

**IN THE MATTER OF  
THE MARRIAGE OF**

**MARCELLA ANN CLARK  
AND  
RONALD JOSEPH TOYE, III**

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**IN THE DISTRICT COURT**

**325<sup>TH</sup> JUDICIAL DISTRICT**

**TARRANT COUNTY, TEXAS**

**TEMPORARY EX PARTE PROTECTIVE ORDER  
AND ORDER SETTING HEARING**

On October 22, 2012, the application of Marcella Ann Clark Applicant, for a temporary ex parte protective order was presented to the Court.

The Court, having examined the pleadings and allegations of Applicant, finds that Applicant's sworn pleadings and allegations show that Applicant is Spouse of Respondent and that -

The Court finds that there is a clear and present danger of family violence unless Ronald Joseph Toye, III is ordered to do or refrain from doing certain acts, as shown below.

The Court finds that there is an immediate need for the following protective orders to prevent family violence and to protect Applicant and that the orders are in the best interest of Applicant.

In this order, "Protected Person" means Applicant.

IT IS THEREFORE ORDERED that the clerk of this Court issue temporary ex parte protective orders as follows, and Respondent is immediately:

Prohibited from committing family violence physical, mental, emotional or verbal abuse of any nature, as defined by section 71.004 of the Texas Family Code.

Prohibited from doing any act that is intended to result in physical harm, bodily injury,

assault, or sexual assault against Protected Person.

Prohibited from doing any act that is a threat that reasonably places Protected Person in fear of imminent physical harm, bodily injury, assault, or sexual assault.

Prohibited from communicating directly with Protected Person in a threatening or harassing manner.

Prohibited from communicating a threat through any person to Protected Person.

Prohibited from engaging in conduct directed specifically toward Protected Person, including following the Protected Person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the Protected Person.

Prohibited from going to or near the residences or places of employment or business of Protected Person. The Court specifically prohibits Respondent from going to or near 820 Perry Dr., White Settlement, Texas 76108 and specifically requires Respondent to maintain at least one mile from the above listed address.

Prohibited from harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by section 121.002 of the Texas Human Resources Code, that is possessed by Protected Person.

Prohibited from transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business.

Prohibited from possessing a firearm or ammunition, unless Respondent is a peace officer, as defined by section 1.07 of the Texas Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

Prohibited from interfering with Applicant's use of the residence located at 820 Perry Dr., White Settlement, Texas 76108, including but not limited to disconnecting utilities or telephone service or causing such services to be disconnected.

The Court finds that the parties' residence is leased by Applicant. The Court further finds, from Applicant's affidavit and the testimony, that Applicant resides on the premises, that Respondent committed family violence against Marcella Ann Clark, a member of the household, within the thirty-day period before the application was filed, and that there is a clear and present danger that Respondent is likely to commit family violence against a member of the household.

IT IS THEREFORE ORDERED that the clerk of this Court issue a temporary ex parte protective order excluding Respondent, Ronald Joseph Toye, III, from occupying the parties' residence and ordering Respondent to vacate the residence immediately upon being served.

IT IS FURTHER ORDERED that the constable of Precinct 4 of TARRANT County, Texas, is ORDERED to provide a law enforcement officer from their department to serve process on Respondent at his place of business located at 2120 Minnis Dr., Haltom City, TX 76117, to inform Respondent that the Court has ordered Respondent excluded from the residence. Constable may accompany Respondent to the residence located at 820 Perry Dr., White Settlement, TX 76108, to protect Applicant while Respondent takes his belongings out of the garage and to protect Applicant if Respondent refuses to vacate the residence.

These temporary ex parte protective orders shall be effective immediately and binding on Respondent and shall continue in full force and effect for twenty days from the date this order is signed unless terminated sooner by order of this Court.

The requirement of a bond is waived.

