

CVD 2909 Brown. Rodriguez P

<b>STATE OF NORTH CAROLINA</b>	File No. <b>23 CVD 2969</b>
<u>CABARRUS</u> County	In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division

<input checked="" type="checkbox"/> Civil: Plaintiff: <u>COURTNEY BROWN</u> <input type="checkbox"/> Criminal	Additional File Numbers <p style="text-align: center;"><b>DVPO</b></p>
<b>STATE VERSUS</b>	

Name Of Defendant  <u>FABIALBERT RODRIGUEZ</u>	<b>EXHIBITS/EVIDENCE LOG</b>  <input type="checkbox"/> PLAINTIFF (P) <input checked="" type="checkbox"/> DEFENDANT (D) <input type="checkbox"/> STATE (S) <input type="checkbox"/> BOTH Rule 14, General Rules of Practice for the Superior and District Courts
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Name And Address <u>REBECCA LAWRENCE</u> <u>6401 CARMEL RD STE 102</u> <u>CHARLOTTE, NC 28226</u>	Name And Address <u>LAURA BAKER</u> <u>145 UNION ST S STE 105</u> <u>CONCORD, NC 28025</u>
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<input checked="" type="checkbox"/> Plaintiff's Attorney <input type="checkbox"/> Prosecutor <input type="checkbox"/> Party	<input checked="" type="checkbox"/> Defendant's Attorney <input type="checkbox"/> Party
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Exhibit No.	Description And Notes, If Applicable	Date Offered (1)	Date Admitted	Biological (2) (√)	Collecting Agency (3)	Item Received Or Retained By (4)
1	MESSAGE	10/25/2023	10/25/2023			FS
2	TEXT MESSAGES	"	"			"
3	COPY OF PREVIOUS ORDER	"	"			"

**NOTE:** See reverse for additional description.

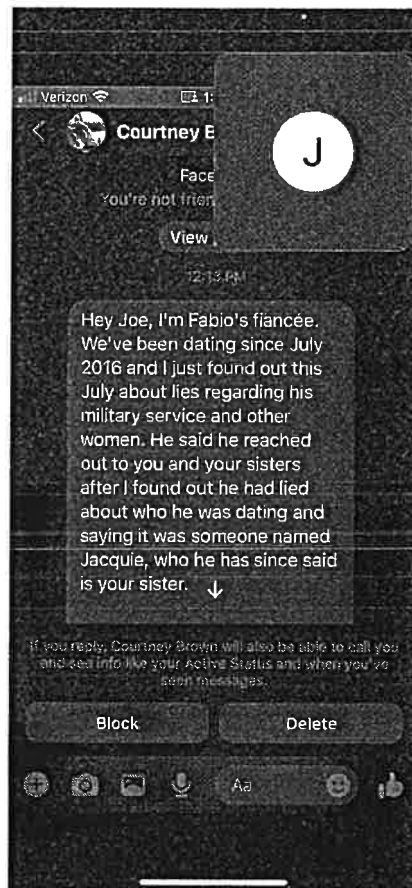
Date Stored in Vault After Trial Ends	Signature Of Clerk Storing Exhibits	Appeal Taken <input type="checkbox"/> Yes _____ (Date) <input type="checkbox"/> No
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*General Rules of Practice, Rule 14: Exhibits received by the Clerk shall be removed by the party offering them (except as otherwise directed by the Court) within thirty (30) days after final judgment if no appeal is taken; if the case is appealed, then, within sixty (60) days after certification of a final decision from the appellate division. If the party offering an exhibit fails to remove such article, the Clerk shall write the attorney of record, calling attention to provisions of this Rule. If the articles are not removed within thirty (30) days after mailing of such notice, they may be disposed of by the Clerk. (NOTE: To give notice the Clerk may use form AOC-G-151. The Clerk may wish to obtain an order of the Court to remove or dispose of exhibits/evidence in criminal cases.)*

RECEIPT FOR REMOVAL				DISPOSITION	
Date Of Final Judgment Or Certification <u>10/25/23</u>		Date Notified In Writing To Remove Exhibits/Evidence		Date Disposed	Date Of Court Order, If Applicable
Date Released	Exhibit No.(s) Released	Date Released	Exhibit No.(s) Released	Exhibit No.(s)	
Signature Of Party Removing Exhibits/Evidence		Signature Of Party Removing Exhibits/Evidence		Signature Of Clerk Disposing Of Exhibits/Evidence	
Signature Of Clerk Releasing Exhibits/Evidence		Signature Of Clerk Releasing Exhibits/Evidence		Signature Of Witness	
Additional Documentation Of Disposition					

(1) If item not admitted or retained by counsel or party, Clerk may add any relevant information as a note.  
 (2) If exhibit is found "reasonably likely to contain biological evidence," as provided in G.S. 15A-268(a3), indicate it here.  
 (3) Indicate here the agency identified by the court as the "collecting agency" for biological evidence.  
 (4) Clerk's initials go in this column, or name of counsel or party.

