

NORTH CAROLINA COURT OF APPEALS

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**COURTNEY BROWN,**

Plaintiff/Appellant,

v.

**FABIALBERT RODRIGUEZ,**

Defendant/Appellee.

From Cabarrus County  
23-CVD-2969

\*\*\*\*\*

PRINTED RECORD ON APPEAL

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NO. COA 24-\_\_\_\_\_

JUDICIAL DISTRICT 27A

NORTH CAROLINA COURT OF APPEALS

\*\*\*\*\*

**COURTNEY BROWN,**

Plaintiff,

v.

**FABIALBERT RODRIGUEZ,**

Defendant.

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STATEMENT OF ORGANIZATION OF TRIAL COURT

Defendant appeals from the Domestic Violence Order of Protection entered on October 25, 2023, by the Honorable D. Brent Cloninger in the District Court of Cabarrus County. Defendant filed and served written notice of appeal on November 20, 2023.

The Record on Appeal was filed in the Court of Appeals on \_\_\_\_\_, 2024 and was docketed on \_\_\_\_\_, 2024.

**STATE OF NORTH CAROLINA**

File No.

23CVD2969

CABARRUS County

In The General Court Of Justice  
District Court Division

<b>Name Of Plaintiff</b> COURTNEY BROWN		<p align="center"><b>CIVIL SUMMONS</b> <b>DOMESTIC VIOLENCE</b></p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS</p> <p align="right">G.S. 50B-2(a)</p>
<b>Address</b> _____		
<b>City, State, Zip</b> _____ NC		
<p align="center"><b>VERSUS</b></p>		
<b>Name Of Defendant</b> FABIALBERT RODRIGUEZ		<b>Date Original Summons Issued</b> _____
		<b>Date(s) Subsequent Summons(es) Issued</b> _____

**To The Defendant Named Below:**


**Name And Address Of Defendant**  
 FABIALBERT RODRGUEZ  
 [REDACTED]  
 FORT LIBERTY, NC 28310

**A Civil Action Has Been Commenced Against You!**

**You are notified to appear and answer the complaint of the plaintiff as follows:**

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within ten (10) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address; and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

<b>Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)</b> _____	<b>Date Issued</b> 09/07/2023	<b>Time</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
	<b>Signature</b> 	
	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

☐ **ENDORSEMENT**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

<b>Date Of Endorsement</b> _____	<b>Time</b> <input type="checkbox"/> AM <input type="checkbox"/> PM
<b>Signature</b> _____	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint ☐ and a copy of the ex parte order were received and served as follows:

**DEFENDANT**

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Other manner of service (specify)

☐ Defendant WAS NOT served for the following reason:

Service Fee Paid  
\$

Signature Of Deputy Sheriff Making Return

Date Received

Name Of Sheriff (Type Or Print)

Date Of Return

County Of Sheriff

23CV 002969

STATE OF NORTH CAROLINA

Cabarrus

County

File No.

In The General Court Of Justice  
District Court Division

Name Of Plaintiff (Person Filing Complaint)

COURTNEY BROWAILED

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

Fabio Albert Rodriguez

[REDACTED]

Fort Liberty, NC 28310

SEP - 1 P 3:35

COMPLAINT AND MOTION  
FOR  
DOMESTIC VIOLENCE  
PROTECTIVE ORDER

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

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

1. I live in Cabarrus County, North Carolina.
2. The defendant and I ☐ are spouses. ☐ are former spouses.  
☐ 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 who are in or have been in a dating relationship.
3. There ☐ is ☒ is not another court proceeding between the defendant and me pending in this or any other state. (List county, state, date, 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.)  
My 7 year relationship with Fabio involved many incidents of domestic violence and has caused me to experience extreme, prolonged emotional and psychological distress. I am in therapy and on psychiatric medication for PTSD. Because of his behaviors, words, and actions, I do not feel safe in my home or vehicles. I've installed security cameras inside and out of my home, changed my passwords/locks/garage and alarm codes. I've had to discuss how to keep my devices safe from him from a cyber security expert. I got a burner phone and have fled my home and hid from him. I am in fear.
- ☐ 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.)

- ☒ 6. I believe there is danger of serious and immediate injury to me or my child(ren).
- ☐ 7. (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

(Over)

STATE OF NORTH CAROLINA

File No. 2023 002959

Cabarrus

County

Name Of Plaintiff

Courtney BROWN

Name Of Defendant

Fabio Albert Rodriguez

COMPLAINT AND MOTION  
FOR

DOMESTIC VIOLENCE PROTECTIVE ORDER  
ADDENDUM FORM

ADDENDUM ITEM 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.)

for my life and safety, especially now that I have ended the relationship and told him I want no further contact. Fabio has since continued to contact me via various forms of social media, my phone number, email, and has enlisted several people in his life to contact me on his behalf.

- Aug 31 2023 bpm he shows up at my house even though I've told him many times since July 21, 2023 that I do not want him here

- Aug 4-6 2023 Best Western in Shalott, NC & Embassy Suites in Fayetteville, NC during sex he told me he would orgasm inside of me even though I said no. He told me this 3 separate instances and that he did it

- July 21/22 2023 showed up at my house 3am even though I said to stay away

- May-July 2023 Barracks @ Fort Liberty

- made me a vodka drink, told me it had electrolytes in it. I didn't finish it. I woke up violently vomiting very sick. His friend comes in the next day & Fabio tells him he put ghost powder (ore workout) in my drink

- Initiated sex by telling me "I've been wanting to do this to you for a long time" then put me face down on cardio sheets on futon and pinned my head down with his hand or foot. When he finished he threw me off to the side

- slapped, spit on, choked until blood vessels burst during sex pulled hair even though I've told him no it hurts

- He invited his Army friends to the barracks while I was changing or otherwise needing privacy.

Prior to these last 4 months of heightened and steady violence, Fabio has:

- Feb/March 2023 via video call told me he hated my (copper) hair color, it made him angry, he told me he wanted to physically harm you. I was speechless. He re-iterated himself and told me he's not joking.

- May 8 2022, April 1 2022, January 11 2020, February 5 2018 I've had recurrent miscarriages and doctors have found nothing wrong with me. Fabio would arrive, give me "medicine" or a drink. Within a day I would start to miscarry... he has left w/o getting me medical attention I was bleeding out alone. Psychological/emotional trauma. For the morning sickness

- 2019 made sexual digital content of me w/o my consent

- Nov 2018 gave me an STD, told me he had tried to impregnate me to "trap" me in Virginia. I didn't consent.

- Oct/Nov 2019 sexual assault in shower

Aug 2016 Burke, VA took pictures/videos of me naked & during sex while I was drunk and w/o my consent

- appeared in my Room 2-3am.... We had just started dating. No warning, he just showed up. I was terrified

☐ 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.)

☒ 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.) 9mm  
Various handguns including Beretta, black Glock 9, candy skull case, black case, holster, safety is broken on one. One handgun stored at [redacted] home in NC.  
The handguns Fabio stored at my home were surrendered to Concord PD on 8/28/2.

☒ 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.)  
2017-2018 in Alexandria, Annandale, Lorton VA. He'd often appear at my house rushed saying he had to shoot at people, once at a gas station to protect his Pop Boys friend/worker from a car full of people. He'd bring me empty bullet casings

☐ 11. The defendant has made threats to commit suicide in that (Give specific dates and describe in detail what happened.)

**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).
- ☒ 3a. I want the defendant ordered not to cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 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.  
Address Of Residence  
[redacted]
- ☐ 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.
- ☒ 6a. I want the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household granted to me.



23CV 002969

VERSUS

File No.

Name Of Defendant

Fabian Albert Rodriguez

- ☒ 7. I want the defendant to be ordered not to come on or about:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> (a) my residence.                          | <input checked="" type="checkbox"/> (b) any place where I am receiving temporary shelter. |
| <input checked="" type="checkbox"/> (c) the place where I work.                | <input type="checkbox"/> (d) any school(s) the child(ren) attend.                         |
| <input type="checkbox"/> (e) the place where the child(ren) receives day care. | <input type="checkbox"/> (f) the place where I go to school.                              |
| <input checked="" type="checkbox"/> (g) Other: (name other places)             |   |
- my family's homes in OK, AL, TN, and SC*

The child(ren) currently attend: (name school)

- ☒ 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)

Date

September 7, 2023

Signature Of Plaintiff (Person Filing Complaint)

