

1 My name is Victoria Garcia. I am the Petitioner in this case. Grace Johnson is
2 the Respondent. We are the parents of 2 children, who are minors: Adrien Garcia,
3 age 14 (DOB: 7/7/2007) and Liza Garcia, age 11 (DOB: 10/10/2010). Respondent
4 and I are married. We got married in 2010. Respondent and I live together. We
5 started living together in 2006.
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7 On 12/24/2021, at around 1pm, I was on my phone scrolling through social
8 media in the kitchen. Respondent came over and sat next to me and started looking
9 over my shoulder. Respondent became irritated and started yelling at me. I was
10 confused by what Respondent was upset about. Respondent started saying things
11 like, "What the fuck are you looking at? Are you cheating on me? You're a worthless
12 piece of shit. No one is going to love a whore like you." At this moment, I became
13 really anxious and nervous because Respondent got in my face and had a deranged
14 look in her eye. Respondent was at a close proximity to me. I tried to calm
15 Respondent down and tell her that I wasn't cheating on her, but she kept getting
16 angrier. I started to get really scared and wanted to get space from her. I then tried
17 to maneuver my way around Respondent, but she grabbed me by my shirt, slammed
18 me against the fridge and slapped me with an open hand across the face. I
19 immediately felt pain and tenderness on my back and cheek. I've only seen this type
20 of anger on her a couple of times before, and one time, she did get violent.
21 Respondent then yelled at me, "Don't fucking lie to me!" I was extremely scared that
22 she was going to hit me again. Respondent then tried to grab my phone out of my
23 hand and demanded that I give the phone to her. I refused to give Respondent the
24 phone because I wanted to call for help. I somehow managed to call 911 and was on
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1 the phone with dispatch when Respondent lunged at me, yelling, "You fucking bitch,
 2 hang up the phone!" Respondent then grabbed the phone from my hand and threw it
 3 against the wall so hard that it shattered. I honestly thought that Respondent was
 4 going to kill me or harm my kids that were upstairs with my aunt, Gloria. I told
 5 Respondent to leave or I'd call the cops. Respondent then backed away from me
 6 with the same neurotic look on her face, went into her room and packed some
 7 clothes in a bag. Respondent also took the kid's iPad. Respondent then left the
 8 apartment. I tried to calm myself down before going upstairs to see if the kids were
 9 okay. Respondent did not return. The next day, I woke up feeling a lump on my head
 10 and was sore throughout my upper body. Although terrified about retaliation, I
 11 decided to go to the police station and file a report. I was granted an emergency
 12 protective order. I was then connected with a victim advocate for assistance with a
 13 temporary restraining order.

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 17 In early January 2021, Respondent and I engaged in a verbal argument over
 18 Respondent accusing me of cheating with a coworker of mine. Respondent, the
 19 children, and I were in the living room watching a movie. I got up and walked away
 20 to prevent the incident from escalating. I didn't want the children to listen to
 21 Respondent and I argue. Respondent followed me to the bedroom and would not
 22 leave me alone. Respondent continued to accuse me of cheating and was yelling
 23 and calling me a "bitch" and a "whore". Respondent was at a close proximity to me
 24 and was yelling in my face. Respondent was so close to me that she was spitting in
 25 my face. Respondent shoved me to the bed and got on top of me. Respondent
 26 strangled me using both her hands and was yelling, "I am going to kill you bitch!" I
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Commented [AJ1]: I did not see a request for reimbursement for expenses caused by abuse. Can you please confirm that she does not want to request that Respondent pay to repair or replace the damaged phone?

Commented [AJ2]: It is not clear from the description how she got the lump on her head. Can you please clarify and explain? I am thinking that it may have been from the push against the fridge. If so, can you please clarify there that she hit her head when she was pushed? If not, can she please explain what caused the bump on her head?

Commented [AJ3]: It seems like this is the same cause of the argument in the most recent incident too. Are these accusations made often? If so, it could be helpful to state that.