(NOTE: This form may be used in both civil and criminal cases.)



7:39



< 213



Babe ❤️

Don't lie to me. You're a two faced bitch who left a sick man to die. If you knew it something I couldn't control you shouldn't have gotten mad in the first place. You promised me you would take care of me and you lied and betrayed me. I hate you. I hope the guilt makes you kill yourself, because all the times you pushed me to suicide I hope it takes you from your family, because I want my daughter back, and you never deserved the family I helped build for you. Rot in hell you sorry miserable bitch. We could have been Happ if you loved me enough to stay. But once again, Kayla is the most important person of all. So go be the most important person in your life. Go find out how lonely it is. Fuck you.

You're bullshit doesn't work anymore. The veil is lifted

I see you for the shit your full of



Text Message



7:39



< 213



Babe ❤️

You were a waste of love. You never earned it. You always were a parasite, looking back. You didn't give love, sex, compassion, anything without me having to ask or say I have a need. You never seemed out to fulfill my needs without being asked. I did for you. I hope the next person you love does you the same way you did me. Rot. In. Hell.

I woke up from my overdose and realized I hated you. Because if you loved me, you would have been there to stop it. I hope you kill yourself. So I can have my daughter back. You don't deserve something so sweet when you're so cruel.

Sun, Oct 15 at 12:32 PM

Im going to make sure all your friends know what you did to me

Traitor. Loveless, traitor.



Text Message





7:39



Phone  
Messages

213



Babe ❤️ >

Starting with Jill. The most innocent and one of the first people you talked shit about, cause of her weird autism right?

Oh and blue, and how she copies you and is a bad mother? I'm gonna ruin your life like you ruined mine. I hate you.

Your crystal dealer? Oop

Will? Oop

Everyone

I'm taking everything back, and leaving you with charred earth.

I hate you. I wish all the times you pushed me to kill myself, it was you.

It should have been you. I gave you everything, and you only took.

I would have given my life for you, but it wasn't enough



Text Message



7:39



< 213



Babe ❤️ >

So I'm gonna set your world on fire. We'll both burn in hell. Together.

Sun, Oct 15 at 3:54 PM

You broke me. You are my enemy. I was a nice person. I wasn't full of hate. I hate you for what you did to me. I hate you. I hope you die. I hope everything you love dies. I hope you're sad and fucking miserable the way you left me forever. I hate you. I hate you. You should have been the one to kill yourself over and over

I should have let you die in chapel hill

I should have let you die with your parents

I never should have saved you because of all the regrets you've left me with

Do something good for once. Go fucking kill yourself like you



Text Message



7:39



< 213



Babe ❤️ >

Do something good for once. Go fucking kill yourself like you wished I always would have.

Fuck you

Fuck you

Fuck you

I hope the rest of your rotten teeth break

I hope you never smile again.

I hope you get sick and die alone.

I hope you die.

I wish you would die

Months of therapy wasted because of you

I was getting better

I had made daily improvements

Look at me now? You ruined me



Text Message





7:39



< 213



Babe ❤️ >

I hope you dir

Fuck you

I hope you're happy.

Sun, Oct 15 at 11:36 PM

I hate you. I hope these pills kill me. Fuck you

I've attacked my arm with broken fucking glass. I've taken pills. I can't stand to live on the same planet as you. You ruined me. I was getting better. You took everything from me. You were my everything. I'll see you in hell.

Fuck you

Fuck you

With my dying breaths fuck you

I hate you. I hope this makes you happy, because I'm not gonna get the chance to be anymore.

Mon, Oct 16 at 12:38 PM



Text Message





7:40



< 213



Babe ❤️ >

I passed out bleeding and OD again

I go in to work, and they hire someone over me. For the position I applied for. I hope your fucking Happy

I'm getting so much better since you left me to die. Look how well I am.

Fuck you

You horrible awful bitch

You should be the one killing yourself every night

Not me

Fuck you

I hate you

You've taken everything from mr

I hate you

I hate you



Text Message



7:40



213



Babe ❤️ >

I want to hurt you. The way you hurt me. I'm going to hurt you, the way you hurt me. Worse. I hate you.

