

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): The Law Office of Henrik Karapetian Henrik Karapetian, Esq. 100 North Brand Blvd., Suite 207, Glendale, California 91203 TELEPHONE NO. (Optional): 818-476-0092 FAX NO. (Optional): 818-937-0862 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Desiree Capuano	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: same CITY AND ZIP CODE: Compton, 90220 BRANCH NAME: South Central	
PETITIONER: Richard Riess RESPONDENT: Desiree Capuano	
RESPONSE TO PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN	CASE NUMBER: TD 035397
NOTICE: This action will not terminate a marriage or establish a parental relationship.	

1. **Jurisdiction for bringing action**
- a. Petitioner is the ☐ mother ☒ father of the minor children.
- b. Respondent is the ☒ mother ☐ father of the minor children.
2. a. ☐ Petitioner is married to the respondent, and no action is pending in any court for dissolution, legal separation, or nullity.
- b. ☐ Petitioner and respondent have signed a Voluntary Declaration of Paternity regarding the minor children, and no other action is pending in any other court. (Attach a copy of declaration)
- c. ☐ Petitioner and respondent are not married and have legally adopted a child together.
- d. ☐ Petitioner and respondent have been determined to be the parents in a juvenile or governmental child support case number _____.
- County _____ State _____ Country (if not the United States) _____
3. The following minor children are the subject of this action:
- | Child's name | Date of birth | Age | Sex |
|----------------------------------|--------------------------------|-----|-----|
| G <input type="checkbox"/> Riess | <input type="checkbox"/> /2000 | 11 | M |

- ☐ Continued on Attachment 3.
4. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.
5. **Child custody and visitation.** I request the following orders:
- | | Petitioner | Respondent | Joint | Other |
|------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Visitation of children with | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- (1) The proposed schedule for visitation is as follows:
- ☐ See the attached form FL-311, *Child Custody and Visitation Attachment*.

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD 035397

5. d. ☒ I request that visitation be supervised with the following persons, with the following restrictions:
Supervised visitation for Petitioner every Sunday from 9:00AM to 4:00PM in Peoria, Arizona.

Minor child was isolated from Respondent for several years and Petitioner would not disclose the location of the minor child even when he was incarcerated.

☐ Continued on Attachment 5d.

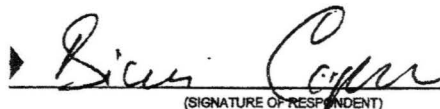
- e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
f. ☒ I request that the proposed holiday schedule set out in ☒ form FL-341(C) ☐ other be approved.
g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.
6. **Fees and cost of litigation**
a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
b. ☒ Each party will pay own fees.
7. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached.
8. Other (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/17/2011

Desiree Capuano

(TYPE OR PRINT NAME)


(SIGNATURE OF RESPONDENT)

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Henrik Karapetian, Esq. The Law Office of Henrik Karapetian 100 North Brand Blvd., Suite 207 Glendale, California 91203 TELEPHONE NO.: 818-476-0092 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Desiree Capuano	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: same CITY AND ZIP CODE: Compton, 90220 BRANCH NAME: South Centrla	
PETITIONER: Richard Riess RESPONDENT: Desiree Capuano	
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	
CASE NUMBER: TD 035397	

1. I am a party to this proceeding to determine custody of a child.
2. ☐ My present address is not disclosed. It is confidential under Family Code section 3429. I have listed the address of the children presently residing with me as confidential.
3. (Number): **1** minor children are subject to this proceeding as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name G Riess		Place of birth Arizona	Date of birth /2000	Sex M
Period of residence 08/2011 to present	Address 20100 78th Pl.#1080,Scottsdale,AZ <input type="checkbox"/> Confidential	Person child lived with (name and present address) Respondent, Significant Other		Relationship Mother
01/03 to 08/2011	UNKNOWN (Petitioner would not disclose any information)			
to				
to				
to				
b. Child's name <input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and present address)		Relationship
to				
to				
to				

