

Exhibit 11

 pdfelement

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

TERESSA GARDINER,

Plaintiff,

v.

JERRY GARDINER, JR,

Defendant.

Case No. 3AN 03-11696 CI

**AFFIDAVIT OF TERESSA GARDINER
IN SUPPORT OF PLAINTIFF'S MOTION FOR INTERIM CUSTODY**

1. My name is Teresa Gardiner and I am the plaintiff in this case. I have first hand knowledge of the facts in this affidavit unless otherwise stated.
2. Jerry Gardiner and I were married on July 14, 2001. At that time, we were living in Ketchikan, but we moved to Anchorage in August 2001. We have one daughter, Krystin Gardiner, born February 2, 2002. I was two months pregnant with Krystin when Jerry and I were married.
3. Jerry became physically abusive immediately after we married. The violence started with Jerry grabbing me by my arms, pushing me, shoving me onto the ground, and slapping me in the face. The violence escalated very quickly and he became more forceful with his actions. The abuse also became very frequent, happening at least once a week. The fact that I was pregnant did not stop him from hurting me.
4. Jerry was extremely jealous when we were together and would not let me do things by myself. For instance, he would not let me go on a walk without him. When I was

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working at Wal-Mart in Anchorage, he came by everyday during both of my breaks and my lunch hour.

5. One night in February 2002, when Krystin was just a few weeks old, Jerry got angry at me and began to get very violent. He threw the phone at me and it hit me in the head. I wanted to call the police, but our phone was broken after Jerry threw it so I had to go to a neighbor's house. While I was gone, Jerry took the baby out of the house and left with her in his car. I called the police and gave them the license plate number of Jerry's car. The police pulled Jerry over and arrested him. He was in jail for about two days.

6. When Jerry got out of jail, he came back to the house. Even though there was a no-contact order, I let him come back home. In hindsight I realize that it was a mistake to let him come back, but at the time I needed help. I was a young mother alone with a newborn baby in the middle of the winter. I did not know anyone else in Anchorage except for Jerry and his family.

7. Jerry was back in the house for only a few days before he started getting violent again. One night, he began yelling at me, grabbed me off of the couch and threw me onto the ground. He pinned me down and was slapping me. I passed out for a little while and when I woke up I was handcuffed. Jerry began dragging me around the apartment and was telling me that he was going to tie me to the bed, gag me, and leave the country with Krystin. He dragged me into the bathroom and I remember getting hurt falling onto the edge of the bathtub. Then he dragged me into the bedroom where he whipped me in the face with a phone cord and repeatedly kicked me in the back and threatened to kick my stomach (I had just had a Cesarean section

three weeks prior). At some point, he also put his hands around my neck and choked me. Finally, he threatened me again, came at me like he was going to punch me in the face, but tackled me instead. I landed on the bed and something in my back snapped. I became very scared so I made him take me to the hospital. My face and arms were covered in bruises. Jerry would not leave my side at the hospital so I was not able to tell the nurses what really happened. (I told them that I had slipped on ice). I was hoping that the nurses would pick up on my body language, but they never asked me if everything was okay.

8. Immediately after this incident, Jerry called my mom and admitted to her that he had hurt me again and that he could not stop. During that same phone call, I asked my mom for a plane ticket home to Astoria, Oregon. I left about a week later with Krystin and we stayed there until February 2003. After I got to Oregon, I requested and was awarded a protective order. (Due to a computer error, the protective order was never entered into the system; however, Jerry was served with the order). He continued to contact me on occasion by mail and phone.

9. At then end of February 2003, I returned to Anchorage because I was unable to find a good job in Oregon. (Astoria, Oregon is a very small town with very few job opportunities). Jerry's sister, Sarah Goodman, and her husband, Rick, lived in Anchorage and offered to help me get on my feet if I came back to Anchorage. Since there were many more jobs and resources here, I came back. I did not tell Jerry that I had returned because I was still concerned for our safety.

