

STATE OF NEBRASKA
FORM NO. DC 19-8
Rev. 05/2013
Neb. Rev. Stat. § 42-924.
REQUIRED.

**PETITION AND AFFIDAVIT TO OBTAIN
DOMESTIC ABUSE
PROTECTION ORDER**

CASE NUMBER: CI14-76
DOCUMENT No.:

IN THE DISTRICT COURT OF Johnson COUNTY, NEBRASKA

Lois L. Bohling

Petitioner

**PETITION
AND AFFIDAVIT
TO OBTAIN
DOMESTIC ABUSE
PROTECTION ORDER**

VS.
Lavon L. Heidemann

Respondent

1. I am the petitioner in this case. I am petitioning for a domestic abuse protection order pursuant to Neb. Rev. Stat. § 42-924. I am in fear of domestic abuse and provide the following information, under oath, in support of this application. If petitioner is less than nineteen (19) years old, state age: _____.

I am filing this petition on behalf of the minor child(ren) whose name(s) is/are shown after mine in the caption of this petition.

2. Check Only One:
 My address is 72347 626 Avenue, Elk Creek, Nebraska 68348

(Street or Route/Box) (City) (State) (Zip)

Mailing address (if different) _____

Where removal of respondent from residence is necessary, physical location (legal description or directions to my residence) _____

Email address _____

I am living in this county at an undisclosed address for my own protection.
 I have received address protection from the Secretary of State under the Address Confidentiality Program.

(Service of any court process shall be made by mailing two copies of the process to the Office of Secretary of State, Address Confidentiality Program, Suite 2300, State Capitol Building, Lincoln, NE, 68509)

3. I am filing this petition against the respondent whose age is: 55, and resides at:
62058 719 Road, Elk Creek, Nebraska 68348

(Street or Route/Box) (City) (State) (Zip)

Mailing address (if different) _____

FILED
AUG 27 2014
Kathleen M. Nieveen,
Clerk of Dist. Court Jo Co NE



prohibiting the respondent from imposing any restraint upon me or upon my liberty;
 prohibiting the respondent from threatening, assaulting, molesting, or attacking me, or otherwise

4. My relationship to the respondent is: (Check the **ONE** that best applies):
- spouse (husband/wife)
 - former spouse
 - child(ren)
 - a person I am currently living with
 - a person I have lived with in the past
 - the father/mother of one or more of my children
 - a person I am presently involved with in a dating relationship
 - a person I was involved with in a dating relationship
 - related to me by blood or marriage
- State Relationship brother

5. The following are identifying characteristics for the respondent:
 Sex: M Race: Caucasian Height: 5'9 Weight: 200 +/- Eye Color: Hazel
 Hair Color: Greying Driver's License #: _____ State: NE Exp Date: _____
 Other distinguishing features: glasses, grey and trimmed beard

6. I have been a party to the following past, pending or current court proceedings. (i.e., dissolution, paternity, custody, juvenile or protection orders) Indicate when, type of case, name of court(s), and docket number(s).
Not applicable

7. I do not speak English. If you do not speak English, what language do you speak? _____
 Does the respondent speak English? (yes no) If no, what language does respondent speak? _____

8. The respondent and I are parents of the following minor child(ren).

Name	Age	Residence
<u>Not applicable</u>		

I am the parent, but the respondent is not the parent, of the following minor child(ren):
Not applicable

9. I hereby ask the court to enter a protection order (mark all that apply):
- prohibiting the respondent from imposing any restraint upon me or upon my liberty;
 - prohibiting the respondent from threatening, assaulting, molesting, or attacking me, or otherwise disturbing my peace;
 - prohibiting the respondent from telephoning, contacting, or otherwise communicating with me;
 - removing and excluding the respondent from my residence;
 - ordering the respondent to stay away from the following location(s):
 (specify address, location description, and connection of place to petitioner)
630 Circle Dr. Tecumseh, NE - residence of Petitioner's mother where Petitioner regularly goes to assist with her mothers care any time the Petitioner is present and 72347 626 Ave., Elk Creek, Nebraska, where Petitioner resides
 - granting me temporary custody of the following minor children: _____
 _____ for _____ days (not to exceed 90days);

prohibiting the respondent from possessing or purchasing a firearm as defined in Neb. Rev. Stat. § 28-1201.

order any other relief deemed necessary to provide for the safety and welfare of me and _____, a designated family or household member, including the following: my husband, Mark Bohling, and my sons, Casey Bohling and Tyler Bohling

10. Nebraska law provides that you may choose a district court or county court judge to preside over protection order petitions. I choose to have a **District Court Judge**, or a **County Court Judge** preside over this petition.