You ruined everything

Took everything

And you just get to be happy

It's not fair

You're a fuckin evil bitch

You deserve to die

You deserve to suffer

You deserve to be hurt for all the pain you put me through

I hate you

I hope you kill yourself

I want my daughter back

Fuck you

Selfish heartless bitch



Text Message



Case No. <b>23CVD2884</b> Court <b>General Court of Justice District Court Division</b> County <b>CABARRUS</b> <b>NORTH CAROLINA</b>	<b>EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION</b> <small>G.S. 50B-2, -3, -3.1</small>						
FILED							
<b>PETITIONER/PLAINTIFF</b> <b>COURTNEY BROWN</b> <small>First Middle Last</small> <b>2023 AUG 30</b>	<b>PETITIONER/PLAINTIFF IDENTIFIERS</b> <b>08/16/1995</b> <small>Date of Birth Of Petitioner</small>						
And/or on behalf of minor family member(s): <small>(List Name And DOB)</small> <div style="border: 1px solid black; padding: 2px;"> <b>CABARRUS COUNTY, N.C.</b>  <b>BY</b> </div>							
Other Protected Persons/DOB: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>							

VERSUS																															
<b>RESPONDENT/DEFENDANT</b> <b>FABIALBERT AGUSTIN RODRIGUEZ</b> <small>First Middle Last</small> Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together <input type="checkbox"/> unmarried, have a child in common <input checked="" type="checkbox"/> currently or formerly in dating relationship <input type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild Respondent's/Defendant's Address <b>FABIALBERT AGUSTIN RODRIGUEZ</b> <div style="background-color: black; width: 100px; height: 15px; margin: 2px;"></div> <b>FORT LIBERTY, NC 28310</b>	<b>RESPONDENT/DEFENDANT IDENTIFIERS</b> <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> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <b>Distinguishing Features</b>            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         </div>	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						
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																												
<b>CAUTION:</b> <input type="checkbox"/> Weapon Involved																															

**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

FABIALBERT AGUSTIN RODRIGUEZ

File No.

23CVD2884

☐ 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:
- ☐ a. the place where the plaintiff works. [04]. ☐ b. any school(s) the child(ren) attend. [04]
- ☐ c. the place where the child(ren) receives day care. [04] ☐ d. the plaintiff's school. [04]
- ☐ 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

*[Handwritten 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 <b>FABIALBERT AGUSTIN RODRIGUEZ</b>	File No. <b>23CVD2884</b>
<b>CERTIFICATION</b>	

I certify this order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Assistant CSC
<b>RETURN OF SERVICE</b>			

**NOTE:** 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
-------------	--	-------------------

☐ By delivering to the defendant named above a copy of the order.

☐ 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
--

☐ Other manner of service on the defendant (specify)

☐ 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

## 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, N.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
- ☐ 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.

Cabarrus

County

Name Of Plaintiff Courtney Brown

Name Of Defendant Fabio 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.)

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 even stop. i went to [redacted] to assess

2023

Barracks Fort Bragg. slapped me before standing sex, said hes been wanting to do this to me for a long time. Put his hand on foot 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 and at [redacted] apartment complex to have sex while people watch 2023 barracks Fort Bragg left 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, Fabio came rushing in excited and said Gannet said i fucked him. i didnt.

choke during sex, ripped blood vessels

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

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

2019 - made off of us in sexual acts w/o my consent when i told him i didnt want to he 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 police 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 Orissa Britt apartment. He left me alone and returned Jan 9 2020. when he returned i started feeling sick Jan 11 he gave me pills said for my headache. He left Jan 12 and i got more sick & 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) on bed. I miscarried our twins that night. He left the next morning.

Text Overflow Form, Rev. 7/6/2020  
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Addendum Page 1

Jan 4 he told me dont take prenatal yet. when he returned he brought

when he returned he brought


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

b/c poisonous to dogs. He said he does this for his dogs and nothing bad in it.  
Hours later my dog was colic, vomiting, bloody diarrhea.

March 29, 2022 <sup>find out</sup> pregnant. He comes March 30 or 31. Makes me smoothies.  
I start feeling sick & like the baby is dying. April 1 in at ~~doctor's~~ <sup>doctors</sup>  
April 2, 2022 miscarriage.

May 5, 2022 find out pregnant - he comes May 6 or 7. May 8 he tries  
to buy me alcohol ~~at~~ at hippie fest. I say no -  
May 8, 2022 mother's day. miscarriage at Kaimanulis <sup>pregnant</sup> ball field.  
he gives me drink from concessions. later I use  
bathroom, miscarried

Oct of Nov 2019

 my childhood trauma.  
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 ~~didn't want him to~~ 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]) picks up all weapons Feb left. Feb had 2 cases, all pistols. One Beretta? in a holster he said was loaded, + send to evidence. 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 those to shoot at people in 2017 in Arundale. not sure how many pistols, 4 or 53 case w/ skull (colored) 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 or June 2023 he told me he wants to hurt himself.

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

Fabianbeet 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)





23CV 002884

## STATE OF NORTH CAROLINA

File No.

