

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**


Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

JONATHAN RIVERA,)
)
Plaintiff,) CASE NO. 21-1-01795
)
)
v.)
)
GINA SCHARLE,)
)
Defendant.)
)

AFFIDAVIT OF JACQUELINE HILTY

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the undersigned Affiant having been duly sworn on oath states as follows:

1.

My name is JACQUELINE HILTY and I am a citizen of the United States and a resident of Georgia.

2.

I am over the age of eighteen (18) years of age and I am competent to testify to the facts in this affidavit. I am doing so freely and voluntarily and in the absence of any duress or legal impediment.

3.

Gina Scharle is my sister and [REDACTED] is my niece.

4.

I have been a support for both Gina and [REDACTED] in times of need for the whole of [REDACTED]'s life.

5.

I have historically maintained cordial relationships with both Christopher Curry and Jonathan Rivera. To date, I have a functioning, communicative and amicable relationship with Mr. Rivera. I no longer maintain a functioning, communicative and amicable relationship with Mr.

Curry because of his continuous actions that have caused emotional and physical harm to my sister Gina and have caused emotional harm to [REDACTED] and the rest of my family, including but not limited to the following:

- a. On **January 26, 2019**, Gina texted me stating that “[Chris] broke my arm by smashing it in the door so I couldn’t leave! it was so bad! The kids were there” and “I need to leave him”. (Exhibit A at Page 1).
- b. On **January 27, 2019**, Gina texted me stating that “He choked me out again yesterday and told me he was going to kill me! This is all because I told him I thought it was best that we separate for a few hours! I told him I drank sangria & he flipped his sh[**]!” She went on to further text that “I’m all bruised up and look like sh[**]! And further that “he has [REDACTED] & I want to get her but I don’t want him to trap me in the house again! I’ll figure it out! . . . The kids were there and heard everything.” (Exhibit A at Page 2). Gina then followed up with sending multiple pictures of her body parts that had bruises on them from Chris’s actions. (Exhibit A at Pages 3-6).
- c. Attached hereto are true and correct screenshots made from my cell phone of our full text conversations that took place between January 26, 2019 through January 27, 2019. (Exhibit A).
- d. On **February 4, 2019**, Gina texted me stating that “I’m stuck at home Chris took all keys I’m about to go online and set up a rental car reservation”. (Exhibit B).
- e. At the end of **October of 2020**, just before Halloween, [REDACTED] came to live with my husband and I. During that time we would take [REDACTED] to her cheerleading practice at the gym. On **October 30, 2020**, Gina texted me stating:

Has she had any contact with Chris? I’m really worried about her going to cheer especially with me being in the hospital I’m worried chris is going to go up there and upset her or hurt her feelings or who knows try to take her I want to be there so he won’t meds [sic] with her! Still months almost a year after I’ve been out of that relationship! (Exhibit C).
- f. While [REDACTED] was living with us, Christopher Curry (“Chris”) would email [REDACTED] and try

to communicate with her. [REDACTED] expressed that she did not want to speak to Chris. Gina printed at least some of these emails out at my house and I have kept them for my records, copies of which are attached hereto as **Exhibit D**.

- g. One day in November of 2020, Chris appeared at [REDACTED]'s cheerleading practice unannounced. My husband and I were notified of this by the gym staff. Chris was fortunately not able to take [REDACTED] from the gym because Gina had removed his name from paperwork that would otherwise authorize him to take [REDACTED] from practice. After that date, my husband or myself made sure to be at all of [REDACTED]'s cheerleading practices.
- h. One day in late December of 2020, Gina left my home with [REDACTED] and when Gina returned she did not have [REDACTED] with her. I later found out that [REDACTED] was living with Chris but Chris would not allow [REDACTED] to speak to me.

6.


I am aware that Mr. Christopher Curry has recently filed a *Petition For Equitable Caregiver Status, Custody And/Or Visitation* for the purpose of obtaining custody over [REDACTED] Scharle. Mr. Curry has physically abused my sister Gina, he does not respect women and isolates and controls [REDACTED] thus preventing her from building and maintaining relationships with family members. Mr. Curry has no business raising my fifteen (15) year old niece and under no circumstances should he be considered as a custodial parent or caregiver of [REDACTED]

7.

The facts stated in this affidavit are true and correct.

Sworn to and subscribed before

me this 14 day of April, 2021.



