

FILED

JAN 19 2011

THE OFFICE OF
JUDGE-IN-CHAMBERS

Challenges in Restraining Order Process & Serving the Defendant

Makini R. Chaka vs. Fred Davis

January 17, 2011

My name is Makini R. Chaka and I am the victim of an assault and battery perpetrated by Fred Davis on January 6, 2011 at Josephine's nightclub located at 1008 Vermont Ave NW, DC.

The Request

I have been faced with numerous obstacles in regards to my case and have been unsuccessful in serving the defendant the Notice of Hearing paperwork after several attempts. As a result of this hearing I would like to 1.) Be granted a Temporary Restraining Order against Fred Davis and 2.) Would like to have the surveillance video subpoenaed from Josephine's nightclub as supporting evidence.

The Assault

On January 6, 2011 I filed police report #10-002416 with the 1st District Police Station after having flasks of juice dumped on my head and an object thrown at my mouth causing injury by Fred Davis of the Washington Redskins. I sought medical treatment for my injury and received death threats following the incident. I am 5'4inches tall and 110 pounds and am afraid that I will be attacked again by this man whom is 6'4 and 260 pounds as he has harassed me, shouted obscenities to me on numerous occasions in public and threatened to "fuck me up" and "kill me."

Efforts to Serve the Restraining Order

Detective A.D. Williams from the 1st District Police Station viewed the nightclub surveillance video, took pictures of my mouth injury and wet clothes then suggested that I file a restraining order along with my police report. So on Monday January 10, 2011, I went to the Washington DC Courthouse located at 500 Indiana Ave, NW, DC file a Temporary Restraining Order (TRO).

After spending over five hours in the courthouse between the 4th and 5th floors filing TRO paperwork I was instructed by a young male clerk on the 5th floor in room 5000 to take the copies of the paperwork that I filled out to any Washington DC police station and have them fill out the top form to serve the defendant for our hearing date of January 19, 2011.

Initially, I did not know the defendant's home address; however he is a public figure and a professional athlete. I specified his place of employment as Washington Redskins Park in Ashburn, Virginia so that his address could be traced or so that he may be served the paperwork at his job to appear for our hearing date. The clerk in the Civil Division told me that the police should be very helpful and have the defendant's address on file from the police report I made on January 6, 2011. They instructed me that any police station in DC should be able to serve the defendant.

Case: 2011 CA 000190 B
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Dkt: 119A

Just following instructions I was given from the courthouse on how to go about serving the defendant, I was unprepared to face so many problems and resistance from authorities when it came to serving Fred Davis.

Upon leaving the DC Courthouse, I traveled to the 5th District Police Station on Bladensburg Road and was told by Officer M.A. Hudson Badge #4134 that without the address of the defendant, Fred Davis, there was nothing that I could do. She instructed me to try to find the address on my own or walk around with the paperwork in my purse and suggested that if I spotted Fred Davis in public in Washington DC I should go up to an officer and identify him and pull the paperwork from my purse and have him served. I was also told that there was no way that they could get his address from the police report that I filed with the 1st District Police Station. I was then told I should take my DC paperwork to Virginia and ask an officer there what to do or go to the Redskins facility on my own and have an officer meet me there to serve Fred Davis.

I explained to Officer Hudson that I was afraid of Fred Davis and wanted to avoid him any way possible and that he assaulted me so I was not trying to personally find him especially because I was instructed at the Civil Division of the Courthouse that this was the job of the police.

Additionally, Officer Hudson supplied me with a copy of the police report that I filed on January 6th, 2011. As this was my first time seeing the police report in hardcopy, I discovered that the report had been changed after Fred Davis had spoken with the police.

On Tuesday January 11, 2011, I contacted the 1st District Police Station for assistance in serving Fred Davis. I was unable to reach both the detective and reporting officer listed on the police report I obtained on January 10, 2011.

On Wednesday January 12, 2011 I was able to obtain Fred Davis' home address in Leesburg, Virginia from his public criminal record and past arrests online. I then drove from my home in Baltimore, Maryland to the Leesburg Police Station in hopes that the Virginia police would be able to serve Fred Davis. The Leesburg Sheriff's Office sent Officer Aquino Badge #2789 to review my paperwork from the DC Civil Court. After spending several hours at the Leesburg police station the officer told me that he was unfamiliar with the paperwork and said that his Sergeant (Early) told him that he was unable to serve Fred Davis at his home address and that I should go to the Leesburg Courthouse the next morning and process my DC Temporary Restraining Order paperwork if I wanted Fred Davis served for the January 19th hearing date.

Thursday January 13, 2011, I drove again from Baltimore to Leesburg per the instructions of the Leesburg Police to go to the Leesburg Courthouse to try to get someone to serve Fred Davis. After several clerks told me the Leesburg Sheriff's Office gave me the wrong instructions, they stated that I should go back to the Sheriff's office and tell them to serve him. Before exiting the Leesburg Courthouse I was told to consult with Teresa Cohen Kelley, a Family Abuse Officer who said that the DC Courthouse is responsible for forwarding the paperwork to their courthouse and that my hand-walking it in made it invalid and she suggested that if I wanted him served I should file another restraining order

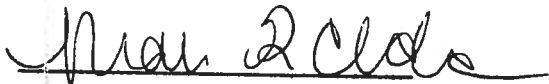
In Loudon County, Virginia. Then I was told to go home and write a letter telling why I wanted him served and come back to the Leesburg Courthouse with my letter, DC paperwork and a check or money order to serve him.

After trying for 4 days to get Fred Davis served, I was totally confused. Every office, every police station and every courthouse gave me different instructions and I had followed the advice from them all with no prevail.

So then I decided to return to the DC Courthouse to room 5000 looking for the clerk I had spoken to on Monday whom had initially told me that the DC police would help me. I ended up speaking to another clerk, Mr. James Wilson who told me that I was given the wrong instructions from the first clerk and that is why the police would not help me and he suggested that I should hire a process server and handed me a business card for "Boston's Process Service." Once that I was able to speak with Mr. Boston he told me that it would be a two week process at minimum to serve Fred Davis in Leesburg, Virginia.

On Friday January 14, 2011 I called the DC Judge in Chambers office and explained the events of the week of January 10-14. The receptionist told me although I was unsuccessful trying to serve the defendant for our January 19th hearing that I had the entire weekend to try to hang out where Fred Davis hangs out at and seek him out myself, even though I am afraid of him, or that I could write down all of the efforts I attempted to get him served in a notarized statement to present to the court since I would still have to be present for the hearing.

Therefore, as of the January 19, 2011 date of our hearing I have been unsuccessful in serving the paperwork to Fred Davis.



Makini R. Chaka

AFFIANT

NOTARY PUBLIC:

~~STATE OF MARYLAND:~~ *DC*

~~CITY OF BALTIMORE:~~

SUBSCRIBED AND SWORN before me a Notary Public this 19th day of January, 2011

NOTARY PUBLIC

Donald W. Henshaw
Notary Public District of Columbia
My Commission Expires August 14, 2012

MY COMMISSION EXPIRES