

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,
IN AND FOR MANATEE COUNTY, FLORIDA

Case No.: 2018DR01823

Division: _____

Ashley Christina Benefield
Petitioner,

and

Douglas Glass Benefield
Respondent,

FILED FOR RECORD
2018 APR 23 PM 4:38
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

**PETITION FOR INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE**

I, {full legal name} Ashley Christina Benefield, being sworn, certify that the following statements are true.

SECTION I. PETITIONER

(This section is about you. It must be completed. However, if you fear that disclosing your address to the respondent would put you in danger, you should complete and file a Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(h), and write confidential in the space provided on this form for your address and telephone number.)

1. Petitioner's current address is: {street address} 11331 White Rock Terrace
{city, state and zip code} Bradenton, FL 34211
Telephone Number: {area code and number} 410-570-9525
Physical description of Petitioner: 5'9" brown hair, blue eyes, 130 lbs
Race: white Sex: Male _____ Female Date of Birth: 12-05-1991
2. Petitioner's attorney's name, address, and telephone number is: Matthew Koutko
1800 2nd street suite 882, Sarasota FL 34236, (941)277-4945
(If you do not have an attorney, write none.)

SECTION II. RESPONDENT

(This section is about the person you want to be protected from. It must be completed.)

1. Respondent's current address is: {street address, city, state, and zip code}
701 Preservation Place, Mount Pleasant, SC 29464
Respondent's Driver's License number is: {if known} _____

1. Respondent is: {Indicate all that apply}

- a. the spouse of Petitioner. Date of Marriage: 9-07-2016
- b. the former spouse of Petitioner.
Date of Marriage: _____
Date of Dissolution of Marriage: _____
- c. related by blood or marriage to Petitioner.
Specify relationship: _____
- d. a person who is or was living in one home with Petitioner, as if a family.
- e. a person with whom Petitioner has a child in common, even if Petitioner and Respondent never were married or living together.

2. Petitioner has known Respondent since {date} 8-25-2016 (first met in person)

3. Respondent's last known place of employment: Wave Sciences Corp
 Employment address: 78 Alexander Street, Charleston, SC 29403
 Working hours: 9:00am - 5:00pm Monday - Friday

4. Physical description of Respondent:

Race: white Sex: Male Female Date of Birth: 10-02-61
 Height: 5'8" Weight: 160lbs Eye Color: blue Hair Color: brown/grey
 Distinguishing marks or scars: _____
 Vehicle: (make/model) Ford/F150 Color: white Tag Number: 93775 (sc plate)

5. Other names Respondent goes by (aliases or nicknames): Doug

6. Respondent's attorney's name, address, and telephone number is: Stephanie L. Murphy
665 S Orange Ave. suite 1, Sarasota, FL 34236 (94) 328-8142
 (If you do not know whether Respondent has an attorney, write unknown. If Respondent does not have an attorney, write none.)

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION (This section must be completed.)

1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence against Respondent in this or any other court?

Yes No If yes, what happened in that case? {Include case number, if known}
Charleston County, SC 2017-DR-10-3952
Temp. Order issued Nov. 3rd 2017

2. Has Respondent ever received or tried to get an injunction for protection against domestic violence against Petitioner in this or any other court?

Yes No If yes, what happened in that case? {Include case number, if known}

3. Describe **any other** court case that is either going on now or that happened in the past, including a dissolution of marriage, paternity action, or child support enforcement action, **between Petitioner and Respondent** {Include city, state, and case number, if known}: _____

4. Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: {mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or time-sharing exchange}

- a. committed or threatened to commit domestic violence defined in section 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- b. previously threatened, harassed, stalked, or physically abused the petitioner.
- c. attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- d. _____ threatened to conceal, kidnap, or harm the petitioner's child or children.
- e. intentionally injured or killed a family pet.
- f. used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- g. physically restrained the petitioner from leaving the home or calling law enforcement.
- h. a criminal history involving violence or the threat of violence (if known).
- i. another order of protection issued against him or her previously or from another jurisdiction (if known).
- j. destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.
- k. engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

Below is a brief description of the latest act of violence or threat of violence that causes Petitioner to honestly fear imminent domestic violence by Respondent. (Use additional sheets if necessary.)

