Electronically Filed - EASTERN DISTRICT COURT OF APPEALS - August 30, 2023 - 03:23 PM

EXHIBIT A

IN THE 20TH JUDICIAL CIRCUIT, FRANKLIN COUNTY, MISSOURI
Judgment of the Full Order of Protection - Adult

Judge or Division: RYAN JEROME HELFRICH	Case Number: 22AB-PN00640
	Court ORI Number: MO036043J
Petitioner: SABRINA JO HOEPER	MSHP Number:
	Responsible Law Enforcement ORI:
Relationship to Respondent (specified on petition): __SPOUSE_____	Related Cases: (Date File Stamp)
vs.	Respondent Identifiers:

SEX	RACE	DOB	HT	WT
M	White	[redacted]	75 "	200 lbs.

HAIR	EYES	SOCIAL SECURITY # (last four digits)
Brown	Hazel	[redacted]

DRIVERS LICENSE #	STATE	EXP DATE

Distinguishing Features

Respondent: JAMES PECK HOEPER

Address:
250 WILSHIRE RD
LAKE FOREST, IL 60045

CAUTION:
☐ Weapon Involved
☐ Concealed Carry Permit Holder

Appearances: ☒ Petitioner ☐ Respondent ☒ Respondent Fails to Appear
☐ GAL ☒ Petitioner's Attorney ☒ Respondent's Attorney ☐ Other: _____

This Judgment shall be effective until: ___AUGUST 13, 2025*_

ONLY THE COURT CAN CHANGE THIS ORDER * See RSMO 455.140.1

Violation of this Order may be punished by confinement in prison for as long as four years and/or by a fine of as much as $10,000. If so ordered by the court, Respondent is forbidden to enter or stay at Petitioner's residence.

Visit www.courts.mo.gov for more information regarding orders of protections.

I. JURISDICTION & NOTICE

Petitioner has filed a verified petition requesting the issuance of a Judgment of a Full Order of Protection. Pursuant to section 455.015, RSMo, this court hereby finds that it has jurisdiction over the parties and the subject matter. This court finds that Respondent was provided with reasonable notice and an opportunity to participate and be heard. A copy of the petition, a notice of the date set for the hearing, and the Ex Parte Order of Protection (if issued) were served upon Respondent, as provided by law, at least three days prior to today's hearing.

II. ENFORCEABILITY

This Judgment meets all the requirements of the Violence Against Women Act, 18 U.S.C. § 2265. This court has jurisdiction over the parties and the subject matter; Respondent has been given reasonable notice and opportunity to be heard. This order is enforceable in all 50 states, the District of Columbia, all Indian tribal lands, and all United States territories and shall be enforced as if it were an order of that jurisdiction without registration pursuant to 18 U.S.C. § 2265.

III. FINDINGS

This court makes the following findings as to domestic violence, stalking, or sexual assault:

☒ Evidence adduced. Upon due consideration of the matter, this court finds, pursuant to section 455.040, RSMo, that Petitioner has proven allegations of domestic violence, stalking, and/or sexual assault against Respondent and Respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law. This court, therefore, orders and finds the following as described in Section IV below.

☐ Petitioner and Respondent submit a proposed Consent Judgment to this court. Pursuant to the parties' request, this court orders and finds the following as described in Section IV below.

This court finds that Respondent's relationship to Petitioner is as follows:

☒ **A.** Is current or former spouse* ☐ **B.** Has child(ren) in common* ☐ **C.** Reside(d) together*
☐ **D.** (Is/was) related by blood/marriage ☐ **E.** Romantic/intimate social relationship ☐ **F.** None (stalking or sexual assault alleged)

☒ This court further finds that Respondent represents a credible threat to the safety of Petitioner.*

* See Section VI Firearms.

☒ This court finds that Respondent poses a serious danger to the physical or mental health of Petitioner or of a minor household member of Petitioner. This court considered all relevant evidence including, but not limited to:

- The weight of the evidence;
- Respondent's history of inflicting or causing physical harm, bodily injury, or assault;
- Respondent's history of stalking or causing fear of physical harm, bodily injury, or assault on Petitioner or a minor household member of Petitioner;
- Respondent's criminal record;
- Whether any prior full orders of adult or child protection have been issued against Respondent;
- Whether Respondent has been found guilty of any dangerous felony under Missouri law; and
- Whether Respondent violated any term or terms of probation or parole or violated any term of a prior full or temporary order of protection and which violated terms were intended to protect Petitioner or a minor household member of Petitioner.

