

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

Case No.: 05-2017-DR-054881

Division: FAMILY

In Re the Marriage of:

PAIGE ANN LOCKE,
Petitioner,

and

MICHAEL BASS LOCKE,
Respondent.

WIFE'S PRETRIAL STATEMENT

STATEMENT OF FACTS

Marital Statistics

MICHAEL BASS LOCKE ("Husband" and "Father" herein) and *PAIGE ANN LOCKE* ("Wife" and "Mother" herein) were married on or about December 31, 2015, and lived together as husband and wife until their final separation on or about December 10, 2016.

Grounds

Irreconcilable differences exist and have caused the irretrievable breakdown of the marriage, and all efforts and hope of reconciliation would be impracticable and not in the best interests of the parties.

Children

The following children are involved in this action and have been born to or adopted by the parties:

Name: *Wilder T.L.*

Birth date: September 11, 2013

Name: *Rowen M.B.L.*

Birth date: April 18, 2016

No other children were adopted, and none are expected. This court has jurisdiction over said children pursuant to the applicable Florida Statutes and the Uniform Child Custody Jurisdiction and Enforcement Act. Florida is the home state of the children and accordingly is the sole jurisdictional state to determine child custody and visitation.

Parental Information

6. The current parental information is as follows:

Husband/Father: *MICHAEL BASS LOCKE*

Date of Birth: February 28, 1985

Residential Address: 956 Osprey Drive, Melbourne, Florida 32940

Employer: Disabled

Wife/Mother: *PAIGE ANN LOCKE*

Date of Birth: August 3, 1982

Residential Address: *{Confidential}* Melbourne, Florida

Employer: Health First Holmes Regional Medical Center

Employer's Address: 1350 South Hickory Street, Melbourne, Florida 32901

Pleadings

- 12/12/2017 Petition for Dissolution filed by Wife (*Docket #2*)
- 5/7/2018 Answer and Counter-Petition filed by Husband (*Docket #24*)
- 5/16/2018 Answer to Counter-Petition filed by Wife (*Docket #31*)
- 1/31/2019 Joint Stipulation and Order for Amendment of Pleadings (*Docket #78*)
- 1/31/2019 Amended Counter-Petition filed by Husband (*Docket #79*)
- 2/20/2019 Answer to Amended Counter-Petition filed by Wife (*Docket #92*)

Bifurcated Final Judgment and Supplemental Partial Final Judgment

- 7/14/2020 Bifurcated Final Judgment of Dissolution of Marriage (*Docket # 139*), dissolving the bonds of matrimony and reserving jurisdiction on the property and child-related issues
- 7/20/2020 Marital Settlement Agreement - Property Issues Only (*Docket #140*)
- 7/23/2020 Supplemental Partial Final Judgment of Dissolution of Marriage (*Docket #145*), adopting the Partial Marital Settlement Agreement (*Docket #140*)

Relevant Orders and Stipulations:

- 11/19/2014 Final Judgment of Paternity regarding W.T.L. (*Case No. 05-2014-DR-011884*)
- 8/22/2018 Stipulated Temporary Parenting Plan (*Docket #57*)
- 8/31/2018 Order Ratifying Stipulated Temporary Parenting Plan (*Docket #61*)
- 5/30/2019 Stipulated Order on Voluntary Disclosure of VA file and Waiver of Privilege (*Docket #98*)

8/29/2019 Order on Emergency Motion to Determine Child's School (*Docket #105*)
1/15/2020 Agreed Order on Motion for Contempt [child-related issues] (*Docket #115*)
8/10/2020 Order Granting Emergency Motion for Clarification [child-related issues] (*Docket #160*)
8/10/2020 Order Granting Emergency Motion for Contempt [child-related issues] (*Docket #164*)
8/19/2020 Order Granting Motion to Suspend Respondent's Time-Sharing (*Docket #179*)
8/28/2020 Order Restricting Respondent's Contact with Court (*Docket #198*)
12/4/2020 Order on Motion for Sole Parental Responsibility (*Docket #211*)

Injunction for Protection Against Stalking Violence:

8/4/2020 Final Judgment of Injunction for Protection Against Stalking Violence (After Notice) *Case No. 05-2020-DR-036701* [ordered a psychological evaluation by Circles of Care within ten (10) days]
8/28/2020 Order Restricting Respondent's Contact with Court (Docket #198)

ISSUES OF FACT FOR DETERMINATION AT TRIAL

The following are fact issues for determination at trial:

