

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

CASE NO. 05-2004-DR-019706-XXXX-XX

IN RE: THE FORMER MARRIAGE OF:

TIMOTHY MICHAUD,

Petitioner/Former Husband
and

AIMEE MICHAUD, n/k/a
AIMEE CASEY,

Respondent/Former Wife.

SECOND AMENDED ORDER TO SHOW CAUSE

This cause initially came before the Court on December 17, 2018 on the Petitioner/Former Husband's Motion for Order to Show Cause Why the Respondent/Former Wife Should Not be Found in Indirect Criminal Contempt and the Court having considered the pleadings, Affidavit filed in support of the Motion and attachments thereto, and argument of counsel for the Petitioner/Former Husband, the Court finds an Order to Show Cause was issued, dated December 20, 2018. This Order to Show Cause was set for hearing on January 15, 2019 before Judge Michelle Naberhaus. Judge Michelle Naberhaus entered an Order dated January 14, 2019 recusing herself from this action. By Order dated January 24, 2019, Judge Robert Segal was assigned this action for further proceedings. This matter was duly set for hearing by Order dated March 21, 2019 wherein further proceedings were set on July 15, 2019 at 9:00 a.m. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey received notice of the hearing scheduled for July 15, 2019 and the record reflects from the pleadings Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey has filed, since that Order, that Respondent/Former Wife,

Aimee Michaud n/k/a Aimee Casey had actual notice and knowledge of the hearing set for July 15, 2019. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey failed to appear at the scheduled hearing as ordered. There is nothing in the record before the Court that demonstrated good cause why the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey failed to appear before the Court on July 15, 2019 as ordered. No motion was filed to continue this matter nor was any admissible evidence presented to justify the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's failure to appear. The Court notes that an email was sent to the Court the Friday before Monday's hearing attached to which was a note purporting to be from Ms. Casey's treating physician stating that Ms. Casey suffered from some medical condition which impacted her ability to travel. Ms. Casey never raised the issue with the Court in any of her previous correspondence or by a properly noticed motion.

The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey was given proper notice of a hearing to be conducted on December 12, 2019 and from the emails sent from Ms. Casey, it is clear she had actual notice of the hearing date and time. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey again filed a letter purporting to be from Ms. Casey's treating physician indicating that Ms. Casey was unable to travel. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey again failed to appear on December 12, 2019 as ordered by the Court. No authenticated or admissible evidence was presented to this Court prior to the December 12, 2019 hearing by Ms. Casey to substantiate her inability to travel.

ORDERED AND ADJUDGED:

1. This Court has jurisdiction over the Petitioner/Former Husband, Timothy Michaud and the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey and the subject matter of this action.

2. That after consultation with the Court in Cobb County, Georgia, all matters concerning the parties and their minor child were stayed by the Georgia Courts until pending motions in Florida were considered. A copy of that Order is attached hereto as Exhibit "A".

3. That prior Order of the Court dated September 21, 2010 and upon stipulation of the parties, including the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey, was prohibited from discussing with anyone other than the Court, Dr. Day, the attorneys, and the parties' significant others any of the issues or allegations in this case. A copy of that Stipulated Order is attached hereto as Exhibit "B".

4. That by prior Order of the Court dated April 27, 2012, *nunc pro tunc* February 10, 2012, the Court Order granting Injunctive Relief prohibited the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey from contacting the Petitioner/Former Husband, Timothy Michaud's place of employment, employer, or employees by mail, telephone, e-mail, through third parties, or in any other manner whatsoever. A copy of that Order is attached hereto as exhibit "C".

5. That by Amended Supplemental Final Judgment dated June 19, 2013 the Court found the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey in civil contempt of court for at least five (5) distinct violations of prior Court Orders. Further in paragraph eleven (11) of the Amended Supplemental Final Judgment the trial Court ruled, as follows:

"The Former Wife shall not contact any state reporting agencies, sheriff or police department, advocacy centers or clinics, crisis centers, the media or abuse media specialists, or otherwise for any purpose whatsoever regarding the minor child, without leave of Court. The Former Wife shall not cause any third party, including, but not limited to, her current husband and family members, to contact any state reporting agencies, sheriff or police departments, advocacy centers or clinics, crisis centers, the media or abuse media specialists, or otherwise for any purpose whatsoever regarding the minor child. The Former Wife shall report any concerns regarding the minor child to her attorney and Dr. Williamson. The Former Wife shall file an affidavit with the Court confirming her acknowledge of this Court's requirements and orders set forth herein."

A copy of the Amended Supplemental Final Judgment is attached hereto as Exhibit "D".

6. This Court finds that paragraph eleven (11) by its terms and conditions is clear and distinct as to those actions the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey is either directly prohibited from taking and/or prohibited from using third parties to undertake those actions.

7. There is no order of this Court or any other Court that modifies or vacates the prior orders of this Court that prohibit the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's actions, transmissions, communications or reports alleging the sexual abuse of the parties' minor child by the Petitioner/Former Husband, Timothy Michaud.

8. There is no order of this Court or any other Court that modifies or vacates the prior orders of this Court attached hereto.

9. That the Affidavit in support of the Petitioner/Former Husband, Timothy Michaud's Motion for Order to Show Cause and the recorded voicemails proffered to the Court are sufficient evidence to support a finding of probable cause that the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey has intentionally and willfully violated the prior orders of this Court on repeated occasions.

