

**ARREST / NOTICE TO APPEAR
Juvenile Referral Report**

1 Arrest 3 Request for Warrant
2 N T A 4 Request for Capias

Juvenile N

| | | | | | | | | | |
|------------------|---|-------------------------------|---|-----------------------|---|--|---|--|---|
| ADMINISTRATIVE | OETS Number | | Agency ORI Number FLO 500000 | | Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE | | Agency Report Number (N.T.A.'s only) 06-18-099290 | | |
| | Charge Type Check as many as 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 | | Weapon Seized / Type 2 Yes 2 No n/a | | |
| DEFENDANT | Location of Arrest (Including Name of Business) 410 Evernia Street #807 West Palm Beach FL 33401 | | Location of Offense (Business Name, Address) 9087 NUGENT TRL, WEST PALM BEACH, FL 33411 | | | | | | |
| | Date of Arrest 07/22/2018 | Time of Arrest 2:30 | Booking Date | Booking Time | Jail Date | Jail Time | Location of Vehicle | | |
| CO-DEF | Name (Last, First, Middle) Cutler, Michael, Ian | | | | | | | | |
| | Race W - White I - American Indian B - Black O - Oriental/Asian | Sex W M | Date of Birth 02/05/1983 | Height 6'05 | Weight 210 | Eye Color BROWN | Hair Color BLACK | Complexion fair | Build Large |
| JUVENILE | Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) | | | | | | | | |
| | Local Address (Street, Apt Number) 410 Evernia Street #807, West Palm Beach, FL 33401 | | Phone (561) 385-1481 | | Residence Type 1 City 2 County 3 Florida 4 Out of State | | Address Source | | Multiple Clearance Indicator 01 |
| ADMIN | Permanent Address (Street, Apt Number) | | Phone | | Occupation | | Citizenship USA | | |
| | Business Address (Name, Street) CELL: 561-385-1481 | | Phone | | Place of Birth (City, State) Northhampton Mass | | Citizenship USA | | |
| CHARGE | DL Number, State C346549830450, FL | | Soc Sec Number | | INS Number | | Place of Birth (City, State) Northhampton Mass | | |
| | Co-Defendant Name (Last, First, Middle) N/A | | Race | Sex | Date of Birth | <input type="checkbox"/> 1 Arrested <input type="checkbox"/> 2 At Large | | <input type="checkbox"/> 3 Felony <input type="checkbox"/> 4 Misdemeanor <input type="checkbox"/> 5 Juvenile | |
| NOTICE TO APPEAR | Co-Defendant Name (Last, First, Middle) | | Race | Sex | Date of Birth | <input type="checkbox"/> 1 Arrested <input type="checkbox"/> 2 At Large | | <input type="checkbox"/> 3 Felony <input type="checkbox"/> 4 Misdemeanor <input type="checkbox"/> 5 Juvenile | |
| | Parent Legal Custodian Other N/A | | Address (Street, Apt Number) | | (City) | (State) | (Zip) | Residence Phone | |
| CHARGE | Notified by (Name) | | Date | Time | Juvenile Disposition 1 Handled/processed within Dept and Released 2 TOT HRS / DYS 3 Incarcerated | | Grade | | |
| | Released To (Name) | | Relationship | | Date | Time | Grade | | |
| CHARGE | The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2528) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No (Reason) | | | | | | School Attended | | |
| | Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Description of Property | | | | Value of Property | | |
| CHARGE | Drug Activity S Sell B Buy P Possess T Traffic | | R Smuggle D Deliver E Use | | K Dispense/Distribute | | M Manufacture/Produce/Cultivate | | |
| | Z Other | | Drug Type N N/A A Amphetamine | | B Barbiturate C Cocaine E Heroin | | H Hallucinogen M Marijuana O Opium/Deriv | | |
| CHARGE | P Paraphernalia Equipment S Synthetics | | U Unknown Z Other | | Statute Violation Number 741.31(4)(a) | | Violation of ORD # | | |
| | Charge Description VIOLATION OF INJUNCTION FOR DOMESTIC VIOLENCE | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Warrant / Capias Number | | |
| CHARGE | Drug Activity | | Drug Type | | Amount / Unit | | Offense # 18-099290 | | |
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PROBABLE CAUSE AFFIDAVIT

