

The Petitioner/Appellant respectfully requests oral argument of not more than 15 minutes.

Date

Melissa S. Penson, Esq. Bar #15290

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

5-28-09

09-235

DOMESTIC VIOLENCE

TEMPORARY ORDER OF
PROTECTION

Case Number: 09-DV-162

PNO Number: 45909101102

Court: Nashua District Court

Court ORI: NH006071J

County: Hillsborough

Address: PO Box 310

25 Walnut Street

Nashua NH 03060

PLAINTIFF

PLAINTIFF IDENTIFIERS

First	Middle	Last	Date of Birth	Sex	Race
Laura	Ashley	Sawyer	9/18/1986	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	White

V.

DEFENDANT

DEFENDANT IDENTIFIERS

First	Middle	Last
Theresa		Lister

DOB		HEIGHT	5.6
SEX	Female	WEIGHT	160
RACE	white	EYES	brown
State/Birth		HAIR	black

DEFENDANT'S ADDRESS:

8 Essex Street
Nashua, NH 03064

RELATIONSHIP to PLAINTIFF

- Married
 Divorced
 Separated
 Cohabit / cohabited
 Child in common
 Household member
 Other _____

DISTINGUISHING FEATURES:

SKIN TONE _____
 SCARS, MARKS, _____
 TATTOOS: _____
 Location and description _____
 DRIVER'S LICENSE#: _____
 STATE _____ EXP DATE _____
 VEHICLE INFO:
 YEAR _____ STYLE _____
 MAKE _____ COLOR _____
 MODEL _____
 VIN # _____

CAUTION

- Weapon involved
 Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B

WARNING: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262).

The court has found as evidenced by this order:

That it has jurisdiction over the parties and subject matter, and the defendant, upon service, will be given reasonable notice and opportunity to be heard.

- The above named defendant is restrained from committing further acts of abuse or threats of abuse.
 The above named defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within 100 ~~500~~ yards of the plaintiff.

Case Name: Sawyer v Lister

Case Number: 09-DV-162

PNO: 45909101102

DOMESTIC VIOLENCE TEMPORARY ORDER OF PROTECTION

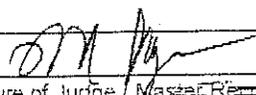
The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 173-B (Protection of Persons from Domestic Violence), and having considered the plaintiff's Domestic Violence Petition dated 4/28/09, hereby finds that the plaintiff is in immediate and present danger of abuse as defined in RSA 173-B and makes the following **TEMPORARY ORDERS OF PROTECTION**:

1. The defendant shall not abuse the plaintiff.
2. The defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within 100 feet yards of the plaintiff.
3. The defendant shall not enter the premises and curtilage where the plaintiff resides, ~~except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court:~~
4. The defendant shall not contact the plaintiff at or enter upon plaintiff's place of employment, school, or _____
5. The defendant shall not abuse plaintiff's relatives (including children) regardless of their place of residence, or members of the plaintiff's household.
6. The defendant shall not take, convert or damage any property in which the plaintiff has a legal or an equitable interest.
7. The plaintiff is awarded custody of the minor child(ren). The defendant may exercise the following visitation: _____ or Visitation is denied pending a hearing.
8. The defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, or in the possession of any other person on behalf of the defendant, and the defendant is prohibited from purchasing or possessing any firearms or ammunition during the pendency of this order.
9. The defendant shall also relinquish all deadly weapons as defined in RSA 625:11,V which may have been used, intended to be used, threatened to be used or could be used in an incident of abuse. These weapons may include the following: _____
10. Other protective orders: _____

ADDITIONAL ORDERS:

11. Use of vehicle or possession of the residence: _____
12. The defendant shall relinquish all concealed weapons permits and hunting licenses.
13. Other: _____

Date 4/28/09

Signature of Judge / Master Recommendation 

Print / Type Name of Master

Date _____

Signature of Judge Approving Master's Recommendation Michael J. Ryan

Print / Type Name of Judge

Telephone Number of Court _____
THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT UNTIL FINAL ORDERS ARE MADE BY THE COURT. ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

Nashua District Court
PO Box 310
25 Walnut Street
Nashua, NH 03060

Telephone: (603) 880-3333
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

**DOMESTIC VIOLENCE TEMPORARY ORDER AND NOTICE OF HEARING
PURSUANT TO RSA 173-B**

Case Number: 09-DV-162

PNO 4590911102

Laura Sawyer

v. Theresa Lister

Plaintiff

Defendant

Def Date of Birth

KEEP THE COURT INFORMED OF THEIR CURRENT ADDRESS.