10. The injunction entered by this Court on April 27, 2012, *nunc pro tunc* February 10, 2012 is enforceable by a proceeding for indirect criminal contempt. Florida Statute §741.2901(2); Walker v. Bentley, 678 So.2d 1265 (Fla. 1996)

11. The Court is empowered to punish contempt(s) by Florida Statute §38.22. Further contempt is defined as "A refusal to obey any legal order, mandate or decree made or given by any Judge"

12. The Respondent/Former Wife clearly had notice of the prior orders of the Court and had notice of the hearing scheduled on December 17, 2018, July 15, 2019 and December 12, 2019. There is evidence before the Court sufficient to support a finding of probable cause that the Respondent/ Former Wife, Aimee Michaud n/k/a Aimee Casey has intentionally and willfully violated the prior orders of this Court. The Respondent/Former Wife Aimee Michaud n/k/a Aimee Casey failed to appear or attend at the hearing set for December 17, 2018, July 15, 2019 and December 12, 2019.

13. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's failure to appear as ordered by the Court on three (3) separate occasions, if willful and intentional,

constitutes additional grounds for a finding of indirect criminal contempt. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey failed to file a timely motion for continuance or establish any admissible evidence on the record prior to July 15, 2019 and December 12, 2019 to justify her failure to appear. This Order to Show Cause amends the grounds to find the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey in indirect criminal contempt to include that the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey intentionally and willfully failed to appear before the Court on July 15, 2019 and December 12, 2019 as ordered. *State v. Diaz de la Potilla*, 177 So.3d 965 (Fla. 2015)

The Respondent/Former Wife Aimee Michaud n/k/a Aimee Casey is hereby ORDERED to show cause why she should not be found guilty of indirect criminal contempt of court by the intentional violations of prior Court orders, to wit:

a. Contacting the Petitioner/Former Husband, Timothy Michaud electronically and by telephone as his place of employment. Leaving voicemails at the Petitioner/Former Husband, Timothy Michaud's place of employment;

b. Publication and/or posting on the internet and social media allegations and/or statements prohibited by the Court's prior orders in a repeated and intentional violation of the Court's orders.

c. Causing and/or assisting third parties in publication of allegations and/or statements prohibited by the Court's prior orders in a repeated and intentional violation of the Court's orders.

d. Contacting law enforcement and/or state agencies with allegations and/or statements prohibited by the Court's prior orders.

e. ~~The Respondent/Former Wife, Aimee Michaud k/n/a Aimee Casey~~ ^{Intentionally} and ~~willfully failed~~ ^(r-g) to appear before the Court on July 15, 2019 and December 12, 2019 after having actual notice of the Court's previous Order to do so and without leave of the Court.

Pursuant to Fla. R. Crim. P. 3.840:

Based upon the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's filings with the Court and the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's failure to appear as ordered on July 15, 2019 and December 12, 2019, the Court has reason to believe that the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey will not appear before this Court as ordered by the Court. Fla. R. Crim. P. 3.840(c) provides this Court may issue an order of arrest to compel the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's appearance before this Court.

Pursuant to Fla. R. Crim. P. 30840(a) the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey shall appear in person before Judge Robert Segal, Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida 32940 on Wed., April 22, 2020 at 9-5 a.m./p.m. to show cause why the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey should not be found in indirect criminal contempt of court.

The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey may file a responsive pleading as set forth in Fla. R. Crim. P. 3.840(b).

The law firm of Eisenmenger, Robinson, Blaue & Peters, P.A. is appointed to conduct the hearing in this cause. The Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey is

entitled to representation by counsel, have compulsory process for the attendance of witnesses, and testify in her defense pursuant to Fla. R. Crim. P. 3.840(d).

In accordance with Fla. R. Crim. P. 3.840(c), the Court hereby ORDERS THAT ALL AND SINGULAR SHERIFFS AND ALL OTHER AUTHORIZED LAW ENFORCEMENT PERSONNEL; State of Florida, the State of South Carolina, and any other State; shall take the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey:

DESCRIPTION: SEX: Female RACE: White HAIR: Brown

DOB: October 23, 1971


RESIDENTIAL ADDRESS: 9636 Pebble Creek Boulevard, Summerville, South Carolina 29485

into custody. Upon taking Respondent/Former Wife Aimee Michaud n/k/a Aimee Casey into custody the Sheriff of Brevard County, Florida shall be notified and the Sheriff of Brevard County, Florida shall make arrangements to produce the body of Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey before this Court at the earliest possible time possible after her arrest and to give notice to the Honorable Circuit Judge Robert Segal – Phone Number (321) 637-5641 of Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's detention. The Sheriff of Brevard County, Florida shall promptly notify the Court of Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey's apprehension in order for the Court to set a timely trial on this Second Amended Order to Show Cause why the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey should not be found in Indirect Criminal Contempt.

As surety for appearance before this Court, the Court now sets bond for the Respondent/Former Wife, Aimee Michaud n/k/a Aimee Casey at \$1,000.00.

DONE AND ORDERED in Chambers at Viera, Brevard County, Florida on this 8

day of JANUARY, ~~2019~~²⁰²⁰



ROBERT SEGAL
Circuit Judge

Copies furnished to:

Mark S. Peters, Esquire
Aimee Casey, Pro Se