Signature of Affiant

Jacqueline Hilty

Printed Name of Affiant



Exhibit A



Gina >

Jan 26, 2019, 11:46 PM

Why did Chris call u

I'm done

I think he broke my arm by smashing it in the door so I couldn't leave! it was so bad! The kids were there

I need to leave him

Jan 27, 2019, 12:50 PM

Hey

Did Chris call u yesterday

No tried calling you. Did u go to the hospital? Are you okay?

I did but ended up leaving! I knew it wasn't broken & I don't want any pain pills so I just left! Yesterday was crazy! I have to leave him!

I really need a vehicle! Jackie I swear on everything I love I have to leave

Mom said she can come get you after 3. Is gg there? You can always come to our house. You need to because this is just going to get worse and gg will end up thinking that's okay.



Text Message





G

Gina >

will end up thinking that's okay.

Don't feel trapped bc we'll make sure you guys are okay

He choked me out again yesterday and told me he was going to kill me! This is all because I told him I thought it was best that we separate for a few hours! I told him I drank sangria & he flipped his shit!

I'm all bruised up and look like s***! I have the Xterra he has [redacted] & I want to get her but. I don't want him to trap me in the house again! I'll figure it out! I need a car & maybe we can stay with u Monday/Wed @ then mom!

The kids were there and heard everything!

Can u get her later

I don't know what happened but, If needed can u meet me on a little to get Gg

Call me can't go radio silent right now

I'm sending the police

He won't Answer or respond to texts

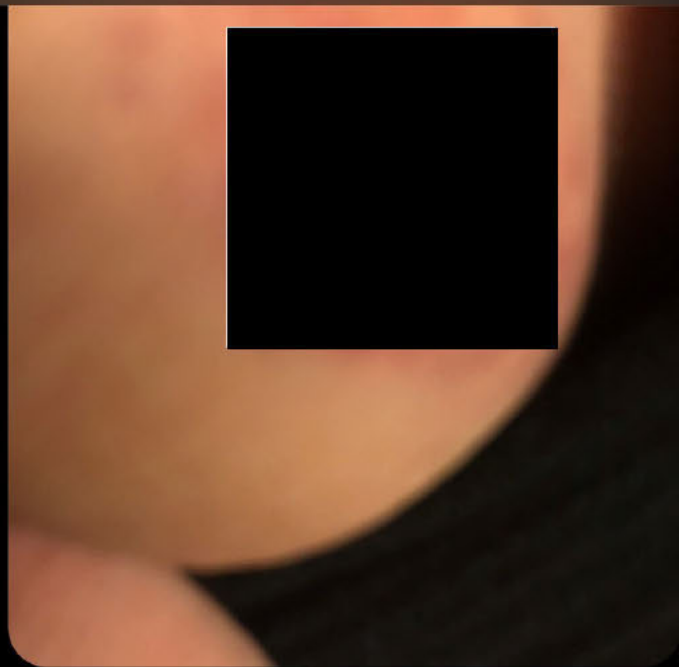


Text Message





Gina >



This is my boob

Omg how in the hell did he do that!

That's a mark on top of my nipple like a good 2 inches because he was fighting me for my phkbeyy

Okay so what is the wellness check for? To see if your arms broke?

Phone

Yo check on Gg

Huh?

Have you talked to [redacted]

Text Message input field with camera, app store, and send icons





G

Gina >

This is my boob

Omg how in the hell did he do that!

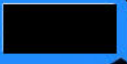
That's a mark on top of my nipple like a good 2 inches because he was fighting me for my phkbeyy

Okay so what is the wellness check for? To see if your arms broke?

Phone

Yo check on Gg

Huh?

Have you talked to 

No

What should I do

Go to the police department tell them what happened and that your daughter is there and your scared to go back by yourself and your scare for her.

R u by yourself? I'll go with you to the police



Text Message





Gina >

I'm going to do a wellness check

I'm in Walgreens give me 10 minutes and we will figure it out

Okay please call me when your done



Text Message







Gina >

Okay so what is the wellness check for? To see if your arms broke?

Phone

Yo check on Gg

Huh?

Have you talked to [redacted]

No

What should I do

Go to the police department tell them what happened and that your daughter is there and your scared to go back by yourself and your scare for her.

R u by yourself? I'll go with you to the police

Have you talked to mom?

What's going on call me

Jan 27, 2019, 6:08 PM

[redacted] said she's doing good and she's fine

My credit card is frozen & it's to Ally



Text Message





Gina >

Have you talked to mom?

