

1063

SCANNED
MAY 12 2021

OBT's Number		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 NTA		3 Request for Warrant 4 Request for Copies		1	Juvenile	n
Agency ORI Number FL 0600300		Agency Name BOYNTON BEACH POLICE DEPT.		Agency Report Number 34-21-023839						
Charge Type Check all that Apply		<input type="checkbox"/> 1 Felony <input type="checkbox"/> 2 Traffic Felony		<input checked="" type="checkbox"/> 3 Misdemeanor <input type="checkbox"/> 4 Traffic Misdemeanor		<input type="checkbox"/> 5 Ordinance <input type="checkbox"/> 6 Other		Special Notes		
Name (Last, First, Middle) Kiser, Erik, Thomas				Race W		Sex m		Date of Birth 02/14/1983		
Charge Description Violation of Injunction of Stalking				Charge Description						
Charge Description				Charge Description						
Victim's Name (Last, First, Middle) [REDACTED]				Race [REDACTED]		Sex [REDACTED]		Date of Birth [REDACTED]		
Local Address (Street, Apt Number) [REDACTED]				(City) [REDACTED]		(State) [REDACTED]		(Zip) [REDACTED]		Phone [REDACTED]
Business Address (Name, Street) [REDACTED]				(City) [REDACTED]		(State) [REDACTED]		(Zip) [REDACTED]		Phone [REDACTED]
Occupation Marketing										
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody... <input type="checkbox"/> Committed the below acts in my presence. <input checked="" type="checkbox"/> Was observed by [REDACTED] Who told Ofc Kimball That he/she saw the arrested person commit the below acts. <input type="checkbox"/> Confessed to Admitting the below facts <input checked="" type="checkbox"/> Was found to have committed the below acts, resulting from my (described) investigation.										
On The 11th Day Of May 20 21 At 8:27 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.										


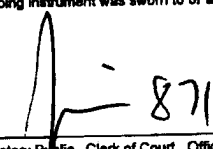
I responded to the above address in reference to a violation of an injunction of stalking. On arrival, I met with PETIONER w/f [REDACTED] and husband w/m [REDACTED] provided the order (50-2021-DR-002161-XXXX-SB) which was granted on March 24th 2021 in the Circuit Court of the 15th Circuit in and for Palm Beach County, Florida.

[REDACTED] then stated that they observed RESPONDENT w/m Kiser, Erik ride by their house, on a skate board type unit, with his dog on a leash. [REDACTED] also provided cell phone video of Kiser within 100ft of their residence and vehicle. Kiser is seen on the video looking towards [REDACTED], grinning/smiling, all the while being film by [REDACTED].

While at the residence, [REDACTED] who resides at 120 Monterey Bay Dr, was seen to leaving the housing complex. A traffic stop was conducted at 3600 S. Congress Ave and contact was made with Kiser.

I then asked Kiser, if he knew why the traffic stop was conducted, and Kiser stated that it probably had something to do with the Rosa's. I then informed Kiser that there was video of him willfully violating the order of an injunction of stalking. Kiser stated that he believed the order was not in effect, due to his contesting the order. Kiser could not provide any documentation that would rescind the order of no contact.

Based on my investigation, I find probable cause to charge Kiser with one count of violation of an injunction order against stalking, by knowingly and willfully coming within 100ft of Rosa's residence and vehicle, pursuant to F.S.S. 784.046.(f).

The foregoing instrument was sworn to or affirmed and subscribed before me		 (Signature of Arresting / Investigative Officer)	
 Notary Public, Clerk of Court, Officer (F.S.S. 117.10)		Kimball 896 (Print name of Arresting/Investigative Officer)	
05/11/2021 Date		05/11/2021 Date	

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IN THE CIRCUIT COURT OF THE 15TH CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 50-2021-DR-002161-XXXX-SB
Division: FZ: South Branch Family Division - FZ (Civil)

██████████

Petitioner,

and

ERIK THOMAS KISER,
Respondent.

FILED

South County Branch Office

MAR 24 2021

JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller
PALM BEACH COUNTY

**FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST
STALKING VIOLENCE (AFTER NOTICE)**

The Petition for Injunction for Protection Against Stalking Violence under section 784.046, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter. The term Petitioner as used in this injunction includes the person on whose behalf this injunction is entered.