Courtney Brown

23CV 002959

<p>Case No. <b>23CV</b></p> <p>Court <b>General Court of Justice District Court Division</b></p> <p>County <b>CABARRUS</b> <b>NORTH CAROLINA</b></p> <p><b>PETITIONER/PLAINTIFF</b></p> <p><b>COURTNEY BROWN</b></p> <p>First Middle Last</p> <p>And/or on behalf of minor family member(s): (List Name And DOB)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table> <p style="text-align: center;"><b>VERSUS</b></p> <p><b>RESPONDENT/DEFENDANT</b></p> <p><b>FABIALBERT RODRIGUEZ</b></p> <p>First Middle Last</p> <p>Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse</p> <p><input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together</p> <p><input type="checkbox"/> unmarried, have a child in common</p> <p><input checked="" type="checkbox"/> currently or formerly in dating relationship</p> <p><input type="checkbox"/> current or former household member</p> <p><input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild</p> <p>Respondent's/Defendant's Address</p> <p><b>FORT LIBERTY, NC 28310</b></p> <p><b>CAUTION:</b></p> <p><input type="checkbox"/> Weapon Involved</p>									<p style="text-align: center;"><b>EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION</b></p> <p style="text-align: right;">G.S. 50B-2, -3, -3.1</p> <p><b>PETITIONER/PLAINTIFF IDENTIFIERS</b></p> <p><b>08/16/1995</b></p> <p>Date Of Birth Of Petitioner</p> <p>Other Protected Persons/DOB:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table> <p><b>RESPONDENT/DEFENDANT IDENTIFIERS</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Sex</th> <th>Race</th> <th>DOB</th> <th>HT</th> <th>WT</th> </tr> <tr> <td>MALE</td> <td>OTHR</td> <td>04/22/1993</td> <td>5'11</td> <td>185</td> </tr> <tr> <th>Eyes</th> <th>Hair</th> <th colspan="3">Social Security Number</th> </tr> <tr> <td>BROWN</td> <td>BLACK</td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">Drivers License No.</th> <th>State</th> <th colspan="2">Expiration Date</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table> <p>Distinguishing Features</p> <p><b>TATTOOS ON RIGHT ARM INCLUDING FLOWERS, FEATHERS, ROLEX, RELIGIOUS QUOTE "MILAGROS"</b></p>									Sex	Race	DOB	HT	WT	MALE	OTHR	04/22/1993	5'11	185	Eyes	Hair	Social Security Number			BROWN	BLACK				Drivers License No.		State	Expiration Date						
Sex	Race	DOB	HT	WT																																											
MALE	OTHR	04/22/1993	5'11	185																																											
Eyes	Hair	Social Security Number																																													
BROWN	BLACK																																														
Drivers License No.		State	Expiration Date																																												

**THE COURT HEREBY FINDS THAT:**

This matter was heard by the undersigned ☒ district court judge. ☐ magistrate. The court has jurisdiction over the subject matter.

Additional findings of this order are set forth on Page 2.

**THE COURT HEREBY ORDERS THAT:**

☒ The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 50B-1).

☒ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. [05]

Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until

September 13, 2023

**WARNINGS TO THE RESPONDENT/DEFENDANT:**

This 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 by 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).

This order will be enforced anywhere in North Carolina.

Only the Court can change this order. The plaintiff cannot give you permission to violate this order.

See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.

- ☒ 2. That on (date of most recent conduct) Aug 2023, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ the child(ren) living with or in the custody of the plaintiff
- ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family ☐ a member of the plaintiff's household
- ☒ c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress
- ☒ the plaintiff ☐ a member of plaintiff's family ☐ a member of plaintiff's household
- ☐ d. committed an act defined in G.S. 14- ☐ 27.21 (1<sup>st</sup> deg. rape) ☐ 27.22 (2<sup>nd</sup> deg. rape) ☐ 27.26 (1<sup>st</sup> deg. sexual off.) ☐ 27.27 (2<sup>nd</sup> deg. sexual off.) ☐ 27.33 (sexual battery) ☐ 27.31 (sexual activity by substitute parent) against ☐ the plaintiff ☐ a child(ren) living with or in the custody of the plaintiff by
- (describe defendant's conduct)

*The defendant have repeatedly stalked & harassed the plaintiff for years*

☐ 3. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms)

- ☐ 4. The defendant
- ☐ a. ☐ used ☐ threatened to use a deadly weapon against the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ b. has a pattern of prior conduct involving the ☐ use ☐ threatened use of violence with a firearm against persons
- ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ d. made threats to commit suicide
- ☐ e. inflicted serious injuries upon the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff in that (state facts):

☐ 5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the ☐ plaintiff. ☐ defendant. The plaintiff has submitted an "Affidavit As To Status Of Minor Child."

**NOTE TO JUDGE:** A copy of AOC-CV-609 for each child must be attached to the order.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

☐ 6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that:

☐ 7. It is in the best interest of and necessary for the safety of the minor child(ren) ☐ that defendant stay away from the minor child(ren) ☐ that the defendant return the minor child(ren) to plaintiff ☐ and that the defendant not remove the minor child(ren) from plaintiff in that:

☐ 8. (Check block only if plaintiff is entitled to physical care of child(ren).) It is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren) in that:

☐ 9. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at \_\_\_\_\_

Name Of Defendant

FABIALBERT RODRIGUEZ

a No.

23CVD

☐ 10. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicle. (describe vehicle)

☐ 11. Other: (specify)

☐ 12. (for magistrate only) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

**CONCLUSIONS**

Based on these facts, the Court makes the following conclusions of law:

- ☒ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☒ 3. It clearly appears that there is a danger of acts of domestic violence against the ☒-plaintiff. ☐ minor child(ren).  
[G.S. 50B-2(c)]
- ☐ 4. The minor child(ren) is exposed to a substantial risk of ☐ physical injury. ☐ emotional injury. ☐ sexual abuse.  
[G.S. 50B-2(c)]
- ☐ 5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- ☐ 6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant ☐ stay away from the minor child(ren). ☐ (and) return the minor child(ren) to the physical care of the plaintiff. ☐ (and) not remove the minor child(ren) from the physical care of the plaintiff.
- ☒ 7. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. [G.S. 50B-3.1]
- ☐ 8. The plaintiff has failed to prove grounds for ex parte relief.

**ORDER**

It is ORDERED that:

- ☒ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☒ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☒ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☒ 8. the defendant shall stay away from the following places:
  - ☒ a. the place where the plaintiff works. [04].
  - ☐ c. the place where the child(ren) receives day care. [04]
  - ☐ e. Other: (name other places) [04]
  - ☐ b. any school(s) the child(ren) attend. [04]
  - ☐ d. the plaintiff's school. [04]

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]
- ☐ 10. The plaintiff is awarded temporary custody of the minor child(ren) (Check any of a, b, or c that apply.)
  - ☐ a. and the defendant is ordered to stay away from the minor child(ren).
  - ☐ b. and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.
  - ☐ c. and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.

- ☐ 11. (If No. 10 is checked and you are allowing visitation to defendant) The defendant is allowed the following contact with the minor child(ren):
- ☒ 12. the defendant is prohibited from ☒ possessing or receiving [07] ☒ purchasing a firearm for the effective period of this Order [07] ☒ and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]  
☐ The defendant is a law enforcement officer/member of the armed services and ☐ may ☐ may not possess or use a firearm for official use.
- ☐ 13. the defendant surrender to the Sheriff serving this order the firearms, ammunition, and gun permits described in Number 3 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items to the serving officer at the time this Order is served on you. If the weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits is a crime. See "Notice To Parties: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
- ☐ 14. the request for Ex Parte Order is denied.
- ☐ 15. Other: (specify) [08]

Date 9-7-2022	Signature 	<input checked="" type="checkbox"/> District Court Judge <input type="checkbox"/> Designated Magistrate
------------------	--	--

**NOTE TO PLAINTIFF:** If the judge signs this Order and gives it to you, take it to the Clerk's office immediately. If the magistrate signs this Order and gives it to you, follow the magistrate's directions.

**NOTE TO CLERK:** Give or mail a copy of this Order to the plaintiff and to the appropriate local law enforcement agency. Send copies to sheriff with Notice Of Hearing, Complaint and Summons for service on defendant. Send extra copies to the sheriff if required to deliver copy(ies) to the child(ren)'s school.

## NOTICE TO PARTIES

### TO THE DEFENDANT:

1. If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 39 months.
2. If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items or provide false information about any of these items you may be charged with a Class H felony and may be imprisoned for up to 39 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires criminal charges, in either state or federal court, are pending against you alleged to have been committed against the person who is protected by this order, you may not file for return of the firearms until final disposition of the criminal charges. The form, "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" AOC-CV-319, is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapons. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

### TO THE PLAINTIFF:

1. You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the Clerk of Court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

Name Of Defendant <b>FABIALBERT RODRIGUEZ</b>		No. <b>23CVD</b>
<b>CERTIFICATION</b>		
I certify this order is a true copy.		
Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court
<b>RETURN OF SERVICE</b>		
<b>NOTE:</b> To be used when Magistrate issues ex parte protective order and order will be served on defendant separate from the complaint and civil summons. If complaint and summons are served with order, return on summons covers order.		
I certify that this Ex Parte Domestic Violence Order of Protection was received and served as follows:		
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the order.		
<input type="checkbox"/> By leaving a copy of the order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.		
Name And Address Of Person With Whom Copies Left		
<input type="checkbox"/> Other manner of service on the defendant (specify)		
<input type="checkbox"/> Defendant WAS NOT served for the following reason.		
Date Received	Signature Of Deputy Sheriff Making Return	
Date Of Return	Name Of Deputy Sheriff Making Return (type or print)	
County Of Sheriff		

<b>STATE OF NORTH CAROLINA</b>  CABARRUS County		File No. <b>23CVD2969</b>  In The General Court Of Justice District Court Division
Name Of Plaintiff COURTNEY BROWN  <div style="text-align: center;"><b>VERSUS</b></div> Name And Address Of Defendant FABIALABERT RODRIGUEZ  <div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> FORT LIBERTY NC 28310		<b>NOTICE OF HEARING ON DOMESTIC VIOLENCE PROTECTIVE ORDER</b>  G.S. 50B-2
<b>To The Defendant Named Above:</b>  The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).  <input checked="" type="checkbox"/> 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.  <input type="checkbox"/> 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.		
Date Of Hearing 09-13-2023	Time Of Hearing 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date 09-07-2023
Location Of Hearing CABARRUS COUNTY COURTHOUSE 61 UNION ST S CONCORD, NC 28025 COURTROOM #204 ON SECOND FLOOR		Signature  <input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
<b>NOTE TO CLERK:</b> If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.		
<b>RETURN OF SERVICE</b>		
I certify that this Notice and a copy of the Complaint <input type="checkbox"/> and the Ex Parte Order were received and served on the defendant as follows:		
Date Served	Name Of Defendant	
<input type="checkbox"/> 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint <input type="checkbox"/> and the Ex Parte Order in this action.  <input type="checkbox"/> 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint <input type="checkbox"/> and the Ex Parte Order in this action at the defendant's dwelling house or usual place of above with a person of suitable age and discretion then residing therein.		
Name And Address Of Person With Whom Copies Left		
<input type="checkbox"/> Defendant WAS NOT served for the following reason:		
Date Received	Date Of Return	Name Of Sheriff
County Of Sheriff		Deputy Sheriff Making Return
AOC-CV-305, Rev. 6/2000 © 2000 Administrative Office of the Courts		

<b>STATE OF NORTH CAROLINA</b>		<b>FILED IN COURTROOM CABARRUS COUNTY</b>	File No. <b>23 CYD 2969</b>
CABARRUS	County	DATE <b>9/13/23</b>	In The General Court Of Justice District Court Division
Name Of Plaintiff COURTNEY BROWN <i>present</i>		BY <i>NS</i> Asst/Deputy Clerk	<b>ORDER CONTINUING DOMESTIC VIOLENCE HEARING AND EX PARTE ORDER</b>
VERSUS Name And Address Of Defendant FABI ALBERT RODRIGUEZ [REDACTED] FORT LIBERTY, NC 28310			

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

☐ The Court finds that the defendant has not been served with notice of this hearing.

