

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

STATE OF NORTH CAROLINA

v.

SUMMER ---,
Defendant.

FIRST AFFIDAVIT
IN SUPPORT OF
CRIMINAL COMPLAINT

I, Evan Charles DiBona, a man, am over the age of consent, am a creation of God Almighty and a follower of God's laws first and foremost, and the laws of man when they are not in conflict. I have personal knowledge of the matters stated herein and hereby affirm understanding both the spiritual and legal liabilities of, "Though shalt not bear false witness against thy neighbor."

Introduction

1. My nephew is ---, son of -- DiBona and Defendant. Born April 17th, 2015.
2. Defendant currently resides at 1419 Madison Street, High Point, North Carolina.

Excerpt of Custody Order

3. The following is from a Custody Order that took effect in 2016, signed by both Defendant and -- --.
--- v. ---, 2016. High Point File No. 15 CvD 998.
 2. *The parties shall equally share physical custody of the child on the regular schedule for the child to be in the physical custody of each party as follows:*
 - a. *Monday and Tuesday of each week, including overnights, with Plaintiff/Father;*
 - b. *Wednesday and Thursday of each week, including overnights, with Defendant/Mother; and,*
 - c. *Every other weekend from Friday afternoon to Monday morning with plaintiff or defendant, on an alternating basis.*

On Living Environment

4. --- has often returned from school with care packages that usually contain cheap, highly processed food items, such as pop-tarts, corn flake cereal, canned raviolis, and canned fruit in sugar syrup.
5. While at his grandparents' home, --- infrequently consumes these items and they often pile up in the pantry before being thrown away.

6. When referencing time at Defendant's residence --- has spoken as if he regularly consumes these items, both from the school and purchased separately, at Defendant's residence.
7. On more than one occasion I have witnessed --- returning from Defendant's residence with a sugary beverage, often processed chocolate milk drinks or soda.
8. --- has an asthmatic condition which limits the extent of his cardiovascular activity, perhaps to 80% of the norm, and which reduces the quality of his sleep.
9. Family members have observed her smoking habit which, appears to be consistent and moderate to heavy, does not relent in the presence of ---.
10. Based on the above observations, **it is my belief that:**
 - A. At Defendant's residence, --- often consumes more than the FDA's maximum recommended sugar consumption for adults, which is 50 grams. Assuming that ---'s healthy caloric needs are 1,400 a day, their recommendation would be closer to a maximum of 35 grams of refined sugar a day. Placing a large and unnecessary strain on his body.
 - B. Despite his breathing condition Defendant has often smoked in ---'s presence, even in the small confines of a car. Though her current habits are unclear, it bears further inquiry.
 - C. --- has mentioned junk food he ate at "Momma's" but never any comments or evidence to suggest that he ever eats quality meat or vegetables.
 - D. That, if analyzed for toxins, nutritional content, and the balance of food groups, ---'s diet under Defendant's care, would be provably unsafe.
 - E. That these living conditions, if allowed to continue, will result in serious injury to ---.

On Emotional Abuse

11. On past occasions, after spending much time with Defendant, --- is significantly more fearful of being outside, walking on trails, exploring the forest. When, after some separation from his living environment with her, he displays nothing but joy and curiosity towards the natural world.
12. About two months ago Defendant purchased a phone for ---.
13. Under the care of Defendant, --- spends significantly more time playing video games, watching television, and interacting with his phone than he does at his grandparents. It is likely that this extra time in front of digital screens is excessive and comes at the expense of his time to play outdoors or play with other children.
14. --- once told me, with no provocation, that Defendant did not like it when he spent time with me.
15. On a Friday in May, after my father had picked up --- from his school, Defendant drove to my parents' home and summoned two deputies from the Davidson County Sheriff's department.

16. In my presence, --- was visibly confused over why there was so much commotion. He appeared stressed.
17. Until about the last two months, he would predictably spend half his time with one parent and half his time with the other. Defendant began to deny him that opportunity by withholding him from his school, which he regularly attended this past year, and picking him up early on several of the days when my brother had legal custody of ---.
18. Based on the above observations, **it is my belief that:**
 - A. Defendant uses every rhetorical tool at her disposal to discredit ---'s father and, by extension, his family in ---'s eyes. Which is not only potentially slanderous, it is unhelpful, unethical, and simply inappropriate for a child of seven years to have to bear the emotional burden of deciphering these attacks on character.
 - B. Defendant actively encourages anti-social behavior in --- and removes opportunities for him to socialize with friends and a community.
 - C. Defendant purposefully attempts to alienate --- from family, who he has a Natural Right to maintain a relationship with. (see Second Affidavit, points: 3, 5, 6, and 10.)

On Kidnapping & Abduction

19. On June 7th, 2022 my mother, under the legal authority of above-referenced Custody Order, picked --- up from his school and took him to my parents' home with the express permission of my brother, ---'s father.
20. On that same day the Defendant appears on the road my parents' live on, driving with excessive speed, approached --- in her vehicle, and, in a commanding voice, enticed him to leave with her and abandon his bicycle and grandparents. He approached the car in an intimidated manner. My mom was calling --- to her the entire time, but he was likely more fearful of the consequences his mother would inflict on him.
21. It is my firm conviction that this event was a very unnecessary and traumatizing to --- and a legal violation of the custody agreement between -- and Defendant.
22. Defendant had no "legal justification or defense," when she induced --- to leave his bike and get into her vehicle.

Conclusions

23. While --- deserves a continued relationship with his mother it is my sincerest conviction that allowing him to remain in the custody of Defendant would be unwise at best and criminally negligent at worst.
24. There is no reason to believe and no evidence to suggest that Defendant will ever voluntarily relinquish --- to his father's care.
25. Therefore it is extremely important that the violations alleged in this Criminal Complaint be addressed, so that "justice [can be] administered without favor, denial, or delay."
N.C. Constitution, Sec. 18.

Reserving ALL of my Natural God-Given, Unalienable Rights and Waiving None, Ever.
I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Evan DiBona

---, North Carolina

Affirmed to and subscribed before me this the ____ day of June, 2022.

In _____ County, North Carolina.

(Official Seal)

Signature of Notary

_____, Notary Public
Notary's Printed Name

My commission expires _____