- a) **Parental Responsibility** – Both parties seek sole parental responsibility
- b) **Time-Sharing** – Mother seeks “therapeutic” time-sharing under the supervision of and within the presence of a mental health provider until further order of Court. Father seeks majority time-sharing
- c) **Child Support** – Father's monthly child support \$1,458.00
- d) **Child Support Arrearage** – Father's arrearage calculations based on three time segments
 - i) **Segment #1:** 2/12/2017 to 8/30/2018 – Date of filing to Agreed Temporary Parenting Plan
 - ii) **Segment #2:** 8/31/2018 to 8/18/2020 – Agreed Temporary Parenting Plan (50/50 time-sharing) to Order Suspending Time Sharing
 - iii) **Segment #3:** 8/19/2020 to 7/22/2021 – Order Suspending Time Sharing to date of trial

SIGNIFICANT ISSUES OF LAW, PROCEDURE OR EVIDENCE

10. Presumption of detriment to child

F.S. 61.13(2)(c)(2): Evidence that a parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and Chapter 775 . . . creates a rebuttable presumption of detriment to the child.

F.S. 61.13 (3)(m): Evidence of domestic violence . . . regardless of whether a prior or pending action relation to those issues has been brought . . . the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interest of the child.

Pending Charges: The Respondent currently is charged with:

Case No. 05-2020-CF-040371-AXXX-XX:

Felony 3rd Degree - Aggravated Stalking (Credible Threat) F.S. 784.048(3) – Defendant willfully, maliciously and repeatedly follow, harass, or cyberstalk another person (Robert Segal, Debra Lansing) and made a credible threat which placed the person who was the target of the threat in reasonable fear for their or the safety of their family members or individuals closely associated with them.

Case No. 05-2020-CF-040351-AXX-XX:

Felony 3rd Degree – Aggravated Stalking (Court Order) F.S. 784.048(4) – Defendant knowingly, willfully, maliciously and repeatedly, follow or harass another person (Paige Locke) after any court-imposed prohibition of conduct toward said person, or that person’s property had been granted.

Misdemeanor 1st Degree (11 counts) – Violation of Injunction for Protection against Stalking or Cyberstalking 784.0487(4) - Defendant unlawfully and willfully violate an injunction for protection against stalking or cyberstalking entered on August 4, 2020 (issued in Case No. 05-2020-DR-036701).

Case No. 05-2020-CF-040369-AXXX-XX:

Felony 3rd Degree – Battery upon a Law Enforcement Officer F.S. 784.087(2)(b) – Defendant knowingly commit battery upon a law enforcement officer (Aziz Ghawi), while said law enforcement officer was engaged in the lawful performance of said officer’s duties, by actually and intentionally touching or striking that officer against said officer’s will, or by intentionally causing bodily harm to said office, knowing that the office was a law enforcement officer.

Felony 3rd Degree – Resisting an Officer With Violence 843.01 – Defendant knowingly and willfully resist, obstruct or oppose an officer or officers (Aziz Ghawi, Jay Church of Brevard County Sheriff’s Office) in the execution of legal process or the lawful execution of a legal duty, by offering or doing violence to the person of said officer or officers.

Argument: Petitioner is requesting a finding of detriment to the children based on the entry of the injunction of protection protecting her from the Respondent, and further be supported by pending charges and supporting testimony of Brevard County Sheriff’s Officers regarding patterns of conduct. Respondent has anger management issues, poor impulse control and is unable to properly care for the children.

11. **Partition of Real Property**

The parties agreed that the Husband would pay the Wife her interest in the marital residence on a monthly basis in their Marital Settlement Agreement (Doc. #140). If Husband defaulted in this obligation, the home was to be sold and the balance paid to the Wife at the time of sale. Husband has failed to keep the mortgage obligation current and is in arrears in an amount exceeding \$35,000. Husband has breached the Marital Settlement Agreement in failing to keep with the spirit and intent of the document by jeopardizing the collateral upon which the promise was based. If the lender forecloses and the property sells at auction, Husband will have effectively disposed of the asset and the collateral to the Wife's detriment.