On {date} 12-02-2017 at {location} 11331 White Rock Terrace, Bradenton, FL, 34211

Respondent: (Doug)

1) On the evening of December 2nd 2017 I received a package in the mail that I was able to identify as being sent by Doug because I was able to recognize his handwriting on the front and the name of sender was Doug and our S.C. home address was listed as return address. The package contained several items including a hand written note from Doug wishing me a happy birthday, as well as four (4) tea cups and matching plates, a tea maker, and what appeared to be several bags of tea from Teavana.

2) When I opened the box there was a strong chemical odor which made both me and my mom feel very sick. I was living with my mom at the time and she was with me when I opened up the package.

3) Because of my history with Doug and his previously threatening statements, I took the package and all its contents to the Manatee County Sheriff's Office where HAZMAT was called to the scene. Upon testing, it was determined by HAZMAT *

Please indicate here if you are attaching additional pages to continue these facts.

Continued on additional papers

5. Additional Information

{Indicate all that apply}

- a. Other acts or threats of domestic violence as described on attached sheet.
- b. This or other acts of domestic violence have been previously reported to {person or agency}: Mount Pleasant Police, SC Department of Social Services, Manatee County Sheriff
- c. Respondent owns, has, and/or is known to have guns or other weapons. Describe weapon(s): hand guns, assault rifles, knives, shotguns, 50 caliber machine gun
- d. Respondent has a drug problem. (prescription drugs)
- e. Respondent has an alcohol problem. *see exhibit A pg. 6
- f. Respondent has a history of mental health problems. If checked, answer the following, if known:

Has Respondent ever been the subject of a Baker Act proceeding? Yes No

Is Respondent supposed to take medication for mental health problems?

Yes No

If yes, is Respondent currently taking his/her medication? Yes No

* Continued *

- 3) * Continued * Upon testing, it was determined by HAZMAT that the 'tea' from Teavana had been removed and replaced with potpourri. The potpourri was found to contain urea, a hazardous substance, normally found in fertilizers used in the agricultural industry. Urea is also used in the medical industry to induce second trimester abortions in pregnant women by burning the fetus to insure death before delivery. I was in my second trimester, approximately 5 months pregnant, at that time when I received this package from Doug.
- * See attached Exhibit "C"
- 4) On or about October 27th 2017, Doug and I were having an argument via text message wherein Doug admitted to several acts of violence including when he pulled a gun on me and shot it in our home, as well as punching holes in the walls and punching our family dog, Sully.
- * See attached Exhibit "B"
- 5) On or about September 10th, 2017 Doug and I were having a verbal dispute over the telephone where Doug was very angry and aggressive. After our call Doug drove from South Carolina to my mom's home in Florida, where I was staying at that time. Soon after his arrival, Doug had a violent outburst, yelling, screaming, cussing and when I refused to go to bed with him, he began to throw things. I then ran to the bathroom where I was so afraid I became violently ill, and he followed me into the bathroom and continued to harass ~~me~~ and scare me, standing over me.
- 6) Doug left Florida that next day to return to South Carolina and on more than one occasion he threatened to use force to bring me back to South Carolina by forcing me to take medications to keep me sedated if he had to and said I would have to take the medications whether I liked it or not. Doug had, on previous occasions, forced me to take medications I did not need or that had been prescribed for other people.
- 7) On or about August 4th, 2017, Doug trapped me in our master bathroom and forcefully grabbed me and held me down when I tried to escape.
- 8) On or about June 20th, 2017, Doug punched our family dog, Sully, so hard in the face that he was rendered unconscious.