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1 was feeling shortness of breath and my vision was blurry. I was not able to scream
2 for help. I thought I was going to die. I was terrified. I started to think about the
3 children. Respondent was so angry that she was shaking and had a scary look on
4 her face. It was almost like Respondent was a completely different person. The
5 children went inside the bedroom and witnessed Respondent strangling me. The
6 children were scared and crying. The children asked Respondent to leave me alone.
7 Respondent let me go and got off me. Respondent grabbed some of her belongings
8 and left. The children were so scared that they would not stop crying. I hugged the
9 children to comfort them. I told the children to pack some belongings. I changed my
10 clothes because I urinated on myself. I felt embarrassed. The children and I left the
11 house and spent the night at my friend's house. I was scared that Respondent would
12 come back home. The rest of the day I felt pain to my neck. The next day, I had
13 trouble swallowing and it was painful to do so. It felt like I had a sore throat. I went to
14 the emergency room because I was not feeling well. I got a CT scan done. I have
15 the following documents, which I will bring to the hearing: Hospital records.

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19 I am asking for an order of protection for myself and for the children, Adrien
20 Garcia, Liza Garcia, and my aunt, Gloria Garcia. Respondent has been abusive
21 towards me in front of our children on past occasions. The children live with me and I
22 am concerned for their safety. My aunt, Gloria, also needs protection because she
23 lives in the apartment above mine and she cares for the children when I am working.
24 I want to ensure the safety of my family.

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26 I ask the Court for the custody and visitation orders described in the attached
27 form DV-105 because Respondent has been abusive towards me in front of the
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Commented [AJ4]: Is there any other reason that Gloria needs protection? Has Respondent threatened her, abused her, or abused petitioner in front of her? If so, it could be helpful to include this.

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1 children. The children are fearful of Respondent. When Respondent gets angry and
2 yells, the children run to their room. Respondent abuses alcohol. Respondent has a
3 history of a drinking problem and drinks beer every day after work. Respondent had
4 2 DUIs in 2021. I have been the primary caretaker of the children since birth. This
5 means that I discipline the children, I take the children to the doctor, I prepare food
6 for the children, I help the children with schoolwork, I attend parent-teacher
7 meetings, I pick up the children from school, and I take the children to school.
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10 I ask the Court to give ONLY me temporary use, possession, and control of
11 the following property: 2019 Toyota Corolla (6PET123-CA). I ask for this order
12 because the 2019 Toyota Corolla is my car, but it is under Respondent's name only.
13 I make the car payments. I use the car to get to work, take the children to school,
14 and run errands. Respondent has her own car. I fear that Respondent will try to take
15 the car away from me in retaliation that I called the police for help.
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17 I ask the Court to order Respondent to make the debt payment listed on the
18 DV-100. I ask for this order because Respondent pays half of the rent. I am unable
19 to pay the whole rent on my own.
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21 Respondent has an abusive personality. Respondent is emotionally abusive
22 and calls me hurtful and degrading names such as, "slut" and "cunt" in order to put
23 me down and devalue me. Respondent becomes angry over minor things, and she
24 does not know how to control her anger. Respondent yells and gets in my face.
25 Respondent throws and breaks things around the house. Respondent kicks
26 furniture, slams doors, and punches walls out of anger. Respondent constantly
27 accuses me of flirting with other people and of cheating on her. For example, if I look
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Commented [AJ5]: How many beers does she drink on a typical day? If it is excessive, it could be helpful to make this clear.

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1 at someone or say hello to a stranger in public, she gives me a scary look and yells
2 at me when we get home. Respondent looks through my cellphone to see whom I
3 contact. Respondent has been physically abusive on other occasions as well.
4 Respondent has grabbed my arms forcefully, shoved me, spat on my face, pulled
5 my hair, and strangled me on 3 other occasions. Respondent has a drinking
6 problem, and the incidents escalate in violence when she is drunk.
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8 I am asking for this restraining order because I am afraid of Respondent. I
9 fear of what Respondent is capable of doing, due to all the incidents that have
10 occurred. I do not want the children to live in a violent and hostile environment. I
11 want the children and I to live in peace and be safe. In summary, I am asking for an
12 order not to abuse and not to contact, a stay away order, and a move out order
13 because I fear for the children's safety and wellbeing and mine as well.
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