

## **Case file – Fact Pattern**

The fact pattern below is used in this online training.

### **Background**

This case involves a couple, John Brown Fox and Jane Red Feather, who have been in an on-again-off-again relationship for nine years. The couple is not married and they do not have children. Both are members of the Sky Tribe.

### **January 2010 – May 2010:**

In January 2010, John and Jane lived together in Sycamore City which is near the Sky Reservation. In March 2010, John and Jane got into an argument. John came home drunk and was angry at Jane because her work schedule had changed from being off weekends to working on weekends. He picked up a chair and smashed it against the floor and then picked up a leg of the chair and threw it at Jane. He chased her around the house while cussing at her. Jane was so scared that she grabbed the phone and hid in the closet. She called the city cops. John broke the closet door down and grabbed the phone and smashed it. The city cops arrived just in time to see John choking Jane. Jane went to the state court in Sycamore City and filed for a temporary restraining order against John. The state judge issued a temporary restraining order and upon another hearing it became permanent on May 3, 2010 and was enforceable for one year.

### **July 2010 – June 2011**

The couple interacted with one another several times between July 2010 and June 2011 even though the state's restraining order was in place. John was nice to Jane. There were no reports of incidents of domestic violence during this time. In May 2011, Jane decided to return to the Sky Reservation. She moved in with her grandmother. During this time, the state's permanent restraining order lapsed. John decided to return to the Sky Reservation in June 2011. He moved in with his aunt.

### **July 2011**

In the first couple of weeks in July 2011, Jane began remembering how frightening John had been and that she should not take any more chances in seeing him because his personality could change in a minute. Jane decided that she needed to tell him that she could not see him anymore. She called him and asked to meet him at the Wind Center's parking lot. Wind Center is a convenient store on the Sky Reservation. When she met him and told him to no longer come around, he got furious and began cussing at her. He raised a hand to her face but caught himself from striking her and instead explained to her how he had changed and that they were meant for each other. Jane could no longer take this and walked to her car. John stormed off towards his car kicking rocks and the ground. He drove off in a hasty manner. There were a few times when

Jane's cell phone rang and when she answered the person calling hung-up. The number was blocked so she could not identify who was calling her but she suspected it was John.

Later on in July 2011, Jane noticed John walking at the lake shore on the Sky Reservation as she was driving on her way to work. She was pretty sure that he recognized her car and this made her feel uneasy. Shortly thereafter she started receiving the hang-up phone calls again.

On July 21, 2011, in the early evening John drove to a bar in Sycamore City and began drinking. He stayed until about midnight. The whole time he was talking with his buddies about how Jane was the best girl he had gone out with and that he wanted her back since he treated her so nice. John started getting grief about Jane dumping him from his friends. He stormed out of the bar angry at his friends and at Jane for causing him to look foolish. He drove back home to the Sky Reservation. He kept remembering how his friends were making fun of him and how Jane told him to get lost.

In the early morning of July 21, 2011, John drove to where Jane lived. Her grandmother was away visiting Jane's sister. When John drove up to the house, he started honking his horn repeatedly. After a few minutes of honking his horn, he stumbled out of his car and went to the front door. He began pounding on the door because it was locked. He was yelling at Jane to come out and speak with him. John began yelling obscenities and started to kick the door. Jane was on the other side of the door; she did not want to want open it. She noticed the car keys on the table next to the door and she stuck them in her jean's pocket. She yelled through the door for him to leave. He ignored her pleas for him to leave and he broke the window next to the door. John tried to open the door through the broken window. When he failed to do so, he came in through the broken window. Jane ran to the kitchen where she could leave through the back door. John caught up to her and grabbed her arm so hard it left a bruise. He yelled at her and demanded that they get back together. They struggled towards the kitchen wall. Jane's back was up against the wall when Jane said, "No!" to them getting back together. John punched the wall missing her face by inches. When he realized what he had done, he backed up and started rubbing his face with his hands. At that moment, Jane escaped to the back yard and ran for her car.

By mid-morning on July 21, 2011, Jane was at the Sky Tribal Court completing a petition for a temporary restraining order against John Brown Fox. She hoped to talk with the tribal judge and ask how to get an order that day because she was so scared that John would come back that evening.

### **August 2011 - September 2011**

On August 25, 2011, Jane was at her permanent restraining order hearing. She made her case to the tribal court judge that she should be issued a permanent restraining order. John was present

and told his side of the events that occurred on July 21, 2011. That day Jane felt better knowing that her temporary restraining order had been turned into a permanent restraining order by the tribal court judge. The Sky Tribal Court's Permanent Restraining Order was good for one year.

On September 3, 2011, John drove over to Jane's grandmother's house because Jane was living there. It had been awhile since he talked with her and he thought she wanted to see him. He had drunk a few beers before heading over to see Jane. When John arrived at the house, he knocked on the door but realized it was open so he went in. He did not want to say anything so as to startle the grandmother. He noticed that it was very quiet in the house and he heard a car drive by and into the back. Thinking it might be Jane, he walked toward the kitchen. Just as he entered the kitchen, Jane came in through the back door. He was so angry at her for taking him to court that he pushed her. They started arguing and then John thought maybe he should leave. Jane started yelling at him to leave and that is when John pushed her hard and hit her on her head. She fell to the floor and he began kicking her in the stomach and legs. Jane fought back as much as she could and managed to grab her phone. She called 911 and began describing to the tribal emergency dispatcher what John was doing to her. She ran out of the kitchen down the hall and into her bedroom where she grabbed a bat from behind the door. John followed her and she began swinging the bat at him. He grabbed the bat from her and struck her in her stomach. She ran out of the bedroom down the hallway into the bathroom. She locked the bathroom door behind her. John broke down the bathroom door and barged in. He began choking Jane. At that time, the tribal police arrived and tackled John and handcuffed him. Jane showed the tribal police officer the Sky Tribal Court's Permanent Restraining Order. The tribal police arrested John and took him out to the tribal police car.