TRIAL WITNESSES

List of all of Wife's witnesses, including expert witnesses, reasonably expected to be called at trial:

Michael Locke, 956 Osprey Drive, Melbourne, Florida

Paige Locke, *address confidential*, Melbourne, Florida

William Locke, 956 Osprey Drive, Melbourne, Florida

Sgt. Jay Church, #256, Brevard County Sheriff, 340 Gus Hipp Blvd., Rockledge, Florida 32955

Adam Walkington, #4126, Brevard County Sheriff, 340 Gus Hipp Blvd., Rockledge, Florida 32955

Robert Segal, Circuit Court Judge, Moore Justice Center, 2425 Judge Fran Jamieson Way, Viera, Florida 32940

Elizabeth Depelteau, Psy.D., Coastal Psychiatric Urgent Care Center, 1428 Valentine Street, Melbourne, Florida 32901

Jaymie Gaucher, Director, Center for Child Development, 611 East Sheridan Road, Melbourne, Florida 32901

Matthew Wilson, Guidance Counselor, Sable Elementary School, 1401 N. Wickham Road, Melbourne, Florida 32935

Impeachment and Rebuttal Witnesses

PETITIONER'S TRIAL EXHIBIT LIST

Court Documents

- _____ A-1 Stipulated Temporary Parenting Plan 8/15/2018 (Doc. #57)
- _____ A-2 Marital Settlement Agreement 7/20/2020 (Doc. #139)
- _____ A-3 Mother's Proposed Four Phase Parenting Plan 7/1/2021 (Doc. #273)

Injunction for Protection

- _____ B-1 Final Judgment of Injunction for Protection Against Stalking Violence 8/28/2020
(05-2020-DR-036701)
- _____ B-2 Supplemental to Petition for Injunction

Orders

- _____ C-1 Final Judgment of Paternity 11/19/2014 (05-2014-DR-011884)
- _____ C-2 Order Ratifying Stipulated Temporary Parenting Plan 8/30/2018 (Doc. #61)
- _____ C-3 Stipulated Order on Voluntary Disclosure and Waiver of Privilege Pursuant to
F.S. 90.507 5/30/2019 (Doc. #98)
- _____ C-4 Order on Emergency Motion to Determine Minor Child's School 8/28/2019 (Doc. #105)
- _____ C-5 Agreed Order on Petitioner/Wife's Motion for Contempt 1/15/2020 (Doc. #115)
- _____ C-6 Partial Final Judgment of Dissolution of Marriage 7/14/2020 (Doc. #139)
- _____ C-7 Supplemental Partial Final Judgment (Property Issues Only) 7/22/2020 (Doc. #145)
- _____ C-8 Order Granting Petitioner's Emergency Motion for Clarification 8/10/2020 (Doc. #160)
- _____ C-9 Order Granting Petitioner's Emergency Motion for Contempt and Enforcement 8/10/2020
(Doc. #164)
- _____ C-10 Order Granting Petitioner's Ore Tenus Motion to Suspend Respondent's Time-Sharing 8/19/2020
(Doc. 179)
- _____ C-11 Order Restricting Respondent's Contact with Court 8/28/2020 (Doc. #198)
- _____ C-12 Order Requiring 24-hour GPS monitor 11/4/2020 (05-2020-CF-040351-AXXX-XX)
- _____ C-13 Order Granting Sole Parental 12/4/2020 (Doc. #211)

Videos

- _____ **D-1** Child Exchange video 10/29/2019
- _____ **D-2** Child Exchange video Part One 7/30/2020
- _____ **D-3** Child Exchange video Part Two 7/30/2020

Previous Violent Charges

- _____ **E-1** Information Case No. 05-2012-MM-034644-AXXX-XX showing first degree misdemeanor charge for Battery – Domestic Violence
- _____ **E-2** Amended Information Case No. 05-2012-MM-034644-AXXX-XX showing amended first degree misdemeanor charge for Battery – Domestic Violence against William Locke

Pending Violent Charges

- _____ **F-1** Information Case No. 05-2020-CF-040371-AXXX-XX showing two third degree felony charges Aggravated Stalking (Credible Threat) and Aggravated Stalking (Court Order) of Robert Segal and Debra Lansing
- _____ **F-2** Information Case No. 05-2020-CF-040369-AXXX-XX showing two third degree felony charges Battery Upon a Law Enforcement Officer and Resisting an Officer with Violence
- _____ **F-3** Information Case No. 05-2020-CF-040351-AXXX-XX showing one third degree felony charge for Aggravated Stalking (Court Order) of Paige Locke and 11 first degree misdemeanor charges for Cyberstalking of Paige Locke
- _____ **F-4** Information Case No. 05-2020-MM-050949-AXXX-XX showing one first degree misdemeanor for Possession of Firearm or Ammunition by Person Subject to An Injunction