☒ Other:

*plaintiff wishes to hire an attorney*

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

Date Of Hearing <b>10/25/23</b>	Time Of Hearing 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing 61 UNION ST S CONCORD, NC - COURTROOM #204
---------------------------------	--	---

☒ The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

Date 09-13-2023	Name Of District Court Judge (Type Or Print) HON. JUDGE NATHANIEL M KNUST	Signature Of District Court Judge <i>[Signature]</i>
--------------------	--	---

**NOTE TO CLERK:** Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.




<b>STATE OF NORTH CAROLINA</b> <b>CABARRUS</b> County		<b>ORIGINAL FILED</b>		File No. <b>23CVD2969</b> In The General Court Of Justice District Court Division	
Name Of Plaintiff <b>COURTNEY BROWN</b> Address City, State, Zip		2023 SEP 14 P 12:16 CABARRUS COUNTY, C.S.C. BY <i>[Signature]</i> NC		<b>CIVIL SUMMONS DOMESTIC VIOLENCE</b> <input type="checkbox"/> ALIAS AND PLURIES SUMMONS G.S. 50B-2(a)	
<b>VERSUS</b>		Name Of Defendant <b>FABIALBERT RODRIGUEZ</b>		Date Original Summons Issued Date(s) Subsequent Summons(es) Issued	
<b>To The Defendant Named Below:</b>					
Name And Address Of Defendant <b>FABIALBERT RODRGUEZ</b> <div style="background-color: black; height: 20px; width: 100%;"></div> <b>FORT LIBERTY, NC 28310</b>					
<b>A Civil Action Has Been Commenced Against You!</b> <p>You are notified to appear and answer the complaint of the plaintiff as follows:</p> <ol style="list-style-type: none"> <li>1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within ten (10) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address; and</li> <li>2. File the original of the written answer with the Clerk of Superior Court of the county named above.</li> </ol> <p>If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.</p>					
Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)		Date Issued <b>09/07/2023</b>		Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	
		Signature <i>[Signature]</i>			
		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court			
<input type="checkbox"/> <b>ENDORSEMENT</b> This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.		Date Of Endorsement		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
		Signature			
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court			

*[Handwritten mark]*

2023/09/07 16:42:17 15 /16

RETURN OF SERVICE			
I certify that this Summons and a copy of the complaint <input checked="" type="checkbox"/> and a copy of the ex parte order were received and served as follows:			
<b>DEFENDANT</b>			
Date Served <span style="font-size: 1.2em;">9.7.23</span>	Time Served <span style="font-size: 1.2em;">537</span>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Defendant <span style="font-size: 1.2em;">FABIALBERT RODRIGUEZ</span>
<input checked="" type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.			
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.			
Name And Address Of Person With Whom Copies Left			
<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			
Service Fee Paid \$		Signature Of Deputy Sheriff Making Return 	
Date Received <span style="font-size: 1.2em;">9.7.23</span>		Name Of Sheriff (Type Of Print) <span style="font-size: 1.2em;">JENNUS WRIGHT</span>	
Date Of Return <span style="font-size: 1.2em;">9.7.23</span>		County Of Sheriff <span style="font-size: 1.2em;">CUMBERLAND CO.</span>	

<b>STATE OF NORTH CAROLINA</b>		File No. <b>23CVD2969</b>
CABARRUS County	FILED	In The General Court Of Justice District Court Division
Name Of Plaintiff COURTNEY BROWN		2023 SEP 14 P 12:16
VERSUS CABARRUS COUNTY, C.S.C		<b>NOTICE OF HEARING ON DOMESTIC VIOLENCE PROTECTIVE ORDER</b>
Name And Address Of Defendant FABIALABERT RODRIGUEZ		
BY _____		
FORT LIBERTY NC 28310		G.S. 50B-2
<p><b>To The Defendant Named Above:</b></p> <p>The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).</p> <p><input checked="" type="checkbox"/> 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.</p> <p><input type="checkbox"/> 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.</p>		
Date Of Hearing 09-13-2023	Time Of Hearing 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date 09-07-2023
Location Of Hearing CABARRUS COUNTY COURTHOUSE 61 UNION ST S CONCORD, NC 28025 COURTROOM #204 ON SECOND FLOOR		Signature  <input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
<p><b>NOTE TO CLERK:</b> If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.</p>		
<b>RETURN OF SERVICE</b>		
<p>I certify that this Notice and a copy of the Complaint <input checked="" type="checkbox"/> and the Ex Parte Order were received and served on the defendant as follows:</p>		
Date Served 9.7.23	Name Of Defendant FABIALABERT RODRIGUEZ	
<p><input checked="" type="checkbox"/> 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint <input checked="" type="checkbox"/> and the Ex Parte Order in this action.</p> <p><input type="checkbox"/> 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint <input type="checkbox"/> and the Ex Parte Order in this action at the defendant's dwelling house or usual place of above with a person of suitable age and discretion then residing therein.</p>		
Name And Address Of Person With Whom Copies Left		
<input type="checkbox"/> Defendant WAS NOT served for the following reason:		
Date Received 9.7.23	Date Of Return 9.7.23	Name Of Sheriff ENNIS WRIGHT
County Of Sheriff CUMBERLAND CO.		Deputy Sheriff Making Return 3529
AOC-CV-305, Rev. 6/2000 © 2000 Administrative Office of the Courts		

FILED IN COURTROOM  
CABARRUS COUNTY

Case No. 23 CVD 2969  
Court General Court of Justice  
District Court Division  
County CABARRUS

DATE 10/25/23

BY NORTH CAROLINA  
Asst. Deputy Clerk

**DOMESTIC VIOLENCE  
ORDER OF PROTECTION**  
☐ **CONSENT ORDER**

G.S. 50B-2, -3, -3.1

**PETITIONER/PLAINTIFF**

COURTNEY BROWN  
First Middle Last

**PETITIONER/PLAINTIFF IDENTIFIERS**

08/16/1995  
Date Of Birth Of Petitioner

And/or on behalf of minor family member(s): (List Name And DOB)


Other Protected Persons/DOB:


**VERSUS**

**RESPONDENT/DEFENDANT**

FABIALBERT RODRIGUEZ  
First Middle Last

- Relationship to Petitioner: ☐ spouse ☐ former spouse  
☐ unmarried, of opposite sex, currently or formerly living together  
☐ unmarried, have a child in common  
☒ currently or formerly in dating relationship  
☐ current or former household member  
☐ parent ☐ grandparent ☐ child ☐ grandchild

Respondent's/Defendant's Address

[REDACTED]  
FORT LIBERTY, NC 28310

**RESPONDENT/DEFENDANT IDENTIFIERS**

Sex	Race	DOB	HT	WT
MALE	OTHER	04/22/1993	5'11	185
Eyes	Hair	Social Security Number		
BROWN	BLACK			
Drivers License No.		State	Expiration Date	

Distinguishing Features

TATTOOS ON RIGHT ARM INCLUDING FLOWERS, FEATHERS,  
ROLEX, RELIGIOUS SCENE, QUOTE, "MILAGROS"  
SCAR IN BETWEEN EYES

**CAUTION:**

- ☐ Weapon Involved

**THE COURT HEREBY FINDS THAT:**

This matter was heard by the undersigned district court judge, the court has jurisdiction over the parties and subject matter, and the Respondent/Defendant has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are set forth on Page 2.

**THE COURT HEREBY ORDERS THAT:**

- ☐ The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 50B-1).  
☐ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. [05]

Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until

--	--	--

**WARNINGS TO THE RESPONDENT/DEFENDANT:**

This 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 by 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 makes it a crime for you to possess, transport, ship or receive any firearm or ammunition while this order is in effect even if this order does not prohibit you from possessing firearms. (18 U.S.C. Section 922(g)(8)).

This order will be enforced anywhere in North Carolina.

Only the Court can change this order. The plaintiff cannot give you permission to violate this order.

See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. Present at the hearing were: ☒ the plaintiff, represented by H. Lawrence  
☒ the defendant, represented by L. Baker
2. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.
- ☐ 3. On (date of most recent conduct) \_\_\_\_\_, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ (a) minor child(ren) in the custody of the plaintiff
- ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family  
☐ a member of the plaintiff's household
- ☐ c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress  
☐ the plaintiff ☐ a member of plaintiff's family ☐ a member of plaintiff's household
- ☐ d. committed an act defined in G.S. 14- ☐ 27.21 (1<sup>st</sup> deg. rape) ☐ 27.22 (2<sup>nd</sup> deg. rape) ☐ 27.26 (1<sup>st</sup> deg. sexual off.)  
☐ 27.27 (2<sup>nd</sup> deg. sexual off.) ☐ 27.33 (sexual battery) ☐ 27.31 (sexual activity by substitute parent) against the  
☐ plaintiff ☐ child(ren) living with or in the custody of the plaintiff
- by (describe defendant's conduct)

- ☐ 4. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms.)

