

Appendix

District Court Orders	December 10, 2020 ...	1a
District Court Modifies.....	May 20, 2021	6a
District Court Denies.....	May 26, 2021	10a
Court of Appeals Dismisses..	November 23, 2021.	11a
Supreme Court Declines.....	January 13, 2022....	12a
U.S. Constitution, Article III, Section 2		13a
Nebraska Constitution, Article I-5		14a
Preliminary survey of State statutes.....		15a

DISTRICT COURT OF PLATTE COUNTY,
NEBRASKA

No. CI20-504

ANDELA S. KOCH, et. al. v. ISAAC D. KOCH

**EX PARTE DOMESTIC ABUSE PROTECTION
ORDER**

Filed: December 10, 2020

The protected party(ies) of this Order is/are:

1. Andela S Koch age: 31
2. Lydia R Koch age: 2
3. Josiah D Koch age:

The Petitioner alleges as follows:

The relationship(s) of the protected party(ies) to the
respondent is/are:

☒ Spouse

☐ Former Spouse

☒ Child(ren)

☐ A person he/she is currently living with

☐ A person he/she has lived with in the past

☐ Child in common

☐ Related by blood or marriage

☐ A person he/she is presently dating

☐ A person he/she has dated in the past

RESPONDENT IDENTIFIERS

SEX: M **RACE:** White **AGE:** 35

HT: 6' 3" **WT:** 180 **EYES:** Green

HAIR: Brown

DRIVERS LICENSE #: STATE: NE EXP DATE:

DISTINGUISHING FEATURES: _____

Respondent's Address

155 Morian Street

Richland NE 68601

Respondent's Telephone Number

CAUTION: (for use by law enforcement)

 Weapon Involved Weapon Present on the Property

The terms of this order, unless otherwise modified by order of the court shall be effective for one year from 12/10/2020. In the case of an original order, this date is one year from the date of issuance. In the case of a renewal, this date is one year from either:

- the first calendar day following the expiration of the previous order, or
 - the day the court grants the renewal,
- whichever is later.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for

possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).
Only the Court can change this order.

THE COURT, hereby finds that it has jurisdiction over the parties and subject matter, and the Respondent has been or will be provided with reasonable notice and opportunity to be heard.

THE COURT, pursuant to Neb. Rev. Stat. §§ 42-924 and 42-925, upon ex parte consideration of the Petition and Affidavit, finds that the petitioner(s) has/have stated facts showing that the respondent:

- attempted to cause, or intentionally, knowingly, or recklessly caused, bodily injury to the petitioner(s);
- by means of a credible threat, placed the petitioner(s) in fear of bodily injury; or
- engaged in sexual contact or sexual penetration without consent as defined [in] Neb. Rev. Stat. § 28-318.

FURTHER, it reasonably appears from the specific facts included in the affidavit that the petitioner(s) will be in immediate danger of abuse before the matter can be heard on notice.

IT IS THEREFORE ORDERED that, unless otherwise modified by order of the court, a domestic abuse protection order against the respondent is granted for a period of one year from the date of this order. In the case of a domestic abuse protection order renewal, the order is effective for one year to commence on the first day following the expiration of the previous order or on the day the court grants the renewal, whichever is later. The petitioner(s) is/are granted the following relief:

X 1. Respondent is enjoined and prohibited from imposing any restraint upon the person or liberty of the petitioner(s).

X 2. Respondent is enjoined and prohibited from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner(s).

X 3. Respondent is enjoined and prohibited from telephoning, contacting, or otherwise communicating with the petitioner(s), except _____

X 4. Respondent is removed and excluded from the residence of the petitioner(s), regardless of the ownership of the residence, located at: 3002 8th Street Columbus NE

X 5. The respondent is ordered to stay away from the following location(s): B D East, 920 19 St. E; & B D West, 1852 10 Ave., Columbus, NE

X 6. The petitioner, Andela S Koch is awarded temporary custody of the following minor children: Lydia R. Koch, 2; & Josiah D. Koch, 10 months
Such temporary custody shall remain in effect until: 3/10/2021

___ 7. Respondent is enjoined and prohibited from possessing or purchasing a firearm as defined in Neb. Rev. Stat. § 28-1201.