1. Arrest
2 N.T.A. 3. Request for Warrant
4. Request for Capias

Juvenile N

| | | | | |
|---------------------------------------|---|--|--|---|
| OBTS Number | Agency Offr Number FLO 500000 | | Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number 06-18-099290 |
| Charge Type Check as many as apply | 1. Felony 2. Traffic Felony | 3. Misdemeanor 4. Traffic Misdemeanor | 5. Ordinance 6. Other | Special Notes |

| | | | | |
|--|--------------|--------------------|----------|-----------------------------|
| Name (Last, First, Middle) Cutler, Michael, Ian | Alias | Race W | Sex M | Date of Birth 02/05/1983 |
| Charge Description VIOLATION OF INJUNCTION FOR DOMESTIC VIOLENCE | 741.31(4)(a) | Charge Description | | |

| | | | |
|---|----------------------|--------------------------------------|---------------------------------|
| Victim's Name (Last, First, Middle) Bernal, Diana, Carolina | Race W | Sex F | Date of Birth 08/26/1984 |
| Local Address (Street, Apt. Number) 9087 Nugent Trl., West Palm Beach, FL 33411 | (City) (State) (zip) | Phone (954) 699-6124 | Address Source VICTIM |
| Business Address (Name, Street) 1111 NORTH CONGRESS AVE. WEST PALM BEACH FL 33409 | (City) (State) (zip) | Phone (561) 683-2222 x 241 | Occupation |

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

committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the 21 day of JULY 2018 at 2:22 A.M. P.M. (Specifically include facts constituting cause for arrest.)

On July 20, 2018 at approximately 3:31 P.M. I was dispatched to the residence of 9087 Nugent Trail, West Palm Beach Fl 33411 in response to a Temporary Injunction for Protection Against Domestic Violence with Child(ren) violation investigation. Upon my arrival I made contact with a white female who identified herself with a Florida Drivers License as Diana Carolina Bernal, date of birth 08/26/1984. Bernal told me that the father of her child by the name of Michael Ian Cutler (W/M 02/05/1983) violated the terms of a Temporary Injunction for Protection Against Domestic Violence with Child. Bernal presented me a Temporary Injunction for Protection Against Domestic Violence with Child, issued by the Circuit Court of the Fifteenth Judicial Circuit (Case # 50-2018-DR-006639-XXX-MB), which was filed with The Palm Beach County Clerk on July 17, 2018 at 8:40 A.M. I confirmed with PBSO Teletype that Cutler was served with the injunction on July 19, 2018 at 10:00 A.M. by D/S S. Chiappa 9348. Section III (2.RS) states NO CONTACT: RESPONDENT SHALL HAVE NO CONTACT WITH PETITIONER. PETITIONER, UNLESS OTHERWISE PROVIDED IN THIS SECTION, OR UNLESS PARAGRAPH 14 BELOW PROVIDES FOR CONTACT CONNECTION WITH THE TEMPORARY PARENTING PLAN AND TEMPORARY TIME SHARING WITH RESPECT TO THE MINOR CHILDREN. A: Unless otherwise provided Herein, Respondent shall have no contact with Petitioner. Respondent shall have no direct or indirect contact with Petitioner by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have other third party contact with Petitioner's employment or school to inquire about Petitioner or to send any messages to the Petitioner. Unless otherwise provided herein, Respondent shall not go to, in, or within 500' of the Petitioner's current residence 9087 Nugent Trail, West Palm Beach FL 33411, or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment 1111 North Congress West Palm Beach FL 33409; 1400 Saint Charles Place, Apt. 824 Pembroke Pines FL 33026, or place where Petitioner attends school; or the following other places (If requested by Petitioner) where Petitioner or Petitioner's child go often. SECTION 14 OTHER ADDITIONAL PROVISIONS RELATED TO THE MINOR CHILD: N/A