NOTICE OF HEARING

The plaintiff and defendant are summoned to appear at Nashua District Court on May 28, 2009 (date) at 11:00 a.m. p.m. The court will hear testimony from both parties. One half hour will be allotted for this hearing. FINAL ORDERS may be issued at that time.

Date 4/28/09

[Signature]
Clerk

NOTICE TO DEFENDANT

PURSUANT TO RSA 173-B:4, you have a right to a hearing on these temporary orders within five business days, but not earlier than three business days, after you file a written request with the court. Unless you request this hearing in writing, the case will be heard on the date shown above.

**NOTICE OF INTERSTATE ENFORCEMENT AND
COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

1. This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. sec. 2265 (1994). This Court has jurisdiction of the parties and the subject matter; the defendant is afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of that jurisdiction.
2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
3. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party (the plaintiff) to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. sec. 2262(a)(1) or (2) (1994).
4. The National Domestic Violence Hotline provides information on a 24-hour basis on interstate enforcement of protection orders, how to reach an advocate, and the location of shelters. The Hotline number is: 1-800-799-7233.

REPORTING A VIOLATION OF THIS ORDER: If the defendant violates any portion of this order, the plaintiff may report the violation to the local law enforcement agency and file a written notice in the form of a petition for contempt requesting a further hearing on the matter. Forms are available at the court or on the court website www.courts.state.nh.us.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: Nashua District Court

RECEIVED
NASHUA DISTRICT COURT

Case Number: 09 DV 1162

PNO 45009101162
2009 APR 26 P 2:43

STALKING PETITION

Pursuant to 633:3-a

Laura Ashley Sawyer

v. Theresa Lister

Plaintiff

Defendant

Def Date of Birth

RELATIONSHIP to DEFENDANT

- Married
- Divorced
- Separated
- Cohabit / cohabited
- Child in common

- Household member
- Other Old Landlord

8 Essex St.
Street Address
Nashua / NH / 03064
City / State / Zip

TO THE JUSTICE OF THE COURT: I believe I am being stalked by the defendant. I base my request for protection from stalking on the following facts which occurred on the following dates, and ask the court to issue orders as noted below:

Theresa Lister has threatened to stalk me at my place of work (San Francisco Kitchen) I have + ext. to provd this. She has come into my work and tried to get me fired, speaking to my manager (BASTION DIAPINO) 4-27-09

SEE ATTACHED ADDITIONAL PAGE(S)

The defendant and I are currently involved in or have received orders in the following court actions:

- divorce
- custody
- protective order
- none
- other _____

Please list the court(s) handling the case(s): _____

Are you represented by a lawyer in any of these matters?

- yes
- no

Child(ren) living in household:

NAME	DOB	BIRTH PARENTS	WHO HAS CUSTODY

I have suffered the following financial losses as a result of the stalking: medical / dental / optical expenses

- loss of wages
- loss of personal property
- other (explain) _____

REQUEST FOR PROTECTIVE ORDERS:

1. Restrain the defendant from stalking and/or abusing me, having any contact with me, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method, unless specifically authorized by the court.
2. Restrain the defendant from following me or appearing in proximity to my residence, place of employment or school, or following or appearing at any other place where I may be.
3. Restrain the defendant from entering in or on the premises (including curtilage) where I reside except with a peace officer for the purpose of removing defendant's personal possessions.

Case Name: v
Case Number: _____ PNC. 45909101102

STALKING PETITION

- 4. Restrain the defendant from stalking or abusing my relatives or members of my household.
- 5. Restrain the defendant from taking, converting or damaging property in which I have a legal or equitable interest.
- 6. Direct the defendant to temporarily relinquish to a peace officer any weapons or other deadly weapons, including _____
- 7. Award temporary custody of our minor child(ren) to me.

