

State of Minnesota
Ramsey County

District Court
Second Judicial District

Court File Number: **62-HR-CV-21-1015**

Ricardo Gonzales Vs Nicole Marie Dunkley

**Ex Parte Order Granting Petition for
Harassment Restraining Order**
(Minn. Stat. § 609.748)

Based upon Petitioner's Affidavit and Petition for a Harassment Restraining Order and other information provided to the Court, THE COURT FINDS:

There is an immediate and present danger of harassment to justify temporary relief:

1. ☒ There are reasonable grounds to believe that Respondent has engaged in harassment which has or is intended to have a substantial adverse effect on safety, security, or privacy of Petitioner or Petitioner's minor children or the person subject to guardianship by committing the following acts:
 - ☐ Physically or sexually assaulted the Petitioner;
 - ☐ Followed, monitored, or pursued the Petitioner;
 - ☐ Made uninvited visits to the Petitioner;
 - ☐ Made harassing phone calls or sent harassing text messages to the Petitioner;
 - ☐ Made threats to the Petitioner;
 - ☐ Frightened Petitioner with threatening behavior;
 - ☐ Called the Petitioner abusive names;
 - ☐ Damaged the Petitioner's property;
 - ☐ Broke into and entered the Petitioner's residence;
 - ☐ Stole property from the Petitioner;
 - ☐ Took pictures of the Petitioner without permission of the Petitioner;
 - ☐ Stole property from the Petitioner;
 - ☐ Took pictures of the Petitioner without permission of the Petitioner;
 - ☐ Disseminated private sexual images of the Petitioner without permission of the Petitioner;
 - ☐ Used personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the Petitioner;
 - ☐ Did acts repeatedly that meet the legal definition of "targeted residential picketing;"
 - ☐ Attended public events after being notified that Respondent's presence at the events is harassing to Petitioner;
 - ☐ Used social media to harass Petitioner;
 - ☒ Other: SEE ALLEGATIONS (INCORPORATED IN PETITION)

2. ☐ Petitioner requested a court hearing.

IT IS ORDERED:

The request for temporary relief is granted and:

1. Respondent shall not harass ☒ Petitioner ☐ Petitioner's minor children or person subject to guardianship.

The minor children or person subject to guardianship included in the Petition are:

- a. ☒ Respondent shall have no direct or indirect contact with ☒ Petitioner ☐ Petitioner's minor children or person subject to guardianship, including any visits to or phone calls to the protected person(s), contact via electronic means such as email or social networking sites, threats or assaultive behavior to the protected person(s), damaging or stealing property belonging to the protected person(s), breaking into and entering the protected person(s) residence, and/or taking pictures of a protected person without permission of the Petitioner.
- b. ☐ The relief granted does not extend to the Petitioner's minor children or person subject to guardianship. The relief requested for the Petitioner's minor children or person subject to guardianship is denied because the harassment is not directed against the Petitioner's Minor children or person subject to guardianship.

- c. ☒ Respondent is prohibited from being within two city blocks of Petitioner's home at 792 East Rose Ave St Paul MN 55106.

Except as follows: _____

- d. ☐ Petitioner's address is confidential. If Respondent knows or learns of Petitioner's address, Respondent is prohibited from being within _____ of Petitioner's home.
- e. ☐ Respondent is prohibited from being within _____ of Petitioner's job site at _____. Except as follows: _____
- f. Other: This matter is eligible for mediation at a court hearing if a hearing is scheduled. Court Administration may provide copies of pleadings and orders, free of charge, to volunteer mediators for the sole purpose of conducting mediation at a hearing. Court Administration shall not disclose confidential phone numbers or addresses with a separate court order.

2. ☒ Any requested relief that is not specifically listed above is denied.

3. ☒ This Restraining Order is in effect until October 05, 2023 unless changed by a later court order. **Respondent can ask the court to change or vacate the Harassment Restraining Order by filing a Request for Hearing (HAR301) within 20 days of the date of service of the petition.**

4. ☐ A hearing will be held on _____ at 8:30 AM at Ramsey County Juvenile and Family

Justice Center, 25 West 7th Street, St. Paul MN 55102.

The hearing is scheduled because ☐ Petitioner requested a hearing ☐ Petitioner requested a restraining order for longer than 2 years and the court wants more information about the need for a longer restraining order.