Bernal told me in a sworn taped statement that on July 19, 2018 at 7:33 P.M. she received a message from Cutler on a cell phone application by the name of Family Wizard. Bernal explained that she and Cutler have been using Family Wizard since September of 2017, as recommended by the court due to Bernal's and Cutler's contentious relationship. The message from Cutler read "You have recorded me without my consent for the millionth time, it is a crime and we will be prosecuting you for doing so. Your attorney mentioned that he is putting the OFW comments (that are true) about him I am glad he will, we will bring his whole attorney groups cell thread, labeled whitepower, and everything that was told to me subsequent to that. Look forward to that." This quote was transcribed exactly as it appeared on the screen shot that Bernal provided. Bernal stated that the Family Wizard is password protected and requires repeated log in during brief inactivity as short as one minute. Once the messages are sent through Family Wizard, they are time and date stamped and not able to be altered or deleted. Bernal stated that the messages sent by Cutler were genuine because Cutler has repeatedly accused Bernal's attorney of being part of a white supremacist cult and has threatened to expose the parties involved. Bernal stated that Cutler has previously withheld custody of their child in common as a result of Bernal attempting to video any meeting regarding child exchange. In the past, Bernal had to not video tape the meeting just to see her child.

Based on the above facts, statements, my training, experience and observations, I find that there is probable cause that Michael Ian Cutler willfully and unlawfully violated a Temporary Injunction for Protection Against Domestic Violence with Child, contrary to Florida Statute 741.31(4)(a).

STATE OF FLORIDA
COUNTY OF PALM BEACH

[Signature]
(Signature of Arresting/Investigative Officer) **D/S J. WEHRLE**

The foregoing instrument was sworn to or affirmed and subscribed before me this 21ST day of JULY 2018 by D/S J. WEHRLE #1481
D/S B. ROODE #707

(Print name of Arresting/Investigative Officer who is personally known to me and/or produced identification. Type of identification produced) **KNOWN LEO**

[Signature]
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PAGE 1 OF 1

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 50-2018-DR-006639-XXXX-MB
Division: FA

DIANA C BERNAL,
Petitioner,

And

MICHAEL I CUTLER,
Respondent.

FILED 19
2018 JUL 17 AM 8:46
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT PROBATE 5

**TEMPORARY INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE
WITH MINOR CHILD(REN)**

The Petition for Injunction for Protection Against Domestic Violence under section 741.30, Florida Statutes, and other papers filed in this Court have been reviewed. Under the laws of Florida, the Court has jurisdiction of the petitioner and the subject matter and has jurisdiction of the respondent upon service of the temporary injunction.

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. NOTICE OF HEARING

Because this Temporary Injunction for Protection Against Domestic Violence has been issued without prior notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear and testify at a hearing regarding this matter on **WEDNESDAY JULY 25TH 2018, at 1:30PM**, when the Court will consider whether the Court should issue a Final Judgment of Injunction for Protection Against Domestic Violence, which would remain in effect until modified or dissolved by the Court, and whether other things should be ordered, including, for example, such matters as time-sharing and support. The hearing will be before The Honorable **JUDGE JANIS KEYSER**, at room **6D, 205 N DIXIE HWY WEST PALM BEACH FL 33401**. If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, dismissed, and/or additional orders may be granted, including entry of a permanent injunction and the imposition of court costs. Petitioner and Respondent will be bound by the terms of any injunction or order issued at the final hearing.

IF EITHER PETITIONER OR RESPONDENT DOES NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.

All witnesses and evidence, if any, must be presented at this time. In cases where temporary support issues have been alleged in the pleadings, each party is ordered to bring his or her financial affidavit (Florida Family Law Rules of Procedure Form 12.902(b) or (c)), tax return, pay stubs, and other evidence of financial income to the hearing.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT:

- a. a court reporter is provided by the court.
- b. electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SECTION II. FINDINGS

The statements made under oath by Petitioner make it appear that section 741.30, Florida Statutes, applies to the parties. It also appears that Petitioner is a victim of domestic violence by Respondent, and/or Petitioner has reasonable cause to believe he/she is in imminent danger of becoming a victim of domestic violence by Respondent, and that there is an immediate and present danger of domestic violence to Petitioner or persons lawfully with Petitioner.

