NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. 2024-PO-030

STATE OF TEXAS	§	MAGISTRATE FOR
	§	
	§	
V.	§	
	§	Freestone COUNTY
	§	
Lynnette Denise Birge	§	
DEFENDANT	§	TEXAS

MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

On this day, August 12, 2024 ,the Defendant, appeared before the undersigned Magistrate after the Defendant's arrest for the offense marked below.

- ☒ An offense involving family violence (Family Code § 71.004)
- ☐ Sexual Assault (Penal Code §22.011)
- ☐ Stalking (Penal Code §42.072)
- ☐ Trafficking of Persons (Penal Code §20A.02)
- ☐ Aggravated Sexual Assault (Penal Code §22.021)
- ☐ Indecent Assault (Penal Code §22.012)
- ☐ Continuous Trafficking of Persons Penal Code §20A.03)

I. GROUNDS FOR ISSUING THE ORDER

In light of the Defendant's arrest for the offense indicated above, the Court: *(Mark one)*

☐ Enters this Order for Emergency Protection as a matter of law, as required by Article 17.292, Code of Criminal Procedure, because the Defendant was arrested for an offense involving family violence, and

- ☐ the offense involves serious bodily injury to the victim, or
- ☐ the Defendant used or exhibited a deadly weapon during the commission of an assault.

☒ Enters this Order for Emergency Protection: *(Mark all that apply)*

- ☐ On its own motion
- ☐ At the request of the
  - ☒ Victim
  - ☐ Guardian of the victim
  - ☐ Peace officer
  - ☐ Attorney representing the State

II. PERSONS PROTECTED BY THIS ORDER

The following person(s) are protected by this Order:

(1)	Few	MaDonia	Victim of Offense(s)
	Last Name	First Name	
(2)			
	Last Name	First Name	Relationship to Victim
(3)			
	Last Name	First Name	Relationship to Victim
(4)			
	Last Name	First Name	Relationship to Victim
(5)			
	Last Name	First Name	Relationship to Victim

III. CONDITIONS AND TERMS OF ORDER

The Court **HEREBY ORDERS** the Defendant to refrain from: *(Mark all that apply)*

☒ Committing family violence against a person protected by this order, or any member of the family or household of a person protected by this order (including acts intended to result in physical harm, bodily injury, assault or sexual assault, or threats reasonably placing a person in fear of physical harm, bodily injury, assault or sexual assault). or an assault on a person protected by this Order. **(TCIC Form PCO-01)**

☐ Committing an act in furtherance of an offense under Section 20A.02 (Trafficking of Persons) or 42.072 (Stalking), Penal Code. **(TCIC Form PCO-01)**

☒ Communicating directly with a person protected by this Order or a member of the family or household of a person protected by this Order in a threatening or harassing manner. **(TCIC Forms PCO-01 and PCO-02)**

☒ Communicating a threat through any person to a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-02)**

☐ Communicating in any manner with a person protected by this Order or a member of the family or household of a person protected by this Order, except through the person's attorney or a person appointed by the Court. If applicable, the protected person's attorney is, or the Court appoints:

_____ .

The Magistrate finds that there is good cause to prohibit direct communication between the parties. **(TCIC Form PCO-08)**

☐ Possessing a firearm or ammunition. **(TCIC Form PCO-07)**
(NOTE: This condition does not apply if the Defendant is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision)

☒ **Going within** 300 **yards** of the residence or place of employment or business of a protected person by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-04)** The addresses of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL** by Order of this Court. The Court **ORDERS** the clerk of the magistrate court to strike the addresses from the public records of the court and maintain a confidential record of the addresses for use only by the Court or law enforcement for the purpose of entering the information into the statewide law enforcement information system maintained by the Texas Department of Public Safety;

☒ **DISCLOSED** as follows:

Residence address:

400 Spruce Teague, TX 75860

Name and Address of Employment/Business:

☐ **Going within _____ yards** of the child-care facility or school of a protected person or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-04)** The addresses of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL** by Order of this Court. The Court **ORDERS** the clerk of the magistrate court to strike the addresses from the public records of the court and maintain a confidential record of the addresses for use only by the Court or law enforcement for the purpose of entering the information into the statewide law enforcement information system maintained by the Texas Department of Public Safety; or

☐ **DISCLOSED** as follows:

Name and Address of Child-care facility:

Name and Address of School:

☐ Tracking or monitoring the personal property or motor vehicle in the possession of a person protected by this Order or a member of the family or household of a person protected by this Order, without the person's effective consent, including by using a tracking application or personal electronic device in the possession of the person or the family or household member, or by physically following or causing another to physically follow the person or the family or household member. **(TCIC Form PCO-01)**