* Continued *

- 9) On or about June 17th, 2017, Doug and I were at a public beach when he became angry and aggressive. He shoved me, yelled and screamed at me, and threatened to leave me at the beach to walk home, which was about 7 miles away.
- 10) On or about June 15th, 2017, Doug pulled a loaded gun on me, he then threw the gun at me, but missed me. The gun hit the wall instead, punching a large hole in the wall. Doug then grabbed the gun again and held it to his own head, threatening to kill himself. He pulled the trigger and though he missed, he shot a hole in the kitchen ceiling.
See attached Exhibit "A" page 3 for hole in the wall and pages 4 and 5 for the bullet in the kitchen ceiling
See attached Exhibit "B" pages 1 and 2 for texts from Doug admitting
- 11) On or about June 1st, 2017, Doug kicked our family dog, Sully, causing Sully to go flying backwards and yelp really loud in pain. This caused Sully to cower and be very afraid of Doug.
- 12) On or about April 2017 Doug threw our family cat off the kitchen counter causing her to hit the ground hard. She screamed and was in fear of Doug as he has thrown her on other occasions too.
- 13) On or about April 14th, 2017, Doug trapped me in the master bedroom and prevented me from escaping. Doug threw a punch and his fist went all the way through the wall, causing drywall to fly off and hit me in the face.
See attached Exhibit "A" page 1 showing backside of the hole and page 2 showing where his fist hit the wall
- 14) In addition to above described incidents, Doug made several threats to me including statements like "if I can't have you, no one can" and telling me that he could make people disappear. Doug also claimed that he has killed and poisoned people and that he got away with it and that he could do it again. Doug also stated that he had trackers on all the cars and that he had video surveillance in our home and that he could see on his phone any time a door or window was opened.

SECTION IV. TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME (Complete this section **only** if you want the Court to grant you temporary exclusive use and possession of the home that you share with the Respondent.)

1. Petitioner claims the following about the home that Petitioner and Respondent share or that Petitioner left because of domestic violence:

{Indicate all that apply}

a. _____ Petitioner needs the exclusive use and possession of the home that the parties share at
{street address} _____

{city, state, zip code} _____

b. _____ Petitioner cannot get another safe place to live because: _____

c. _____ If kept out of the home, Respondent has the money to get other housing or may live without money at *{street address}* _____

{city, state, zip code} _____

2. The home is:

{Choose one only}

a. _____ owned or rented by Petitioner and Respondent jointly.

b. _____ solely owned or rented by Petitioner.

c. _____ solely owned or rented by Respondent.

SECTION V. TEMPORARY PARENTING PLAN WITH TEMPORARY TIME-SHARING SCHEDULE FOR MINOR CHILD(REN) (Complete this section **only** if you are asking the court to provide a temporary parenting plan, including a temporary time-sharing schedule with regard to, the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party. You must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren). If you are asking the court to provide a temporary parenting plan, including a temporary time-sharing schedule with regard to, the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party, you must also complete and file a **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).)

Note: If the paternity of the minor child(ren) listed below has not been established through either marriage or court order, the Court may deny a request to provide a temporary parenting plan, including a temporary time-sharing schedule with regard to, the minor child or children, and/or a request for child support.

- 1. Petitioner is the natural parent, adoptive parent, or guardian by court order of the minor child(ren) whose name(s) and age(s) is (are) listed below.

Name	Birth date
<u>E.G.C.</u>	<u>3-19-18</u>
<u>Emerson Grace Canney</u>	

- 2. The minor child(ren) for whom Petitioner is asking the court to provide a temporary parenting plan, including a temporary time-sharing schedule with regard to:

{Choose **one** only}

- a. saw the domestic violence described in this petition happen.
- b. were at the place where the domestic violence happened but did not see it.
- c. were not there when the domestic violence happened this time but have seen previous acts of domestic violence by Respondent.
- d. have not witnessed domestic violence by Respondent.

- 3. Name **any other** minor child(ren) who were there when the domestic violence happened. Include child(ren)'s name, age, and parents' names. Eva Benefield (16 years old at the time)

~~Being~~ Child of Doug Benefield + Renee Benefield

Sydney McPhail (15 years old at time of event)

Child of Wendy McPhail

* Both Eva and Sydney at home but did not see (multiple times)

- 4. Temporary Parenting Plan and Temporary Time-Sharing Schedule

{Indicate **all** that apply}

a. Petitioner requests that the Court provide a temporary parenting plan, including a temporary time sharing schedule with regard to, the minor child or children of the parties, as follows: _____

b. _____ Petitioner requests that the Court order supervised exchange of the minor child(ren) or exchange through a responsible person designated by the Court. The following person is suggested as a responsible person for purposes of such exchange. {Explain}: _____

c. _____ Petitioner requests that the Court limit time-sharing by Respondent with the minor child(ren). {Explain}: _____

d. Petitioner requests that the Court prohibit time-sharing by Respondent with the minor child(ren) because Petitioner genuinely fears that Respondent imminently will abuse, remove, or hide the minor child(ren) from Petitioner. {Explain}: Because of his threats as well as history of abusing both me and our family pets, and his uncontrollable anger, and unstable behavior including the use of deadly weapons, as well as self harm threats, I fear he will seriously harm, injure or kill the baby.

