



## State v. Byrd and Violations of DVPOs

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I thought that I might blog today about the Sotomayor confirmation hearings, but they've been thoroughly dull. The only piece I've seen that makes them seem even a little bit interesting is [this one](#), which I understand to be written by a liberal commentator unimpressed with the judge.

Fortunately, my colleague [John Rubin](#) rescued me from what was sure to be a slow blogging day when he emailed me a terrific piece about the implications of [State v. Byrd](#). I blogged about [Byrd previously](#). The very short version of the case is that it held that ex parte TROs are not "protective orders" as that term is used in Chapter 50B of the General Statutes, and therefore, violations of such TROs can't support the criminal charges in that Chapter.

John's piece explores the further implications of the case, including its impact on the "shall arrest" provision in G.S. 50B-4.1(b), and provides an update on the legislative "fix" that the General Assembly is considering. It's worth your time, and although too long to be a blog post, it's still quite brief. Click on the link below to take a look:

[Byrd Summary](#)