

**IN THE CHOCTAW TRIBAL COURT  
MISSISSIPPI BAND OF CHOCTAW INDIANS**

**EX PARTE IN THE INTEREST OF  
JANE DOE, INDIVIDUALLY,  
AND AS NATURAL MOTHER AND NEXT  
FRIEND OF SALLY DOE**

**C.V. NO. \_\_\_\_\_**

**PETITION TO SEEK AN ORDER OF PROTECTION FROM DEFENDANT**

COMES NOW, Petitioner, Jane Doe, individually, and as natural mother and next friend of Sally Doe, and files this her Petition to Seek an Order of Protection from Domestic Abuse against the Defendant, John Doe, as pursuant to Title XXIII of the Choctaw Tribal Code known and cited as the “Mississippi Band of Choctaw Indians’ Protection from Domestic Abuse Law,” and states the following, to-wit:

**I.**

That Petitioner and John Doe are enrolled members of the Mississippi Band of Choctaw Indians. Petitioner and Defendant currently reside in the Pearl River Community, Choctaw Indian Reservation, Choctaw, Mississippi 39350.

**II.**

That Petitioner and John Doe have maintained a relationship for the past six (6) years and most recently resided together at 123 Any Street, Choctaw, Mississippi 39350. This relationship has produced one child, specifically, Sally Doe, born June 13, 2004. Petitioner has two other children from a previous relationship, who live with their natural father, specifically, Bob Smith, born December 25, 1994; and Rob Smith, born October 31, 1996.

**III.**

That John Doe often loses his temper and becomes violent towards Petitioner. Most recently, on or about, Thursday, July 15, 2004, Defendant assaulted Petitioner. Petitioner advises that Defendant was intoxicated and that he pushed her down in the laundry room. Petitioner indicates that Defendant then grabbed her by the hair and began hitting her and kicking her repeatedly about the head and body. Petitioner advises that Defendant told her that he would kill her and that he could get to her at work since they both worked at McDonald's. Petitioner indicates that Defendant then retrieved a golf club from the hall closet and struck Petitioner in the stomach and shoulder. Petitioner advises that she subsequently escaped by running down the street to a relative's house. Petitioner suffered a black eye and severe bruising on her body as a result of the attack. Petitioner advises that she has filed criminal charges against Defendant.

Petitioner advises further that in May of 2004, Defendant assaulted her by beating her with his fists. Petitioner indicates that he tied her hands behind her back with some rope. Petitioner advises that he then gagged her by stuffing a sock into her mouth. Petitioner indicates that Defendant then hit and kicked her repeatedly about the head and body. Petitioner indicates that she suffered two black eyes and bruises on her body as a result of the attack.

#### IV.

That John Doe has placed Petitioner in fear of imminent serious bodily injury and that, as a result, this Court should enter an order of protection pursuant to CTC 23-1-6(2), preventing him from having any contact whatsoever with Petitioner or the minor child, Sally Doe.

#### V.

That Petitioner should be awarded temporary custody of the minor child, Sally Doe, with Defendant's rights of visitation being suspended until such time as this cause may come on for hearing. Further, that Defendant be ordered to pay child support in an amount to be determined by the Court.

VI.

That Petitioner be awarded temporary use and possession of the residence located at 123 Any Street, Choctaw, Mississippi 39350, all household items contained therein, and all other property items located on the premises including but not limited to one (1) riding lawn mower. Further, that Defendant be excluded from the residence and not permitted on the premises for any reason whatsoever without further order of the Court.

VII.

That Petitioner should be awarded temporary use and possession of the blue 1994 Plymouth van.

WHEREFORE PREMISES CONSIDERED, Petitioner respectfully requests that this Court issue a protective order effective immediately, against John Doe, on behalf of Petitioner, individually, and as next friend and natural mother of Sally Doe, thereby excluding John Doe from Petitioner's residence located at 123 Any Street, Choctaw, Mississippi 39350, and thereby ordering that John Doe is to have no contact whatsoever with Petitioner or the minor child. Additionally, Petitioner requests temporary custody of the minor child, Sally Doe, with Defendant's rights of visitation being suspended until this cause may come on for a hearing. And Petitioner prays for any other general relief that she has requested and/or to which she may be entitled pursuant to CTC 23-1-7(1)(a) through (g) following a hearing on these matters.

Respectfully submitted,

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**JANE DOE**

PREPARED BY:  
JACK DOE  
ATTORNEY FOR PETITIONER  
MS BAND OF CHOCTAW INDIANS  
FAMILY VIOLENCE & VICTIM'S SERVICES  
POST OFFICE BOX 6010  
CHOCTAW, MS 39350

STATE OF MISSISSIPPI  
COUNTY OF NESHOPA

Personally appeared before me, the undersigned authority in and for the jurisdiction above mentioned, **Jane Doe**, who, having been by me first duly sworn, on her oath, states that the above and foregoing facts are true as stated.

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**JANE DOE**

SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_\_ day of July, 2004.

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NOTARY PUBLIC

MY COMMISSION EXPIRES:

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(SEAL)