

Printed: 12/26/2009
At: 11:51:50

Southampton Village Police Department
151 WINDMILL LANE
SOUTHAMPTON, NY 11968-
(631)283-0056

VIOLATION OF
ORDER OF PROTECTION
AGAINST ERIN

Page: 1

Entry/CC#: SV-014636-09 Date: 12/25/2009 Time: 19:24 Tour: 3A Desk Officer: 236

Call Type: SERVICE CALL (SPECIFY) Priority: 2 How Received: PATROL PICK UP

Caller:

Bus. Name: SVPD HEADQUARTERS

Address:

City/St/Zip: SOUTHAMPTON,

Call Back #:

Location of Assignment: SOUTHAMPTON

Cross Street:

Business Name: SVPD HEADQUARTERS

Description: POSSIBLE HARASSMENT

Disposition: COMPLETED

Post: Dispatched: Y Dispatched Date: 12/25/2009 Call Taker: 1099

OFFICERS INVOLVED

Serial #: 256 Rank: PO Name: LISA M BERTRAND

UNIT'S INVOLVED

Unit: 169

Officers: (256)

Disp. Time: 19:24 | Arr. Time: 19:24 | Comp Time: 19:24

Rcv'd to Comp: 0:00 :: Disp to Comp: 0:00

ASSOCIATED NUMBERS

Arrest #: XX-00045-09 Defendant: ERIN P MULLER DOB: 12/09/1974
Case #: SV-00923-09 Incident Type: SERVICE CALL (SPECIFY)

PERSONS INVOLVED

Name: LOHAN, MICHAEL J DOB: 04/25/1960

Address:

City/State/Zip: SOUTHAMPTON, NY

Phone Number: ()

Business Number: ()

Mobile Number:

Sex: M Race:

Person Type: COMPLT./VICTIM

Name: MULLER, ERIN P DOB: 12/09/1974

Address:

City/State/Zip: MEDFORD, NY

Phone Number:

Mobile Number:

Sex: F Race:

Person Type: DEFENDANT

NARRATIVE

The undersigned officer spoke with the above complainant at police headquarters in reference to a violation of an order of protection. The above defendant violated an order of protection that the above complainant has against the defendant by calling on the phone. The complainant stated

Entry/CC#: SV-014636-09 Date: 12/25/2009 Time: 19:24 Tour: 3A Desk Officer: 236 Page: 2

that caller ID showed a restricted phone number. The undersigned officer listened to the phone conversation that occurred on December 23, 2009 at 10:47pm. The undersigned officer told the above complainant to make a copy of the conversation and bring it to police headquarters as soon as possible. Case report, arrest report and court info on file.
256:12/25/2009 20:02 -