What's going on call me

Jan 27, 2019, 6:08 PM

[Redacted] said she's doing good and she's fine

My credit card is frozen & it's teAlly pissing me off

I keep getting transferred

Where r u at now

Did he freeze it

Jan 28, 2019, 6:03 PM

Hey everything okay?

Feb 4, 2019, 12:47 PM

Hey what time are u and mom planning on getting together?!

Idk I have to call her

Her phone is off

It's not working call the house

I want to join u guys but I'm stuck at



Text Message



Exhibit B



Gina >

Jan 28, 2019, 6:03 PM

Hey everything okay?

Feb 4, 2019, 12:47 PM

Hey what time are u and mom planning on getting together?!

Idk I have to call her

Her phone is off

It's not working call the house

I want to join u guys but, I'm stuck at home Chris took all keys I'm about to go online and set up a rental car reservation

What is the house #

[\(678\) 403-2307](tel:(678)403-2307)

That's stupid!!

Feb 5, 2019, 2:40 PM

Jackie Can u stop at moms when u get off I need to use a non metro cell phone to get my credit card unblocked and all of us have metros! I would soo greatly appreciate it



Text Message





Gina >

not phone to call

It's not working call the house

I want to join u guys but, I'm stuck at home Chris took all keys I'm about to go online and set up a rental car reservation

What is the house #

[\(678\) 403-2307](tel:(678)403-2307)

That's stupid!!

Feb 5, 2019, 2:40 PM

Jackie Can u stop at moms when u get off I need to use a non metro cell phone to get my credit card unblocked and all of us have metros! I would soo greatly appreciate it

Feb 5, 2019, 7:36 PM

Please come get us

I needed my credit card to get a rental car all day and mom gave me shit like why do u need a car today blah blah blah! I needed a car because I can't deal with her! Your there for 5 minutes and she expects u to do her damn laundry and all this s █!



Text Message



Exhibit C



Gina >

Omgosh seriously!! Okay I'll tell Deena. That's sucks!

Has she had any contact with Chris? I'm really worried about her going to cheer especially with me being in the hospital I'm worried chris is going to go up there and upset her or hurt her feelings or who knows try to take her I want to be there so he won't meddles with her! I just hate to feel this way still months almost a year after I've been out of that relationship!

Omg I'm so glad you said that!! I feel the same way!!!! I blocked his number from calling me, he's not good for her at all. And he says terrible things to her. I think we should try to get her to cheer with East or north and get her away from him. Me and Andy will help

Hey call me real quick trying to decide what to do about cheer while Deena is here. She has to leave in ten min

Fri, Oct 30, 5:52 PM

Hey do you have boy clothes up there already?

Fri, Oct 30, 6:59 PM

A few on-site but right now he's not



Text Message



Exhibit D

From: **Chris Curry** cecurry32@yahoo.com
Subject:
Date: November 7, 2020 at 10:57 AM
To: [REDACTED]@yahoo.com

[REDACTED]
I tried to speak to you tonight to let you know how hurt I've been by not being able to speak with you. I miss you so much. Your attitude towards me was Awful, I asked you about the birth control text for a reason. When that coach came out side & I said go to the car, I did that for a reason. there should of been nothing but yes sir, you became loud immature and said I'm not going anywhere with you, jumped in the air & ran inside the building slamming the door behind you as if this was some kind of game. This has created detrimental consequences & I will never be put in another situation where I can't go get my daughter who just ran off crying. I was looked at in so many ways tonight none of them where any good, I refuse to be hopeless because your not biological mine. I will not be apart of stingrays anymore, I can't after tonight. I asked you to go to the car to keep our family's business private. This coach said things tonight that only your mom, you & myself know. I love you [REDACTED] I'm sorry I've put you in this horrible situation. Please call me when you get this.

From: Chris Curry cecurry32@yahoo.com
Subject:
Date: November 9, 2020 at 6:03 PM
To: [REDACTED]@yahoo.com

Tell your mom I will pay her but I want you to be home & to go to school like you should be. If she does the same schedule as Dallas then I will pay her + child support. But I have to have rights to you, this isn't fair. You are my daughter & I love you more than anything.

From: Chris Curry cecurry32@yahoo.com
Subject:
Date: November 7, 2020 at 3:05 PM
To: [REDACTED]@yahoo.com

We need to meet & talk today.