Specific findings: See Exhibit "A" attached hereto - RJH

IV. TERMS (Only Checked Provisions Apply)

The court orders:

☒ This Judgment of the Full Order of Protection replaces the Ex Parte (Temporary) Order of Protection entered in this cause on __9/1/2022___, except that all temporary orders entered in the Ex Parte Order of Protection remain in effect unless they are modified or terminated in the Judgment of the Full Order of Protection.

☐ This Judgment renews the Judgment of the Full Order of Protection entered on _____ and serves as notice of the extension of that Judgment.

A. CONTACT

☒ 1. Respondent **SHALL NOT COMMUNICATE** with Petitioner, in any manner or through any medium. The use of third parties (including children) to communicate is strictly prohibited. [05] Subject to Exhibit "A"

☒ 2. Respondent **shall not** commit or threaten to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of Petitioner wherever Petitioner may be found. [01 & 04]

☐ 3. Respondent **shall not** abuse or threaten to abuse Petitioner's pet(s).

☒ 4 Respondent **shall not** harass, stalk or threaten Petitioner or engage in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner.*

☒ 5. Respondent **shall not** use, attempt to use, or threaten to use physical force against Petitioner that would reasonably cause bodily injury.* [01]

* See Section VI Firearms.

It is no defense for Respondent to contact Petitioner in response to Petitioner's making or attempting to make an initial contact with Respondent. Respondent may not return Petitioner's telephone calls, emails, text messages, or other forms of communication (unless expressly permitted by another term in this Judgment). Petitioner does not have the authority to change the terms of this Judgment. Only the court can change the terms of this Judgment.

B. RESTRICTIONS

☒ 1. Petitioner is granted exclusive possession of the premises of Petitioner's/the parties' residence (located at 2725 Fantasy Ln. Villa Ridge). Respondent shall immediately vacate and/or shall not enter upon the premises of Petitioner's/the parties' residence (or the residence located at _____). Further, Respondent shall not knowingly enter upon the premises of any future residence of Petitioner. **RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT PETITIONER'S RESIDENCE.** [03 & 04]

☐ 2. Respondent may enter Petitioner's residence located as listed above only on _____, for the purpose of removing his/her clothing, toiletries, tools of trade and the following personal property: _____. Respondent must be accompanied by a law enforcement officer.

☒ 3. This court finds that, in order to ensure Petitioner's safety, Respondent shall not: [04]

- ☐ Enter onto the premises of Petitioner's school, located at _____.
- ☒ Enter onto the premises of Petitioner's place of employment, located at _____.
- ☒ Come within 500 feet of Petitioner. - except for custody exchanges
- ☐ Other: _____.

☐ 4. Respondent shall not take, hide, transfer, sell, damage, encumber or otherwise dispose of property mutually owned or leased with Petitioner: _____. [08]

☐ 5. Petitioner shall receive temporary possession of the personal property.

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

☐ 6. Petitioner is granted the possession and use of the following vehicle(s): _____.

Respondent must not be present in the restricted locations at any time unless expressly permitted by another term in this Judgment.

C. CUSTODY

☐ 1. The parties have no unemancipated children in common.

☒ 2. A prior judgment/order regarding custody of the parties' unemancipated child(ren) is pending or has been made. Therefore, pursuant to section 455.050.3(1), RSMo, this court cannot change the previous custodial arrangements through this Judgment.

☐ 3. No prior judgment/order regarding custody of the parties' unemancipated child(ren) is pending or has been made.

Custody of the child(ren) shall be awarded as follows:

Child's Name	Person Awarded Custody [Respondent-06, Petitioner-09]

☐ 4. A visitation schedule shall be established for ☐ Petitioner ☐ Respondent [06] as follows:

_____.

☐ 5. The parties shall exchange the unemancipated child(ren) for visitation at: _____.

NOTE: This Judgment does not permanently resolve child custody issues. (Section 455.060, RSMo)

D. SUPPORT

1. Child Support

☐ The Form 14 (Child Support Calculation Guidelines Worksheet) is attached and recommends ☐ Respondent ☐ Petitioner pay ☐ Respondent ☐ Petitioner $_____ per month (Pursuant to Rule 88.01).

(Only Checked Provision(s) Apply)

☐ a. This court finds that the Form 14 amount is unjust and inappropriate. Accordingly, ☐ Respondent ☐ Petitioner must pay ☐ Petitioner ☐ Respondent $_____ ☐ per month ☐ per week, with the first payment due on _____.

