

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. DF-14-20147

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
CRYSTAL DIONA MARTIN AND	§	
STEPHEN LUKE MARTIN	§	
	§	255 TH JUDICIAL DISTRICT
AND IN THE INTEREST OF	§	
STEPHEN MAX MARTIN AND	§	
CHARLES MATTHEW MARTIN,	§	
	§	
CHILDREN	§	DALLAS COUNTY, TEXAS

MOTION FOR EMERGENCY EX PARTE TEMPORARY ORDERS

This "*Motion For Emergency Ex Parte Temporary Orders*" (sometimes hereinafter referred to as the "Motion") is brought by **CRYSTAL DIONA MARTIN**, Movant herein and Petitioner in the action pending in the above entitled and numbered cause (sometimes hereinafter referred to as "Mother") who shows in support the following:

I.

Respondent in the pending matters in the above entitled and numbered cause is **STEPHEN LUKE MARTIN** (sometimes hereinafter referred to as "Father") who is the father of the subject children. Respondent may be served at 5209 Burlingame Dr., Garland, Texas 75043, or where ever he may be found.

II.

The subject children in this matter are as follows:

Name: **STEPHEN MAX MARTIN**
Sex: Male
Birth date: October 22, 2008
Home State: Texas

Name: **CHARLES MATTHEW MARTIN**
Sex: Male
Birth date: December 20, 2010
Home state: Texas

III.

This Court has continuing, exclusive jurisdiction of this case as a result of prior proceedings.

IV.

As a basis for extraordinary relief requested in this motion Movant would show that before the filing of this petition Respondent, **STEPHEN LUKE MARTIN**, has engaged in the conduct set forth in the affidavit attached hereto as Exhibit "A", which is incorporated herein by reference. Based on that affidavit, Movant requests the Court to dispense with the issuance of a bond, and Movant requests that Respondent, **STEPHEN LUKE MARTIN** be temporarily restrained immediately, without hearing, and upon notice and hearing be temporarily enjoined, pending the further order of this Court from the following:

Exercising possession of or access to the children at issue:
STEPHEN MAX MARTIN and **CHARLES MATTHEW MARTIN**;

Removing the children from Movant's possession, either individually or in concert with any third party;

Disturbing the peace of the children or of another party;

Withdrawing or removing the children from the school or day care where the children are presently enrolled;

Attending the children's school activities or coming to or near the children's school or the children's residence;

Placing one or more telephone calls, anonymously or through a third person, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication;

Communicating with Movant in person, by telephone, or in writing in vulgar, profane, obscene, or indecent language or in a course or offensive manner;

Threatening Movant in person, by telephone, or in writing to take unlawful action against any person;

Causing bodily injury to Movant or to a child of either party;

Threatening Movant or to a child of either party with imminent bodily injury;

Hiding or secreting the children from Movant;

Temporary Orders

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate injunctions regarding conservatorship, possession of and access to the subject children, including granting Petitioner exclusive possession of the subject children:

The preceding temporary restraining order should be made a temporary injunction pending final hearing;

The additional temporary injunction prayed for should be granted;

Petitioner should be appointed temporary sole managing conservator of the children;

Respondent should be ordered to pay child support, medical support and an equitable portion of the children's uninsured medical expenses while the case is pending;

Respondent should be denied access to the children or, alternatively, the Court should render a possession order providing that Respondent's periods of visitation be continuously supervised;

Ordering a determination of whether there is a risk of abduction of the children by Respondent;

Ordering a determination of whether or not Respondent can in fact be awarded unsupervised visitation under the present circumstances and provisions of his current registration requirements;

Ordering the preparation of a social study, into the circumstances and condition of the children and of the home of any person requesting managing conservatorship or possession of the children;

Ordering Respondent to undergo a psychological evaluation and to fully participate in any recommended counseling.

Prayer

PREMISES CONSIDERED, Petitioner prays that the Court, upon notice and hearing, make such orders as requested by Petitioner. Petitioner prays that the Court immediately grant a temporary restraining order prohibiting Respondent as requested herein. Petitioner prays that after notice and hearing, this temporary restraining order be made a temporary injunction. Petitioner further prays for costs of court and for such other and further relief, both special and general, at law and in equity, to which the Petitioner may show herself justly entitled. Petitioner prays for general relief.

Respectfully Submitted

GARZA-CUMMINGS LAW FIRM
3526 Lakeview Parkway
Suite B, Box 226
Rowlett, Texas 75088
Email jdcummingsjd@yahoo.com

Telephone 214.735.6047

Fax 972.475.2870

/s/ J. Diane Cummings

J. DIANE CUMMINGS

Texas Bar Number 24004499

ATTORNEY FOR PETITIONER

CRYSTAL DIONA MARTIN

CERTIFICATE OF EX PARTE ORDERS

I certify as follows:

XX 1. To the best of my knowledge, there is no attorney of record representing any opposing party at this time; or

 2. Prior to presenting this matter to an Associate Judge for approval, I contacted all attorneys of record, transmitted a copy of the pleadings and proposed order in this matter and notified them that I was requesting such ex parte relief, and:

 A. After conferring, no attorney of record wishes to be heard prior to the presentment of this request for ex parte relief; or

 B. We were unable to reach agreement, at which time I notified all attorneys of record that I would present this matter to the District Judge at : o'clock .m., on and invited them to attend and be heard prior to signing; or

 C. I was unable to speak with the opposing attorney and I left word with a staff person for each attorney that I would present this matter to the District Judge at 4:00 o'clock p.m. on February 12, 2014 and invited them to attend and be heard prior to signing; or,

 D. After diligent attempts, I was unable to reach the opposing attorney and was further unable to leave any message with counsel's office regarding the presentment of this matter to the Judge.

