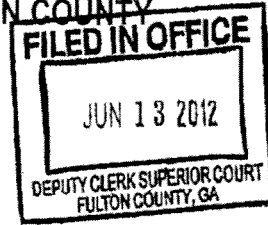


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IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

FAMILY DIVISION



KRYSTAL MOORE,)	
)	
Petitioner,)	Judge Bensonetta Tipton Lane
)	
VS.)	CIVIL ACTION FILE NUMBER:
)	
ADAM D. PETTY,)	2012CV214770
)	
Respondent.)	
_____)	

ORDER ON MOTION FOR TWELVE MONTH PROTECTIVE ORDER

The petitioner and the respondent were in a romantic relationship in Ohio for about 18 months. They broke up in April, 2010. The petitioner subsequently moved to Atlanta and the respondent remained in Ohio. The two had not been in contact with each other since December, 2010. Unbeknownst to the petitioner, the respondent visited Atlanta with his new fiancée¹ in May, 2012. The two were in Atlanta for only a weekend and visited a steak house in a trendy outdoor mall called Atlantic Station. While the respondent and his fiancée were digesting their dinner on a park bench in Atlantic Station, the petitioner, who had been out with her girlfriends, walked by. Although the parties gave differing accounts of the encounter, the Court finds that the petitioner approached the couple, engaged the respondent's fiancée in conversation, escalated the conversation, called her a name, threw a milkshake on the new fiancée, pulled her hair and grabbed her by her ear or her earring. The respondent stepped

¹ His new fiancée was a woman the petitioner had considered to be her girlfriend when she lived in Ohio.

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between the two to push the petitioner off his fiancée, after which the petitioner collected her belongings from the sidewalk, walked to her car and drove away. The respondent called 911, tried to get a police response, found an Atlantic Station police officer and made a report to the Atlantic Station police, who ran into the parking lot unsuccessfully attempting to find the petitioner.

The petitioner testified that after she left Atlantic Station she drove home. She later called a girlfriend, who came to her house and picked her up. The two set off to find a police station at which to report the incident that occurred at Atlantic Station. According to the petitioner's and the girlfriend's testimony, they drove around for about 45 minutes, failed to find a police station, gave up and returned home. Two days later, on a Monday when the courthouse had opened, the petitioner went to the Family Division of the Fulton County Superior Court and filed for the temporary protective order which she now seeks to expand.

The petitioner's testimony and her previous actions make it difficult for the Court to find her credible. She testified that when the couple lived in Ohio, she and the respondent had many arguments about "why he wanted me out of his house," yet she refused to move.² She was later asked whether the respondent had ever asked her to move out of his house and testified that he had not. She later testified that it was only after he had filed for a restraining order to get her to leave his house that she moved out. Her testimony was, "He abused the law in order to get me out of the house."

² This is baffling to the Court since the petitioner even alleged that he had become adamant and even violent around the issue of when she would move out.

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After she left the house, the respondent asked her not to contact him anymore. When asked if she contacted him in spite of this request, she testified, "yes." After their relationship had clearly ended, and after he had adamantly asked her to "Please stop contacting me ... as I requested on October 30, 2010, please do not contact me any further," she wrote him emails sending him photos of herself, claiming he was the "love of my life," that he would regret losing her as others had, that he didn't appreciate what a beautiful woman she was, that they might have been "the next Obamas;" and disparaging his fiancée by referring to her as a "down-grade" and by other offensive descriptions.

The petitioner testified that, after the May, 2012 Atlantic Station incident, the respondent later came by her house, buzzed the entrance gate and threatened to kill her. The respondent gave credible testimony that he was advised he would not be permitted to take out a criminal warrant for the petitioner's assault on his fiancée without submitting an address where she could be served. Upon researching her address on a popular address web site, he discovered she lived in an apartment complex. He drove to the complex for the purpose of verifying her apartment unit number. While there; he engaged in the incredibly stupid act of yelling something like "you evil bitch" into her intercom, before driving away.³

The respondent is a military lawyer whose only connection with the City of Atlanta was a weekend visit on his way to Columbus, Georgia, where he was assigned to take a six week training course. The training course is now over and he is on his way

³ In testimony he acknowledged how stupid this was, but explained how angry he was because of his fiancé being assaulted in the mall. He gave undisputed testimony that he never got out of his car or sought access to enter the security gate.

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to Maryland, where he will be stationed for the next two years. He is planning a wedding scheduled for next month. He has never before been to Atlanta, has no ties to Atlanta and no plans to come back to Atlanta, even to visit.

For the foregoing reasons, the Court finds that the plaintiff has failed to prove, by a preponderance of the evidence, that she was and/or continues to be in reasonable fear for her life or safety on account of the acts of the respondent. Her petition to expand the existing TPO into a twelve month protective order is hereby DENIED.

THE CLERK IS HEREBY ORDERED TO FILE THIS ORDER UNDER SEAL.

SO ORDERED, this 13 day of June, 2012.



Judge Bensonetta Tipton Lane
Fulton County Superior Court
Atlanta Judicial Circuit

Cc:

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