TMZ

Agency: SPD		NEW YORK STATE DOMESTIC INCIDENT REPORT		Sprint # (NYC)		Incident # 09-668719	
Month 09 Day 11 Year 09 Time (24 hrs) 1100		Address of Occurrence		APT # 1650		Precinct (NYC) 5511 Aided # (NYC) 500	
Report Date 12/11/09		Name (Last, First, M.I.) (include aliases) LOHAN MICHAEL		DOB 04/25/60 Age 49		Complaint # 500	
Injured? <input checked="" type="radio"/> No <input type="radio"/> Yes		Removed to Hospital? <input checked="" type="radio"/> No <input type="radio"/> Yes If yes, what hospital?		<input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Asian <input type="radio"/> Hispanic <input type="radio"/> Native American <input type="radio"/> Other:		<input type="radio"/> Officer-Initiated <input type="radio"/> Radio Run <input checked="" type="radio"/> Walk-In <input type="radio"/> Spanish <input type="radio"/> Chinese <input type="radio"/> Other:	
Describe:		Name (Last, First, M.I.) (include aliases) MULLER ERIN		Phone UNK		DOB 12/09/74 Age 34	
Street & City 11763		APT # 11763		Zip 11763		If non-English, language: <input type="radio"/> Spanish <input type="radio"/> Chinese <input type="radio"/> Other:	
Injured? <input checked="" type="radio"/> No <input type="radio"/> Yes		Removed to Hospital? <input checked="" type="radio"/> No <input type="radio"/> Yes If yes, what hospital?		<input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Asian <input type="radio"/> Hispanic <input type="radio"/> Native American <input type="radio"/> Other:		<input type="radio"/> Non-Hispanic <input type="radio"/> Unknown Prior DV History? <input checked="" type="radio"/> Yes <input type="radio"/> No Prior DV police report? <input checked="" type="radio"/> Yes <input type="radio"/> No Victim fearful? <input checked="" type="radio"/> Yes <input type="radio"/> No Access to weapons? <input checked="" type="radio"/> Yes <input type="radio"/> No Suspect: Drug/Alc History? <input checked="" type="radio"/> Yes <input type="radio"/> No Suspect: Hx suicide threat? <input checked="" type="radio"/> Yes <input type="radio"/> No Suspect: Probation/Parole? <input checked="" type="radio"/> Yes <input type="radio"/> No	
Describe:		LIVING SITUATION		RELATIONSHIP: (SUSPECT / P2 to VICTIM / P1)			
SUSPECT/P2 present? <input type="radio"/> Yes <input checked="" type="radio"/> No Do the parties currently live together? <input type="radio"/> Yes <input checked="" type="radio"/> No IF NO, have they lived together in the past? <input type="radio"/> Yes <input checked="" type="radio"/> No Do the parties have a child-in-common? <input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Married <input type="radio"/> Formerly Married <input type="radio"/> Intimate Partner/Dating <input type="radio"/> Former Intimate/Dating <input type="radio"/> Child of victim/party 1 <input type="radio"/> Parent of victim/party 1 <input type="radio"/> Relative <input type="radio"/> Other:					
(Check all that apply) <input type="radio"/> Biting <input type="radio"/> Impaired Alcohol/Drugs <input type="radio"/> Pushing <input type="radio"/> Threw Items <input type="radio"/> Threats: (specify) <input type="radio"/> Destroyed Property (Estimated \$ 5) <input type="radio"/> Injury to Child <input type="radio"/> Sexual Assault <input type="radio"/> Unwanted Contact <input type="radio"/> Injure/Kill Persons <input type="radio"/> Forced Entry <input type="radio"/> Injury to Other Persons <input type="radio"/> Shooting <input type="radio"/> Verbal Abuse <input type="radio"/> Injure/Kill Self <input type="radio"/> Forceful Restraint <input type="radio"/> Injury to Pet/Animal <input type="radio"/> Slapping <input type="radio"/> Violated Visitation/Custody Conditions <input type="radio"/> Injure/Kill Pet/Animal <input type="radio"/> Hair Pulling <input type="radio"/> Interference with Phone <input type="radio"/> Slamming Body <input type="radio"/> Stabbing <input type="radio"/> OTHER Suspect Actions: MENACING <input type="radio"/> Destroy/Take Property <input type="radio"/> Homicide <input type="radio"/> Kicking <input type="radio"/> Strangulation/Choking <input type="radio"/> Suicide or Attempt <input type="radio"/> Other:							
Arrest Made? <input type="radio"/> Yes <input checked="" type="radio"/> No Arrest # 11763 Reasons arrest not made on-scene: <input type="radio"/> No Offense Committed <input type="radio"/> No Probable Cause <input checked="" type="radio"/> Suspect Off-Scene <input type="radio"/> Warrant/Criminal Summons to be requested <input type="radio"/> Violation level: not in police presence (no citizen's arrest) <input type="radio"/> Other:							
Offenses Involved: (check all that apply) <input type="radio"/> Felony <input checked="" type="radio"/> Misdemeanor <input type="radio"/> Violation <input type="radio"/> Other (Specify): DISTRICT Registry Checked? <input checked="" type="radio"/> Yes <input type="radio"/> No OP Court Name: DISTRICT Order of Protection? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Family <input checked="" type="radio"/> Criminal <input type="radio"/> Supreme Stay Away Order? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Out of State <input type="radio"/> Tribal Order Violated? <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Any PRIOR orders? <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Other:							
STOP! ***** COMPLETE STATEMENT ON PAGE 2 NEXT ***** Photos Taken? <input type="radio"/> Yes <input checked="" type="radio"/> No IF YES, photos taken of: <input type="radio"/> Victim Injuries <input type="radio"/> Suspect Injuries <input type="radio"/> Other evidence collected? <input type="radio"/> Yes <input checked="" type="radio"/> No IF YES, describe:							
Results of investigation and basis of action taken. (Were excited utterances, spontaneous admissions or spontaneous statements made?) <input type="radio"/> Yes <input checked="" type="radio"/> No (Complete 710.30 or other form when applicable). P-1 reports P-2 his EXFIANCÉ THREATENED him with a KNIFE SEVERAL MONTHS AGO during an ARGUMENT and he wishes to pursue CHARGES. P-1 further states he has an ORDER of PROTECTION in NASSAU COUNTY AGAINST P-2 that WAS SERVED 91 days AGO.							
OTHER AGENCIES involved with the parties or incident (e.g. advocates, hospital, probation): Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="radio"/> Yes <input checked="" type="radio"/> No IF YES, officer must contact the NYS CHILD ABUSE HOTLINE REGISTRY # 1-800-635-1522 CONTACTS INITIATED BY POLICE: <input type="radio"/> Adult Protective Services <input type="radio"/> Child Protective Services (or ACS) <input type="radio"/> Domestic Violence Services <input type="radio"/> Firearms Licensing <input type="radio"/> Mental Health <input type="radio"/> Parole <input type="radio"/> Probation <input type="radio"/> Rape Crisis <input type="radio"/> Other Agency: NONE Name on Permit(s): NONE Issuing County: NONE Date: 12/21/09 Who was notified? 12/21/09 Notified by (initial): 12/21/09							
Officer's Signature (PRINT and SIGN) 12/21/09 1. Was DLR given to the victim at the scene? <input checked="" type="radio"/> Yes <input type="radio"/> No Supervisor's Signature (PRINT and SIGN) 12/21/09 2. Was Victim Rights Notice given to victim? <input checked="" type="radio"/> Yes <input type="radio"/> No IF NO, give reason:							

Sprint # (NYC)

Incident #

Precinct (NYC)/CTV

Aided # (NYC)

Complaint #

09-168719

5

511

500 0117

**Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION**

Suspect Name (Last, First, M.I.)