SECTION III. TEMPORARY INJUNCTION AND TERMS

This injunction shall be effective until the hearing set above and in no event for longer than 15 days, unless extended by court order. If a final order of injunction is issued, the terms of this temporary injunction will be extended until service of the final injunction is effected upon Respondent. This injunction is valid and enforceable in 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.

Any violation of this injunction, whether or not at the invitation of Petitioner or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment. Certain willful violations of the terms of this injunction, such as: refusing to vacate the dwelling that the parties share; going to or being within 500 feet of Petitioner's residence, going to Petitioner's place of employment, school, or other place prohibited in this injunction; telephoning, contacting or communicating with Petitioner if prohibited by this injunction; knowingly or intentionally coming within 100 feet of Petitioner's motor vehicle, whether or not it is occupied; defacing or destroying Petitioner's personal property; refusing to surrender firearms or ammunition if ordered to do so by the court; or committing an act of domestic violence against Petitioner constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes. In addition, it is a federal criminal felony offense, punishable by up to life imprisonment, depending on the nature of the violation, to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited in this injunction. 18 U.S.C. Section 2262.

ORDERED and ADJUDGED:

1.RS **Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of domestic violence against Petitioner. Domestic violence includes: assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to Petitioner or any of Petitioner's family or household members. 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.RS **No Contact.** Respondent shall have no contact with Petitioner unless otherwise provided in this Section, or unless paragraph 14 below provides for contact connected with the temporary parenting plan and temporary time-sharing with respect to the minor child (ren).

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. 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 500 feet of: Petitioner's current residence 9087 NUGENT TRAIL WEST PALM BEACH FL, 33411 or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment

or place where Petitioner attends school; or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often:

b. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

c. Other provisions regarding contact: NA _____

3. **Firearms.**

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

a. RS Respondent shall not use or possess a firearm or ammunition.

b. RS Respondent shall surrender any firearms and ammunition in the Respondent's possession to the Palm Beach _____ County Sheriff's Department until further order of the court.

c. RS Other directives relating to firearms and ammunition: Proof of surrender. Shall be brought to hearing.

NOTE: RESPONDENT IS ADVISED THAT, IF A PERMANENT INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE IS ISSUED FOLLOWING A HEARING REGARDING THIS MATTER, IN MOST CASES IT WILL BE A VIOLATION OF SECTION 790.233, FLORIDA STATUTES, AND A FIRST DEGREE MISDEMEANOR, FOR RESPONDENT TO HAVE IN HIS OR HER CARE, CUSTODY, POSSESSION OR CONTROL ANY FIREARM OR AMMUNITION. ADDITIONALLY, IT WILL BE A FEDERAL CRIMINAL FELONY OFFENSE TO SHIP OR TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE, OR POSSESS IN OR AFFECTING COMMERCE, ANY FIREARM OR AMMUNITION; OR TO RECEIVE ANY FIREARM OR AMMUNITION WHICH HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE WHILE SUBJECT TO SUCH AN INJUNCTION. 18 U.S.C. SECTION 922(g)(8).

4. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk & Comptroller 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 the final injunction, if entered without Respondent being present at the hearing, and pleadings requiring personal service) shall be served 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.

5. **Additional order(s) necessary to protect Petitioner from domestic violence:**

Na

TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME

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

6. NA **Possession of the Home.** () Petitioner () Respondent shall have temporary exclusive use and possession of the dwelling located at: _____

7. NA _____ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall accompany () Petitioner () Respondent to the home, and shall place () Petitioner () Respondent in possession of the home.