IV. GLOBAL POSITIONING MONITORING SYSTEM

☐ *Mark this box if GPS tracking applies.*

The Court further **ORDERS** the Defendant to wear or carry on or about the Defendant's person a global positioning monitoring system device and pay a reimbursement fee for the costs associated with operating the device. **(TCIC Form PCO-08)**

V. CONFIDENTIALTY OF INFORMATION

☐ **BY ORDER OF THIS COURT, the mailing address and county of residence of persons protected by this Order are CONFIDENTIAL.** The Court **ORDERS** the clerk of the magistrate court to strike the mailing address and county of residence of persons protected by this Order from the public records of the Magistrate Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

VI. CONFLICTING ORDERS

In accordance with Article 17.292 (f), Code Crim. Proc., if a condition imposed by this Order conflicts with an existing court order granting possession of or access to a child named herein, the condition imposed by this Order prevails for the duration of this Order.

In accordance with Article 17.292 (f-1), Code Crim. Proc., if a condition imposed by this Order conflicts with a condition imposed in a court order subsequently issued under Chapter 85, Subtitle B, Title 4, Family Code *(pertaining to protective orders),* or under Title 1 or Title 5, Family Code *(pertaining to suits involving the marriage relationship and suits affecting the parent-child relationship, respectively),* the condition imposed by the order issued under the Family Code prevails.

In accordance with Article 17.292 (f-2), Code Crim. Proc., if a condition imposed by this Order conflicts with a condition imposed in a subsequent Temporary Ex Parte Order, the condition imposed by this Order prevails, unless the court issuing the Temporary Ex Parte Order: (1) is informed of the existence of this Order; and (2) makes a finding in the Temporary Ex Parte Order, that the court is superseding this Order.

VII. ORDERS TO THE CLERK OF THE COURT

THE COURT ORDERS the clerk of the magistrate's court to send a copy of this Order to the following persons, as soon as possible, but no later than the next business day after the Order is signed:

- the chief of police in the municipality where the member of the family or household or individual protected by this Order resides;
- the sheriff of the county where the member of the family or household or individual protected by his Order resides, if no member of the protected parties resides in a municipality;
- the principal, director, or other person in charge of the school or childcare facility attended by a person protected by this Order;
- **if the victim is not present when the Court signs this Order**, to the appropriate law enforcement officer with the instructions that the officer is to make a good faith effort to notify the victim that an

emergency protection order has issued by calling the victim's residence and place of employment within 24 hours after the Order is signed; and

- the victim at the victim's last known address.

THE COURT ORDERS the clerk of the magistrate's court to enter both the order and the request, if any, into the Protective Order Registry within 24 hours of the date of issuance.

VIII. ORDER TO LAW ENFORCEMENT

☐ ***Check this box if law enforcement is required to notify the victim.***

THE COURT ORDERS the appropriate peace officer to make a good faith effort to notify the alleged victim, within 24 hours after the Order is signed, that an Emergency Order for Protection has been issued by calling the victim's residence and place of employment.

IX. SUSPENSION OF LICENSE TO CARRY A HANDGUN

☐ ***Check this box if the Defendant has a license to carry a handgun.***

If the Defendant has a license to carry a handgun, the **COURT HEREBY SUSPENDS THE LICENSE** for the duration of this Order **(TCIC Form PCO-08)** and **ORDERS** the clerk of the magistrate court to send a copy of this Order to the appropriate division of the Texas Department of Public Safety (DPS) at its Austin headquarters (See the address below.):

FAX OR EMAIL A COPY OF THIS ORDER TO DPS ONLY IF THE DEFENDANT HAS A LICENSE TO CARRY A HANDGUN.

Attention: Suspension/Revocation

Texas Department of Public Safety

Concealed Handgun Licensing Section #0235

Post Office Box 4143

Austin, TX 78765-4143

Fax (512) 424-7284

X. WARNINGS UNDER STATE LAW

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THIS ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSEMAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

XI. ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. **You are, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition.**
2. **Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.**
3. **Under Texas Penal Code §46.01(3):**
    a. **"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.**
    b. **"Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.**

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney. For your reference, you may wish to consult the statutes listed below, which may or may not apply to your circumstances.