It is intended that this protection order meet the requirements of 18 U.S.C. Section 2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

SECTION I. HEARING

This cause came before the Court for a hearing to determine whether an Injunction for Protection Against Stalking Violence in this case should be (☒) issued (☐) modified (☐) extended.

The hearing was attended by (☒) Petitioner (☒) Respondent
(☒) Petitioner's Counsel (☐) Respondent's Counsel

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SECTION II. FINDINGS

On {date} 3/17/21, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law, and Respondent was afforded an opportunity to be heard.

After hearing the testimony of each party present and of any witnesses, or upon consent of Respondent, the Court finds, based on the specific facts of this case, that Petitioner is a victim of stalking.

SECTION III. INJUNCTION AND TERMS

This injunction shall be in full force and effect until either () further order of the Court or (✓) until {date} 3/17/22. This injunction is valid and enforceable throughout all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

Willful violation of the terms of this injunction, such as: committing an act of stalking against Petitioner; going to or being within 500 feet of Petitioner's residence, place of employment, school, or other place prohibited in this injunction; knowingly and intentionally coming within 100 feet of Petitioner's motor vehicle, whether or not that vehicle is occupied; committing any other violation of this injunction through an intentional unlawful threat, word, or act to do violence to Petitioner; telephoning, contacting, or communicating with Petitioner, unless indirect contact through a third party is specifically allowed by this injunction; defacing or destroying Petitioner's personal property, including Petitioner's motor vehicle; or having care, custody, use, or possession of a firearm or ammunition unless authorized by section 790.233(3), Florida Statutes, constitutes a misdemeanor of the first degree punishable as provided by Sections 775.082 and 775.083, Florida Statutes

Any party violating this injunction shall be subject to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and also may be charged with crime punishable by a fine, jail, or both, as provided by Florida Statutes.

ORDERED and ADJUDGED:

1. **Prohibited Actions.** Respondent shall not commit, or cause any other person to commit, any acts of stalking against Petitioner, including stalking, cyberstalking, aggravated stalking, or any criminal offense resulting physical injury or death. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act to do violence to the Petitioner.
2. **No Contact.** Respondent shall have no contact with the Petitioner unless otherwise provided in this section.

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- a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner, including any electronic means or use of social media. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner.

Unless otherwise provided herein, Respondent shall not go to, in, or within ³⁵⁰ 500 feet of:

- b. Petitioner's current residence [REDACTED] or any residence to which Petitioner may move;
- c. Petitioner's current or any subsequent place of employment;
- d. Petitioner's school
- e. the following other place(s) regularly frequented by Petitioner and any named family members or individuals closely associated with Petitioner:
- f. Respondent may not knowingly come within 100 feet of Petitioner's motor vehicle, whether or not that vehicle is occupied;
- g. Respondent shall not deface or destroy Petitioner's personal property, including Petitioner's motor vehicle
- h. Other provisions regarding contact: Respondent shall not walk by the Petitioner's Home & shall enter and exit the community via the North Exit.

3. **Firearms.**

Unless paragraph a. is initialed below, Respondent shall not have in his or her care, custody, possession or control any firearm or ammunition. It is a violation of section 790.233, Florida Statutes, and a first degree misdemeanor, for the Respondent to have in his or her care, custody, possession or control any firearm or ammunition.

[Initial all that apply; write N/A if not applicable]

a. _____ Respondent is a state or local officer as defined in section 943.10(14), Florida Statutes, who holds an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency and is not prohibited by the court from having in his or her care, custody, possession or control a firearm or ammunition.

b. ☒ Respondent shall not use or possess a firearm or ammunition.

c. _____ Respondent shall surrender any firearms and ammunition in the Respondent's possession to the Palm Beach County Sheriff's Department. Failure to surrender either firearms or ammunition if ordered to do so by the court constitutes a misdemeanor of the first degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.

d. _____ Other directives relating to firearms and ammunition: _____

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4. **Treatment, Intervention, or Counseling.**
[Initial if applicable; write N/A if not applicable]

a. Respondent shall participate in the treatment, intervention, or counseling specified below.
Respondent shall pay for all services rendered: _____

b. Within _____ days of the date of this Injunction, Respondent shall enroll in, and thereafter complete without delay, the treatment, intervention, or counseling required in paragraph a. above. Respondent shall provide proof of such enrollment to the Clerk of the Circuit Court.

5. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk of the Circuit Court of any change in his or her mailing address, or designated e-mail address(es) within 10 days of the change. All further papers (excluding pleadings requiring personal service) shall be served either by mail to Respondent's last known mailing address or by e-mail to Respondent's designated e-mail address(es). Service shall be complete upon mailing or e-mailing.

6. **Additional provisions necessary to protect Petitioner from stalking:**

7. **Referral to Appropriate Services for Petitioner.** Petitioner may contact the following Services as needed: _____

SECTION IV. OTHER SPECIAL PROVISIONS

(This section to be used for inclusion of local provisions approved by the chief judge as provided in Florida Family Law Rule 12.610.)

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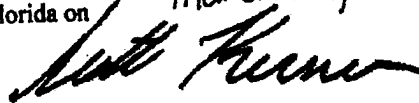
SECTION V. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

(Unless ordered otherwise by the judge, all provisions in this injunction are considered mandatory provisions and should be interpreted as part of this injunction.)

1. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions, which constitutes a criminal act under section 784.0485, Florida Statutes.
2. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.** The arresting agent shall notify the State Attorney's Office immediately after arrest.
3. **Reporting alleged violations.** If Respondent violates the terms of this injunction and has not been arrested, Petitioner may contact the clerk of the circuit court in the county in which the violation is alleged to have occurred. The clerk shall assist Petitioner in preparing an affidavit in support of reporting the violation or direct Petitioner to the office operated by the court that has been designated by the chief judge of that circuit as the central intake point for violations of injunctions for protection where Petitioner can receive assistance in the preparation of that affidavit in support of the violation. The affidavit shall be immediately forwarded by the office assisting Petitioner to the state attorney of that circuit and to the judge designated by the chief judge as the recipient of affidavits of violations of an injunction. Procedures relating to reporting alleged violations are governed by section 784.0487, Florida Statutes.
4. Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.
5. The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effected upon Respondent.

DONE AND ORDERED in PALM BEACH COUNTY Florida on

march 24, 2021



CIRCUIT JUDGE

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COPIES TO:

Sheriff of Palm Beach County

Petitioner (or his or her attorney):

- ☐ by U.S. Mail
☒ by hand delivery in open court (Petitioner must acknowledge receipt in writing on the face of the original order - see below)
☐ by e-mail to designated e-mail address(es)

Respondent (or his or her attorney):

- ☒ forwarded to sheriff for service **PBSO**
☐ by hand delivery in open court (Respondent must acknowledge receipt in writing on the face of the original order see - below)
☐ by certified mail (may only be used when Respondent is present at the hearing and Respondent fails

or

refuses to acknowledge the receipt of certified copy of this injunction)

- ☐ State Attorney's Office
☐ Batterer's intervention program (if ordered)
☐ Central Depository (if ordered)
☐ Department of Revenue
☐ Other: _____

I CERTIFY the foregoing is a true copy of the original **Final Judgment of Injunction for Protection Against Stalking** as it appears on file in the office of **JOSEPH ABRUZZO**, Clerk of the **Circuit Court & Comptroller, Palm Beach County, Florida**, and that I have furnished copies of this order as indicated above.

**Comptroller
(SEAL)**



JOSEPH ABRUZZO

Clerk of the Circuit Court &

By: _____

Deputy Clerk

ACKNOWLEDGMENT

I, **CHELI DIANE ROSA**, acknowledge receipt of a certified copy of this Injunction for **Protection Against Stalking**.

Petitioner

ACKNOWLEDGMENT

I, **ERIK THOMAS KISER**, acknowledge receipt of a certified copy of this Injunction for **Protection Against Stalking**.

present but left before signing

Respondent

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**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021011438	Date: 5/12/21
	Specialist Name/ID: A. Pinkney/7796

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