Respondent shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted. Petitioner shall appear personally in Court for the hearing and provide proof that the statements in the Petition are true and that Respondent's actions are harassment.

5. Court Administration shall send a copy of this Order to law enforcement agencies with authority over the residence of the Petitioner. **Every police department and sheriff's office in the United States, including those affiliated with tribal and territorial lands, is responsible for enforcing this Order under 18 U.S.C. § 2265 Full Faith and Credit of Protective Orders.**
6. If Respondent is an organization, this order ☐ shall ☐ shall not apply to all members of the organization.
7. ☐ Other: _____
8. It is not a violation of this order if the parties pursue or participate in voluntary mediation through court approved mediation programs. The party wanting to mediate must contact the mediation program directly to arrange it. They may not contact the other party directly or through friends or relatives. The mediation programs will determine if mediation is acceptable under Minnesota mediation guidelines (Minn. Stat. § 494.03 and Minn. Gen. R. Prac. 114).
9. The sheriff of any county in the State of Minnesota, or a peace officer, shall perform the duties relating to service of this Order without charge to the Petitioner.
10. Respondent is restrained from harassing, stalking, or threatening the protected person(s), or engaging in other conduct that would place the protected person(s) in reasonable fear of bodily injury to that person; and is prohibited from the use, attempted use, or threatened use of physical force against the protected person(s) that would reasonably be expected to cause bodily injury. 18 U.S.C. § 922(g)(8)(B) and (C).

NOTICE

If a hearing is scheduled and Respondent does not attend the hearing, a Harassment Restraining Order may be granted. Failure of Respondent to appear WILL NOT be a defense to criminal charges against Respondent for violation of any part of this Order. If Petitioner does not attend the hearing this case may be dismissed.

Any conduct by the Respondent in violation of the specific provisions provided in the "It is Ordered" Section above constitutes a violation of this Harassment Restraining Order. A police officer shall arrest Respondent without warrant and take the Respondent to jail if a police officer believes that Respondent has violated this Order, and shall hold Respondent in jail for at least 36 hours, excluding the day of arrest, Sundays, and legal holidays, unless the Respondent is released by a judge or judicial officer.

Violation of this Harassment Restraining Order may be treated as a misdemeanor, gross misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a \$1000.00 fine. Some repeat violations are gross misdemeanors and may result in a sentence of up to one year in jail and/or a \$3,000.00 fine. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a \$10,000 fine.

Federal law may prohibit shipping, transporting, possessing or receiving firearms or ammunition while this order is in effect. 18 U.S.C. § 922(g)(8).

This order was electronically signed into effect on October 5, 2021, but due to a technical error the signature of the Referee and Judge did not apply to the document.



Dated: _____

Oct 22 2021 9:20 AM

Referee of District Court

Dated: _____

Judge of District Court

State of Minnesota
Ramsey County

District Court
Second Judicial District

Court File Number: **62-HR-CV-21-1015**

Case Type: Harassment

Notice of Filing of Order

RICARDO GONZALES vs Nicole Marie Dunkley

You are notified that on 10/22/2021 the attached order was

Dated: 10/22/2021

Donald W. Harper
Court Administrator
Ramsey County District Court
25 West Seventh Street
St Paul MN 55102
651-266-5130

Important Notice to Respondent

If you are served with these papers, one of the following has happened (see attached papers for specifics):

- A temporary harassment restraining order has been issued against you. A hearing has been scheduled.

OR

- A temporary harassment restraining order has been issued against you. A hearing has not been scheduled. **You have 20 days from the date of service of the Temporary Restraining Order to request a hearing.**

OR

- A harassment restraining order has not been issued at this time. A hearing has been scheduled.

Review the attached papers carefully.

What is a Harassment Restraining Order?

A person who is a victim of harassment may seek a restraining order from the Court. The parent or guardian of a minor who is the victim of harassment may seek a restraining order on behalf of the minor. The restraining order prohibits harassment. A restraining order may be issued against an individual who has engaged in harassment, or against organizations that have sponsored or promoted harassment.

What is Harassment?