C. ☐ Additional children are listed on Attachment 3c. (Provide all requested information for additional children.)

SHORT TITLE: Riess v. Capuano	CASE NUMBER: TD 035397
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4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?
☐ No ☒ Yes (If yes, provide the following information):
 a. Name of each child: G Riess
 b. I was a: ☒ party ☐ witness ☐ other (specify):
 c. Court (specify name, state, location): Superior Court of Arizona, County of Maricopa
 d. Court order or judgment (date): 10/21/2011 - Pending
5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child in this case, other than that stated in item 4?
☐ No ☒ Yes (If yes, provide the following information):
 a. Name of each child: G Riess
 b. Nature of proceeding: ☐ dissolution or divorce ☐ guardianship ☐ adoption ☒ other (specify): jurisdiction
 c. Court (specify name, state, location): Superior Court of Arizona, County of Maricopa
 d. Status of proceeding: 10/21/2011 - Pending
6. ☐ One or more domestic violence restraining /protective orders are now in effect. (Attach a copy of the orders if you have one.)
 The orders are from the following court or courts (specify county and state):
 a. ☐ Criminal: County/state: _____ Case No. (if known): _____
 b. ☐ Family: County/state: _____ Case No. (if known): _____
 c. ☐ Juvenile: County/state: _____ Case No. (if known): _____
 d. ☐ Other: County/state: _____ Case No. (if known): _____
7. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?
☒ No ☐ Yes (If yes, provide the following information):

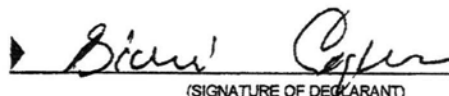
a. Name and address of person	b. Name and address of person	c. Name and address of person
<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/17/2011

Desiree Capuano

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. ☐ Number of pages attached after this page: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

PETITIONER: Richard Riess RESPONDENT: Desiree Capuano	CASE NUMBER: TD 035397
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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☒ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) (Unless otherwise noted, all single-day holidays start at 9:00 a.m. and end at 9:00 p.m.)	Every Year <i>Petitioner/ Respondent</i>	Even Years <i>Petitioner/ Respondent</i>	Odd Years <i>Petitioner/ Respondent</i>
January 1 (New Year's Day)		Resp	Resp	Pet
Martin Luther King's Birthday (weekend)		Resp		
Lincoln's Birthday				
President's Day (weekend)		Resp		
Spring Break, first half		Resp		
Spring Break, second half			Resp	Pet
Mother's Day		Resp		
Memorial Day (weekend)		Resp		
Father's Day		Pet		
July 4th		Resp		
Labor Day (weekend)		Resp		
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)		Resp		
Thanksgiving Day			Resp	Pet
Thanksgiving weekend		Resp		
Winter Break, first half		Resp		
Winter Break, second half			Resp	Pet
New Year's Eve			Resp	Pet
Child's birthday			Resp	Pet
Mother's birthday		Resp		
Father's birthday		Pet		
Breaks for year-round schools		Resp		
Summer Break, first half		Resp		
Summer Break, second half			Resp	Pet
Other (specify):				

- ☐ Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.
☐ Other (specify):

2. **Vacations.** The ☒ petitioner ☒ respondent may take a vacation of up to (specify number): 14 ☒ days ☐ weeks with the children the following number of times per year (specify): 6. They must notify the other parent in writing of their vacation plans a minimum of (specify number): 7 days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
☒ The other parent has (specify number): 4 days to respond if there is a problem with the schedule.
- a. ☐ This vacation may be outside California.
b. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.
c. ☒ Other (specify): Written permission is not required for out of state vacations.

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD 035397

6. ☐ PROPERTY RESTRAINT
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☒ I consent to the following order:
- 1) No negative statements to be made to our minor child regarding either parent, 2) Petitioner to provide his legal status in the U.S.A to Respondent within 5 days of this hearing, 3) Petitioner to keep Respondent notified of minor child's address, and 4) Respondent to have regular telephone contact with minor child.

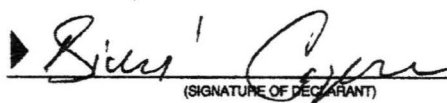
9. ☒ SUPPORTING INFORMATION
- ☒ contained in the attached declaration.