11. The facts of the most recent incident(s) of domestic abuse toward me (and my minor child(ren)) are as follows:
(Please write a brief description of each incident including shoves, kicks or blows inflicted, weapons used, threats made, injuries sustained, medical or hospital treatment necessary, if any.)

A. Date/Time: August 19, 2014 Description: See attached description of incident

B. Date/Time: _____ Description: _____

C. Date/Time: _____ Description: _____

I hereby swear, or affirm, under penalty of perjury, the forgoing affidavit is true.

[Signature]
Signature of Petitioner

Subscribed and sworn on oath before me on _____ August 27 _____, 2014 _____

[Signature]
Clerk of the District Court/Notary Public



The following is my description of what led up to my fear and also the event where my brother, Lavon Heidemann, physically assaulted me on August 19, 2014. As a point of reference, my mother is Lola Heidemann who is a widow and is 84 years of age, and I have three brothers, Lanie, Les, and Lavon Heidemann.

In October, 2013, my mom (handicapped but lives in her own home) gathered her family together at her home (630 Circle Drive, Tecumseh, NE) to begin talking about how the remaining property that my dad (passed away in January, 2013) owned would be disbursed of. The discussion was heated at times and at one time where my brother Lavon was specifically directing his shouting at my husband, I witnessed Lavon rise up and start leaning over the table toward my husband, Mark Bohling.

Lavon also became angry with me during a November phone call in which I asked (because of my Personal Representative responsibility) that he provide values for the items dad had still owned at his time of death.

On December 15, 2014, my mom and her four children had a family meeting in her home to talk more about the various farm property. At one particular point Lavon became VERY angry and his anger was pointed at me. He was shouting at me and at one point raised up, and started to come over the table at me with a furor in his eyes, like a wild man, that scared me to pieces. He did not come all the way over the table nor did he touch me but that is the point when I became afraid of him.

I feared him because of that night and I did not want to risk provoking him. So from that point on, I tried hard to avoid him. I purposely arrived late or skipped social events where I knew he would be present. When I saw one of his vehicles at mom's house, I would drive away and postpone my visit. One particular time he did arrive when I was already at moms, I exited the house.

I am not resentful that I have to plan my social outings or visits to mom around him. It's worked out. I've done what I feel necessary to make myself feel safer and I've been able to see and care for my mom in an acceptable manner.

On August 13, 2014, I prepared, mom signed, and I mailed a standard lease termination notice on land that Les and Lavon had been farming this past year. It was for two parcels of ground that Lanie and I would now rent from her. The other two parcels that mom owned would still remain with Les and Lavon. This had been talked about and agreed to by all children and mom at the December meeting. I talked about going with a legal written notice with Lanie and he agreed that the written notice would be best. On Monday, August 18, 2014, my brother Lanie told me that Lavon was angry that the notice had been sent and that he had to sign the return receipt card. I received Lavon's card back in my mail on Tuesday, August 19 but am unsure of what date it was signed.

On Monday, August 18th, during a phone call with mom around 11:30 a.m., she conveyed that she was tired from the ride in the parade the night before. She assured me she was fine and was just resting for the day. Lavon and his wife were at her house late that day and took mom to the

emergency room around 8:00. The x-rays taken that night were not conclusive to any cracked ribs and she was given fluids. Mom thought she returned home around 11:00 on Monday night.

On Tuesday, August 19, 2014, Lanie went to her home before 8:00 a.m. to check on her again and called me also with that she looked much better than the night before. I drove to Mom's house to be with her, do laundry, fill the pill cases, get groceries, etc. I have been mom's (and also my dad's, before he passed away) primary caregiver in regards to medical and other needs for the more than the last five years. I arrived about 9:35 a.m. By 11:00, I ordered the pills I needed from the Hasselbalch's Drug Store and said I'd be down to pick them up. I left moms for groceries and drugs approximately 11:25.

I got mom's dinner and we sat by the dining room table at her house. She sat with me after dinner as I filled up her pills cases. I was aware of an appointment of the health clinic the next day and that was discussed.

By about 12:35, she moved to her bedroom to lie on her bed for a daily nap. I joined her in her bedroom and we just talked until the time that I saw out of the window that Lavon had pulled up to her house and got out of the car. I told mom at that time that I would be leaving because Lavon was here. She understood I had to leave.

I was on the west side of the bed when I said that to her and had begin to walk to the foot of the bed – south - when Lavon came into the bedroom. I walked behind him (as he was standing on the east side of her bed) to get out of the bedroom door (on the northeast side of the room). As I walked by I said, "I'll offer to take her to the Wednesday appointment, if you want." It was an offer – in a low voice – because taking her to the doctor has been my job for 95% of the time during the last five years. I said it in a very nice way because I know he is busy and his wife would be in school. I did not stop but said it on my way out the door. I never made eye contact with him and I didn't intend to, as I did not want to be in her house when he was there.