/s/ J. Diane Cummings

J. DIANE CUMMINGS

Attorney for Applicant

CRYSTAL DIONA MARTIN

CERTIFICATE OF SERVICE

I certify that a true copy of "*Motion For Emergency Ex Parte Temporary Orders*" was served on Respondent, **STEPHEN LUKE MARTIN**, on October 27, 2014, via email transmittal to slukemartin@gmail.com and regular mail in accordance with the Texas Rules of Civil Procedure.

/s/ J. Diane Cummings

J. DIANE CUMMINGS

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CHILDREN	§	DALLAS COUNTY, TEXAS

**AFFIDAVIT OF CRYSTAL DIONA MARTIN IN SUPPORT OF
AN EMERGENCY EX PARTE REQUEST FOR TEMPORARY ORDERS**

STATE OF TEXAS §
COUNTY OF DALLAS §

CRYSTAL DIONA MARTIN appeared in person before me today and stated under oath:

"My name is **CRYSTAL DIONA MARTIN**. I am the Mother of **STEPHEN MAX MARTIN** and **CHARLES MATTHEW MARTIN**. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in a pending suit for divorce. The Respondent in this matter is **STEPHEN LUKE MARTIN** (hereinafter referred to as "Luke" or "Father"). **STEPHEN MAX MARTIN** and **CHARLES MATTHEW MARTIN** are the subject children. I am respectfully requesting the Court to issue temporary restraining orders for the safety and welfare of **STEPHEN MAX MARTIN** and **CHARLES MATTHEW MARTIN**, the subject children, to immediately prohibit the Father, and/or any third party acting in concert

AFFIDAVIT OF CRYSTAL DIONA MARTIN IN SUPPORT OF AN EX PARTE REQUEST FOR TEMPORARY ORDERS
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Ex 'A'

with the Father, from removing the subject children from my possession until a criminal investigation of arson can be completed. I am also respectfully requesting the Father be denied unsupervised visitation with the children until a determination of whether the Father is forbidden to have unsupervised access to the subject children pursuant to Respondent's required registration as a sex offender under chapter 62 of the Code of Criminal Procedure. I am also respectfully requesting the Father be denied visitation with the children until a determination can be made of whether the Father is likely to engage in conduct that would endanger the children's safety or emotional welfare or cause them immediate and irreparable injury, loss, or damage.

"Luke is a registered sex offender and was convicted of employing/inducing/authorizing the sexual performance of a child. But for Luke misrepresenting the facts and circumstances of the case to me, I would have never become involved with him.

"During our marriage I never allowed Luke to be alone with the children in order to ensure the children's safety and wellbeing. When I needed to be away from the children I always took them to my Mother's or Mother-In Law's home. If for some reason the children needed to be present in the home while I was away, I always required my Mother or my Mother In Law or some other family member to be present in the house with the children if Luke remained in the home.

"I am uncertain if there are any restrictions required by law regarding Luke being alone with our children as a result of his registration status or whether under his present registration requirements he is required to have a certified supervisor present at all times when he is in the presence of any child. I have always personally implemented supervision to ensure my children's safety and wellbeing.

"Luke has been exhibiting increasingly dangerous and unpredictable, behavior. The family residence was consumed by fire on October 16, 2014. Luke was alone at the home prior to the fire. The residence was totally engulfed in flames within 10 minutes from Luke leaving the premises. This is the second time in 14 months our home has been

AFFIDAVIT OF CRYSTAL DIONA MARTIN IN SUPPORT OF AN EX PARTE REQUEST FOR TEMPORARY ORDERS
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destroyed by fire and Luke is presently under criminal investigation for Arson. *See exhibit "A-1."*

"Since the fire, Luke is exhibiting increasingly erratic and alarming behavior. His demeanor is tense and abusive, and he is easily agitated. He is demeaning and cruel in his treatment towards the children. He threatens to hit them and consistently yells at the children without reason or cause, telling them to shut up and be quiet. He threatens to spank them for playing and doing ordinary child-like activities. On one occasion he picked up Charlie, my three year old son, by his arm and held Charlie up in the air at [Luke's] chest level while he spanked Charlie excessively. I had to intervene in order to get Luke to stop spanking Charlie. Luke was out of control and in a frenzy as he spanked Charlie. I was fearful that Luke was going to seriously hurt Charlie.

"I fear for my children's safety and wellbeing if they were ever alone with Luke and not properly supervised. I believe Luke presents a present and significant danger to the children. I believe that Luke's behavior is unpredictable and potentially dangerous. Since we have separated, Luke, accompanied by his Mother, appeared at my oldest son's school. I am concerned Luke may abduct one or both of my children. I am also concerned that Luke may try to hurt the children in order to retaliate against me for filing for divorce and/or to deter me from cooperating with an investigation into the fire.

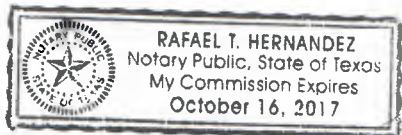
"In the interest of Justice, to ensure the safety and wellbeing of our children, **STEPHEN MAX MARTIN** and **CHARLES MATTHEW MARTIN**, and in order to counter any immediate and irreparable injury, loss, or damage which may likely occur to the children the Court is respectfully requested to grant this ex parte relief."


CRYSTAL DIONA MARTIN

FURTHER, Affiant sayeth not.

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SUBSCRIBED AND SWORN TO before me, the undersigned
authority on this the 25TH day of October, 2014.



Rafael T. Hernandez

Notary Public in and for the
State of Texas

My Commission Expires October 16, 2017

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Ex. A-1