Medical Records

- _____ **G-1** VA disability file (privilege waived)
- _____ **G-2** Excerpt of Pertinent VA Records by Page # of VA pdf file
- _____ **G-3** Dept. of VA Rating Decision letter dated 2/13/2015 (pdf pages 2404-2408)
- _____ **G-4** Examination for Housebound Status or Permanent Need for Regular Aid and Attendance Kristin Wallace dated 4/3/2015 (pdf pages 2335-2336)
- _____ **G-5** Mental Residual Functional Capacity Assessment dated 7/8/2015 (pdf pages 1920-1923)
- _____ **G-6** Dept. of VA Rating Decision letter dated 10/5/2015 (pdf pages 1689-1699 and 2404-2408)

Communications Between Parties

- _____ **H-1** G-mail communications showing Mr. Locke's insults and unilateral directing regarding issue of exchanges 1/7/2018 to 1/8/2018
- _____ **H-2** Text message 5/29 and 5/30/2018 showing Mr. Locke's refusal to return Wilder
- _____ **H-3** Text message 8/7/2018 showing Mr. Locke's insults and threats
- _____ **H-4** Text Message 12/11/2018 showing Mr. Locke's insults and unilateral directive on exchange at daycare
- _____ **H-5** Text Message 7/15/2019 showing Mr. Locke will no longer be paying the mortgage on the marital home
- _____ **H-6** Text message showing Mr. Locke's threats and non-relevant communications regarding DCF calls 9/5/2019
- _____ **H-7** Text message 6/19/2020 from Mrs. Locke during time period Mr. Locke refused to exchange the children due to his unilateral decision that she put them at risk

Children's Injuries

- _____ **I-1** Rowen face injury 7/20/2018
- _____ **I-2** Rowen re-injury front view 7/25/2018
- _____ **I-3** Rowen re-injury side view 7/25/2018
- _____ **I-4** Rowen head injury 8/26/2018
- _____ **I-5** Right leg injury 3/24/2019
- _____ **I-6** Rowen elbow infection and band aid glue 7/30/2020
- _____ **I-7** Wilder dirty fingernails 7/30/2020

Financial Records

- _____ **J-1** Husband's USAA Federal Savings Checking **205-7 Statements 12/4/2019 to 6/4/2021
- _____ **J-2** Mortgage statements Planet Lending 3/16/2020 to 5/17/2021

Child Support

- _____ **K-1** Wife's Financial Affidavit 12/12/2017 (Doc. #8)
- _____ **K-2** Husband's Financial Affidavit 6/4/2018 (Doc. #36)
- _____ **K-3** Wife's Amended Financial Affidavit 6/21/2018 (Doc. #44)
- _____ **K-4** Husband's Amended Financial Affidavit 6/10/2021 (Doc. #243)
- _____ **K-5** Wife's Amended Financial Affidavit 6/23/2021 (Doc. #260)
- _____ **K-6** Brevard Clerk of Court CSE Payment History Information Case No. 17-0054881-FD
(payments 1/8/2019 to 6/2/2021)
- _____ **K-7** Summary of child support arrearage
- _____ **K-8** CS Guidelines 12/12/2017 to 8/30/2018 (Segment #1)
- _____ **K-9** CS Guidelines 8/31/2018 to 8/18/2020 (Segment #2)
- _____ **K-10** Spread Sheet showing child support paid 8/31/2018 (1st payment 1/8/2019) to 8/18/2020
(Segment #2)
- _____ **K-11** CS Guidelines 8/19/2020 to 7/21/2021 (Segment #3)
- _____ **K-12** Spread Sheet showing child support paid 8/19/2020 to 7/21/2021 (Segment #3)

Child Care Records

- _____ **L-1** Center for Child Development Notes on Wilder Locke dated 2/1/2019

Photographs

- _____ **M-1** Michael Locke clenching fists
- _____ **M-2** Photograph of deceased person 8/19/2020

Miscellaneous

- _____ N-1 Affirmative Defenses filed by Mr. Locke 7/1/2021 Doc. 270
- _____ N-2 Zoom conference invite 4:32 pm 6/17/2021
- _____ N-3 E-mail from Mr. Locke 7:06 pm interpreting Mrs. Locke's intent
- _____ N-4 Our Family Wizard Journal Report 7/27/2018 to 5/26/2019
- _____ N-5 Threatening E-mail from Mr. Locke 7-6-2021

BCSO Photographs

Front Porch

- _____ O-1 Close up of bench
- _____ O-2 Close up of injunction on bench
- _____ O-3 Front door and bench