NOT A CERTIFIED COPY

8. Na **Personal Items.** () Petitioner () Respondent, in the presence of a law enforcement officer, may return to the premises described above () on __, at __ a.m./p.m., or () at a time arranged with the law enforcement department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany () Petitioner () Respondent to the home and stand by to insure that he/she vacates the premises with only his/her personal clothing, toiletries, tools of the trade, and any items listed in paragraph 10 below. The law enforcement agency shall not be responsible for storing or transporting any property. **IF THE RESPONDENT IS NOT AWARDED POSSESSION OF THE HOME AND GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

9. NA () Petitioner () Respondent shall not damage or remove any furnishings or fixtures from the parties' former shared premises.

10. _____ Other: _____
NA

TEMPORARY SUPPORT

Temporary support, if requested by Petitioner in the Petition for Injunction for Protection Against Domestic Violence, will be addressed by the Court after notice to Respondent and hearing on the matter.

TEMPORARY PARENTING PLAN WITH TIME-SHARING WITH MINOR CHILD(REN)

11. **Jurisdiction.** [Initial one only]

RS

_____ Jurisdiction to determine custody of any minor child(ren) listed in paragraph 12 below is proper under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

_____ Jurisdiction is exclusive to the dependency court, and accordingly no order is made herein.

(Case Number: _____)

12. **Temporary Order for 100% Time-Sharing With Respect to Minor Child(ren).**
[RS] Petitioner [] Respondent shall, on temporary basis, have 100% time-sharing with respect to the parties' minor child(ren) listed below:

Name

Birth Date



When requested by the parent to whom 100% time-sharing is awarded on a temporary basis herein, law enforcement officers shall use any and all reasonable and necessary force to physically deliver the minor child(ren) listed above to the parent to whom 100% time-sharing is awarded on a temporary basis herein. The other parent shall not take the child(ren) from the parent to whom 100% time-sharing is awarded on a temporary basis herein or any child care provider or other person entrusted by the parent to whom 100% time-sharing is awarded on a temporary basis herein with the care of the child(ren).

NOT A CERTIFIED COPY

[Initial if applies; write N/A if does not apply]

RS

Neither party shall remove the minor child(ren) from the State of Florida, which is the jurisdiction of this Court, prior to the hearing on this temporary injunction. Violation of this custody order may constitute a felony of the third degree under sections 787.03 and 787.04, Florida Statutes.

13. **Contact with Minor Child(ren).** Unless otherwise provided in paragraph 14 below, the [] Petitioner [Rs] Respondent (i.e., the parent to whom 100% time-sharing is not awarded on a temporary basis herein) shall have no contact with the parties' minor child(ren) until further order of the Court.

14. **Other Additional Provisions Relating to the Minor Child(ren).**

NA.

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.)

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. The Sheriff of Palm Beach County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. **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 741.31, Florida Statutes.
3. **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.

4. **THIS IS A "CUSTODY ORDER" FOR PURPOSES OF THE UCCJEA AND ALL STATUTES MAKING IT A CRIME TO INTERFERE WITH CUSTODY UNDER CHAPTER 787 OF FLORIDA STATUTES AND OTHER SIMILAR STATUTES.**

NOT A CERTIFIED COPY

5. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk & Comptroller of the county in which the violation occurred and complete an affidavit in support of the violation, or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.

DONE AND ORDERED in PALM BEACH COUNTY, Florida on this: Jul 16, 18.



CIRCUIT JUDGE

COPIES TO:

- Sheriff of Palm Beach County
 Petitioner: (or his or her attorney)
 by U. S. Mail
 by hand delivery in open court
 by e-mail to designated e-mail address(es)

Respondent:

- forwarded to sheriff for service
 State Attorney's Office
 Other PISS U



STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy as recorded in my office and the same is in full force and effect.

THIS 16 DAY OF July, 2018
 SHARON R. BOCK
 CLERK & COMPTROLLER

By: [Signature]
 DEPUTY CLERK

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of Sharon R. Bock, Clerk & Comptroller, Palm Beach County, Florida, and that I have furnished copies of this order as indicated above.