REQUEST FOR ADDITIONAL ORDERS AT THE TIME OF THE FINAL HEARING:

- 8. Direct the defendant to make child support payments to me for the care of our minor child(ren).
- 9. Direct the defendant to follow a court approved visitation plan if defendant wishes to exercise child visitation rights.
- 10. Award me the exclusive right of use and possession of our residence and household furnishings.
- 11. Award me the exclusive right of use and possession of the following vehicle: _____
- 12. Order the defendant to pay me for financial losses suffered as a direct result of the stalking.
- 13. Direct the defendant to attend an approved batterers treatment program or personal counseling.
- 14. Other relief: _____

Additional Space for Statement of Facts

Theresa Lister has threatened me several times that she has a AK47 buried and will use it to hurt me and my boyfriend Thomas Barry. All I want is for her to leave us alone and she won't

**THIS PETITION MUST BE SIGNED AT COURT BY THE PETITIONER.
THIS PETITION WILL NOT BE ACCEPTED BY FAX, E-MAIL, OR U.S. MAIL.**

I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

4-28-09
Date

Laura Sawyer
Plaintiff Signature

State of New Hampshire, County of Hillsborough

This instrument was acknowledged before me on 4/28/09 by Laura A Sawyer

My Commission Expires _____
Affix Seal, if any.

Clerk of Court/Deputy Clerk/Justice of Peace/Notarial Officer

MELANIE M. M. HINKLE
Notary Public-New Hampshire
My Commission Expires
December 31, 2013

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH

5-28-09

STALKING

TEMPORARY ORDER OF
PROTECTION

Case Number: 459-2009-cv-405
 PNO Number: 4590920405
 Court: Nashua District Court
 Court ORI: NH006071J
 County: Hillsborough
 Address: PO Box 310
25 Walnut Street
Nashua, NH 03060

PLAINTIFF			PLAINTIFF IDENTIFIERS		
First	Middle	Last	Date of Birth	Sex	Race
Thomas	Z.	Deary	1/22/1986	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	Caucasion

V.

DEFENDANT			DEFENDANT IDENTIFIERS			
First	Middle	Last	DOB	SEX	HEIGHT	WEIGHT
Theresa		Lister		Female	5.8	200
DEFENDANT'S ADDRESS: 8 Essex Street, Nashua, NH 03064			RACE		EYES	
RELATIONSHIP to PLAINTIFF			State/Birth		HAIR	
<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Cohabit / cohabited <input type="checkbox"/> Child in common			DISTINGUISHING FEATURES:			
<input type="checkbox"/> Household member <input type="checkbox"/> Other			SKIN TONE			
<input type="checkbox"/> Weapon involved <input type="checkbox"/> Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B			SCARS, MARKS, TATTOOS: Location and description			
CAUTION			DRIVER'S LICENSE#: _____			
			STATE _____ EXP DATE _____			
			VEHICLE INFO:			
			YEAR _____ STYLE _____			
			MAKE _____ COLOR _____			
			MODEL _____			
			VIN # _____			

Warning: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262).

The court has found as evidenced by this order:

That it has jurisdiction over the parties and subject matter, and the defendant, upon service, will be given reasonable notice and opportunity to be heard.

- The above defendant is restrained from committing further acts of stalking or acts of abuse or threats of abuse.
- The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be. The defendant is prohibited from coming within 100 ~~50~~ yards of the plaintiff.

The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 633:3-a (Stalking), and having considered the plaintiff's Stalking Petition dated 4/28/09, hereby finds that the plaintiff has presented a credible allegation of stalking as defined in RSA 633:3-a and makes the following

Case Name: Deary v Lister

Case Number: 459-2009-cv-405

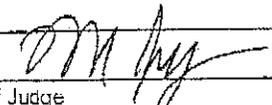
PNO: 45902AD405

STALKING TEMPORARY ORDER OF PROTECTION
TEMPORARY ORDERS OF PROTECTION.