Living Room

- _____ O-4 Living room couch weapons
- _____ O-5 Air conditioning off
- _____ O-6 Living room behind couch to kitchen
- _____ O-7 Living room behind couch to tv
- _____ O-8 Living room from kitchen
- _____ O-9 Living room from tv wall into kitchen
- _____ O-10 Living room into kitchen view
- _____ O-11 Stairway at landing
- _____ O-12 Stairway

Kitchen

- _____ O-13 Kitchen countertop left
- _____ O-14 Kitchen sink and countertop right
- _____ O-15 Kitchen sink

Laundry Room

- _____ **O-16** Laundry room appliances
- _____ **O-17** Laundry room door and light switch
- _____ **O-18** Laundry room floor from back
- _____ **O-19** Laundry room floor

Powder Room

- _____ **O-20** Powder room from living room
- _____ **O-21** Powder room toilet and garbage front view
- _____ **O-22** Powder room toilet front view
- _____ **O-23** Powder room toilet side view

Rowen's Room

- _____ **O-24** Entry to Rowen's room
- _____ **O-25** Rowen's bed
- _____ **O-26** Rowen's closet left
- _____ **O-27** Rowen's closet right
- _____ **O-28** Rowen's floor next to bed

Wilder's Room

- _____ **O-29** Door to Wilder's room
- _____ **O-30** No exhibit photo
- _____ **O-31** Wilder's floor at entry
- _____ **O-32** Wilder's floor
- _____ **O-33** Wilder's toys
- _____ **O-34** Wilder's closet

Upstairs Bath

- _____ **O-35** Wilder's toys
- _____ **O-36** Bath toys on floor
- _____ **O-37** Tub and missing tissue holder
- _____ **O-38** Upstairs bath from hall
- _____ **O-39** Upstairs toilet at base
- _____ **O-40** Upstairs toilet close up
- _____ **O-41** Upstairs toilet upper
- _____ **O-42** Upstairs toilet

Master Bedroom

- _____ **O-43** Ammo shells blow up and Brevard Good Old Boys book
- _____ **O-44** Ammo shells on bed and Ultimate Guide to survival
- _____ **O-45** Blow up of Guide to Survival Handbook
- _____ **O-46** Close up of Improvised Munitions Handbook
- _____ **O-47** Guide to Booby Traps on dresser
- _____ **O-48** Improvised Munitions Handbook on armoire
- _____ **O-49** Master Bath into bedroom
- _____ **O-50** Master bedroom air conditioner
- _____ **O-51** Master bedroom bed
- _____ **O-52** Master bedroom dresser close up
- _____ **O-53** Master bedroom dresser
- _____ **O-54** Master bedroom floor
- _____ **O-55** Master bedroom from door
- _____ **O-56** Master bedroom sleeping mat

Master Bath

- _____ **O-57** Master bath counter left
- _____ **O-58** Master bath counter right
- _____ **O-59** Master bath counter
- _____ **O-60** Master bath toilet damage
- _____ **O-61** Master shower floor and wall
- _____ **O-62** Master shower floor
- _____ **O-63** Toothbrushes

Rage Room

- _____ **O-64** Battered door and high chair
- _____ **O-65** Chain and wood chips
- _____ **O-66** Damage in rage room
- _____ **O-67** Rage room ac unit dismantled
- _____ **O-68** Wall and door damage and high chair
- _____ **O-69** Wall damage
- _____ **O-70** Damage in rage room expanded
- _____ **O-71** Damage to planking and chain

Automobile

- _____ **O-72** Front of vehicle from driver's side
- _____ **O-73** Back of vehicle with tag

Weapons/Ammunition

- _____ **O-74** Chain saw and baton on living room couch
- _____ **O-75** Shells in black box
- _____ **O-76** Shells on floor
- _____ **O-77** Machete on floor
- _____ **O-78** Machete and toys
- _____ **O-79** Close up #2 of device on sidewalk
- _____ **O-80** Device on sidewalk

Social Investigation

- _____ **P-1** Social Investigation of both
- _____ **P-2** Letter to Judge Segal 8-27-2019
- _____ **P-1** 2nd Letter to Judge Segal 9-6-2019

ESTIMATED TRIAL TIME REQUIRED

15. The estimated time needed for the parties to present their cases is *two (2) days*. Wife requires *thirty (30) minutes* to present an opening statement.

CERTIFICATE OF SERVICE

I certify that a copy of this document was electronically served via the Florida Courts E-Filing Portal to Michael Locke Designated E-mail: mbl2285@msn.com on July 8, 2021.

Respectfully submitted,

DEBORAH M. SMITH, P.A.

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