- ☐ 5. The defendant
- ☐ a. ☐ used ☐ threatened to use a deadly weapon against the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ b. has a pattern of prior conduct involving the ☐ use ☐ threatened use of violence with a firearm against persons
- ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ d. made threats to commit suicide
- ☐ e. inflicted serious injuries upon the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff in that (state facts) \_\_\_\_\_

- ☐ 6. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at \_\_\_\_\_

- ☐ 7. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicles described below: \_\_\_\_\_

- ☒ 8. Other: (specify)

The Plaintiff was dishonest during her testimony. After expressing her devotion and love for the plaintiff, she then made a decision to proceed on old allegations that appeared to have

Name Of Defendant <b>FABIALBERT RODRIGUEZ</b>	File No. <b>23 CVD 2969</b>
--	--------------------------------

**CONCLUSIONS**

Based on these facts, the Court makes the following conclusions of law:

- ☐ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☐ 3. There is danger of serious and immediate injury to the ☐ plaintiff. ☐ minor child(ren). (G.S. 50B-2(c))
- ☐ 4. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. (G.S. 50B-3.1)
- ☒ 5. The plaintiff has failed to prove grounds for issuance of a domestic violence protective order.

**ORDER**

It is ORDERED that:

- ☐ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace, or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace, or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☐ 8. the defendant shall stay away from the following places:
 

<input type="checkbox"/> (a) the place where the plaintiff works. [04]	<input type="checkbox"/> (b) any school(s) the child(ren) attend. [04]
<input type="checkbox"/> (c) the place where the child(ren) receive(s) day care. [04]	<input type="checkbox"/> (d) the plaintiff's school. [04]
<input type="checkbox"/> (e) Other: (name other places) [04] _____	

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools) \_\_\_\_\_

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block 7 on Page 2. [08]
- ☐ 10. the defendant is ordered to make payments to the plaintiff for support of the minor child(ren) as required by law. [08]
- ☐ 11. the defendant is prohibited from ☐ possessing or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07] ☐ and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]
  - ☐ The defendant is a law enforcement officer/member of the armed services and ☐ may ☐ may not possess or use a firearm for official use.
- ☐ 12. the defendant surrender to the sheriff serving this order the firearms, ammunition, and gun permits described in block No. 4 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items at the time the sheriff serves this Order on you. If the weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits, is a crime. See "Notice To Parties: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
- ☐ 13. the defendant shall attend and complete an abuser treatment program offered by the following agency, which is approved by the Domestic Violence Commission: [08] \_\_\_\_\_

(Over)

☒ 14. Other: (specify) [08]

The Plaintiff's credibility did not survive cross examination

☒ 15. this action is dismissed and as of this date any ex parte order issued in this case is null and void.

**TEMPORARY CUSTODY**

☐ "Temporary Child Custody Addendum To Domestic Violence Protective Order," AOC-CV-306A, is attached and incorporated into this Order.

**FOR CONSENT JUDGMENTS ONLY**

Each of us enters into this Consent Order knowingly, freely, and voluntarily. The defendant understands that in consenting to this Order all of the consequences set out in the Notice to Parties and Warnings to Respondent/Defendant in this Order apply.

☐ Each of us agrees that no findings of fact and conclusions of law will be included in this consent protective order.

Date	Signature Of Plaintiff	Date	Signature Of Defendant
------	------------------------	------	------------------------

**SIGNATURE OF JUDGE**

Date	Name Of District Court Judge (type or print)	Signature Of District Court Judge
10/25/23	HON. JUDGE D Brent Cloninger	[Signature]

**NOTICE TO PARTIES**

**TO THE DEFENDANT:**

1. If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 39 months.
2. If you have been ordered to surrender your firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items, or provided false information to the Court about any of these items, you may be charged with a Class H felony and may be imprisoned for up to 39 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires, criminal charges, in either state or federal court, are pending against you and are alleged to have been committed against the person who is protected by this Order, you may not file for return of the firearms until final disposition of the criminal charges. The form, "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" AOC-CV-319, is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that required you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the surrendered weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapon. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

**TO THE PLAINTIFF:**

1. You should keep a copy of this protective order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the clerk of court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

**CERTIFICATE OF SERVICE WHEN DEFENDANT NOT PRESENT AT HEARING**

I certify that this Order and Notice to Parties has been served on the defendant named by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date	Signature	<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
10/25/23	[Signature]	<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Other

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
23-CVD-2969

**COURTNEY BROWN,**

*Plaintiff,*

vs.

**FABIALBERT RODRIGUEZ,**

*Defendant,*

2023 NOV 20 P 3:02

CABARRUS COUNTY, N.C.

BY

15

NOTICE OF APPEAL

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Plaintiff Courtney Brown, by and through Counsel, hereby gives Notice of Appeal to the Court of Appeals of North Carolina from the following Order:

*Domestic Violence Order of Protection* issued by the Honorable D. Brent Cloninger and filed on October 25, 2023, in the District Court of Cabarrus County.

This the 20 day of November, 2023.

**COLLINS FAMILY & ELDER LAW GROUP**



Amber R. Morris, 44638

Attorney for Plaintiff

112 North Main Street

Post Office Box 787

Monroe, North Carolina 28111-0787

Tel: (704) 289-3250

Fax: (704) 625-7451

Email: [ambermorris@collinsfamilylaw.com](mailto:ambermorris@collinsfamilylaw.com)



**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that she has this day duly served a copy of the foregoing *Notice of Appeal* by facsimile, email, e-file and serve, and/or by depositing a copy of the same in the United States Mail, first-class mail, postage prepaid, addressed as follows:

Laura Baker  
145 Union St.  
Ste 105  
Concord, NC 28025

Fabialbert Rodriguez  
[REDACTED]  
Fort Liberty, NC 28310

This the 20 day of November, 2023.

**COLLINS FAMILY & ELDER LAW GROUP**



Amber R. Morris, 44638  
Attorney for Plaintiff  
112 North Main Street  
Post Office Box 787  
Monroe, North Carolina 28111-0787  
Tel: (704) 289-3250  
Fax: (704) 625-7451  
Email: [ambermorris@collinsfamilylaw.com](mailto:ambermorris@collinsfamilylaw.com)

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
NO.: 23-CVD-2969

COURTNEY BROWN

Plaintiff(s),

v.

FABIALBERT RODRIGUEZ

Defendant(s).

**Appellate Division  
Transcript Contract**

(N.C. R. App. P. 7)

**Requestor Information**

Name: Amber R. Morris  
Phone Number: 704.289.3250  
E-mail Address: ambermorris@collinsfamilylaw.com  
Address: 112 N. Main St, PO Box 787  
Monroe, NC 28111-0787

Firm/Agency: Collins Family & Elder Law Group  
State Bar No.: 44638  
Attorney For: Plaintiff

**Transcriptionist Information**

Name: Westmoreland Reporting, Inc.  
Phone Number: 704-892-8172  
E-mail Address: mike@westmorelandreporting.com

Address: 1213 West Morehead Street, 5th Floor  
Charlotte, North Carolina 28208

**Proceedings to Be Transcribed**

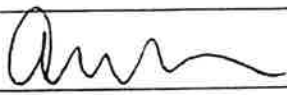

Date	Location (County and Courtroom)	Judge Presiding	Description
10/25/2023	Cabarrus 204	D. Brent Cloninger	DVPO Hearing

☐ Additional proceedings are identified on page(s) \_\_\_\_\_.

### Agreement

This constitutes an agreement between the requestor and the transcriptionist for a transcript of the proceedings identified in the "Proceedings to Be Transcribed" section, above.

1. The transcriptionist's fee for the transcript is \$7.05 per audio minute. The estimated length of the hearing is \_\_\_\_\_ minutes. *(Optional Entry)*  
Accordingly, the estimated total cost of the transcript is \$ \_\_\_\_\_. *(Optional Entry)*
2. The requestor agrees to pay the transcriptionist's per-minute rate for the transcript with a refundable deposit of \$0 to be paid to the transcriptionist upon execution of this contract. *(Insert "0" if no deposit is required.)*
3. The requestor agrees to provide the transcriptionist with the contact information, including the e-mail address, of each party to the appeal.
4. The transcriptionist agrees to produce and deliver the transcript in accordance with the North Carolina Rules of Appellate Procedure and standards set by the North Carolina Administrative Office of the Courts.
5. The transcriptionist agrees to give the requestor an invoice for the transcript as soon as practicable.
6. The transcriptionist agrees to deliver the transcript to the requestor and to each person or entity that the requestor has identified as a party to the appeal.
7. The transcriptionist agrees to deliver the transcript in a text-born, fully-searchable, unsecured PDF file.
8. The transcriptionist agrees that the requestor may reproduce the transcript, prepare derivative works from the transcript, distribute copies of the transcript, and display the transcript publicly.
9. The transcriptionist agrees that the requestor may terminate this contract at any time prior to the delivery of the transcript. The requestor agrees that if this contract is terminated, the requestor will pay the transcriptionist for all of the work that the transcriptionist has completed at the time of the termination.
10. The requestor and the transcriptionist may agree by addendum to additional terms, but those additional terms do not supersede these terms.