1. The defendant shall not stalk or abuse the plaintiff.
2. The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be. The defendant is prohibited from coming within 100 feet/yards of the plaintiff.
3. The defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court
4. The defendant shall not enter the premises and curtilage where the plaintiff resides, ~~except when the defendant is accompanied by a peace officer and upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.~~
5. The defendant shall not contact the Plaintiff at or enter upon Plaintiff's place of employment, school, or _____
6. The defendant shall not stalk or abuse plaintiff's relatives (including children) regardless of their place of residence, or members of the plaintiff's household.
7. The defendant shall not take, convert or damage any property in which the plaintiff has a legal or an equitable interest.
8. The plaintiff is awarded custody of the minor child(ren); the defendant may exercise the following visitation: _____ or
 Visitation is denied pending a hearing.
9. The defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, or in the possession of any person on behalf of the defendant, and the defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
10. The defendant shall also relinquish all deadly weapons as defined in RSA 625:11, V which may have been used, intended to be used, threatened to be used or could be used in an incident of stalking. These weapons may include the following: _____
11. Other protective orders: _____

ADDITIONAL ORDERS:

12. Use of Vehicle: _____
 13. The defendant shall relinquish all concealed weapons permits and hunting licenses.
 14. Other: _____
- Date 4/28/09


Signature of Judge
Print / Type Name of Judge Michael J. Ryan

Telephone Number of Court _____

THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT UNTIL FINAL ORDERS ARE MADE BY THE COURT. ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME AS WELL AS CONTEMPT OF COURT. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN IMPRISONMENT AND ARE SUBJECT TO ENHANCED PENALTY PURSUANT TO RSA 633:3-a, VI(a). ALL FUTURE NOTICES AND ORDERS SHALL BE MAILED. BOTH PARTIES MUST KEEP THE COURT INFORMED OF THEIR CURRENT ADDRESS.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Nashua District Court

Case Number: 09 CV 405

PNO

RECEIVED
NASHUA DISTRICT COURT
2009 APR 28 P 2:44

STALKING PETITION

Pursuant to 633:3-a

Thomas & Deady

v.

Theresa Lister

Plaintiff

Defendant

Def Date of Birth

RELATIONSHIP to DEFENDANT

- Married
- Divorced
- Separated
- Cohabit / cohabited
- Child in common
- Household member
- Other

Essex St
Street Address
Nashua NH 03060
City / State / Zip

TO THE JUSTICE OF THE COURT: I believe I am being stalked by the defendant. I base my request for protection from stalking on the following facts which occurred on the following dates, and ask the court to issue orders as noted below:

I have multiple texts that are very degrading after I have bid her to stop ~~extending~~ contacting me. She comes into JFK ~~store~~ LARA and I work together and have many business that she comes in and degrades us to our managers and employees. Not enough room to list everything

SEE ATTACHED ADDITIONAL PAGE(S)

The defendant and I are currently involved in or have received orders in the following court actions:

- divorce
- custody
- protective order
- none
- other

Please list the court(s) handling the case(s):

Are you represented by a lawyer in any of these matters?

- yes
- no

Child(ren) living in household:

NAME	DOB	BIRTH PARENTS	WHO HAS CUSTODY

I have suffered the following financial losses as a result of the stalking: medical / dental / optical expenses

- loss of wages
- loss of personal property
- other (explain) Psychological Damages

REQUEST FOR PROTECTIVE ORDERS:

1. Restrain the defendant from stalking and/or abusing me, having any contact with me, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method, unless specifically authorized by the court.
2. Restrain the defendant from following me or appearing in proximity to my residence, place of employment or school, or following or appearing at any other place where I may be.
3. Restrain the defendant from entering in or on the premises (including curtilage) where I reside except with a peace officer for the purpose of removing defendant's personal possessions.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

Nashua District Court
PO Box 310
25 Walnut Street
Nashua, NH 03060

Telephone: (603) 880-3333
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

STALKING TEMPORARY ORDER AND NOTICE OF HEARING

Pursuant to RSA 633:3-a

Case Number: 459-2009-cv-405

PNO 4590920405

Thomas Deary

v. Theresa Lister

Plaintiff

Defendant

Def Date of Birth

NOTICE OF HEARING

The plaintiff and defendant are summoned to appear at Nashua District Court on May 28, 2009 (date) at 11:00 a.m. p.m. The court will hear testimony from both parties. **One half hour will be allotted for this hearing.** FINAL ORDERS may be issued at that time.