☐ b. This court finds that child support should be in accordance with the attached Form 14 amount and orders ☐ Respondent ☐ Petitioner pay ☐ Petitioner ☐ Respondent $_____ ☐ per month ☐ per week, with the first payment due on _____.

2. Maintenance

☐ Respondent ☐ Petitioner shall pay $_____ ☐ per month ☐ per week in maintenance to ☐ Petitioner ☐ Respondent, with the first payment due on _____.

3. Other Support

☐ a. Respondent shall pay the rent or mortgage payments on the residence occupied by Petitioner in the amount of $_____ ☐ per month ☐ per week, to _____ with the first payment due on _____.

☐ b. Respondent shall pay for housing or other services provided to Petitioner by a shelter for victims of domestic violence in the amount of $_____ ☐ per month ☐ per week to _____ with the first payment due on _____.

☐ c. Respondent shall pay $_____ to Petitioner for out-of-pocket losses (which can include medical, dental, relocation and moving expenses; counseling costs; loss of earnings; and costs of repair or replacement of real or personal property) sustained by an act/acts of domestic violence committed by Respondent.

4. Income Assignment

☐ Respondent ☐ Petitioner shall execute an income assignment in favor of ☐ Petitioner ☐ Respondent for: ☐ child support ☐ maintenance.

NOTE: This Judgment does not permanently resolve support issues. (Section 455.060.4, RSMo)

E. COUNSELING/TREATMENT

☐ 1. Respondent shall participate in a court approved counseling program(s) for ☐ batterers and/or ☐ substance abuse treatment at _____ beginning on _____.

F. CONCEALED CARRY PERMIT (Pursuant to section 571.104, RSMo)

If Respondent has a concealed carry permit, he/she must immediately surrender the permit to this court.

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

G. OTHER CONDITIONS OR RELIEF ORDERED:

☐ 1. Petitioner's residential address on voter's registration record to be closed to the public.

☐ 2. Petitioner to be transferred existing wireless telephone number(s) and billing responsibility from Respondent. See attached Wireless Telephone Number Transfer Addendum.

☐ 3. Possession and care of Petitioner's pet(s) awarded as follows:

_____.

☐ Respondent shall pay to Petitioner $ _____ to cover medical costs that resulted from abuse of the pet(s).

☐ 4. _____.

H. COSTS/FEES

☒ 1. Respondent shall pay to Petitioner attorney fees in the amount of $ 7,500.00.

☐ 2. Respondent shall pay the Guardian ad Litem's attorney fees in the amount of $_____.

☐ 3. Respondent shall pay the cost of his/her treatment.

☐ 4. Respondent shall pay the following court costs: _____.

I. COMPLIANCE REVIEW DATE

☐ 1. Respondent must return to court on _____ (date), at _____ (time) to demonstrate compliance with this court's Judgment. Petitioner need not return to court to enforce this Judgment.

V. DURATION

This Judgment shall be effective until AUGUST 13, [redacted] 2025, unless sooner terminated or extended by this court.

☒ **This court finds that it is in the parties' best interests that this Order shall be automatically renewed for any term of renewal of a full order of protection, making this Order effective until AUGUST 13, [redacted] 2027, unless Respondent requests a hearing at least 30 days prior to the Order's expiration.**

VI. FIREARMS

☒ The court finds that:

a. as a result of a hearing at which Respondent received notice and had an opportunity to participate; and,

b. Respondent is a spouse, former spouse, is or was cohabitating, or has a child in common with Petitioner; and,

c. Respondent is a credible threat to the physical safety of, or is explicitly prohibited within this Order from the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against Petitioner; and,

d. Respondent is restricted from harassing, stalking or threatening Petitioner, the child(ren) they have in common or the child(ren) of Petitioner's partner, or from engaging in any conduct that would place Petitioner in reasonable fear of bodily injury to him or herself, the child(ren) in common, or the child(ren) of Petitioner's partner.

THEREFORE, FEDERAL LAW PROHIBITS RESPONDENT FROM POSSESSING, SHIPPING, TRANSPORTING AND/OR RECEIVING ANY FIREARM FOR THE DURATION OF THIS JUDGMENT [SEE 18 U.S.C. § 922(g)(8)].