___ 8. _____

If the respondent wishes to appear and show cause why this order should not remain in effect or be renewed for a period of one year, he or she shall affix his or her current address, telephone number, and signature on the Request for Hearing form provided and return it to the clerk of the district court within ten (10) business days after service upon him or her. This order shall remain in effect during the

time prior to the hearing. Costs are waived unless otherwise ordered by the court.

IT IS FURTHER ORDERED that a copy of this order and a copy of the petition be served on the respondent and a copy of this order be mailed to the petitioner(s).

DATED on December 10, 2020

/s/ Frank J Skorupa

JUDGE - Frank J Skorupa

DISTRICT COURT OF PLATTE COUNTY,
NEBRASKA

No. CI20-504

ANDELA S. KOCH, et. al. v. ISAAC D. KOCH
**MODIFIED DOMESTIC ABUSE PROTECTION
ORDER**

Filed: May 20, 2021

The protected party(ies) of this order is/are:

1. Andela S. Koch age: 31
2. Lydia R. Koch age: 2
3. Josiah D. Koch age: 1

The petitioner alleges as follows:

The relationship(s) of the protected party(ies) to the
respondent is/are:

- ☒ Spouse
☐ Former spouse
☐ Child(ren)
☐ A person he/she is currently living with
☐ A person he/she has lived with in the past
☐ Child in common
☐ Related in the following way: _____
☐ A person he/she is presently dating
☐ A person he/she has dated in the past

RESPONDENT IDENTIFIERS

SEX: Male RACE: White AGE: 35

HT: 6' 3 WT: 180

Additional distinguishing features: _____

EYES: Green HAIR: Brown

DISTINGUISHING FEATURES:

DRIVERS LICENSE #: STATE: NE EXP DATE:

Respondent's Address

155 Morian Street,
Richland, NE 68601

Respondent's Telephone Number

CAUTION: (for use by law enforcement)

 Weapon Involved Weapon Present on the Property

The terms of this order shall be effective until one year from the date of issuance of the originating order (see page 2), unless further modified, renewed, or dismissed by the court prior to such date.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

THIS MATTER came on before the court, pursuant to Neb. Rev. Stat. §§ 42-924 and 42-925, upon the

Petition/Request for Modification to Domestic Abuse Protection Order. The petitioner(s) (☐ was/were) (☒ was/were not) present in court (☐ with counsel, William Nieman, petitioners' attorney was present). The respondent (☒ did) (☐ did not) appear (☐ with counsel, _____). Evidence was adduced, and the court, being fully advised, finds that this court has jurisdiction of the parties and subject matter of this action, and that the petitioner(s) has/have shown that the respondent:

attempted to cause, or intentionally, knowingly, or recklessly caused, bodily injury to the petitioner(s);

by means of a credible threat, placed the petitioner(s) in fear of bodily injury; or

engaged in sexual contact or sexual penetration without consent as defined [in] Neb. Rev. Stat. § 28-318.

IT IS THEREFORE ORDERED that, unless otherwise modified, renewed, or dismissed by the court, the domestic abuse protection order issued on December 10, 2020 shall remain in effect for a period one year from the date of the original order, as modified and restated in the following manner:

X 1. Respondent is enjoined and prohibited from imposing any restraint upon the person or liberty of the petitioner(s).

X 2. Respondent is enjoined and prohibited from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner(s).

X 3. Respondent is enjoined and prohibited from telephoning, contacting, or otherwise communicating with the petitioner(s), except respondent may have

contact with Andela Koch for purposes of mediation
& only in presence of the mediator

X 4. Respondent is removed and excluded from the residence of the petitioner(s), regardless of the ownership of the residence, located at: 3002 8th Street, Columbus, Nebraska

X 5. The respondent is ordered to stay away from the following location(s): B-D East, 920 19th Street East; B-D West, 1852 10th Ave., Columbus, Nebraska

___ 6. The petitioner, _____ is awarded temporary custody of the following minor children: _____

Such temporary custody shall remain in effect until:

___ 7. Respondent is enjoined and prohibited from possessing or purchasing a firearm as defined in Neb. Rev. Stat. § 28-1201.

___ 8. _____

IT IS FURTHER ORDERED that all costs of filing and service in this case are (___ taxed to the respondent)(X waived).