4/28/09
Date

[Signature]
Clerk

NOTICE TO DEFENDANT

PURSUANT TO RSA 633:3-a, III-a and RSA 173-B:4, you have a right to a hearing on these temporary orders within five business days, but not earlier than three business days, after you file a written request with the court. Unless you request this hearing in writing, the case will be heard on the date shown above.

NOTICE OF INTERSTATE ENFORCEMENT AND COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)

1. This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. sec. 2265 (1994). This Court has jurisdiction of the parties and the subject matter; the defendant is afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of that jurisdiction.
2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 633:3-a, III-a and RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
3. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party (the plaintiff) to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. sec. 2262(a)(1) or (2) (1994).
4. The National Domestic Violence Hotline provides information on a 24-hour basis on interstate enforcement of protection orders, how to reach an advocate, and the location of shelters. The Hotline number is: 1-800-799-7233.

REPORTING A VIOLATION OF THIS ORDER: If the defendant violates any portion of this order, the plaintiff may report the violation to the local law enforcement agency and may also request a further court hearing on the matter

Case Name: v

Case Number: _____

PNO: 4590000105

STALKING PETITION

- 4. Restrain the defendant from stalking or abusing my relatives or members of my household.
- 5. Restrain the defendant from taking, converting or damaging property in which I have a legal or equitable interest.
- 6. Direct the defendant to temporarily relinquish to a peace officer any firearms or other deadly weapons, including The AK-47 She said she bought after she had to
- 7. Award temporary custody of our minor child(ren) to me.

2009 APR 28 2:11 PM
WASHINGTON STATE COURT

REQUEST FOR ADDITIONAL ORDERS AT THE TIME OF THE FINAL HEARING:

- 8. Direct the defendant to make child support payments to me for the care of our minor child(ren).
- 9. Direct the defendant to follow a court approved visitation plan if defendant wishes to exercise child visitation rights.
- 10. Award me the exclusive right of use and possession of our residence and household furnishings.
- 11. Award me the exclusive right of use and possession of the following vehicle: _____
- 12. Order the defendant to pay me for financial losses suffered as a direct result of the stalking.
- 13. Direct the defendant to attend an approved batterers treatment program or personal counseling.
- 14. Other relief: _____

Additional Space for Statement of Facts

Anyone that has ever met Theresa Lister knows that she is very bipolar. Peter Kelley had to wait on her at my place of work, because I was afraid to. Peter is my manager and will be a witness ~~to her aggressive acts~~ to her aggressive acts since we moved out of her property. I also saved many texts

THIS PETITION MUST BE SIGNED AT COURT BY THE PETITIONER.

THIS PETITION WILL NOT BE ACCEPTED BY FAX, E-MAIL, OR U.S. MAIL.

I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

APR 28
Date

Plaintiff Signature

State of New Hampshire, County of Hillsborough

This instrument was acknowledged before me on _____ by _____

My Commission Expires _____
Affix Seal, if any.

Clerk of Court/Deputy Clerk/Justice of Peace/Notarial Officer

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

STALKING

**FINAL ORDER OF
PROTECTION**

Case Number: 09 DV 1102
 PNO Number: 4500011102
 Court: Nashua District Court
 Court ORI: NH006071J
 County: Hillsborough
 Address: PO Box 310
25 Walnut Street
Nashua, NH 03060

PLAINTIFF			PLAINTIFF IDENTIFIERS		
First	Middle	Last	Date of Birth	Sex	Race
<u>Laura</u>	<u>Ashley</u>	<u>Spencer</u>	<u>9/18/86</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<u>W</u>

DEFENDANT			DEFENDANT IDENTIFIERS			
First	Middle	Last	DOB	SEX	RACE	State/Birth
<u>Theresa</u>		<u>Lister</u>		<u>F</u>	<u>W</u>	

HEIGHT	WEIGHT	EYES	HAIR
<u>5'6</u>	<u>160</u>	<u>Brown</u>	<u>Black</u>

DEFENDANT'S ADDRESS:
8 Essex Street, Nashua, NH 03064

RELATIONSHIP to PLAINTIFF

Married
 Divorced
 Separated
 Cohabit / cohabited
 Child in common
 Household member
 Other Old landlord

CAUTION

Brady qualified
 Weapon involved
 Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B

DISTINGUISHING FEATURES:

SKIN TONE _____

SCARS, MARKS, TATTOOS: Location and description _____

DRIVER'S LICENSE#: _____

STATE _____ EXP DATE _____

VEHICLE INFO:

YEAR _____ STYLE _____

MAKE _____ COLOR _____

MODEL _____

VIN # _____

WARNING: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

The court has found as evidenced by this order:
 That it has jurisdiction over the parties and subject matter, and the defendant has been provided with actual notice and opportunity to be heard.