NOTE: To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/17/2011

Desiree Capuano
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD 035397

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

- TO ☒ Petition, Response, Application for Order or Responsive Declaration ☐ Other (specify):
☐ To be ordered now and effective until the hearing

1. ☒ **Custody.** Custody of the minor children of the parties is requested as follows:

Child's Name	Date of Birth	Legal Custody to (person who makes decisions about health, education, etc.)	Physical Custody to (person with whom the child lives)
G [redacted] Riess	[redacted]/2000	Joint	Petitioner

2. ☒ **Visitation.**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
 b. ☐ See the attached _____-page document dated (specify date):
 c. ☐ The parties will go to mediation at (specify location):
 d. ☐ No visitation
 e. ☒ Visitation for the ☐ petitioner ☐ respondent will be as follows:

- (1) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

(a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend, which starts (date):

(b) ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

- (2) ☐ **Alternate weekends starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (3) ☐ **Weekdays starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (4) ☒ **Other (specify days and times as well as any additional restrictions):**

See Declaration of Desiree Capuano for specific schedule, which is incorporated herein by this reference, and FL-341c

☐ See Attachment 2e(4).

Page 1 of 2

PETITIONER: Richard Riess	CASE NUMBER:
RESPONDENT: Desiree Capuano	TD 035397

3. ☐ **Supervised visitation.**

I request that (name): _____ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): _____ who is a ☐ professional ☐ nonprofessional supervisor. The supervisor's phone number is (specify): _____

I request that the costs of supervision be paid as follows: petitioner: _____ percent; respondent: _____ percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. ☒ **Transportation for visitation and place of exchange.**

- a. ☒ Transportation to the visits will be provided by (name): Respondent to Cover expenses
- b. ☒ Transportation from the visits will be provided by (name): Respondent to Cover expenses
- c. ☐ Drop-off of the children will be at (address): _____
- d. ☐ Pick-up of the children will be at (address): _____
- e. ☒ The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- f. ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g. ☐ Other (specify): _____

5. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other (name): _____ must have written permission from the other parent or a court order to take the children out of

- a. ☐ the state of California.
- b. ☐ the following counties (specify): _____
- c. ☐ other places (specify): _____

6. ☐ **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7. ☒ **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached ☒ form FL-341(C) ☐ other (specify): _____

8. ☐ **Additional custody provisions.** I request the additional orders regarding custody set out on the attached ☐ form FL-341(D) ☐ other (specify): _____

9. ☐ **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached ☐ form FL-341(E) ☐ other (specify): _____

10. ☐ **Other.** I request the following additional orders (specify): _____

PETITIONER: Richard Riess RESPONDENT: Desiree Capuano	CASE NUMBER: TD 035397
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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☒ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) (Unless otherwise noted, all single-day holidays start at 9:00 a.m. and end at 9:00 p.m.)	Every Year <i>Petitioner/ Respondent</i>	Even Years <i>Petitioner/ Respondent</i>	Odd Years <i>Petitioner/ Respondent</i>
January 1 (New Year's Day)		Resp		
Martin Luther King's Birthday (weekend)		Resp		
Lincoln's Birthday				
President's Day (weekend)		Resp		
Spring Break, first half		Resp		
Spring Break, second half			Resp	Pet
Mother's Day		Resp		
Memorial Day (weekend)		Resp		
Father's Day		Pet		
July 4th		Resp		
Labor Day (weekend)		Resp		
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)		Resp		
Thanksgiving Day			Resp	Pet
Thanksgiving weekend		Resp		
Winter Break, first half		Resp		
Winter Break, second half			Resp	Pet
New Year's Eve		Resp		
Child's birthday		Pet		
Mother's birthday		Resp		
Father's birthday		Pet		
Breaks for year-round schools		Resp		
Summer Break, first half		Resp		
Summer Break, second half			Resp	Pet
Other (specify):				

- ☐ Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.
☐ Other (specify):