He then shouted at me "YOU will not be taking her ANYWHERE" (Emphasized words in caps). I kept walking into the dining room not responding to that. He stayed in her bedroom. We had not made eye contact.

I heard him start talking about a prescription at Hasselbalch's. Having just talked about that subject before with mom, I did not hurry, but just stepped into her room to update that Medicare situation with the drugs. I would have then been on the east side of her bed. She was lying on the bed. He had (before I came in) moved to the foot (south) of her bed. I looked at mom and not at him.

I began to say "I had just been to Hasselbalch's and...." It was in a low voice and not at all raised. That's all the further I got before I saw him coming at me. He was on me in an instant from the foot of the bed (south) to the east side of the bed where I was standing. He had charged at me and instinctively, without realizing it, my hands were in front of my head trying to protect his charging at me. That same look of hatred that I saw last December was in his eyes. He grabbed my arms still in front of my face. He was screaming at me with his face no more than six inches from my face. He was forcefully holding on to both of my arms at the wrist area and

screamed "YOU ARE TO STAY AWAY FROM HER". I heard mom while crying, saying, (several times) "No, Lavon, don't."

As he pushed me toward the door, I said – I didn't shout – "Lavon, what DID I do?" We were right at the doorway when he screamed in my face "I AM SO FED UP WITH MY SISTER!" At the same time, I was trying to say that he needed anger help but I doubt he heard me as I might have been talking louder than my first sentence but still not shouting. He was screaming at me full force with his face in mine, and was holding my wrists as hard as he could - they were still in front of my face. As we reached the door, he let go of my left wrist to grab the door and begin to close it as he pushed me out with his hand that was still forcefully holding my right wrist. I immediately ran out of the house and got in my vehicle.

It was 12:58 p.m. when I called Lanie on my cell phone and I told him what had happened. I asked that he please go check on mom later because she was crying the last I heard. I was very worried how upset she was.

Later that day, Lanie and Lavon happened to meet up on one of their farms somewhere (south of Tecumseh). Lanie conveyed to me that he did not indicate that I had already told him about the attack. Lavon told Lanie at one point in their conversation that "Oh, by the way, Lois and I got into it this afternoon".

I was disturbed by that statement because I do not consider that the two sentences I said in mom's bedroom would constitute "getting into it" on my part. My very real fears of the last nine months had been realized. The hatred I had saw in December returned with more furor than ever.

I continued to keep in touch with mom as I was worried about her but I had to do it by phone conversations. I was too scared to go to her house.

On Thursday, August 21, 2014, mom called me on my cell phone while I was at my place of part-time employment. She said Lavon was on his way to her house from Lincoln and he wanted her to call me and have me come to her house when he got there. We were supposed to talk it out. As much as I want to please my mother, I could not go back to her house alone. I was afraid and did not want the possibility of being subject to any more physical violence. I called her to tell her that I could not come. It hurt me badly that I could not please my mom but she understood as she saw what had happened to me on Tuesday. On my way home later that day my mom called me on her cell phone. I answered but I knew right away that he was there and it was very obvious that he was telling her what to say to me. It made me feel sad that he felt he could use his mom as a tool for what he wanted. It was playing on my emotions for my mom as I talked to her. I had to end the call with my mom.

Had he stood at the foot of the bed and screamed at me, it would have been anger. Had he just charged at me and stopped six inches from my face and screamed at me, it would have been intimidation. When he laid hands on me and forced me out the door, it became physical and now I am not just afraid but terrified of him.

I feel scared because there is no way to know when or where he will erupt at me next. I also want to keep mom happy in her own home but do not know how to keep myself safe from his next eruption. I don't know to what level he will take his anger at me next. I feel very unsafe for my husband, children, and myself.

I have been in turmoil this past week worrying about the resentment he will feel towards me if I take a protection order action. I know this will escalate his anger and I am in all the more danger.

There has been no acknowledgement by him since the time of his attack on me that he has done anything wrong to me. If Lavon can physically assault me in front of his mother, while she is crying and saying over and over, "No, Lavon, don't," there is no assurance to me what he will do to me or one of my family members the next time he goes out of control.

I received a letter from Lavon on August 26, 2014. He offered various things but there is no amount of material offers that will lessen my fear of him. That does not make his anger problem go away. That does not heal him. Until it is obvious or proven that he no longer has a problem controlling his anger, I want Lavon to stay away from me, my husband, and my children.