**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

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| v. |  |  | | SBI #: | |  |  | | DOB: | |  | |  | |
|  |  |  | | JP Court: | |  |  | | |  | |  | | |
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|  |  |  | | | Complaint #: | | |  | | | | | |  |
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**ORDER AND NOTICE OF SCHEDULED HEARING**

**PURSUANT TO 10 *Del. C.* § 7703(f) FOLLOWING THE**

**JUSTICE OF THE PEACE COURT’S ISSUANCE OF AN**

**EMERGENCY LETHAL VIOLENCE PROTECTIVE ORDER**

**WHEREAS**, the Petitioner, on       [date], filed an Affidavit and Application for a Lethal Violence Protective Order, pursuant to 10 *Del. C.* § 7703(a), in the Justice of the Peace Court alleging that the Respondent posed an immediate and present danger of causing physical injury to self or others by controlling, purchasing, owning, possessing, having access to, or receiving a firearm and identified the location of any firearms believed that the Respondent currently owns, possesses, has access to or controls;

**WHEREAS**, the Justice of the Peace Court, on       [date], upon ex parte consideration of Petitioner’s Affidavit and Application for a Lethal Violence Protective Order, pursuant to 10 *Del. C.* § 7703(a), found by a preponderance of the evidence that the Respondent poses an immediate and present danger of causing physical injury to self or other by owning, possessing, controlling, purchasing, having access to, or receiving a firearm, issued a Temporary Ex Parte Lethal Violence Protective Order which ordered the Respondent to relinquish to a law enforcement agency in receipt of the Justice of the Peace Court’s Order any firearms or ammunition owned, possessed or controlled by the Respondent; and further ordered that:

* 1. the Respondent is prohibited from residing with another individual who owns, possesses or controls firearms or ammunition.

b.  the law enforcement agency having jurisdiction where firearms and ammunition are alleged to be located to immediately search for and seize any firearms or ammunition owned, possessed, or controlled at the location indicated in the affidavit.

**WHEREAS**, pursuant to 10 *Del. C.* § 7704(f), upon the Justice of the Peace Court’s issuance of an emergency Lethal Violence Protective Order, the Superior Court must hold a full hearing in compliance with 10 *Del. C.* § 7704, within 15 days of the filing of the Petition; the Superior Court may extend the Justice of the Peace Court’s emergency order as needed to effectuate service of the order or where necessary to ensure the protection of the respondent or others, but the duration of an extension order may not exceed 45 days;

**WHEREAS**, pursuant to 10 *Del. C.* § 7704(b), the Respondent has the right: (i) to notice of the hearing; (ii) to be heard; (iii) to present evidence; and (iv) to cross examine adverse witnesses;

**NOW THEREFORE**, this      day of       [month],      [year] the Superior Court having reviewed the Justice of the Peace Court’s Temporary Ex Parte Lethal Violence Protective Order,

**IT IS ORDERED** that a hearing to determine whether to issue a Lethal Violence Protective Order be scheduled for

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| **Date** |  |  | **Time** |  |  |
| **Location** |  | | | |  |

to permit the Petitioner to present evidence in support of its Petition and to permit the Respondent to be heard, present evidence and cross examine adverse witnesses.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served upon the Petitioner and the Respondent, by personal service, and that Respondent shall be served at Respondent’s address as set forth in Petitioner’s Affidavit and Application for Lethal Violence Protective Order filed with the Justice of the Peace Court.

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|  |  |  | /s/ |  |  |  |
| Date | |  |  | | | |