

DVPO Fact Situations

Gersch v. Fantasia (facts taken from opinion)

Plaintiff and defendant were once engaged, and the couple had a child before ending their relationship.

On the afternoon of 24 January 2006, Denice Gersch drove to her parent's house with the parties' infant son for a visitation exchange with defendant. Upon parking her automobile in the driveway, Ms. Gersch's father, Mr. Gersch, took the infant carrier out of the automobile, and carried the infant towards his house. Defendant (Peter Fantasia) asked Mr. Gersch, "Where [are] you going with my son?" and grabbed the infant carrier. When Mr. Gersch tried to push defendant back, defendant punched Mr. Gersch, who fell to the ground. Defendant then kicked Mr. Gersch in the head. Ms. Gersch testified that she "jumped on Mr. Fantasia, grabbing him, trying to pull him off my 62-year-old father and my five-month old son. He slung me.... I ended up being slung into the railing." Mr. Gersch then rushed into the house, with the baby, and locked the door. Ms. Gersch testified that her mother took photos of the bruises she developed on her side as the result of being flung into the railing. The police were called and, after conferring with their supervisor, declined to charge anyone at the scene. Later that night Mr. Gersch was taken to the hospital for stitches on his face.

Sylvester v. Sylvester (facts may be altered)

Sarah and Paul Sylvester were married in 2014 and had a child in 2015. In January 2016, Sarah filed this complaint for a DVPO. She will testify that: Husband made threats and acted violently in their home and that she was actually afraid of him. She testified that Husband smashed a bathroom light with a shower rod while she was taking a bath; that Husband cut his wrists in front of her; that Husband smashed his head through a sliding glass door of their home during an argument; that Husband physically restrained Wife when she tried to exit the home, causing her to fall to the floor while holding their child; that Husband stated to Wife, "[I]s this the part of the story where the husband strangles his family and then kills himself[?]" and that Husband's actions caused her to feel "really scared."

Wife also introduced Husband's text messages into evidence where he admitted to his violent behavior: "I put my head through a window" because I "thought it would de-escalate the situation" and that "[smashing things] ends violence ... keeps a situation from getting violent."