Cabrera

County

In The General Court Of Justice

Name And Address Of Plaintiff

Courtney BROWN

2644 Captains Watch Rd

Raleigh, NC 27603

FILED

FILED

AUG 29 P 3:03

SERVICEMEMBERS CIVIL RELIEF ACT

VERSUS CABRERA COUNTY, CABRERA CO., C.S.C. DECLARATION

Name And Address Of Defendant

Fabianbert Agustin Rodriguez

BY

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

## DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- ☒ a. I have personal knowledge that the defendant named above is in military service.\*  
☐ b. I have personal knowledge that the defendant named above is not in military service.\*  
☐ c. I am unable to determine whether the defendant named above is in military service.\*

2. As of the current date, I ☐ have ☐ have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).

3. I ☐ used ☒ did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.

☐ The results from my use of that website are attached.

(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your Internet browser when you attempt to access the website. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will not appear in the SCRA Website database.)

4. The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)

He has been bringing me to his barracks at Fort Liberty, NC (formerly Bragg) to stay overnights, he owns uniforms, since we started dating July 2016 he would give me various uniforms for me to put on. He sent me copies of his CAD card. He has introduced me to a variety of soldiers at A.P. Hill, Fort Benning, and Fort Bragg. There are photos of him in Christa Hepler Page, 7/26/2021 Oct. 6 2022 I went to a pinning ceremony for him Fort Benning, GA July/Aug 2023 sent me Records

\*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date 8-29-23

Signature Of Declarant

C.B.

Name Of Declarant (type or print)

COURTNEY BROWN

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit or declaration (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

23CV 002881

File No.

## STATE OF NORTH CAROLINA

(Cabarrus)

County

FILED

In The General Court Of Justice  
District Court Division

Name Of Defendant

Fabialbert Agustin Rodriguez

Street Address Of Defendant (Not P.O. Box)

2419 Gruber Rd

City

Fort Liberty

State

NC

Zip

28310

CARRUS COUNTY, C.S.C.

IDENTIFYING INFORMATION  
ABOUT DEFENDANT  
DOMESTIC VIOLENCE ACTION

G.S. 50B-3(d)

INSTRUCTIONS: In order to assist law enforcement agencies in serving and enforcing this Order, If Issued by the Court, the following information is requested. It is not required for the issuance of this Order, but may allow law enforcement agencies to locate and more quickly identify the persons involved in this case and to enforce the provisions of this Order more effectively. Answer these questions accurately and honestly.

If you do not know the answer to any of the following questions, leave the question blank.

## INFORMATION ABOUT DEFENDANT

Date Of Birth

4/22/1993

Race:

☐ White☐ Black☐ Indian☐ Asian/Pacific Islander☒ Hispanic  
Other

Sex:

☒ Male☐ Female

Height

5'11

Weight

185

Hair Color

black

Eye Color

brown

Identifying Marks (List any marks, scars, tattoos)

scar in between eyes, under eyelid, cheek, tattoos on arm, sleeve. flowers, "milagros" scars/discoloration on back scar under one tattoo square black. "May God save me before death finds me"

Does the defendant have a driver's license or state-issued identification card from any state?

☒ Yes☐ No

If yes, provide the state and number if possible: State: VA

Number:

Aldo 101444

Vehicle description and license plate number: multiple vehicles. silver '07? F5, Afghanistan magnet,

Social Security No. Of Defendant

589-85-87-33

Telephone No. Of Defendant

703. 599. 2811

The defendant's current work information:

Employer's Business Name

U.S. Army

Business Address

Business Telephone No.

Defendant's Work Hours (List Work Start Time And Work Stop Time)

Does the defendant have a permit to purchase a handgun or crossbow?

If yes, state which law enforcement agency issued the permit, if known:

☒ Yes ☐ No  
VA, NC, TX, AL, TN

Does the defendant have a permit to carry a concealed handgun?

If yes, state which law enforcement agency issued the permit, if known:

☒ Yes: ☐ No  
VA, NC, TX, AL, TN

Is there any reason that a law enforcement officer should consider the defendant a potential threat (i.e., carries concealed weapons while drinking alcohol, has threatened an officer, etc.)?

☒ Yes☐ No

If yes, specify the circumstances:

weapons in various areas

## PLAINTIFF

Date Of Birth

08/16/1995

Race:

☒ White☐ Black☐ Indian☐ Asian/Pacific Islander☐ Other

Sex:

☐ Male☒ Female

Date

8/29/2023

Name Of Plaintiff (Type Or Print)

Courtney BROWN

Signature Of Plaintiff



NOTE TO CLERK OR MAGISTRATE: If an order is issued, a copy of this form should be attached to the appropriate order and forwarded to the sheriff of the issuing court county.