

IN THE CIRCUIT COURT FOR COCKE COUNTY, TENNESSEE

DOMESTIC RELATIONS DIVISION

JEREMY BLACK,

Plaintiff / Counter-Defendant,

v.

TESHIA BLACK,

Defendant / Counter-Plaintiff.

Case No.: 37,107-II

Judge: Hon. James L. Gass

Date May 21, 2026

RESPONDENT'S MOTION TO DISMISS OR VACATE ORDER OF PROTECTION

MEMORANDUM

COMES NOW the Respondent, Jeremy Black, appearing pro se, and respectfully moves this Honorable Court to dismiss or vacate the current Order of Protection entered in this matter, or, in the alternative, to set the matter for prompt evidentiary hearing and narrow or modify any restraints not supported by the record. In support of this motion, Respondent states as follows:

MOTION

1. Respondent seeks dismissal or vacatur of the current Order of Protection because the order is not supported by a stable and reliable factual record, because material

inconsistencies exist in the Petitioner's accounts, and because the circumstances reflected in the record do not justify continuation of the order in its present form.

2. Respondent further contends that the record shows substantial contradictions between Petitioner's early statements, later filings, and testimony, including the January 22, 2025 transcript, the discrepancy materials, and the attached exhibits.
3. Respondent is not asking this Court to resolve unrelated divorce or custody disputes in this proceeding. Respondent asks only that the Order of Protection be dismissed, vacated, or at minimum narrowed to reflect the actual evidentiary record and Tennessee law.
4. The Tennessee statutes governing orders of protection require that the Court act on a lawful evidentiary basis, not on shifting allegations that are materially contradicted by the record. See Tenn. Code Ann. §§ 36-3-601 to -625.
5. Respondent further asks the Court to consider the preservation issues and missing evidence concerns reflected in the materials provided, including bodycam and related records that bear directly on the credibility of the alleged incident and the propriety of continuing the order.
6. Respondent requests that the Court dismiss or vacate the current Order of Protection, or alternatively modify the order so that any remaining restrictions are no broader than necessary and are tied only to facts actually supported by the record.

WHEREFORE, Respondent Jeremy Black respectfully requests that this Honorable Court:

- a. dismiss the current Order of Protection;
- b. vacate the current Order of Protection;

- c. in the alternative, modify or narrow the order to reflect the actual evidentiary record;
 - d. set this matter for prompt evidentiary hearing if the Court deems one necessary;
 - e. consider the attached exhibits, transcript, and discrepancy materials in evaluating credibility and reliability; and
 - f. grant such other, further, and general relief as the Court deems just and proper.
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MEMORANDUM IN SUPPORT. INTRODUCTION

- 7. Respondent submits this memorandum to support the requested dismissal or vacatur of the Order of Protection.
- 8. The primary basis for relief is that the Petitioner's narrative has changed over time in ways that are material to the Court's evaluation of whether protection relief remains justified.
- 9. The record materials provided by Respondent include a transcript from January 22, 2025, a discrepancy table, and related exhibits reflecting contradictions between initial statements, later testimony, and prior recorded information.

II. FACTUAL BACKGROUND

- 10. On or about July 6, 2024, a domestic incident was reported that led to law enforcement involvement and later protection-order proceedings.
- 11. Respondent contends the initial account and later account are not consistent in important respects.
- 12. The attached materials reflect alleged inconsistencies concerning: a. whether Daniel was allegedly involved in the incident;

- b. whether Respondent took Petitioner's phone;
- c. whether Petitioner actually called 911;
- d. whether choking was described in the original account or later added; and
- e. whether later testimony aligned with the original bodycam-recorded statements.

13. Respondent contends these inconsistencies are not minor and go directly to credibility.

14. Respondent further contends that continuation of the order continues to affect the divorce and parenting context, making careful review of the factual record especially important.

III. LEGAL ARGUMENT

15. Orders of protection in Tennessee are governed by Tenn. Code Ann. §§ 36-3-601 to - 625.

16. The Court has authority to dismiss, modify, dissolve, or otherwise adjust protection orders depending on the evidentiary showing and circumstances presented.

17. Tennessee courts may evaluate credibility, prior inconsistent statements, and record contradictions in deciding whether a protection order should remain in effect. See Tenn. R. Evid. 607, 613.

18. Respondent contends the discrepancies in the record materially undermine the reliability of the factual basis supporting continued relief.

19. To the extent any evidence was not preserved or not produced, Respondent further relies on the fairness principles recognized in *State v. Ferguson*, 2 S.W.3d 912 (Tenn.

1999), as a reason for the Court to scrutinize the completeness and reliability of the evidentiary record.

20. Respondent is not seeking a ruling on a separate Ferguson claim in this filing.

Rather, Respondent submits that the Court should consider the preservation concerns, the missing evidence issues, and the inconsistent accounts when deciding whether the order can fairly remain in effect.

21. At minimum, if any protection remains appropriate, the order should be narrowed to reflect only those facts actually supported by the record and should not extend beyond what is necessary.

IV. CONCLUSION

22. Respondent respectfully asks the Court to dismiss or vacate the Order of Protection, or in the alternative to narrow it and set the matter for hearing if needed.

23. I contend that Petitioner's account of the July 6, 2024 incident changed over time and contains material inconsistencies.

24. I have reviewed the January 22, 2025 transcript attached as an exhibit, as well as the discrepancy table and related materials.

25. Based on those materials, I contend that Petitioner's statements concerning the July 6, 2024 incident conflict in important respects, including:

- a. whether Daniel was allegedly pinned down;
- b. whether I took Petitioner's phone;
- c. whether Petitioner actually completed a 911 call;
- d. whether choking was part of the original account or later added; and

e. whether Petitioner's later testimony matched the earlier bodycam-recorded statements.

26. I further contend that the attached materials show a pattern of narrative changes that go to the heart of credibility.

27. I ask the Court to dismiss or vacate the Order of Protection because I believe the current order is not supported by a reliable factual record.

28. In the alternative, I ask the Court to narrow the order to any relief actually supported by the evidence.

Respectfully Submitted,

Jeremy Black

Date May 21, 2026

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Dismiss or Vacate Order of Protection, Memorandum in Support, Affidavit, and Exhibit List was served on the following parties by email and/or U.S. Mail on this 21 day of May, 2026:

- Crystal Jessee, Esq.
Jessee Law Office
P.O. Box 1537
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Email: cgjlaw@jesseelawoffice.com

Jeremy Black Date May 21, 2026

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