10. Shortly after I got back to Anchorage in February 2003, I got a job with a real estate company, I worked there for a month but my hours were too uncertain so I was

looking for other jobs while I was there. I started working at the Better Business Bureau in April 2003. I was living with the Goodmans until the beginning of May 2003, when I got my own apartment. Sarah Goodman was taking care of Krystin during the day until I enrolled her in daycare in June 2003.

11. Early in April 2003, Jerry showed up at the Goodmans and discovered that I was in Anchorage. He wanted to visit with Krystin. I wanted him to be able to see Krystin so I let him visit with her, but I did not want to be around him, so I went upstairs while they visited. Rick and Sarah watched Jerry and Krystin the entire time. When Jerry left that day, he told me that I was doing a good job with Krystin and that he did not want to take her away from me. After that, I thought that Jerry and I might be able to work out some kind of visitation schedule. However, things immediately escalated.

12. The same day that Jerry showed up for that first visit, the Goodmans told Jerry that he needed to give them advance notice if he planned to come to their house to visit Krystin. However, the next weekend, Jerry and Sarah's mother called to warn me and the Goodmans that Jerry was in Anchorage and he was ranting and raving about seeing Krystin and threatening that I would never see her again. He also made threats to do something drastic if he came to the Goodmans and we would not let him see Krystin.

13. On or about April 4th, the same day that Jerry made these threats, I requested and was awarded a 20-day ex parte domestic violence protective order. A six-month protective order was awarded on April 18, 2003. Jerry was not present for the

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hearing. He was served with a copy of the order. The six-month protective order is attached hereto at Exhibit 1.

14. The six-month protective order allows Jerry visitation the 2nd and 4th weekends of every month for five hours on Friday and five hours on Saturday. Originally, visitation was to be arranged through and supervised by Rick and Sarah Goodman. Since the long term order took effect, he has only visited with Krystin once. This visit took place during the weekend of August 9th. I was not present for the visit, but I was informed by the Goodmans that Jerry was swearing and cursing about me while he was playing with Krystin.

15. On September 5th, we were in court because Jerry moved to modify the protective order. He was alleging that Rick and Sarah Goodman are not fair supervisors for the visits. The court ordered that the visits be professionally supervised and arranged through Salvation Army Booth Memorial Youth and Family Services. See Order To Modify Protective Order attached hereto as Exhibit 2. Visits are supposed to take place once a week for two hours. I like this arrangement because Jerry can be closely monitored and because he is required to schedule the visits ahead of time. At the time of signing this affidavit, Jerry had cancelled two of the visits that we had arranged through Booth Memorial. He has not seen Krystin since August 9th.

16. Jerry has never been alone with Krystin and has spent very little time parenting her.

He has never given her a bath. I remember in February 2002, when Jerry and I were still living together and Krystin was only a few weeks old, Krystin was crying and Jerry could not sleep so he put her in the back room of the house. When she still would not stop crying, Jerry started to shake her crib and swear at her. It was a very

scary moment. Of all of the things that happened to me and Krystin, that day leaves me with the worst memory.

17. I have worked hard to create a stable home and financial situation for me and Krystin. I have a good, steady job with the Better Business Bureau and I have my own apartment. Krystin is in daycare while I am at work and she is adjusting very well. She is a very happy baby. Krystin is generally very healthy, although she was diagnosed with scoliosis. I have been working with a specialist to get her the proper medical treatment. Krystin is still being tested and is not currently undergoing any treatment.

18. I want Jerry to be able to visit with Krystin, but I fear for her safety because of his violent history and because he has spent very little time caring for her. I know that Jerry completed an anger management class a couple of years ago, but given his recent threats toward us, I am concerned that he has not changed. For these reasons, I strongly believe that the visits need to be professionally supervised and that Jerry should have to complete a domestic violence intervention program. Also, I think that Jerry should have to attend a parenting class so he can learn how to properly care for Krystin.

I affirm that the above statement is true and correct to the best of my knowledge.


Teressa Gardiner

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