MULLER, ERIN

I, Kohan, Michael (victim/deponent name), state that on 09/14/09 (date) at 1100h,
Yo, (nombre de victima/deponente), declaro que en tal fecha 1/1 en

(location of incident), in the County/City/Town/Village of N.Y., of the state of New York, the following did occur:
(donde el incidente ocurrio), el condado/ciudad/aldea/pueblo de N.Y., del estado de Nueva York, lo siguiente ocurrio:

My ex-fiance ERIN MULLER THREATENED ME WITH
A KNIFE DURING AN ARGUMENT SEVERAL MONTHS
AGO AND I WISH TO PURSUE CHARGES. I
did not report this at the time
because I wanted her to get help for
her ADDICTIONS.

(Use additional pages as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.
Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la seccion 210.45 de la ley penal.

Victim/Deponent Signature
Firma de victima/deponente

Date
Fecha

12/21/09

Note:
Whether or not this form is signed, this DIR form will be filed with law enforcement.

Interpreter

Date

Nota:
Si esta forma esta firmada, o no, esta DIR forma sera registrada con la policia.

Witness or Officer

Date

PO6034/570/2 12/21/09

ORDER OF PROTECTION AGAINST

P. 06
Criminal Form 1 10/02

RI No: _____
Order No: _____
VSID No: _____

At a term of the DISTRICT Court, County of Nassau
at the Courthouse at 49 Main St Hempstead State of New York

ORDER OF PROTECTION
Family Offenses - C.P.L. 530.12
Other Domestic Violence Crimes - C.P.L. 530.13¹

☐ Youthful Offender (check if applicable)

Part: A Index/Docket No: 2009NA-032331

Indictment No., if any: _____
Charges: 245.20(4)(b)

☐ Ex Parte
☒ Defendant Present In Court
(check one)

RESENT: Hon. Ferrell

PEOPLE OF THE STATE OF NEW YORK

-against-

Erin Muller

Date of Birth: 12/19/74

Medford, NJ

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of: ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal]
☐ ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]: _____

And the Court having made a determination in accordance with section 530.12 or 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

- [01] ☒ Stay away from [A] ☒ [name(s) of protected person(s)] or witness(es): Michael Lohan and/or from the
[B] ☒ home of same [C] ☒ school of same
[D] ☒ business of same [E] ☒ place of employment of same
[F] ☐ other _____
- [14] ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: Michael Lohan
- [02] ☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats, or any criminal offense against [specify name(s) of protected person(s)] members of protected person's family or household, or person(s) with custody of child(ren): Michael Lohan (4125/64)
- [11] ☐ Permit [specify individual]: _____ to enter the residence at [specify]: _____
during [specify date/time]: _____ with [specify law enforcement agency, if any]: _____ to remove personal belongings not in issue in litigation [specify items]: _____ that
- [04] ☐ Refrain from [indicate acts]: _____
create an unreasonable risk to the health, safety, or welfare of [specify child(ren), family or household member]: _____
- [05] ☐ Permit [specify individual(s)]: _____
entitled by a court order or separation or other written agreement, to visit with [specify child(ren)]: _____
during the following periods of time [specify]: _____
under the following terms and conditions [specify]: _____

[12] ☐ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: any and all weapons Such surrender shall take place immediately, but in no event later than [specify date/time]: upon release to any police precinct.

[99] ☐ Specify other conditions defendant must observe: stay away from him. wherever he may be. Do not contact him directly or indirectly.

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby [13A] ☒ suspended or [13B] ☐ revoked (note: final order only), and/or [13C] ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).

IT IS FURTHER ORDERED that this order of protection shall remain in effect until 12/16/2010 (specify date)

DATED: 12/17/09

HON. TRICIA M. FERRELL

JUDGE / JUSTICE
Court (Court Seal)

☒ Defendant advised in Court of issuance of Order.
Received by Defendant _____

Defendant's signature

☐ Warrant issued for Defendant

☐ Service Executed Date: _____ Time: _____
The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.
Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC §§2265, 2266).
It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence against an intimate partner or family member; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement officers while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard, that protects an intimate partner against assault, harassment, threatening and/or stalking, remains in effect (18 USC §§922(g)(8,9), 2261, 2261A, 2262).

¹ Use this form for orders of protection, issued to protect victims of domestic violence as defined in Soc. Serv. Law §459-a, that must be entered on the statewide registry of orders of protection [Exec.L. §221-a].

Father is a coward. - was never There for
here. But Now when he is trying
to, he's going to make it worse (legally)
for all of them

2652 / 23521

TMZ