(SEAL)



Sharon R. Bock
 Clerk & Comptroller

By: [Signature]
 , Deputy Clerk

This notice is provided pursuant to Administrative Order No. 2.207-9/12

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401; telephone number (561) 3554380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 3554380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: _____
Division: _____

DIANA CAROLINA BERNAL,
Petitioner,

and

MICHAEL IAN CUTLER,
Respondent,

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

I, DIANA CAROLINA BERNAL, 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} 9087 Nugent Trail
{city, state and zip code} West Palm Beach, FL 33411
Telephone Number: {area code and number} (954) 699-6124
Physical description of Petitioner: Hispanic Female, 5'2, long brown hair, brown eyes
Race: W Sex: Male _____ Female X Date of Birth: _____
2. Petitioner's attorney's name, address, and telephone number is: Andrew Strecker, Esq.
319 Clematis Street, Suite 614, West Palm Beach, FL 33401; Office: (561) 360-2470

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} 410 Evernia Street,
Apartment 807, West Palm Beach, FL 33401
Respondent's Driver's License number is: {if known} C346549830450

Florida Supreme Court Approved Family Law Form 12.980(a), Petition for Injunction for Protection
Against Domestic Violence (11/15)

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): West Palm Beach, Florida Case Number 502017DR000575XXXXMB

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 July 12, 2018 while the respondent was facetimeing E.C., he repeated the same threat about cutting Tyler Rueger's throat from ear to mouth.

On July 7, 2018 at approximately 8:15 am, at Respondent's Home Address, 410 Evernia Street, West Palm Beach, FL 33401, Respondent met me to return my daughter to me but then realized I was recording and immediately grabbed our child and refused to return E.C to me as she was kicking and screaming and crying for me. He insists that the exchanges not be recorded because he wants to be free to make these types of comments and threats. Because I was desperate to see my daughter, I agreed to leave my phone in my car and tell him that I would not record the exchange. Later that evening, at approximately 6:10 pm, he met me at the same location and while holding E.C, he asked me to turn around to make sure I didn't have my phone on me, after he checks he starts telling me that every time I bring my boyfriend Tyler Rueger around E.C., he will punish E.C on his time and that he guarantees he will let E.C. "know what the deal is". He then said that E.C. will be able to read soon and that he will tell her that her mother is a "poker whore". He proceeds telling Emma in her face that "Tyler fucks your mother three times a day", meanwhile E.C. is crying and asking Respondent to put her down, which he refuses to. He then makes a comment that "those kids from New York are gonna find him and cut him from his ear to his mouth" There are numerous incidents of harassment, but the July 7 incident has terrified me to the point that I do not feel comfortable for our daughter's safety to return her to her father. He believes he can say or do anything he wants as long as he avoids being recorded. I am scared for myself, my daughter and my boyfriend. Even though she may not understand everything that is being said, these threats made in E.C.'s presence has made her very afraid. She could tell that I was upset and afraid and she could tell that the threats were coming from her father. E.C. has also told me numerous times that "daddy spansks me when I talk about mommy or ty ty".

On March 27, 2018, I was facetimeing E.C. while he was giving her a bath and told our daughter that mommy is a whore and E.C. repeated "mommy is a horsey," and now E.C. calls me a horsey because of the constant verbal abuse by the respondent.

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

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 *Palm Beach Sheriff's Office*.
- c. Respondent owns, has, and/or is known to have guns or other weapons.
Describe weapon(s): _____
- d. Respondent has a drug problem.
- e. Respondent has an alcohol problem.
- 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

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 |
|------------|------------|
| [REDACTED] | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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. _____

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):* Respondent has stated that he will punish the minor child every time I bring my boyfriend around her. E.C. has also stated that "daddy spans me every time I talk about mommy and ty ty." _____

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 \$ 3,500 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:
1111 N. Congress Avenue, West Palm Beach, FL 33409;
 - 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)*: [REDACTED]

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.

