

1. Defendant is under three court orders prohibiting contact with the victim. These orders include the Defendants' Judgment and Sentence in criminal case CR 2004-00659 (March 2005), Defendant's Probation Order in the same criminal case (June 2007) and an order of no contact in the domestic relations case DV 2002-00523.
2. Defendant served three years and is currently on probation for five years for the CRIMINAL SOLITICATION TO COMMIT FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), a second degree felony occurring on or about the sixth day of February, 2004. The victim of this crime is Stephen A. Avery, the victim of the current count of HARRASEMENT.
3. Despite said orders on or about June 18, 2007 Defendant once again harassed the victim by filing a false and frivolous claim of Domestic Violence in the Second Judicial District Court's Domestic Violence Division. This cause was dismissed with prejudice on July 17, 2007 and Defendant has filed no notice of appeal.
4. New Mexico Statute 30-3A-2 defines the crime of Harassment as 'knowingly pursuing a pattern of conduct that is intended to annoy, seriously harm or terrorize another person and that serves no lawful purpose. This conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.'
5. New Mexico Statute 31-6-15 includes a definition of harassment to include multiple appearances in Court.
6. DeVaney v. Thriftway Mktg. Corp., 1998-NMSC-001, ¶ 17, 124 N.M. 512, 953 P.2d 277 establishes that malicious abuse of process is a form of harassment
7. The State of New Mexico established the Domestic Violence Division as a form of civil proceeding to obtain results for the protection of victims of Domestic Violence where criminal proceedings were deemed inadequate.

PATTERN

8. The pattern of harassment by the defendant has come under judicial notice in the past. On January 15, 2003, the Honorable Angela Jewell, took judicial notice of the Defendant's use of the Domestic Violence Division to abuse the victim, Stephen A. Avery. New Mexico Statute 40-13-2 (C).10 defines Harassment as part of Domestic Abuse.
9. Since June of 2002, Defendant filed four such false and frivolously petitions in the Domestic Violence Division. Additionally, the Albuquerque Police Department filed thirteen police reports where the Defendant alleged acts of domestic abuse by the victim and or minor children under the victim's supervision. Additionally, the Albuquerque Police Department reports tens of dozens of additional calls made by the Defendant in the attempt to employ the legal system to harass the victim.
10. Only sanctions imposed by the District Court and the Defendant's incarceration after attempting to hire multi hit men to murder the victim provided a temporary respite to the victim.

11. Yet, during imprisonment, the Defendant's 'biological' father contacted the victim and the victim's children and was found to have committed an act of domestic violence resulting in restraining the Defendant's 'biological' father for two years (AVERY v. SANDERS DV 2005-1956).
12. Just thirty-two days after the Defendant returned to Albuquerque from incarceration, Defendant picked up the pattern of harassment by filing a false and frivolous petition against the victim of the very crime for which the Defendant was incarcerated for and is on probation.

HARM

13. The victim's minor children discovered the business card from the Bernalillo County Sheriff's Department posted on the front door of the family home announcing the Sheriff's department was seeking their father.
14. Despite all of the hopes of the victim that life would reach some state of normalcy despite the release of the Defendant from prison, this latest action demonstrates that the same pattern of events that eventually resulted in the Defendant acting to end the victim's life continue to include such malicious abuse of the process as found in the false filing of Domestic Violence petitions.
15. The Defendant represented in her petition and in arguments before Domestic Violence Special Commissioner Sheppard that Defendant had solicited testimony from multiple parties alleging acts of domestic violence by the *victim*. These false statements and promises terrorized the victim as the victim came to believe he was facing multiple false witnesses.
16. Joseph Sanders, the Defendant's 'biological' father made an appearance at the Bernalillo County Courthouse on July 17, 2007 at the place and time where Sanders knew the defendant would be present and in violation of a restraining order granted in November of 2005 to the victim after Sanders was found to have threatened both the victim and the victim's children.
17. These are examples of the substantial emotional distress suffered by the victim in these latest actions by the Defendant, substantial emotional distress that would occur to any reasonable person.

LAWFUL PURPOSE

18. The Courts have held in numerous cases, including the aforementioned *DeVaney v. Thriftway Mktg. Corp* that the Courts themselves can be used as a form of harassment, depriving the very Courts of their lawful purpose.
19. The Courts hold the following elements as present in depriving the Courts of lawful purpose "(1) the initiation of judicial proceedings against the plaintiff by the defendant (2) an act by the defendant in the use of the process other than such as would be proper in the regular prosecution of the claim (3) a primary motive by the defendant in misusing the process to accomplish an illegitimate end and (4) damages".
20. As stated, the Defendant has filed four civil Domestic Violence proceedings against the victim, the latest in June of 2007.

21. The intent of the Domestic Violence civil proceeding is to provide protection to victims of Domestic Violence on a civil standard as opposed to a criminal standard. The Courts allow a standard of probable cause in order to determine 'use of the process other than such as would be proper in the regular prosecution of the claim'.
22. Defendant filed the first petition when the victim intervened in the unauthorized treatment of a minor child with antidepressants without the knowledge or consent of a custodial parent.
23. Defendant filed the second petition alleging violation of a restraining order that did not exist.
24. Defendant filed the third petition after the State of New Mexico removed the last two children from the Defendant's care and received a temporary order of protection requiring the victim to surrender the children back to the Defendant. Defendant argued in Court that while she was aware of the temporary order to return the children despite the action of the State, but took no action during the Christmas holidays and one child's birthday to enforce said order. This leaves the victim to conclude that if the intent was not the joyous burden of returning the children then the intent was disruption and harassment.
25. Defendant filed the fourth petition alleging that the victim was contacting her after the Defendant's release from prison and numerous third parties would attest to these allegations. Despite a specific order from the Court to appear, Defendant did not appear and charges were dismissed. Her 'biological' father, previously found guilty of threatening the victim as another hit man, did appear in the courthouse hallway substantially closer to the victim than allowed by the Court Order.
26. All four proceedings show a lack of probable cause and no intent to pursue.
27. Contrast this to a finding of guilt in an act of Domestic Violence by the Defendant against the victim that resulted in a three year sentence and five years probation.
28. Defendant's Judgment & Sentence, Probation Order, and an order in the Domestic Relations Court does not allow any legal means for the Defendant to continue her long history of harassing the victim. Thus, the Defendant turns to illegal means such as abuse of the Domestic Violence Process.