e. _____ Petitioner requests that the Court allow only supervised time-sharing by Respondent with the minor child(ren). . {Explain}: _____

Supervision should be provided by a Family Visitation Center, or other (specify): _____

SECTION VI. TEMPORARY SUPPORT (Complete this section **only** if you are seeking financial support from the Respondent. You must also complete and file a **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j), if you are seeking child support. A **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e), must be filed with the court at or prior to a hearing to establish or modify child support.)

{Indicate **all** that apply}

1. _____ Petitioner claims a need for the money he or she is asking the Court to make Respondent pay, and that Respondent has the ability to pay that money.
2. _____ Petitioner requests that the Court order Respondent to pay the following temporary alimony to Petitioner. (Petitioner must be married to Respondent to ask for temporary alimony.) Temporary Alimony Requested \$ _____ every: _____ week _____ other week _____ month.

- 3. _____ Petitioner requests that the Court order Respondent to pay the following temporary child support to Petitioner. (The Respondent must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren) for the court to order the Respondent to pay child support.) Temporary child support is requested in the amount of \$ _____ every: _____ week _____ other week _____ month.

SECTION VII. INJUNCTION (This section summarizes what you are asking the Court to include in the injunction. This section must be completed.)

- 1. Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against domestic violence that will be in place from now until the scheduled hearing in this matter.
- 2. Petitioner asks the Court to enter, after a hearing has been held on this petition, a final judgment on injunction prohibiting Respondent from committing any acts of domestic violence against Petitioner and:
 - a. prohibiting Respondent from going to or within 500 feet of any place the Petitioner lives;
 - b. prohibiting Respondent from going to or within 500 feet of the Petitioner's place(s) of employment or school; the address of Petitioner's place(s) of employment or school is: _____
 - c. prohibiting Respondent from contacting Petitioner by mail, by telephone, through another person, or in any other manner;
 - d. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle.
 - e. prohibiting Respondent from defacing or destroying Petitioner's personal property.

{Indicate **all** that apply}

- f. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's minor child(ren) must go often {include address}: 11331 White Rock Terr. Bradenton FL 34211 and 3810 Ranch Lake Blvd. Bradenton FL 34202 and 15800 E State Road 64, Bradenton FL 34212 and 3304 43rd St W Bradenton FL 34209 and 5100 Lakewood Ranch Blvd Bradenton FL 34211
- g. _____ granting Petitioner temporary exclusive use and possession of the home Petitioner and Respondent share;
- h. granting Petitioner on a temporary basis 100% of the time sharing with the parties' minor child(ren);

- i. ___ establishing a temporary parenting plan including a temporary time-sharing schedule for the parties' minor child(ren);
- j. ___ granting temporary alimony for Petitioner;
- k. ___ granting temporary child support for the minor child(ren);
- l. ___ ordering Respondent to participate in treatment, intervention, and/or counseling services;
- m. ___ referring Petitioner to a certified domestic violence center; and any other terms the Court deems necessary for the protection of Petitioner and/or Petitioner's child(ren), including injunctions or directives to law enforcement agencies, as provided in Section 741.30, Florida Statutes.

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING. I UNDERSTAND THAT IF EITHER RESPONDENT OR I FAIL TO APPEAR AT THE HEARING, WE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION ISSUED AT THAT HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION, AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

ACB

(initials)

Dated: 4.23.18 _____
Signature of Petitioner

STATE OF FLORIDA
COUNTY OF MANATEE

Sworn to or affirmed and signed before me on 4-23-18 by _____

NOTARY PUBLIC/DEPUTY CLERK/DEPUTY SHERIFF

{Print, type, or stamp commissioned name of notary or clerk.}



Personally known

Produced identification
Type of identification produced SC DL 12-5-26