Requestor's Signature: 	Date: <u>11/29/23</u>
Transcriptionist's Signature: 	Date: <u>11/29/23</u>

### Service of Form Required

Rule 7 of the North Carolina Rules of Appellate Procedure requires the requestor to serve a completed copy of this form on each party and on the transcriptionist. The requestor's certificate of service may be added to the end of this form as an attachment.

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
COUNTY OF CABARRUS DISTRICT COURT DIVISION  
23-CVD-2969

2023 DEC 11 A 9:13

**COURTNEY BROWN,** CABARRUS COUNTY, C.S.C

*Plaintiff,*

BY 

vs.

**FABIALBERT RODRIGUEZ,**


*Defendant,*

**CERTIFICATE OF SERVICE**  
**(Appellate Division Transcript Contract)**

The undersigned does hereby certify that she has this day duly served a copy of the *Appellate Division Transcript Contract* and *Certificate of Service* filed on November 30, 2023, by facsimile, email, e-file and serve, and/or by depositing a copy of the same in the United States Mail, first-class mail, postage prepaid, addressed as follows:

Laura Baker  
145 Union St.  
Ste 105  
Concord, NC 28025

Westmoreland Reporting, Inc.  
1213 West Morehead Street, 5<sup>th</sup> Floor  
Charlotte, NC 28208

Fabialbert Rodriguez  
  
Fort Liberty, NC 28310

This the 4 day of December 2023.

**COLLINS FAMILY & ELDER LAW GROUP**



Amber R. Morris, 44638  
Attorney for Plaintiff  
112 North Main Street  
Post Office Box 787  
Monroe, North Carolina 28111-0787  
Tel: (704) 289-3250  
Fax: (704) 625-7451  
Email: [amberrmorris@collinsfamilylaw.com](mailto:amberrmorris@collinsfamilylaw.com)

STATE OF NORTH CAROLINA

Cabarrus County

In the General Court of Justice

☒ District ☐ Superior Court Division

COURTNEY BROWN

CERTIFICATE OF  
TRANSCRIPT DELIVERY

VERSUS

FABIALBERT RODRIGUEZ

The undersigned hereby certifies that the transcript of proceedings in the above-captioned action was delivered as herein described.

## Description of Transcript(s) Delivered

Date(s) of Trial/Hearing(s)  
October 25 2023

Date Transcript(s) Ordered/Requested  
November 29, 2023

Transcript Ordered/Requested by  
Amber R. Morris, Esq.

Date Transcript(s) Delivered  
March 20, 2024

Number of Volumes Delivered

Total Number of Pages Delivered  
49

## Parties to Whom Transcript(s) Delivered

For the Plaintiff:

Amber R. Morris, Esq.  
Collins Family Law Group  
112 North Main Street  
Monroe, North Carolina 28111  
704-289-3250  
ambermorris@collinsfamilylaw.com

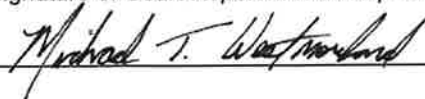
For the Defendant:

McIlveen Family Law Firm  
174 South South Street, Suite 301  
Gastonia, NC 28052  
704-766-8946  
sean@mcilveenfamilylaw.com

Date  
March 20, 2024

Name of Court Reporter/Transcriptionist (printed)  
Michael T. Westmoreland, CVR

Signature of Court Reporter/Transcriptionist



TRANSCRIPT DESIGNATION

Pursuant to Appellate Rules, the transcript of the proceedings in this case which took place on October 25, 2023 and was prepared by Michael T. Westmoreland, Official Court Reporter (Ret). This transcript consists of 49 pages, contained in one volume and will be filed electronically along with the settled record in this case.

PROPOSED ISSUES ON APPEAL

1. Whether the trial court erred in dismissing Plaintiff's Complaint and Motion for Domestic Violence Protective Order.
2. Whether the trial court erred in by not finding that no acts of domestic violence existed prior to dismissing Plaintiff's Complaint and Motion for Domestic Violence Protective Order.
3. Whether the findings of facts were supported by sufficient and competent evidence.
4. Whether the conclusions of law were supported by the findings of facts.
5. Whether the decree supported was supported by the findings of facts conclusions of law.

STATEMENT OF SETTLEMENT OF RECORD ON APPEAL

Counsel for Appellant and Appellee stipulate as follows:

1. Appellant's Notice of Appeal with respect to the Trial Court's October 25, 2023 Order was timely filed on November 20, 2023.
2. The Transcript was ordered on November 30, 2023 by Appellant following the Notice of Appeal.
3. The proposed record on appeal was served on Appellee on April 24, 2024. The certificate showing service of the proposed record has been included in the settled record.
4. On April 29, 2024, Appellee served Appellant with changes to the proposed record, which were subsequently accepted by Appellant and incorporated to the proposed record.
5. The record was settled per operation of Rule 11(b) on May 8, 2024.
6. All captions, signatures, headings of papers, certificates of service and documents filed with the trial court that are not necessary for an understanding of this appeal may be omitted from the record, except as required by Rule 9 of the Rules of Appellate Procedure.
7. The parties stipulate that the majority of pleadings related to administrative and scheduling matters that are not necessary for an understanding of the appeal may be omitted from the record, except as required by Rule 9 of the Rules of Appellate Procedure.
8. The parties stipulate that the following documents constitute the agreed-upon record on appeal to be filed with the Clerk of the Court of Appeals:
  - a. The printed record on appeal, consisting of pages 1 to 35;
  - b. The documentary exhibits consisting of pages 1 to 34; and
  - c. The trial transcript.

This this 8th day of May 2024.

For the Appellant:

/s/ Amber R. Morris

Amber R. Morris, Esq.

For the Appellee:

/s/ Sean F. McIlveen

Sean F. McIlveen, Esq.



IDENTIFICATION OF COUNSEL FOR THE APPEAL

For Plaintiff-Appellant:

Ms. Amber R. Morris  
NC State Bar #44638  
Collins Family Law Group  
P.O. Box 787  
Monroe, NC 28111  
Phone: 704-289-3250  
ambermorris@collinsfamilylaw.com

For Defendant-Appellee:

Mr. Sean McIlveen  
McIlveen Family Law Firm  
174 S. South Street, Suite 301,  
Gastonia, NC 28052  
Phone: 704-865-9011  
sean@mcilveenfamilylaw.com

CERTIFICATE OF SERVICE  
PROPOSED RECORD ON APPEAL

The undersigned hereby certifies that on this date she has served this Proposed Record on Appeal on Defendant-Appellee by email and facsimile addressed as follows:

Mr. Sean McIlveen  
McIlveen Family Law Firm  
174 S. South Street, Suite 301,  
Gastonia, NC 28052  
sean@mcilveenfamilylaw.com  
facsimile: 704-865-9014

This the 24 day of April, 2024.

/s/ Amber R. Morris  
Ms. Amber R. Morris  
Collins Family Law Group  
Attorney for Plaintiff-Appellant  
P.O. Box 787  
Monroe, NC 28111  
704-289-3250  
ambermorris@collinsfamilylaw.com

CERTIFICATE OF SERVICE  
FINAL RECORD ON APPEAL

The undersigned hereby certifies that on this date she has served this Final Record on Appeal on Defendant-Appellee by email and facsimile addressed as follows:

Mr. Sean McIlveen  
McIlveen Family Law Firm  
174 S. South Street, Suite 301,  
Gastonia, NC 28052  
sean@mcilveenfamilylaw.com  
facsimile: 704-865-9014

This the 8th day of May, 2024.

/s/ Amber R. Morris  
Ms. Amber R. Morris  
Collins Family Law Group  
Attorney for Plaintiff-Appellant  
P.O. Box 787  
Monroe, NC 28111  
704-289-3250  
ambermorris@collinsfamilylaw.com

NORTH CAROLINA COURT OF APPEALS

\*\*\*\*\*

**COURTNEY BROWN,**

Plaintiff,

v.

**FABIALBERT RODRIGUEZ,**

Defendant.

From Cabarrus County

23-CVD-2969

\*\*\*\*\*

Rule 9(d) DOCUMENTARY EXHIBITS

\*\*\*\*\*

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10:53

-1-

78%



Fabio



10:46 PM • SMS

So you hang up that's nice ok  
Well to recap, you hate the color red, you  
hate my hair being anything other than a  
"normal" color, you wanted to physically  
harm me b/c my hair was red, your  
solution to the issue was for me to change  
my hair color, and you can't just say I'm  
sorry when I tell you how bad it feels that  
every time you see me you tell me how  
much you hate my hair.

11:35 PM • SMS

You hung up

11:35 PM

I did not.

11:36 PM • SMS

On me

Yes you did when you were taking your  
AirPods out

I surely did not. ↓ my airpods out, I did  
not hang up.



Text message





Fabio



Clicking the AirPods does yes

I don't think I clicked it I don't even know how to do that I always do controls on my phone

It's scary that you wanted to physically harm me because of my hair color

11:37 PM • SMS

Ok. I'm telling you it was you because it wasn't me

I don't want to talk about it anymore except in counseling because that is definitely not okay and I need another human being present to witness

11:38 PM • SMS

To witness what? What I said?

11:38 PM



Yes



Text message





Fabio



To witness what? What I said?

Yes

Ok no problem

I've said it to my mom and my sister..

I know what the issue is and why I feel the way I do.