- **Code of Criminal Procedure Article 17.292 – Magistrate's Order for Emergency Protection**
- **Code of Criminal Procedure Article 27.14(e)(1) – Plea of Guilty or Nolo Contendere in Misdemeanor**
- **Code of Criminal Procedure Article 42.0131 – Notice for Persons Convicted of Misdemeanors Involving Family Violence**
- **Penal Code §46.02 – Unlawful Carrying Weapons**
- **Penal Code §46.04 – Unlawful Possession of Firearm**
- **Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case**

- **Family Code §85.026 – Warning on Protective Order**

XII. WARNINGS UNDER FEDERAL LAW

THIS ORDER IS ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES. 18 U.S.C., SECTION 2265.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES. 18 U.S.C. SECTIONS 2261, 2262

POSSESSION, TRANSPORTATION, OR RECEIPT OF A FIREARM WHILE THIS ORDER REMAINS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO 10 YEARS IN PRISON AND/OR A FINE.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

XIII. EXPIRATION OF THE ORDER

☒ This Order shall remain in full force and in effect up to the 61st day, but not less than 31 days after the date of issuance.

☐ The Court finds that a deadly weapon was USED or EXHIBITED during the commission of an offense involving family violence. Therefore, this Order shall remain in full force and effect up to the 91st day, but not less than 61 days after the date of issuance.

Therefore, this Order is effective until midnight on September 12, **20** 24.

SIGNED on this the 12th day of August 20 24.

_____

Signature of Defendant acknowledging receipt of copy of this Order (if served in person)

James R Lawrence

Magistrate

James R. Lawrence

Printed Name

Freestone County, Texas

The magistrate or the magistrate's designee, namely, _____, served the Defendant

☒ in person, or

☐ electronically

with a copy of this Order. The Magistrate's Record of Service is attached to this Order.

James R. Lawrence

Magistrate

FREESTONE COUNTY MAGISTRATE'S INFORMATION
FAMILY VIOLENCE / STALKING / VIOLATION OF PROTECTIVE ORDER OFFENSE

Defendant's Information

RELATIONSHIP TO VICTIM: ☐ SPOUSE ☐ EX-SPOUSE ☑ ROOMMATE ☐ HAD A CHILD TOGETHER ☐ OTHER: _____

DEFENDANT'S NAME: Lynnette Birge SEX: ☐ M ☑ F DOB: 7-8-1965

HOME ADDRESS: 400 B Spruce Street Teague, TX 75860 OWNER/PRIMARY LESSEE: YES OR NO

NAME OF DEFENDANT'S EMPLOYER: Unemployed

PRIOR FV / STALKING / VIOL OF PROTECTIVE ORDER ARRESTS: Assault CBI - 10-14-2002

PRIOR CONVICTIONS FOR ABOVE: N/A

CONVICTION DATES: N/A

ON PROBATION? ☐ YES ☑ NO PROBATION OFFICER'S NAME: N/A

KNOWN SERIOUS MENTAL PROBLEMS: _____ WEAPONS OWNED: N/A

AT TIME OF OFFENSE, HAD DEFENDANT BEEN USING DRUGS OR ALCOHOL? ☑ YES ☐ NO ☐ UNKNOWN

HISTORY OF FAMILY VIOLENCE

☑ YES ☐ NO FIRST TIME OCCURRANCE? IF NOT, DOCCUMENT ALL REPORTED AND UNREPORTED INCIDENTS:

☐ YES ☑ NO PRIOR 911 CALLS FROM VICTIM'S ADDRESS REGARDING THIS FAMILY?

☑ YES ☐ NO IS FAMILY VIOLENCE LIKELY TO OCCUR IN THE FORESEEABLE FUTURE?

DOMESTIC VIOLENCE RISK ASSESSMENT

CHECK APPROPRIATE ITEMS

☐ GUN PRESENT IN HOME OR ACCESSIBLE TO SUSPECT	☑ SUSPECT ABUSES ALCOHOL
☐ SUSPECT HAS USED OR THREATENED TO USE A WEAPON	☐ SUSPECT USES ILLEGAL/ABUSES LEGAL DRUGS
☐ PARTIES RECENTLY SEPARATED/THREATENED SEPARATION	☐ SUSPECT VIOLENT OUTSIDE OF RELATIONSHIP
☑ INCREASE IN FREQUENCY OR SEVERITY OF VIOLENCE	☐ SUSPECT HAS ACCUSED VICTIM OF CHEATING
☐ SUSPECT HAS DESTROYED CHERISHED PERSONAL ITEMS	☐ SUSPECT THREATENS TO KILL
☐ SUSPECT HAS SAID, "IF I CAN'T HAVE YOU, NO ONE CAN"	☐ SUSPECT VIOLENT TOWARD CHILDREN
☐ SUSPECT CONTEMPLATED/THREATENED/ATTEMPTED SUICIDE	☐ SUSPECT HAS INJURED OR KILLED PETS
☐ VICTIM CONTEMPLATED/THREATENED/ATTEMPTED SUICIDE	☐ VICTIM IS CURRENTLY PREGNANT
☐ SUSPECT DIRECTED VIOLENCE TOWARD PREGNANT PARTNER	☐ SUSPECT HAS FORCED VICTIM TO HAVE SEX