IT IS FURTHER ORDERED that the clerk shall issue notice to Respondent, Ronald Joseph Toye, III, to appear, and Respondent is ORDERED to appear in person, before this Court in the courthouse at 200 E. Weatherford St., Fort Worth, Texas, on Nov. 5, 2012 at 8:30 A. M. The purpose of this hearing is to determine whether the Court should issue its protective order -

Prohibiting Respondent from committing family violence as defined in section 71.004 of the Texas Family Code.

Prohibiting Respondent from doing any act that is intended to result in physical harm, bodily injury, assault, or sexual assault against Protected Person.

Prohibiting Respondent from doing any act that is a threat that reasonably places Protected Person in fear of imminent physical harm, bodily injury, assault, or sexual assault.

Prohibiting Respondent from communicating directly with Protected Person in a threatening or harassing manner.

Prohibiting Respondent from communicating a threat through any person to Protected Person.

Prohibiting Respondent from engaging in conduct directed specifically toward Protected Person, including following the Protected Person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the Protected Person.

Prohibiting Respondent from going to or near the residences or places of employment or business of Protected Person. Specifically prohibiting Respondent from going to or near 820 Perry Dr., White Settlement, Texas 76108 and specifically requiring Respondent to maintain at least one

mile from the above listed address.

Prohibiting Respondent from harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by section 121.002 of the Texas Human Resources Code, that is possessed by Protected Person.

Prohibiting Respondent from transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business.

Prohibiting Respondent from possessing a firearm or ammunition, unless Respondent is a peace officer, as defined by section 1.07 of the Texas Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

Prohibiting Respondent from interfering with Applicant's use of the residence located at 820 Perry Dr., White Settlement, Texas 76108, including but not limited to disconnecting utilities or telephone service or causing such services to be disconnected.

Suspending Respondent's license to carry a concealed handgun issued under subchapter H, chapter 411, of the Texas Government Code.

Granting Applicant exclusive possession of the parties' residence and ordering Respondent to vacate the residence.

Requiring Respondent to complete a battering intervention and prevention program or counseling as provided by section 85.022(a) of the Texas Family Code.

Awarding Applicant exclusive use and possession of the following property:

The residence located at 820 Perry Dr., White Settlement, TX 76108 - property leased under Applicant's name and the 2005 Mercedes E500 - community property.

This hearing is also to determine whether the Court should assess reasonable attorney's fees against Ronald Joseph Toye, III to be awarded to McGrath & McGrath, PLLC.

### **Warning**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

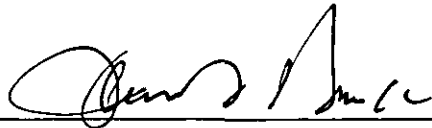
A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST


TWO YEARS.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO KNOWINGLY PURCHASE, RENT, LEASE, OR RECEIVE AS A LOAN OR GIFT FROM ANOTHER, A HANDGUN FOR THE DURATION OF THIS ORDER.

INTERSTATE VIOLATION OF THIS PROTECTIVE ORDER MAY SUBJECT RESPONDENT TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

SIGNED on October 22, 2012 at 3:52 P. M.

  
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JUDGE PRESIDING

  
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Associate Judge  
Date 10-22-12  
Jud. Wells heard testimony

*Information about Respondent to Aid Law Enforcement Officers:*

Name: Ronald Joseph Toye, III

Home address: 820 Perry St., White Settlement, TX County, Tarrant 76108

Home telephone number: 817-822-1389

Work address: 2120 Minnis Dr. , Haltom City, Tarrant County, Texas 76117

Work telephone number: 817-834-6638

Date of birth: 03/13/1983

Color of eyes: unknown

Color of hair: unknown

Height: 5 feet 10 inches

Weight: 180 lbs

Sex: Male

Race: Caucasian

Personal Descriptors: [\* \_\_\_\_\_\*]

Social Security number: 462 99 9027

Driver's license or identification number and issuing state: Tarrant; DL#Unknown