It's the association I have with it

That's part of my trauma. I know it is and I control it

My\*

But I still feel the feelings it gives me

I would feel more comfortable talking about it with someone else who is a third party present



Sorry for the bad things that have happened I really am



Text message



10:54

-4-

78%



Fabio



Tuesday, Feb 21 • 10:27 AM

Morning

Morning

I was coming to say it earlier but got distracted

It's ok

I wanna say sorry for last night

It's not that big of a deal and I should've let it go or just been nicer with my words. I'm sorry

Also I do not want to physically harm you for your hair or anything. I think we should revisit that because I don't think that came out how I thought it would and I'm not sure how to probably express that without help but I would like to figure that out so I can clarify that comment to you

I love you



Text message





9:01

-5-

94%

PENGAD 800-631-6989

PLAINTIFF'S  
EXHIBIT

3



sorry



172/221 results found



If you're making boundaries about me coming to the house and staying then I don't want to cross them. I want to share my feelings about it but I don't want to just impose myself

Okay I appreciate that.

I'm just trying to figure it out

My head is really spinning

Like internally



I can understand. I don't want to do anything rn to make it worse and/ or prevent you get what you need. I think us being face to face is good but I don't want it to be one sided or for a diminishing return.



Me either. And me too



Text message



9:01

-6%

🔒 🔔 🔊 📶 94%



sorry



172/221 results found



If u want to meet me at the spa I'm tired and can't go out after



Oh so you don't want me at the house at all?

Just seeing if u want to come here and not really cause I don't trust you but I guess so we can talk



You don't trust me at the house

I don't trust you at all you've broken it completely

I told you this last weekend..



Yea but I didn't know you don't even want me at the house

I'm saying I don't trust you at all with anything



Text message



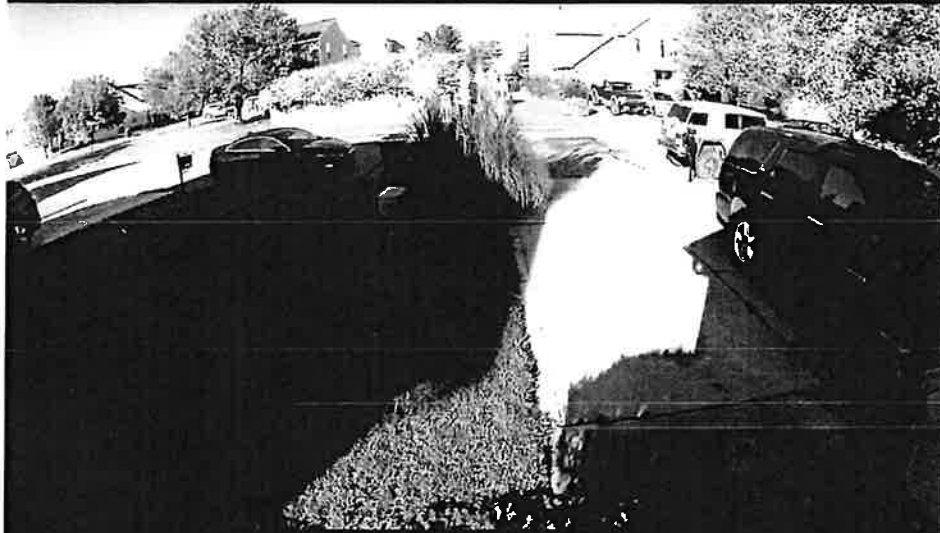
11:59

-7-

19%



Camera 1



Person

Aug 31, 2023 6:09:24 PM

0:09

0:17

View Live Camera





# home



06:05 PM

**Motion**

Camera 1 | 00:00:16



06:04 PM

**Motion**

Camera 2 | 00:00:39



06:04 PM

**Vehicle**

Camera 1 | 00:00:11



06:03 PM

**Motion**

Camera 1 | 00:00:13



06:03 PM

**Vehicle**

Camera 2 | 00:00:11



06:03 PM

**Vehicle**



Dashboard



Feed



Emergency



Devices



Routines



11:57

-9-

🔒 🔔 🔊 📶 20% 🔋

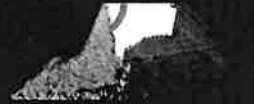


home



**Motion**

Camera 1 | 00:00:11



06:05 PM

**Motion**

Camera 1 | 00:00:16



06:04 PM

**Motion**

Camera 2 | 00:00:39



06:04 PM

**Vehicle**

Camera 1 | 00:00:11



06:03 PM

**Motion**

Camera 1 | 00:00:13



06:03 PM

**Vehicle**

Camera 1 | 00:00:10



Dashboard



Feed



Emergency



Devices



Routines



3

2:21

-10-

67%



home



Camera 1 | 00:00:17



06:09 PM

**Vehicle**

Camera 2 | 00:00:14



06:08 PM

**Person**

Camera 1 | 00:00:36



06:08 PM

**Motion**

Camera 1 | 00:00:09



06:07 PM

**Motion**

Camera 2 | 00:00:15



06:06 PM

**Motion**

Camera 1 | 00:00:11



Dashboard



Feed



Emergency



Devices



Routines



4

11:58

-11-

🔒 🔊 🔇 📶 📶 20%



home



Camera 2 | 00:00:53



06:10 PM

**Motion**

Camera 1 | 00:00:50



06:09 PM

**Person**

Camera 1 | 00:00:17



06:09 PM

**Vehicle**

Camera 2 | 00:00:14



06:08 PM

**Person**

Camera 1 | 00:00:36



06:08 PM

**Motion**

Camera 1 | 00:00:09



Dashboard



Feed



Emergency



Devices



Routines



2:21

-12-

66%



home



06:25 PM

**Vehicle**

Camera 1 | 00:00:10



06:24 PM

**Motion**

Camera 2 | 00:00:10



06:24 PM

**Motion**

Camera 1 | 00:00:20



06:20 PM

**Motion**

Camera 1 | 00:05:05



06:18 PM

**Person**

Camera 1 | 00:00:16



06:18 PM

**Vehicle**



Dashboard



Feed



Emergency



Devices



Routines





2:22

-13-

66%



Fabio



Blocked

Unblock to receive messages from this sender

Unblock

Thursday, Aug 31 • 11:49 AM



I am on my way to the hospital  
right now



Have COVID and phenomena  
and can't breathe



Got med dropped from  
The course



Don't know if messages are  
sending



You can call me whenever I'm at  
the hospital



pneumonia ↓



Text message



1



Fabio

**Blocked**

Unblock to receive messages from this sender

Unblock



Are you busy?



Hello??

Thursday, Aug 31 • 2:51 PM

Oh.. you took me off our email and  
our Amazon?

So you're ignoring me right now..

Ok well I don't know what's going  
on but I'm feeling like death. I  
hope to hear from you soonI hope this isn't the end. Please  
call

Ok. I think I'm understanding.



Text message



<  Fabio



 **Blocked**

Unblock to receive messages from this sender

Unblock

something else planned:

I remember you're suppose to  
leave tomorrow so just let me  
know.



If not then I'll be there by 7

Thursday, Aug 31 • 6:04 PM



Hey I'm here



What's up with all the security?  
Wth is going on Courtney



Can you please respond with  
something??

You changed ↓ ord or deleted  
our email and on Amazon. I reread



Text message



2:23

-16-

66%

<  Fabio



 **Blocked**

Unblock to receive messages from this sender

Unblock

You changed password or deleted our email and or Amazon. I reread your texts from last week when I left and now no response from you and there's security cameras everywhere. Were you saying good bye to me last week and this is what's happening??



Thursday, Aug 31 • 7:26 PM



Can I get any response?



Please I am freaking out



Just waiting for you. Please I don't know what else I can do but beg for you to please respond to me



Text message



u

2:23

-17-

66%



Fabio



**Blocked**

Unblock to receive messages from this sender

Unblock

You said that before I left.

I came back early because I got sick and I can't get in touch with you and I can't access any of our accounts.



Are you still in my life?!



Well when you can if I can see football I would appreciate it.



Please



I'm gonna be falling asleep soon.  
I hope I hear from you

Friday, Sep 1 • 8:43 AM



Morning..



Text message



2:23

-18-

66%

<  Fabio



 **Blocked**


Unblock to receive messages from this sender

Unblock


 morning..

What do I need to do in order to  
talk with you Courtney?

What needs to happen? Are we  
waiting until couples therapy?

 Or do you just need some time?

Friday, Sep 1 • 10:00 AM

 I feel too sick today to drive to  
you. But I also know you're going  
back home today. Please find me  
in your heart and reach out to me.  
I need you

Just so you know I'm not lying..



SUBJECT: Quarantine or Isolation Order



Text message



6

2:23

-19-

66%

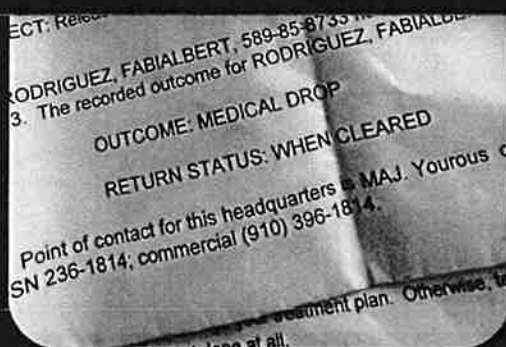
<  Fabio



 **Blocked**

Unblock to receive messages from this sender

Unblock



Friday, Sep 1 • 8:07 PM



I responded to your email from the morning that I left, my letters are in bold.

I'm gonna share with you that being on a ventilator and not hearing from you had done quite a bit of hurt and damage to me. You showed that my health and well being is ↓ ger a concern of yours and , ave more important things to be doing



Text message



2:23

-20-

66%

<  Fabio



 **Blocked**

Unblock to receive messages from this sender

Unblock



Hope you had a good drive to Alabama. I'm here like a beat dog loving you still.