This Order of Protection is in effect from 5/1/09 **to** 8/22/10 **for the plaintiff above.**

- The above defendant is restrained from committing further acts of stalking or acts of abuse or threats of abuse.
- The above defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within 600 feet yards of the plaintiff.

Case Name: V

Case Number: 04 DV 1102 PNO: 4/24/03/1102

STALKING FINAL ORDER

The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 633:3-a (Stalking), having considered the plaintiff's Stalking Petition and having conducted a hearing on 8/20/03 of which the defendant received actual notice, and was present, hereby finds that:

- The plaintiff has NOT been stalked: CASE DISMISSED.
- The plaintiff failed to appear: CASE DISMISSED. The defendant: appeared failed to appear
- The plaintiff has been stalked as defined in RSA 633:3-a, and finds and makes the following final orders:

PROTECTIVE ORDERS:

1. The defendant shall not stalk or abuse the plaintiff
2. The defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within 100 feet/yards of the plaintiff.
3. The plaintiff shall have exclusive use and possession of the parties' residence unless Paragraph 13 is checked.
4. The defendant shall not enter the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court:

5. The defendant shall not contact the plaintiff at or enter upon plaintiff's place of employment or school, or as further specified herein: _____
6. The defendant is restrained from stalking or abusing plaintiff's household members, or plaintiff's relatives (regardless of their place of residence), or engaging in any other conduct which would place the plaintiff in reasonable fear of bodily injury to the plaintiff or the plaintiff's household members or relatives.
7. The defendant shall not use, attempt to use or threaten to use physical force against the plaintiff or the parties' child(ren) which would reasonably be expected to cause bodily injury.
8. The defendant shall not take, convert or damage any property in which the plaintiff has a legal or an equitable interest.
9. The defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, and the defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
10. The defendant shall also relinquish all deadly weapons as defined in RSA 625:11,V which may have been used, intended to be used, threatened to be used, or could be used in an incident of stalking or abuse. These weapons may include the following: _____

11. The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be.
12. Other protective orders _____

Case Name: V
Case Number: 102 DV 1102 PNO: 459/9/11/02

STALKING FINAL ORDER

FURTHER ORDERS:

13. The court finds that the defendant exclusively owns or leases and pays for the premises located at _____ and that the defendant has no legal duty to support the plaintiff or minor children. Therefore, the defendant shall have exclusive access, use and possession of the premises (including household furniture and furnishings).
However, the plaintiff may enter in and on said premises with a peace officer for the sole purpose of removing the plaintiff's personal possessions.
14. The plaintiff is awarded custody of the minor child(ren).
15. Visitation of children:
- See attached visitation order.
 - No visitation pending further hearing.
 - Unsupervised.
 - Supervised by _____
 - Days and times: _____
 - Pick up/Drop off at: _____
 - Restrictions: _____
16. The defendant shall pay child support to the plaintiff. (See Uniform Support Order (USO) attached.)
17. The plaintiff shall have use of the following vehicle:
Make _____ Model _____ Year _____
18. The defendant shall have use of the following vehicle:
Make _____ Model _____ Year _____
19. The defendant shall pay to the plaintiff the amount of \$ _____ for losses suffered as a direct result of the stalking, and \$ _____ for attorney's fees.
20. The defendant is directed to attend: a batterer's intervention program and/or personal counseling for a period of _____ months/year.
The defendant shall provide proof of attendance to the Court at monthly intervals.
21. The defendant shall relinquish all concealed weapons permits and hunting licenses.
22. Other: _____

THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT FOR ONE YEAR. THE ORDERS MAY BE EXTENDED BY ORDER OF THE COURT UPON MOTION BY THE PLAINTIFF, SHOWING GOOD CAUSE, WITH NOTICE TO THE DEFENDANT. BOTH PARTIES SHALL ENSURE THAT THE COURT HAS A CURRENT ADDRESS DURING THE PENDENCY OF THESE ORDERS.

ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME AS WELL AS CONTEMPT OF COURT. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN IMPRISONMENT.

Case Name: V

Case Number: 04-DV-1113

PNO: 4/20/09/11/102

STALKING FINAL ORDER

FINDINGS OF FACT

Pursuant to RSA 633:3-a

Pursuant to RSA 633:3-a (1) a person commits the offense of stalking if such person is found to have engaged in any of the following acts. The Court finds, by a preponderance of the evidence, that the defendant has committed the offense of stalking in that the defendant:

Purposely, knowingly, or recklessly engaged in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear [See specific findings of fact below];

Purposely or knowingly engaged in a course of conduct targeted at a specific individual, which the actor knew would place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family [See specific findings of fact below]; or

After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibited contact with a specific individual, purposely, knowingly, or recklessly engaged in a single act of conduct that both violated the provisions of the order and is listed in RSA 633:3-a II(a) [See specific findings of fact below].

Specifically, the DEFENDANT committed the offense of stalking as follows:

[The facts relied upon by the court to form the basis for its finding must be detailed below]

Court finds by a preponderance of the evidence that the defendant told the plaintiff to "watch out" that she could come and find her and that she could use a AK47 to hurt her. These actions constitute a course of conduct that has placed the plaintiff in fear for his safety.

5/29/09

Date

James H. Leary

Signature of Judge

James H. Leary

Print/Type Name of Judge

NOTICE OF INTERSTATE ENFORCEMENT AND COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)

1. This final protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. sec. 2265 (1994). This Court has jurisdiction of the parties and the subject matter; the defendant is afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of that jurisdiction.
2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 633:3-a, III-a and RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
3. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party (the plaintiff) to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. sec. 2262(a)(1) or (2) (1994).
4. The National Domestic Violence Hotline provides information on a 24-hour basis on interstate enforcement of protection orders, how to reach an advocate, and the location of shelters. The Hotline number is: 1-800-799-7233.

REPORTING A VIOLATION OF THIS ORDER: If the defendant violates any portion of this order, the plaintiff may report the violation to the local law enforcement agency and may also request a further court hearing on the matter.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

STALKING

**FINAL ORDER OF
PROTECTION**

Case Number: 09-CV-405
 PNO Number: 4590920405
 Court: Nashua District Court
 Court ORI: NH006071J
 County: Hillsborough
 Address: PO Box 310
25 Walnut Street
Nashua, NH 03060

PLAINTIFF			PLAINTIFF IDENTIFIERS		
First	Middle	Last	Date of Birth	Sex	Race
Thomas	Z.	Deary	1/22/1986	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	W

V.

DEFENDANT			DEFENDANT IDENTIFIERS			
First	Middle	Last	DOB	SEX	RACE	State/Birth
Theresa		Lister		F		

HEIGHT	WEIGHT	EYES	HAIR
5'8	200		

DEFENDANT'S ADDRESS:
 8 Essex Street, Nashua, NH 03060

RELATIONSHIP to PLAINTIFF

Married Household member
 Divorced Other _____
 Separated
 Cohabit / cohabited
 Child in common

CAUTION

Brady qualified
 Weapon involved
 Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B

DISTINGUISHING FEATURES:

SKIN TONE _____
 SCARS, MARKS, TATTOOS: Location and description _____
 DRIVER'S LICENSE#: _____
 STATE _____ EXP DATE _____

VEHICLE INFO:

YEAR _____ STYLE _____
 MAKE _____ COLOR _____
 MODEL _____
 VIN # _____

WARNING: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

The court has found as evidenced by this order:
 That it has jurisdiction over the parties and subject matter, and the defendant has been provided with actual notice and opportunity to be heard.

This Order of Protection is in effect from _____ to _____ for the plaintiff above.

- The above defendant is restrained from committing further acts of stalking or acts of abuse or threats of abuse.
- The above defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within _____ feet yards of the plaintiff.