2. **Vacations.** The ☒ petitioner ☒ respondent may take a vacation of up to (specify number): 14 ☒ days ☐ weeks with the children the following number of times per year (specify): 6 . They must notify the other parent in writing of their vacation plans a minimum of (specify number): 7 days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
☒ The other parent has (specify number): 4 days to respond if there is a problem with the schedule.
- a. ☐ This vacation may be outside California.
b. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.
c. ☒ Other (specify): Written permission is not required for out of state vacations.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Henrik Karapetian, Esq. The Law Office of Henrik Karapetian 100 North Brand Blvd., Suite 207 Glendale, California 91203		259223	FOR COURT USE ONLY
TELEPHONE NO.: 818-476-0092 FAX NO. (Optional): 818-937-0862			
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Desiree Capuano			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: same CITY AND ZIP CODE: Compton, 90220 BRANCH NAME: South Central			
PETITIONER/PLAINTIFF: Richard Riess			
RESPONDENT/DEFENDANT: Desiree Capuano			
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: TD 035397	

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
100 North Brand Blvd., Suite 207
Glendale, California 91203
3. On (date): 11/18/2011 I mailed from (city and state): Glendale, California
the following documents (specify):
Responsive Declaration to OSC (FL-320), Holiday visitation attachment (FL-341(c)), Child Custody and
Visitation Application Attachment (FL-311), Declaration of Desiree Capuano, Response to Petition for
Custody and Support of Minor Children, UCCJEA (FL-105)
☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)
(form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
 - a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this
business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is
placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in
a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: Richard Riess
 - b. **Address** of person served:
[redacted] Lincoln St.
Carson, CA 90745

☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/18/2011

Henrik Karapetian

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

CASE NAME:

— Richard Riess v. Desiree Capuano

CASE NUMBER:

TD 035379

PROOF OF SERVICE BY MAIL
Substitution of Attorney—Civil

Instructions: After having all parties served by mail with the Substitution of Attorney—Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney—Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

100 N. Brand Blvd., Suite 207, Glendale, California 91203

2. I served the Substitution of Attorney—Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

(1) Date of mailing: 11/18/2011

(2) Place of mailing (*city and state*): Glendale, CA

3. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/18/2011

Henrik Karapetian

(TYPE OR PRINT NAME)



(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

4. a. Name of person served: Richard Riess

b. Address (*number, street, city, and ZIP*):

Lincoln St.
 Carson, CA 90745

c. Name of person served:

d. Address (*number, street, city, and ZIP*):

e. Name of person served:

f. Address (*number, street, city, and ZIP*):

g. Name of person served:

h. Address (*number, street, city, and ZIP*):

i. Name of person served:

j. Address (*number, street, city, and ZIP*):

☐ List of names and addresses continued in attachment.

DECLARATION OF DESIREE CAPUANO

Case Name: Riess v. Capuano

Case No.: TD 035397

I, DESIREE CAPUANO, declare as follows:

1. I am the Respondent in the above referenced matter. I have personal knowledge of the statements contained herein. Of those statements which I do not have personal knowledge, I declare based on information and belief.

2. I respectfully request the court to order the following:

- a. Joint legal custody of our minor child;
- b. Child Visitation to Respondent per FL-311 and FL-341;
- c. No negative statements about either parent made towards our minor child;
- d. Petitioner to keep Respondent notified of our minor child's address and location;
- e. Petitioner to provide his legal status in the United States to Respondent within 5 days of this hearing;
- f. Respondent to have telephone contact with our minor child during the academic school year; and
- g. Any other orders deemed reasonably and necessary by this honorable Court.

3. Petitioner Richard Riess (hereinafter, "Petitioner") and I have one child together, G [REDACTED] Riess, (hereinafter, "our minor child") on [REDACTED]/2000.

4. Petitioner and I had a previous dissolution of marriage case in the Superior Court of California, County of Los Angeles, Case No. YD042145 (December 21, 2001). This matter was recently dismissed.

5. On February 21, 2002, the Court issued its Order (**See Exhibit A**) to the following:

- a. "The Parties are awarded joint legal custody of G [REDACTED], both [REDACTED], 2000."

1 b. "The parties are awarded joint physical custody of G [REDACTED], each party to have equal
2 time with him."

3 c. "G [REDACTED] shall spend alternating two week periods with each parent."

4
5 6. Since entry of that Order and for the past nine years, Petitioner has systematically isolated me
6 from our minor child.