Saturday, Sep 2 • 2:02 PM

Hey,

You have disrespected, manipulated, abused, and harmed me, my dog, my family, my friends, and our babies. I choose my health, safety, and freedom forever. I don't want to see you or talk to you anymore in any capacity. We will no longer have any contact. This extends to my family. An arrangement can be made at a later time for your belongings.

Sunday, 6:19 PM



Hev. I iust wanted to take moment



Text message





2:23

-21-

66%

<  Fabio



 **Blocked**

Unblock to receive messages from this sender

Unblock


Sunday, Sep 3 • 6:19 PM

Hey, I just wanted to take moment out of today and tell you I love you and that won't stop. I know you love me and that's not stopping either.

I hope everything is going good for you and you're getting a good break away from things.

There's a lot on the table and on our plates and I will not turn and run. I'm standing here to fight. I love you.

Monday, Sep 4 • 2:13 PM

 Love you. ↓



Text message



2:23

-22-

66%



Fabio



**Blocked**

Unblock to receive messages from this sender

Unblock

for you and you're getting a good  
break away from things.

There's a lot on the table and on  
our plates and I will not turn and  
run. I'm standing here to fight. I  
love you.

Monday, Sep 4 • 2:13 PM



Love you.

Don't count me out Courtney.  
You and I both know our kids and  
our life together is my drive and  
my focus. I will do everything  
and anything babe I promise. We  
need to get through this or at  
least try. You are the mother of  
my babies and I won't let this slip  
away. You are my world

2:57 PM

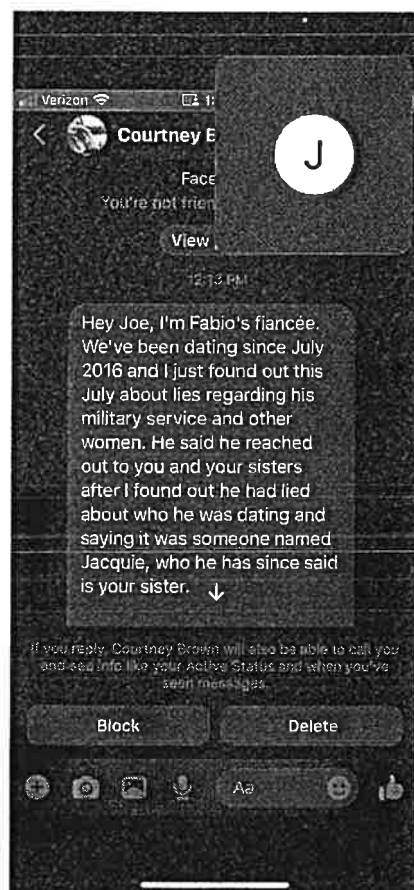


Text message



10





<p>Case No. <b>23CVD2884</b></p> <p>Court <b>General Court of Justice District Court Division</b></p> <p>County <b>CABARRUS</b> <b>NORTH CAROLINA</b></p> <p><b>PETITIONER/PLAINTIFF</b></p> <p><b>COURTNEY BROWN</b></p> <p><small>First Middle Last</small> <b>2023 AUG 30</b></p> <p>And/or on behalf of minor family member(s): <i>(List Name And DOB)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									<p style="text-align: center;"><b>EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION</b></p> <p style="text-align: right;"><small>G.S. 50B-2, -3, -3.1</small></p> <p><b>PETITIONER/PLAINTIFF IDENTIFIERS</b></p> <p><b>08/16/1995</b></p> <p><small>Date Of Birth Of Petitioner</small></p> <p>Other Protected Persons/DOB:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								

VERSUS																															
<p style="text-align: center;"><b>RESPONDENT/DEFENDANT</b></p> <p><b>FABIALBERT AGUSTIN RODRIGUEZ</b></p> <p><small>First Middle Last</small></p> <p>Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse</p> <p><input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together</p> <p><input type="checkbox"/> unmarried, have a child in common</p> <p><input checked="" type="checkbox"/> currently or formerly in dating relationship</p> <p><input type="checkbox"/> current or former household member</p> <p><input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild</p> <p>Respondent's/Defendant's Address</p> <p><b>FABIALBERT AGUSTIN RODRIGUEZ</b></p> <p><b>FORT LIBERTY, NC 28310</b></p> <p><b>CAUTION:</b></p> <p><input type="checkbox"/> Weapon Involved</p>	<p style="text-align: center;"><b>RESPONDENT/DEFENDANT IDENTIFIERS</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Sex</th> <th>Race</th> <th>DOB</th> <th>HT</th> <th>WT</th> </tr> <tr> <td>MALE</td> <td> </td> <td>04/22/1993</td> <td>5'11</td> <td>185</td> </tr> <tr> <th>Eyes</th> <th>Hair</th> <th colspan="3">Social Security Number</th> </tr> <tr> <td>BROWN</td> <td>BLACK</td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">Drivers License No.</th> <th>State</th> <th colspan="2">Expiration Date</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table> <p>Distinguishing Features</p> <p>SCARIN BETWEEN EYES, UNDER EYELID, CHEEK, TATTOOS ON ARM SLEEVE FLOWERS ("MILAGROS" AND MAY GOD SAVE ME BEFORE DEATH FINDS ME") SCAR UNDER ONE TATTOOO</p>	Sex	Race	DOB	HT	WT	MALE		04/22/1993	5'11	185	Eyes	Hair	Social Security Number			BROWN	BLACK				Drivers License No.		State	Expiration Date						
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Drivers License No.		State	Expiration Date																												

**THE COURT HEREBY FINDS THAT:**

This matter was heard by the undersigned ☐ district court judge. ☐ magistrate. The court has jurisdiction over the subject matter.

Additional findings of this order are set forth on Page 2.

**THE COURT HEREBY ORDERS THAT:**

- ☐ The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 50B-1).
- ☐ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. [05]

Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until

--	--	--

**WARNINGS TO THE RESPONDENT/DEFENDANT:**

This 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 by 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).

This order will be enforced anywhere in North Carolina.

Only the Court can change this order. The plaintiff cannot give you permission to violate this order.

See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.
- ☐ 2. That on (date of most recent conduct) \_\_\_\_\_, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ the child(ren) living with or in the custody of the plaintiff
- ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family ☐ a member of the plaintiff's household
- ☐ c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress ☐ the plaintiff ☐ a member of plaintiff's family ☐ a member of plaintiff's household
- ☐ d. committed an act defined in G.S. 14- ☐ 27.21 (1<sup>st</sup> deg. rape) ☐ 27.22 (2<sup>nd</sup> deg. rape) ☐ 27.26 (1<sup>st</sup> deg. sexual off.) ☐ 27.27 (2<sup>nd</sup> deg. sexual off.) ☐ 27.33 (sexual battery) ☐ 27.31 (sexual activity by substitute parent) against ☐ the plaintiff ☐ a child(ren) living with or in the custody of the plaintiff by \_\_\_\_\_  
(describe defendant's conduct)
- ☐ 3. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms)
- ☐ 4. The defendant
- ☐ a. ☐ used ☐ threatened to use a deadly weapon against the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ b. has a pattern of prior conduct involving the ☐ use ☐ threatened use of violence with a firearm against persons
- ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ d. made threats to commit suicide
- ☐ e. inflicted serious injuries upon the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff in that (state facts): \_\_\_\_\_
- ☐ 5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the ☐ plaintiff. ☐ defendant. The plaintiff has submitted an "Affidavit As To Status Of Minor Child."  
**NOTE TO JUDGE:** A copy of AOC-CV-609 for each child must be attached to the order.
- | Name | Sex | Date Of Birth | Name | Sex | Date Of Birth |
|------|-----|---------------|------|-----|---------------|
|      |     |               |      |     |               |
|      |     |               |      |     |               |
|      |     |               |      |     |               |
- ☐ 6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that: \_\_\_\_\_
- ☐ 7. It is in the best interest of and necessary for the safety of the minor child(ren) ☐ that defendant stay away from the minor child(ren) ☐ that the defendant return the minor child(ren) to plaintiff ☐ and that the defendant not remove the minor child(ren) from plaintiff in that: \_\_\_\_\_
- ☐ 8. (Check block only if plaintiff is entitled to physical care of child(ren).) It is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren) in that: \_\_\_\_\_
- ☐ 9. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at \_\_\_\_\_

Name Of Defendant <b>FABIALBERT AGUSTIN RODRIGUEZ</b>	File No. <b>23CVD2884</b>
--	------------------------------

☐ 10. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicle. (describe vehicle)

☒ 11. Other: (specify)

**CANNOT FIND IMMINENT DANGER IN CONTINUED RELATIONSHIP**

☐ 12. (for magistrate only) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

**CONCLUSIONS**

Based on these facts, the Court makes the following conclusions of law:

- ☐ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☐ 3. It clearly appears that there is a danger of acts of domestic violence against the ☐ plaintiff. ☐ minor child(ren). [G.S. 50B-2(c)]
- ☐ 4. The minor child(ren) is exposed to a substantial risk of ☐ physical injury. ☐ emotional injury. ☐ sexual abuse. [G.S. 50B-2(c)]
- ☐ 5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- ☐ 6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant ☐ stay away from the minor child(ren). ☐ (and) return the minor child(ren) to the physical care of the plaintiff. ☐ (and) not remove the minor child(ren) from the physical care of the plaintiff.
- ☐ 7. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. [G.S. 50B-3.1]
- ☒ 8. The plaintiff has failed to prove grounds for ex parte relief.

