

WITHOUT ATTORNEY (Name, number, and address): <u>Jennifer Bonilla</u> DO YOU WANT MAIL SENT: <u>28 Princeton</u> <u>San Francisco, CA 94134</u> TELEPHONE NO. (Optional): <u>337-7087</u> FAX NO. (Optional): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF		FOR COURT USE ONLY FILED SAN FRANCISCO COUNTY SUPERIOR COURT MAR 15 99 ALAN CARLSON, CLERK BY: <u>[Signature]</u> <u>Fee 19600</u> CASE NUMBER <b>FL032330</b>
STREET ADDRESS: <u>SUPERIOR COURT</u> MAILING ADDRESS: <u>400 McALLISTER STREET RM 103</u> CITY AND ZIP CODE: <u>SAN FRANCISCO, CA 94102</u> BRANCH NAME:		
PERSON SEEKING ORDER: <u>Jennifer Bonilla</u> PERSON TO BE RESTRAINED: <u>Rolando Bonilla &amp; Family</u> <u>Diana Bonilla</u>		
APPLICATION AND DECLARATION FOR ORDER (Domestic Violence Prevention)		

Read the Instructions for Obtaining Orders Prohibiting Domestic Violence before completing this form. This form must be completed and filed with an Order to Show Cause and Temporary Restraining Order (CLETS) (form DV-110).

## 1. PERSONS TO BE PROTECTED

Name	Age	Relationship to person seeking order
Jennifer E. Bonilla	20	Myself
Joel A. Bonilla	1 wk	Son

## 2. PERSON TO BE RESTRAINED (Name):

Rolando Bonilla and Diana Bonilla  
21  
 Sex: ☒ M ☐ F Ht: 6'5 Wt: 280 Hair Color: brn Eye Color: H Race: H Age: 20 Date of Birth: 2-12-78

3. ☒ I have been involved in other court actions with the person to be restrained in which restraining orders were issued. (If known, please specify case numbers and county or other state, United States territory, military tribunal, tribal court, or the District of Columbia and attach copies of orders): 99038875

4. I am applying for a restraining order, and the person to be restrained and I (check at least one box):

- a. ☒ were married on (date): 12/20/97 and a dissolution, legal separation, or annulment proceeding  
 (1) ☒ has not been filed.  
 (2) ☐ has been filed (If known, specify case number and county):
- b. ☐ were formerly married to each other. (Specify state, county, and date of dissolution):
- c. ☐ are related to each other by blood, marriage, or adoption. (Specify relationship):
- d. ☐ live together.
- e. ☒ formerly lived together.
- f. ☐ have had a dating or engagement relationship.
- g. ☒ are parents of a minor child together.
- h. ☐ are parents of a minor child together and an action to establish paternity has been or is being filed. (If known, specify case number and county):
- i. ☐ are parents of a minor child together and an action to establish or modify child support involving the district attorney has been or is being filed. (If known, specify case number and county):
- j. ☐ are parents of a minor child together and have signed a Voluntary Declaration of Paternity form regarding the child.

(THIS IS NOT AN ORDER)

(Continued on reverse)

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PERSON SEEKING ORDER (name): Jennifer Bonilla

CASE NUMBER:

PERSON TO BE RESTRAINED (name): Rolando Bonilla

5. The person to be restrained has (check at least one box):

- a. ☐ assaulted or attempted to assault me or another member of my household.
- b. ☒ caused, threatened, or attempted bodily injury to me or another member of my household.
- c. ☒ made me or another member of my household afraid of physical or emotional harm.
- d. ☐ sexually assaulted or attempted to sexually assault me or another member of my household.
- e. ☐ stalked me.
- f. ☐ other (describe in item 19).

6. a. The person to be restrained and I (you must check (1) or (2) below):

- (1) ☐ have no minor children together.
- (2) ☒ have minor children together.

Child's name

Joel A Bonilla

Birth date

march 8, 1999

- (3) ☐ A juvenile dependency petition has been filed. (If known, specify case numbers):

b. If you are seeking an order regarding custody or visitation of your children, you must attach a Declaration Under Uniform Child Custody Jurisdiction Act (UCCJA) (form MC-150) and a Child Custody, Visitation, and Support Attachment to Application and Declaration for Order (Domestic Violence Prevention) (form DV-100A).

I REQUEST THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

7. ☒ RESTRAINING ORDER

☒ To be ordered now and effective until the hearing.

Restrained person must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy my personal property, disturb my peace, keep me under surveillance, or block my movements in public places or thoroughfares  
☐ and that of the other protected persons listed in item 1.

8. ☐ RESIDENCE EXCLUSION ORDER

☐ To be ordered now and effective until the hearing.

Restrained person must immediately move from and must not return to (address):

and may take only personal clothing and effects needed until the hearing.

I am entitled to live at the address above because (specify facts):

9. ☒ STAY-AWAY ORDER

☒ To be ordered now and effective until the hearing.

Restrained person must stay at least (specify): 150 yards away from the following persons and places:  
(The addresses are optional and you do not have to provide them.)

- a. ☒ Myself
- b. ☒ The other protected persons listed in item 1
- c. ☒ My residence (address optional):
- d. ☐ My place of work (address optional):
- e. ☒ The children's school or place of child care (address optional):
- f. ☒ My vehicle (year, make, model, color, and license plate number are optional):
- g. ☐ Other (specify):

- 10. If the restrained person is ordered to stay away from all the places requested in item 9, will the restrained person still be able to get to his or her residence, school, place of employment, or place of worship? ☒ Yes ☐ No (If no, explain):

(THIS IS NOT AN ORDER)

(Continued on page three)

PERSON SEEKING ORDER (name):

CASE NUMBER:

PERSON TO BE RESTRAINED (name):

11. ☐ FIREARM RELINQUISHMENT☐ To be ordered now and effective until the hearing.