TCB
(initials)

Dated: 07/13/2018

Diana Bernal
DIANA CAROLINA BERNAL

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to or affirmed and signed before me on 7/13/18 by DIANA CAROLINA BERNAL

J Bravo
NOTARY PUBLIC of JESENIA BRAVO
MY COMMISSION # FF932458
EXPIRES November 01, 2019
FloridaNotaryService.com

JESENIA BRAVO

X Personally known
Produced identification
Type of identification produced FL DL

NOT A CERTIFIED COPY

Additional Incidents

On April 17, 2018, my boyfriend Tyler Rueger received a text message from an unknown number which showed a picture of someone pointing a gun at our home. There was a message which read "U fuked with the wrong people". We filed a police report.

On April 12, 2018, at approximately 1:20pm, my boyfriend Tyler Rueger and I were in Court to testify. We saw Michael Cutler in the lobby by the elevators of the Palm Beach County Courthouse and he looked directly at us and made a throat slashing gesture with his hand.

NOT A CERTIFIED COPY

Filing # 74935210 E-Filed 07/13/2018 05:10:19 PM

Cover Sheet for Family Court Cases

I. Case Style

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: _____
Judge: _____

Diana C Bernal
Petitioner

and

Michael I Cutler
Respondent

II. Type of Action/Proceeding. Place a check beside the proceeding you are initiating. If you are simultaneously filing more than one type of proceeding against the same opposing party, such as a modification and an enforcement proceeding, complete a separate cover sheet for each action being filed. If you are reopening a case, choose one of the three options below it.

- (A) Initial Action/Petition
- (B) Reopening Case
 - 1. Modification/Supplemental Petition
 - 2. Motion for Civil Contempt/Enforcement
 - 3. Other

III. Type of Case. If the case fits more than one type of case, select the most definitive.

- (A) Simplified Dissolution of Marriage
- (B) Dissolution of Marriage
- (C) Domestic Violence
- (D) Dating Violence
- (E) Repeat Violence
- (F) Sexual Violence
- (G) Stalking
- (H) Support IV-D (Department of Revenue, Child Support Enforcement)
- (I) Support Non-IV-D (not Department of Revenue, Child Support Enforcement)
- (J) UIFSA IV-D (Department of Revenue, Child Support Enforcement)
- (K) UIFSA Non-IV-D (not Department of Revenue, Child Support Enforcement)
- (L) Other Family Court

RESPONDENT DESCRIPTION SHEET

E-3

SHERIFF'S DEPARTMENT

Case No.: **50-2018-DR-006639-XXXX-NB**

Division: **FH**

DOMESTIC VIOLENCE (DR - Domestic Violence)

Respondent's Name: **MICHAEL I CUTLER**

Nickname/Alias: **MIKE**

Address: **410 EVERNIA STREET APT 807 APT. 807 WEST PALM BEACH, FL 33401**

Residence

Telephone Number:

Respondent's Other Address:

Place of Employment: **Self-Employed**
33401

Place of Employment Telephone Number:

D.O.B.: **February 5, 1983**

Race: **WHITE**

Sex: **Male**

Other: **Dimple On Chin**

Hair: **Black**

Height: **6'6**

Eyes: **Br**

Weight: **0**

D.L.#

Service Preference

Work

Home

Best Time to Serve

Respondent has weapon:

Weapon Description:

Weapon(s) Location:

Respondent's Vehicle:

Make: **MERCEDES BENZ**

Color: **WHITE**

Year: **0**

Model: **S550**

Tag # **JRAE40**

Respondent is currently in jail

Date Arrested:

Petitioner's Name **DIANA C BERNAL**

Petitioner's D.O.B.:

Petitioner's Race: **Hispanic**

Petitioner's Sex: **Female**

Petitioner's Home Phone: **9546996124**

Relationship between Petitioner and Respondent:

FILED
MAIN BRANCH OFFICE
JUL 16 2018
SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

FET

01 15 18 11 11 AM '18



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"/> | | | |
| Other | <input type="checkbox"/> | | Other: | |
| | <input type="checkbox"/> | | Other: | |

REVIEW COMPLETED BY

| | |
|----------------------------|----------------------------------|
| Booking Number: 2018024400 | Date: 07/23/2018 |
| | Specialist Name/ID: howardt/7185 |