**ORDER**

It is ORDERED that:

- ☐ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☐ 8. the defendant shall stay away from the following places:
 

<input type="checkbox"/> a. the place where the plaintiff works. [04].	<input type="checkbox"/> b. any school(s) the child(ren) attend. [04]
<input type="checkbox"/> c. the place where the child(ren) receives day care. [04]	<input type="checkbox"/> d. the plaintiff's school. [04]
<input type="checkbox"/> e. Other: (name other places) [04] _____	

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]
- ☐ 10. The plaintiff is awarded temporary custody of the minor child(ren) (Check any of a, b, or c that apply.)
  - ☐ a. and the defendant is ordered to stay away from the minor child(ren).
  - ☐ b. and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.
  - ☐ c. and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.



- ☐ 11. (If No. 10 is checked and you are allowing visitation to defendant) The defendant is allowed the following contact with the minor child(ren):
- ☐ 12. the defendant is prohibited from ☐ possessing or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07]; ☐ and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]  
☐ The defendant is a law enforcement officer/member of the armed services and ☐ may ☐ may not possess or use a firearm for official use.
- ☐ 13. the defendant surrender to the Sheriff serving this order the firearms, ammunition, and gun permits described in Number 3 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items to the serving officer at the time this Order is served on you. If the weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits is a crime. See "Notice To Parties: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
- ☒ 14. the request for Ex Parte Order is denied.
- ☐ 15. Other: (specify) [08]

Date 8-30-23 Signature [Signature] ☒ District Court Judge  
☐ Designated Magistrate

**NOTE TO PLAINTIFF:** If the judge signs this Order and gives it to you, take it to the Clerk's office immediately. If the magistrate signs this Order and gives it to you, follow the magistrate's directions.

**NOTE TO CLERK:** Give or mail a copy of this Order to the plaintiff and to the appropriate local law enforcement agency. Send copies to sheriff with Notice Of Hearing, Complaint and Summons for service on defendant. Send extra copies to the sheriff if required to deliver copy(ies) to the child(ren)'s school.

## NOTICE TO PARTIES

### TO THE DEFENDANT:

1. If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 39 months.
2. If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items or provide false information about any of these items you may be charged with a Class H felony and may be imprisoned for up to 39 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires criminal charges, in either state or federal court, are pending against you alleged to have been committed against the person who is protected by this order, you may not file for return of the firearms until final disposition of the criminal charges. The form, "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" AOC-CV-319, is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapons. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

### TO THE PLAINTIFF:

1. You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the Clerk of Court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.



Name Of Defendant		File No.	
FABIALBERT AGUSTIN RODRIGUEZ		23CVD2884	
<b>CERTIFICATION</b>			
I certify this order is a true copy.			
Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk of Superior Court	
<b>RETURN OF SERVICE</b>			
<b>NOTE:</b> To be used when Magistrate issues ex parte protective order and order will be served on defendant separate from the complaint and civil summons. If complaint and summons are served with order, return on summons covers order.			
I certify that this Ex Parte Domestic Violence Order of Protection was received and served as follows:			
Date Served	Time Served	Name Of Defendant	
		<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> By delivering to the defendant named above a copy of the order.			
<input type="checkbox"/> By leaving a copy of the order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.			
Name And Address Of Person With Whom Copies Left			
<input type="checkbox"/> Other manner of service on the defendant (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason.			
Date Received	Signature Of Deputy Sheriff Making Return		
Date Of Return	Name Of Deputy Sheriff Making Return (type or print)		
County Of Sheriff			

23CV 002884

STATE OF NORTH CAROLINA

Cabarrus

County

File No.

In The General Court Of Justice  
District Court Division

Name Of Plaintiff (Person Filing Complaint)

Courtney Brown

FILED

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

Fabi Albert Rodriguez

CABARRUS COUNTY, C.S.C.

COMPLAINT AND MOTION  
FOR  
DOMESTIC VIOLENCE  
PROTECTIVE ORDER

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

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

1. I live in Cabarrus County, North Carolina.
2. The defendant and I ☐ are spouses. ☐ are former spouses.  
☐ 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 who are in or have been in a dating relationship.
3. There ☐ is ☒ is not another court proceeding between the defendant and me pending in this or any other state. (List county, state, date, 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.)  

Aug 20/21, 2016 took photos and videos of me w/o my consent while I was intoxicated and during sexual & Burke, VA

Nov 21, 2018 we had sex in ~~my~~ Lorton, VA. After he told me he had tried to impregnate me w/o my consent to trap me to keep me in VA.

2023 poured ~~ghost~~ pre-workout in Grey Goose vodka, told me was electrolytes, barracks Fort Bragg, NC i got violently sick, ~~XXXX~~
- ☐ 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.)

- ☒ 6. I believe there is danger of serious and immediate injury to me or my child(ren).
- ☐ 7. (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

(Over)

23CV 002884

## STATE OF NORTH CAROLINA

File No.

Cabarrus

County

Name Of Plaintiff Courtney BrownName Of Defendant Fabio RodriguezCOMPLAINT AND MOTION  
FOR  
DOMESTIC VIOLENCE PROTECTIVE ORDER  
ADDENDUM FORM

## ADDENDUM ITEM 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.)

Aug 5-16 2023 Charlotte, NC Best Western & Embassy Suites Fayetteville, NC

We were having sex and he told me he was going to come inside of me and i told him no, i dont want that. He told me he did anyway. This happened 3 times total.

2023-

2023 - squeeze [redacted] told him to stop he wouldnt stop. i went to doctor for them to assess

2023 barracks Fort Bragg. slapped me before starting sex, said hes been wanting to do this to me for a long time. Put his hand on my head to keep me face down on floor w/ camo sheets

2023 barracks Fort Bragg told me he told army guys that he likes to

" he told me he told army guys that i like [redacted] and at [redacted] apartment complex to have sex while people watch 2023 barracks Fort Bragg told me in his room while i was changing then his friend came in to the barracks and saw me standing in his room. We said hello (i was dressed) he left, then came back in excited and said Gabe said i fucked him. i didnt.

choke during sex, ripped blood vessels

tells me his friends in army say they feel bad for me

Dec 2018 - i ended up w/ trich STD. He has been my only sexual partner since 1<sup>st</sup> July 23+24 2016

2019 - made off of us in sexual acts w/o my consent [redacted] when i told him i confronted him was calm & told me he knows i didnt cheat

2017/2018 Annandale & Alexandria, VA he came to my home saying he had to shoot at people at a gas station & Lorton VA because of his friend at Pep Boys. There were several instances of him telling me he had to shoot at people. He brought me the bullet casings which i submitted as evidence to FBI on 8-26-2023. to protect himself

Jan 3 2020 i told him the news i was pregnant to Harper's Perry W. i was staying in Winchester VA at Drassa Britt apartment. He left me alone and returned Jan 9 2020. When he returned i started feeling sick Jan 11 he gave me pills acid for my headache. He left Jan 12 and i got more news & 20 minutes after he left i started bleeding. He came back and ate a hot dog from Sonic while i was in labor position (back up) or bed. I miscarried our twins that night. He left the next morning.

Text Overflow Form, Rev. 7/6/2020  
© 2020 Administrative Office of the Courts

Addendum Page 1

Jan 4 he told me dont take prenatal yet.

when he returned he brought [redacted] still have

Jan 22, still miscarrying - hotel Woodbridge VA. He fed [redacted] told him my dog cant eat the food they

March 29, 2022 find out pregnant, the comes March 30 or 31. makes me smoothies.  
I start feeling sick & like the baby is dying. April 1 im at doctors.  
April 2, 2022 miscarry. ~~they see~~

may 5, 2022 find out pregnant - he comes May 6 or 7. May 8 he texts  
to buy me alcohol ~~at~~ at hippie fest, i say no -  
may 8, 2022 mother's day. miscarried at Kaimanulis pregnant,  
he gives me drunk ball field  
from concessions. later i use  
bathroom, miscarried

Def of Nov 2019 ~~18~~

He got upset w/ me. ~~and~~ he asked to shower.  
I didn't feel comfortable or safe but went in.  
I was afraid to not go w/ him. In shower he  
put me face down & penetrated from  
behind. I ~~said "my mom can hear..."~~ said  
"my mom can hear..." and he kept going.  
I stared down waiting for him to be done.

I've mentioned all of this to our couples therapists  
and to him.

☐ 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.)

☒ 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.)

Aug 28, 2023 Cabareus Co police (man who came [redacted] my bro) picks up all weapons  
 Feb 2020 he told me he went to the [redacted] address where I miscarried in his tan truck & put  
 a gun to his head & pulled trigger but nothing in gun (no bullet)  
 May of June 2023 he told me he wants to hurt himself, [redacted]  
 At least 1 gun safety didn't work, maybe Beretta. Multiple clips. Glock 9? black.  
 small container of empty bullet casing he told me he used these to shoot at people in 2017 in Annandale, VA  
 not sure how many pistols, 4 or 53 case w/ skull (Colony) on it. other black case.

☐ 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.)

☒ 11. The defendant has made threats to commit suicide in that (Give specific dates and describe in detail what happened.)  
 Feb 2020 he told me he went to the [redacted] address where I miscarried in his tan truck & put  
 a gun to his head & pulled trigger but nothing in gun (no bullet)  
 May of June 2023 he told me he wants to hurt himself, [redacted]

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).
- ☒ 3a. I want the defendant ordered not to cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☒ 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. he doesn't live here but visits
- Address Of Residence  
 [redacted] Kannapolis, NC 28083
- ☒ 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.
- ☒ 6a. I want the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household granted to me.

VERSUS

File No.

Name Of Defendant

Fabialbeet Agustin Rodriguez

- ☒ 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)

Any of my family's residences  
in Tennessee, Alabama, Oklahoma,  
South Carolina, including

The child(ren) currently attend: (name school)

- ☒ 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)

Date

Aug 29, 2023

Signature Of Plaintiff (Person Filing Complaint)

[Signature]