I request that the restrained person sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. Please describe any use of or threat regarding use of firearms in item 19.

I believe that the restrained person has the following firearms:

12. ☐ PROPERTY CONTROL☐ To be ordered now and effective until the hearing.

a. I request that I be given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):

b. I request that the restrained person be ordered to make the following payments on debts due while the order is in effect:

Debt/BillAmount of paymentPay to

c. This order is necessary because (specify):

d. ☐ I am married to the restrained person and request that he or she be restrained from transferring, borrowing against, selling, hiding, or in any way disposing of any real or personal property, whether community, quasi-community, or separate, except in the usual course of business or for necessities of life. I further request that the restrained person notify me of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures.

13. ☐ ATTORNEY FEES AND COSTS

I request that my attorney fees and costs be paid by the restrained person as follows (to be awarded attorney fees and costs, you must attach a completed *Income and Expense Declaration* [forms 1285.50, 1285.50a, 1285.50b, and 1285.50c]):

14. ☐ RESTITUTION

I request that the restrained person be ordered to pay the following lost earnings and other actual expenses or costs of services caused directly by the conduct alleged in this application, including but not limited to expenses for medical care and temporary housing:

Type of lossPay toAmount of claimDue date15. ☒ BATTERER'S TREATMENT

I request that the restrained person participate in a certified batterer's program.

16. ☐ LAW ENFORCEMENT

I request that copies of orders be given to the following law enforcement agencies:

Law enforcement agencyAddress

17. ☐ I request a court order waiving the fees payable to a law enforcement agency for serving restraining orders on the restrained person. (If you wish to ask the court to waive the fees payable to law enforcement, you must complete and file with this application an Application for Waiver of Court Fees and Costs [form 982(a)(17)].)

(THIS IS NOT AN ORDER)

(Continued on reverse)

PERSON SEEKING ORDER (name):

CASE NUMBER:

PERSON TO BE RESTRAINED (name):

18. ☐ I request that time for service of the Order to Show Cause and accompanying papers be shortened so that they may be served no less than (specify number): \_\_\_\_\_ days before the date set for the hearing. I need this process shortened because of the facts contained in this application. (Add additional facts if necessary):

19. ☒ DESCRIPTION OF CONDUCT

Describe in detail the most recent incidents of abuse. List each incident separately by date. Describe the incident, including who did what to whom, whether any firearms or other weapons were used or threatened, and any injuries. Describe any history of abuse.

☒ Continued on Attachment 19.

march 12, 1999 - husband's family came over, started threatening and insulting my character and behavior. The Mother was trying to tell her son (my husband) to be "a man" in the house and impose on me or the Baby anything he willed by force. He threatened on taking the newborn Baby without me. I felt scared and I told them they couldn't. Then Diana (sister in law) lanced herself towards me and punched me twice on my back. I ran to call/dial 911, but Rolando (my husband) took the phone from the wall. I was feeling worse since I had just given birth to my baby 4 days prior. After - they all stepped out upon request of their father. Then we (my husband + I) started to argue and he grabbed my index finger and shoved it back. I started to cry and he left w/ his father.

20. ☐ OTHER ORDERS (specify other orders you request to help carry out the orders previously requested):

PLEASE NOTE THAT ALL ORDERS ISSUED BY THE COURT, AS WELL AS THIS APPLICATION AND DECLARATION, MUST BE PERSONALLY SERVED ON THE RESTRAINED PERSON. NO PERSON TO BE PROTECTED, INCLUDING YOURSELF, MAY PERSONALLY SERVE THE ORDER.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Jennifer Bonilla

(TYPE OR PRINT NAME)

Jennifer Bonilla

(SIGNATURE OF PARTY SEEKING RESTRAINING ORDER)

(THIS IS NOT AN ORDER)

prior to the incidence of march 12.

(Two weeks before) My husband Rolando had ~~just~~ made a short trip to texas on his return, we got into an argument regarding his family and his inatentiveness in matters concerning My Baby or Me. We Argued the whole night: once he tired of Arguing I left outside and was about to go to my parents home. He had no keys to get back in and so he opened my car door- grabbed by my hair and shoulder (I was pregnant in my last days) and shoved me to open to door. once inside I remember trying not to cry loud so the neighbors would not wake or so that he would not shove me or cover my mouth. But all of a sudden I felt him cover My nose and my mouth with full streghth. I tried to breathe and I couldn't - I tried to tell him but his grip was so tight that I could not utter a sound. I felt weak and almost fainted when he let go. After that I ran out to my mom's house at 6 am. Later that evening we placed a Police Report and did not follow up due to the many circumstances like my pregnancy and giving birth to my son a couple days later.

other incidents involve small arguements and him grabbing me by my arms and shoving me Against

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the walls, shaking me and yelling at me, while being pregnant.

I remember the morning as I was washing dishes ~~me~~ and talking - I <sup>had</sup> just commented on his sister's illness and he jumped up from bed and grabbed me hard by my arms then pulled my hair and slammed my back to the wall which was next to the bed. And threatened to not speak at all about his family, if I didn't want to "see what domestic violence was".

During all the times ~~that~~ he pushed and shoved he threatened to beat me. I remember actually believing this. I would hate to think what he would do when I'm not pregnant. <sup>(my husband)</sup> He did not even respect the fact that I was pregnant.

He comes from a violent family and I do not want to expose my baby to this. All this is shown by the 1st incidence described about his family. I can't take abuse by him or his family. <sup>(Physical + emotional)</sup>. He never apologized for any of this - he says he did not do anything wrong, and doesn't recognize his violent character.

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