Under [Minn. Stat. § 609.748](#), harassment is defined as:

1. A single incident of
 - a. physical or sexual assault, or
 - b. stalking in which the victim's personal information is used by another without consent of the victim, to invite, encourage, or solicit a third party to engage in a sexual act with the victim [[See Minn. Stat. § 609.749, subd. 2 clause \(8\)](#)], or
 - c. intentionally disseminating a private image of the victim, without consent of the victim, that shows the victim in a sexual act or whose intimate parts are exposed, in whole or in part, and the victim is identifiable by the victim or by

another person or from personal information displayed in connection with the image. (See [Minn. Stat. § 617.261](#)).

2. Repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security or privacy of another, regardless of the relationship between the victim and the alleged harasser.
3. Targeted residential picketing, which includes:
 - a. marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building, or
 - b. marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.
4. A pattern of attending public events after being notified that one's presence is harassing to another.

Change of Address:

It is important that the court knows your mailing address to send you notices. If your mailing address changes, give court administration (<http://mncourts.gov/Find-Courts.aspx>) your new mailing address.

Hearing:

If a temporary restraining order has been issued, you have the right to ask for a hearing. You have 20 days from the date the petition is served to file a Request for Hearing with the court. You will be required to pay a civil filing fee unless the judicial officer has waived the filing fee due to the allegations in the petition. Review the *Order Regarding Fee Waiver in Harassment Restraining Order Proceedings* to see if the filing fee has been waived.

State of Minnesota County	District Court Judicial District: Court File Number: Case Type: Harassment
Petitioner(s) _____ vs Respondent(s) _____	Order Regarding Fee Waiver in Harassment Restraining Order Proceedings [Minn. Stat. § 609.748, subd. 3a; 42 U.S.C. §§ 3796gg-5(a); 3796hh(c)(4)]

If the judicial officer did not order your filing fee waived, you may complete and file a fee waiver application (*Affidavit for Proceeding In Forma Pauperis*, IFP102) that would be reviewed by a judicial officer who would determine whether to waive your filing fee based on your income. Fee waiver forms are available from the court administrator and online (<http://mncourts.gov/GetForms.aspx?c=19&p=69>). The court will notify the parties with a date and time to appear for a hearing.

Violations:

You may be charged with a misdemeanor, subject to a sentence of up to 90 days in jail and/or a fine of

\$1,000.00, if you are aware of the existence of a restraining order and you violate it. Some repeat violations are gross misdemeanors that may result in a sentence of up to one year in jail and/or a

\$3,000.00 fine. Other violations are felonies that may result in a sentence of imprisonment for up to five years and/or a fine of \$10,000.00.

You may be arrested and taken into custody without warrant if a peace officer has probable cause to believe you are in violations of the restraining order. You will be held in jail for at least 36 hours, excluding the day of arrest, Sundays, and legal holidays, unless you are released earlier by a judicial officer. Violation of the restraining order also constitutes contempt of court. See [Minn. Stat. § 609.748, subd. 6](https://www.revisor.mn.gov/statutes/cite/609.748#stat.609.748.6) (<https://www.revisor.mn.gov/statutes/cite/609.748#stat.609.748.6>).

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RICARDO GONZALES vs Nicole Marie Dunkley

**Request for Hearing
(Minn. Stat. § 609.748)**

I am the Petitioner/Respondent in this action. My current address is: _____

My telephone number is: _____

For Respondent only: I, the Respondent in this matter, was personally served by the police/sheriff on _____, 20__ (or received a copy of the papers by United States mail on _____, 20__).

I respectfully request the Court to hold a hearing in the above-entitled action. I understand that any harassment restraining order issued by the Court shall remain in full force and effect until the date of the hearing.

Dated: _____

Petitioner/Respondent

NOTE

A hearing will not be held unless you request one within 20 days from service of the petition. **If a Temporary Restraining Order has been issued, then you only have 20 days from the date the petition was served to request a hearing.** To request a hearing, complete this form and return it to the court administrator along with the civil filing fee at: Domestic Abuse/Harassment Office, Ramsey County Juvenile and Family Justice Center, 25 West 7th Street, St. Paul MN 55102, ph: 651-266-5130. If you can not afford the filing fee, contact the court for instructions. If the petition alleges stalking or criminal sexual conduct, then you are not required to pay the civil filing fee when requesting a hearing.