☐ SUSPECT IS JEALOUS OR ATTEMPTS TO CONTROL PARTNERS DAILY ACTIVITIES

☐ ADDITIONAL INFORMATION _____

EMERGENCY PROTECTIVE ORDER – 24 HOUR FV HOLD

REQUESTED BY: ☑ VICTIM ☐ GUARDIAN OF VICTIM ☐ PEACE OFFICER ☐ STATE'S ATTORNEY ☐ NONE

☐ YES ☑ NO INVESTIGATING OFFICER BELIEVES VICTIM MAY NEED PRETECTIVE ORDER BUT IS AFRAID OF DEFENDANT AND IS RELUCTANT TO ASK

☑ YES ☐ NO INVESTIGATING OFFICER BELIEVES A PROTECTIVE ORDER WOULD BE APPROPRIATELY ISSUED ON THE MAGISTRATE'S OWN MOTION

☑ YES ☐ NO INVESTIGATING OFFICER BELIEVES A 24 HOUR FV HOLD SHOULD BE ISSUED BY THE MAGISTRATE?
IF YES, WHY? Violence could continue

VICTIM'S ("PROTECTED PERSON") INFORMATION

VICTIM'S NAME: MaDonna Few SEX: ☐ M ☒ F DOB: 10-17-1982

RACE: ☐ INDIAN ☐ ASIAN ☐ BLACK ☐ WHITE ☐ UNKNOWN ETHNICITY: ☐ HISPANIC ☒ NON-HISPANIC ☐ UNKNOWN

HOME ADDRESS: 400 Spruce Street CITY & ZIP Teague, 75860

HOME PHONE: 903-644-0155 OWNER/PRIMARY LESSEE: ☐ YES ☐ NO

OTHER OCCUPANTS IN HOME: _____

NAME OF VICTIM'S EMPLOYER: Unemployed

EMPLOYER ADDRESS: Unemployed CITY & ZIP Unemployed

WORK PHONE: _____ WORK HOURS: _____ OTHER PHONE #s: _____

VICTIM RELOCATING TO OTHER ADDRESS: _____

☐ PERMANENT RELOCATION ☐ TEMPORARY RELOCATION FOR _____ # of DAYS PHONE: _____

☐ VICTIM REQUESTS THIS ADDRESS BE OMITTED FROM THE ORDER FOR THE VICTIM'S SAFETY

AT TIME OF OFFENSE, HAD VICTIM BEEN USING DRUGS OR ALCOHOL? ☐ YES ☐ NO ☒ UNKNOWN

PROTECTED CHILD INFORMATION

WHO IS PRIMARY CARETAKER OF THE CHILD/CHILDREN? _____

1) NAME: _____ DOB: _____ SEX: ☐ M ☐ F

NAME OF SCHOOL/DAY CARE: _____

SCHOOL/DAY CARE ADDRESS: _____ CITY & ZIP _____

2) NAME: _____ DOB: _____ SEX: ☐ M ☐ F

NAME OF SCHOOL/DAY CARE: _____

SCHOOL/DAY CARE ADDRESS: _____ CITY & ZIP _____

3) NAME: _____ DOB: _____ SEX: ☐ M ☐ F

NAME OF SCHOOL/DAY CARE: _____

SCHOOL/DAY CARE ADDRESS: _____ CITY & ZIP _____

4) NAME: _____ DOB: _____ SEX: ☐ M ☐ F

NAME OF SCHOOL/DAY CARE: _____

SCHOOL/DAY CARE ADDRESS: _____ CITY & ZIP _____

THE FOLLOWING ITEMS ARE ATTACHED IF AVAILABLE:

☐ VICTIM AND/OR WITNESS STATEMENTS

☐ INFORMATION ON 911 CALLS

☐ ADDITIONAL COMMENTS: _____

ON THOSE CASES FILES WHERE A WARRANT IS ISSUED,
THE INVESTIGATING OFFICER SHALL COMPLETE THIS FORM
AND ATTACH IT WITH THE OTHER INFORMATION TO THE WARRANT.