VII. MODIFICATION OF JUDGMENT

The parties cannot change the terms of this Judgment on their own. This Judgment may be modified only by this court.

VIII. NOTIFICATION OF JUDGMENT OF FULL ORDER TO RESPONDENT

This Judgment is to be provided to Respondent by: ☐ hand delivery (in court) ☒ personal service ☐ certified mail.

FOR CONSENT JUDGMENT ONLY

Respondent's consent is not to be considered an admission that the allegations contained in the Petition are true; however, Respondent consents to this court's issuance of this Judgment. Respondent acknowledges the receipt of this Judgment of the Full Order of Protection.

PETITIONER'S SIGNATURE	RESPONDENT'S SIGNATURE
PETITIONER'S ATTORNEY'S SIGNATURE	RESPONDENT'S ATTORNEY'S SIGNATURE

SO ORDERED:

August 18, 2023
Date

Judge

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

Notice of Findings and Recommendations & Notice of Right to Rehearing

The parties are notified that the foregoing Findings and Recommendations have been entered this date by a commissioner, and all papers relative to the case or proceedings, together with the Findings and Recommendations, have been transferred to a judge of the court. The Findings and Recommendations shall become the Judgment of the court upon adoption by order of the judge. Unless waived by the parties in writing, a party to the case or proceeding heard by a commissioner, within 15 days after the mailing of notice of the filing of the Judgment of the court, may file a motion for rehearing by a judge of the court. If the motion for rehearing is not ruled on within 45 days after the motion is filed, the motion is overruled for all purposes. Rule 130.13.

Date _____ Commissioner _____

Order and Judgment Adopting Commissioner's Findings and Recommendations

It is hereby ordered, adjudged and decreed that the foregoing Findings and Recommendations entered by the commissioner are adopted and confirmed as a final Judgment of the court.

Date _____ Judge _____

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

Not an Official Court Document

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

"EXHIBIT A"

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

SABRINA J. HOEPER,	)	
	)	
Petitioner,	)	Case No. 22AB-PN00640
vs.	)	
	)	Division II
JAMES P. HOEPER,	)	
	)	
Respondent.	)	

FINDINGS THAT RESPONDENT POSES A SERIOUS DANGER TO THE PHYSICAL OR MENTAL HEALTH OF THE PETITIONER IN ACCORDANCE WITH RSMo. § 455.040

On the 14th day of August, 2023, this matter is called for hearing and Petitioner, Sabrina J. Hoeper (hereinafter "Petitioner"), appeared in person and through counsel, William W. Eckelkamp, Jr., and Respondent, James P. Hoeper (hereinafter "Respondent"), appears by counsel, Laura H. Stobie, but fails to appear personally. Attorney Stobie's Motion to Withdraw is granted. Attorney Stobie's Motion for Continuance is denied. Hearing was held and evidence received.

The Court now being fully advised in the premises and after having reviewed the extensive and overwhelming evidence and after having adjudge the credibility of the witness makes the following Findings of Fact in accordance with RSMo. § 455.040:

1. Respondent poses a serious danger to the physical and/or mental health of Petitioner.

2. The weight of the evidence is overwhelmingly in favor of Petitioner. Prior to and since the entry of the Ex-Parte Order of Protection in this matter, Respondent has continuously, abused, harassed, disturbed the peace of, and stalked Petitioner.

3. Throughout Petitioner and Respondent's relationship, Respondent has repeatedly committed acts of domestic violence against Petitioner, which has included, but is not limited to the following:

a. Assaulting and battering Petitioner by purposely and knowingly laying his hands on her and causing her physical injury and purposely and knowingly putting Petitioner in fear of physical harm. This is evidenced by the photographs taken on July 14 and July 15, 2022 (Exhibit "2") which depict bruises on Petitioner's arm after an altercation in which Respondent grabbed Petitioner and threw her to the bed and Petitioner's testimony regarding the incident of August 31, 2022 (the incident which immediately preceded the filing of this matter) in which Respondent pinned Petitioner against a stairwell while she was holding her child. Petitioner also testified that Respondent has engaged in similar conduct throughout their relationship.

b. Unlawfully imprisoning Petitioner by taking her car keys and phone and blocking her exit from their home against her will.

c. Harassing Petitioner by sending text messages to Petitioner stating that he has been in a car accident or the children have been hurt or falsely creating some other sort of emergency to alarm or cause distress to Petitioner and calling Petitioner names such as cunt, bitch, hillbilly, and trailer trash in front of the parties minor children. That Respondent's actions were meant to cause emotional distress, actually caused emotional distress to Petitioner and served no legitimate purpose.