DATED on: May 20, 2021

/s/ Frank J Skorupa

JUDGE

DISTRICT COURT OF PLATTE COUNTY,
NEBRASKA

No. CI20-504

ANDELA S. KOCH, et. al. v. ISAAC D. KOCH

Filed: May 26, 2021

ORDER

Hearing held on Request (Motion) for Modification[.]

Motion is denied.

Request i[s] denied without hearing. If Respondent was dissatisfied with the issuance of a Protection Order, the proper remedy would have been to appeal the Order[.]

IT IS SO ORDERED.

May 26, 2022

Hon. /s/ Frank J Skorupa

Fifth District

FRANK J. SKORUPA[, JUDGE]

Court Seal

NEBRASKA SUPREME COURT AND NEBRASKA
COURT OF APPEALS

No. A-21-540

ANDELA S. KOCH, et. al. v. ISAAC D. KOCH

Appeal from Platte Co. District Court No. CI20-504

Filed: November 23, 2021

ORDER

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A) (2). Appellant timely appealed from the May 26, 2021, denial of his motion for modification but his argument on appeal stems solely from the issuance of the domestic abuse protection order of December [10], 2020. “Where a second judgment in part contradicts an earlier judgment, the time for appeal from that portion of the second judgment which contradicts the earlier judgment, and that portion only, runs from the rendition of the second judgment.” *Manske v. Manske*, 246 Neb. 314, 318, 518 N.W.2d 144, 147 (1994). Because Appellant is complaining only of the December 2020 protection order, which order was never appealed, this court lacks jurisdiction to hear his arguments.

Nebraska Court of Appeals

NEBRASKA SUPREME COURT AND
NEBRASKA COURT OF APPEALS

No. A-21-540

ANDELA S. KOCH, et. al. v. ISAAC D. KOCH

Appeal from Platte Co. District Court No. CI20-504

Filed: January 13, 2022

ORDER

Petition of Appellant for further review denied.

Nebraska Supreme Court

U.S. CONSTITUTION

Article III

Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

NEBRASKA CONSTITUTION

Article I-5

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.

The following table shows: 1) nature of the orders and 2) the application of equity. This research is specific to domestic violence orders. Blanks were not found in statute.

State, current through	Max restriction re: speech, after hearing	Code section	Term after first hearing, but: notes	Code section	Modification	Code section
Alabama, 2021	contact, without limitation including indirect communication	30-5-7(b)(2)(b) via 30-5-7(c)(1)	permanent	30-5-7(d)(2)	either party	30-5-7(d)(1)
Alaska, 2020	indirect communication	18.66.100(c)(2)	1 yr	18.66.100(b)(2)	either party	18.66.120(a)
Arizona, 2022	contact	13-3602(G)(3)	1 yr	13-3602(N)	respondent, one hearing; more on residence issues	13-3602(L)
Arkansas, 2020	indirect contact with case-specific exceptions	9-15-205(a)(6)	90d-10y at court discretion	9-15-205(b)	either party	9-15-209
California, 2019	indirect contact	Fam.Code § 6320(a)	up to 5 yr but 3 yr if order doesn't say	Fam.Code § 6345(a)(c)	"a party"	Fam.Code § 6345(a)
Colorado, 2019	"contacting any other party or the minor child of either of the parties"	13-14-105(1)(b)	1 yr, called "permanent"	13-14-105(1)(j)(II)	either party	13-14-105(1)(j)(IV)
Connecticut, 2020	on form, not found in statute		1 yr; motion: court's discretion	815a(46b-15)(g)	not spec'd, exc. 120 day orders: nothing	815a(46b-15)(e)
Delaware, 2022 Act 284	contacting or attempting to contact	10 Del 1045(a)(2)	1 yr-2yr-permanent	10 Del 1045(b)(f)	either party	10 Del 1045(c)(f)
Florida, 2021	not authorized, yet penalized	741.31(4)(a)(5)	some injunctions [terms] permanent	741.30(6)(c)	either party may move at any time	741.30(6)(c)
Georgia, 2020	on form, not found in statute		1 yr; motion: 3 yr or permanent	19-13-4(c)	read into statute by caselaw	see interesting annotations
Hawaii, 2021	contacting	586-4(1) via 586-5.5	180 days	586-5(a)	"upon application"	586-9