STALKING FINAL ORDER

The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 633:3-a (Stalking), having considered the plaintiff's Stalking Petition and having conducted a hearing on 02/20/09 of which the defendant received actual notice, and was / was not present, hereby finds that:

- The plaintiff has NOT been stalked: CASE DISMISSED.
- The plaintiff failed to appear: CASE DISMISSED. The defendant: appeared failed to appear
- The plaintiff has been stalked as defined in RSA 633:3-a, and finds and makes the following final orders:

[Handwritten Signature]
[Handwritten Signature]
James H. Leary

PROTECTIVE ORDERS:

1. The defendant shall not stalk or abuse the plaintiff
2. The defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within _____ feet/yards of the plaintiff.
3. The plaintiff shall have exclusive use and possession of the parties' residence unless Paragraph 13 is checked.
4. The defendant shall not enter the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court:

5. The defendant shall not contact the plaintiff at or enter upon plaintiff's place of employment or school, or as further specified herein: _____
6. The defendant is restrained from stalking or abusing plaintiff's household members, or plaintiff's relatives (regardless of their place of residence), or engaging in any other conduct which would place the plaintiff in reasonable fear of bodily injury to the plaintiff or the plaintiff's household members or relatives.
7. The defendant shall not use, attempt to use or threaten to use physical force against the plaintiff or the parties' child(ren) which would reasonably be expected to cause bodily injury.
8. The defendant shall not take, convert or damage any property in which the plaintiff has a legal or an equitable interest.
9. The defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, and the defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
10. The defendant shall also relinquish all deadly weapons as defined in RSA 625:11,V which may have been used, intended to be used, threatened to be used, or could be used in an incident of stalking or abuse. These weapons may include the following: _____

11. The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be.
12. Other protective orders _____

STALKING FINAL ORDER

FURTHER ORDERS:

13. The court finds that the defendant exclusively owns or leases and pays for the premises located at _____ and that the defendant has no legal duty to support the plaintiff or minor children. Therefore, the defendant shall have exclusive access, use and possession of the premises (including household furniture and furnishings).
 However, the plaintiff may enter in and on said premises with a peace officer for the sole purpose of removing the plaintiff's personal possessions.

14. The plaintiff is awarded custody of the minor child(ren):

15. Visitation of children:

See attached visitation order.

No visitation pending further hearing.

Unsupervised.

Supervised by _____

Days and times: _____

Pick up/Drop off at: _____

Restrictions: _____

16. The defendant shall pay child support to the plaintiff. (See Uniform Support Order (USO) attached.)

17. The plaintiff shall have use of the following vehicle:
 Make _____ Model _____ Year _____

18. The defendant shall have use of the following vehicle:
 Make _____ Model _____ Year _____

19. The defendant shall pay to the plaintiff the amount of \$ _____ for losses suffered as a direct result of the stalking, and \$ _____ for attorney's fees.

20. The defendant is directed to attend: a batterer's intervention program and/or personal counseling for a period of _____ months/year.
 The defendant shall provide proof of attendance to the Court at monthly intervals.

21. The defendant shall relinquish all concealed weapons permits and hunting licenses.

22. Other: _____

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STALKING FINAL ORDER

FINDINGS OF FACT
Pursuant to RSA 633:3-a

Pursuant to RSA 633:3-a (I) a person commits the offense of stalking if such person is found to have engaged in any of the following acts. The Court finds, by a preponderance of the evidence, that the defendant has committed the offense of stalking in that the defendant:

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Purposely or knowingly engaged in a course of conduct targeted at a specific individual, which the actor knew would place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family [**See specific findings of fact below**]; or

After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibited contact with a specific individual, purposely, knowingly, or recklessly engaged in a single act of conduct that both violated the provisions of the order and is listed in RSA 633:3-a II(a) [**See specific findings of fact below**].

Specifically, the DEFENDANT committed the offense of stalking as follows:

[The facts relied upon by the court to form the basis for its finding must be detailed below]

Date

Signature of judge

Print/Type Name of Judge

**NOTICE OF INTERSTATE ENFORCEMENT AND
COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

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2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 633:3-a, III-a and RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
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