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

d. Stalking Petitioner by tracking her through electronic means and/or an app installed in her vehicle and questioning Petitioner where she is, or where she is going whenever she would start or stop her vehicle.

4. That even though ordered to not commit or threaten to commit domestic violence, stalking, molesting, sexual assault, or disturbing the peace of Petitioner wherever she may be found in the preceding Ex-Parte Order of Protection, Respondent has egregiously and continuously violated the terms of said order in the following ways, which include but are not limited to:

a. Sending hundreds of emails, text messages, and parenting app messages to Petitioner – the shear volume of which in and of itself is harassing and was meant to disturb the peace of Petitioner.

b. Entering Petitioner's home on October 29, 2022 without Petitioner's permission and under the guise of returning the parties' youngest child. While in the home, Respondent took pictures of random things including the inside Petitioner's refrigerator and then sent said picture to Petitioner, during a tirade of text messages on November 4, 2022, accusing Petitioner of being an alcoholic. It should be noted that said picture depicts a refrigerator full of food with one (1) bottle of wine and one (1) box of wine.

c. Physically forcing his way into Petitioner's home on October 30, 2022 against the will of Petitioner.

d. Stealing Petitioner's vehicle from a car dealership on November 4, 2022 and then tracking and following Petitioner to a random parking lot where Petitioner had stopped with her minor children.

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

e. That on December 9, 2022, Respondent was arrested by the Washington, Missouri Police Department for stalking Petitioner at Target. Upon his arrest, he was found to have pink women's underwear in his pocket and a Target bag containing a receipt from a prior visit along with multiple sets of Air Pods (Exhibit "10"). It should be noted that when Respondent was tracking Petitioner on November 4, 2022, it was via Air Pods (Exhibit "7").

f. That upon providing a rental vehicle to Petitioner, Respondent placed the family's dead dog's ashes in the minor child's car seat as a surprise for Petitioner.

g. On more than one occasion Respondent has added his contact information to Petitioner's electric bill at her home in Missouri, even though he resides in Illinois. There is no logical reason for this action – it is harassing in nature.

h. That while on the witness stand on July 13, 2023 in the parties dissolution proceeding in the State of Illinois, Respondent admitted to hiring at least three (3) different people to follow and observe Petitioner and her family while the preceding Ex-Parte Order of Protection was in effect (Exhibit "12").

5. It should be noted that even though Respondent failed to appear for the scheduled trial, this Court finds that Respondent is not credible. After failing to comply with discovery requests in this matter, and the Court giving Respondent every opportunity to cure his deficiencies, he was ultimately sanctioned, twice, in the total amount of $5,565.00 as and for Petitioner's reasonable attorney's fees in dealing with discovery motions and other ancillary matters as well as being barred from presenting evidence at trial. One response Respondent made in his "Amended Answers to Petitioner's First Set of Interrogatories Directed to Respondent" (Exhibit "15") stated that on October 29, 2022 Respondent was at Petitioner's home

Electronically Filed - EASTERN DISTRICT CT OF APPEALS - August 30, 2023 - 03:23 PM

> "…to have intimate relations/sex with Sabrina in our Missouri house and see my children. Sabrina invited me in and asked me to stay that night, and I had intercourse with her several times in our house and other intimate activities she requested of me. We were all over each other!" – Respondent's Amended Response to question #7 of Petitioner's Interrogatories directed to Respondent.

For a man who has excessively communicated to Petitioner about everything during the preceding Ex-Parte Order of Protection, there is never a single mention of the supposed "intimate relations/sex" in any of his communications after that date. Additionally, Petitioner explicitly denies said allegation. Petitioner is found to be credible.

6. That based on the forgoing, as well as credible testimony of Petitioner at trial, this Court is convinced that Respondent poses a serious danger to the physical or mental health of Petitioner.

7. That together with the Terms and Restrictions set forth in the Judgment of the Full Order of Protection in this matter, Respondent shall have no contact with Petitioner and only communicate with Petitioner about the parties minor children and then in only such a manner ordered by the Nineteenth Judicial Circuit of Illinois in Cause No. 22DC610 and Respondent shall not surveil Petitioner or her family/friends either directly or indirectly though third parties.

Electronically Filed - EASTERN DISTRICT OF APPEALS - August 30, 2023 - 03:23 PM