7 7. I moved to Arizona in October of 2001 with our minor child. At the time, Petitioner made it very
8 clear that he had no interest in being a father to our minor child. In fact, Petitioner had demanded
9 that I research adoption agencies to take our minor child. However, I did not agree with this.

10 8. In December 2001, I moved to Florida with Petitioner's consent. Petitioner had made no effort to
11 see our minor child or have any contact with him.

12
13 9. During this same time, while I was looking for employment in Florida, Petitioner came to
14 Arizona and took our minor child. Petitioner took our minor child to California where he
15 obtained temporary custody by making false allegations that I abandoned our minor child.

16 10. On February 21, 2002, the court awarded both Petitioner and I joint legal and physical custody
17 with equal parenting time, finding that there was no abandonment.

18
19 11. I was awarded the first two weeks of visitation with our minor child since I had not seen our
20 minor child in nearly 2 months. When the two weeks were up, I returned our minor child to
21 Petitioner.

22 12. At that point I lost all contact with our minor child as Petitioner hid his whereabouts and it was
23 not until 2005 when Petitioner contacted me in Arizona. I had made many attempts to find our
24 minor child before that time including contacting multiple attorneys (I could not afford the
25 retainer fees), local and state law enforcement agencies, and child protective services, all to no
26 avail.
27
28

1 13. For the next few years, Petitioner would only allow sparing contact with our minor child via
2 telephone.

3 14. After further research, I found that in 2009 Petitioner was in a federal detention facility in
4 Arizona. I went to Petitioner while he was in prison demanding to know where our minor child
5 was; however, Petitioner refused to tell me.
6

7 15. Despite my efforts to locate our minor child, I was unsuccessful. It was not until February 13,
8 2011 that I received a five page letter from Petitioner apologizing to me for taking our minor
9 child away. (See Exhibit B).

10 16. Petitioner indicates in his letter the following statements:

11 a. "I really am sorry for causing so much misery, unhappiness, anger and whatever else I
12 may have caused,"
13

14 b. "I did have an active and significant part in pushing you away."
15

16 17. Petitioner also sent a letter to our minor child on February 11, 2011 (See Exhibit C) with the
17 following pertinent statements:

18 a. "When I got custody of your I did go out of my way to make it difficult for her,"

19 b. "But after my years of drug use and neglect and being an irresponsible asshole you
20 were able to forgive me so I ask that you try to forgive her as well."

21 18. In March 2011, I learned that Petitioner had been arrested in Arizona in 2007 on theft and forgery
22 charges. When the police came to Petitioner's home to arrest him, our minor child went to their
23 neighbor's home to call L ■ Munoz, who lives in Carson City, California. Ms. Munoz was a close
24 friend of Petitioner's and Petitioner claims to have given her temporary power of attorney. Ms.
25 Munoz drove from California to Arizona, picked up our minor child and took him out of the state
26 and brought him to her own home in California.
27
28

- 1 19. My first contact with our minor child was in 2011 since his abduction. I found that our minor
2 child was living in California with Ms. Munoz.
- 3 20. Since I had custody of our minor child I took him to Arizona while Petitioner was in the
4 Immigration and Customs Enforcement detention center.
- 5 21. At that point, Petitioner had been incarcerated for the past four years, and was expected to be
6 deported back to Canada upon his release from the Department of Corrections in Eloy, Arizona.
7
8 **(See Exhibit D).**
- 9 22. I believe that Petitioner is not a citizen and was subsequently deported from the United States to
10 Canada.
- 11 23. Petitioner has now come back to California, illegally.
- 12 24. I am afraid that Petitioner has a past criminal history and that if he is picked up again by law
13 enforcement he will be subsequently deported, leaving our minor child without a place to stay.
- 14 25. This instability and potentially unsafe circumstances for our minor child worries me greatly.
- 15 26. Further, while our minor child was with me I allowed him to have telephone contact with
16 Petitioner while he was incarcerated. I realized that there were significant amounts of
17 questioning, coaching, and virtual harassment by Petitioner to get our minor child to provide
18 details of my life.
- 19 27. Further court proceedings took place in October of 2011 wherein this Honorable Court
20
21 determined that California had jurisdiction to handle this matter. I know this Honorable Court will
22
23 realize the controlling behavior exhibited by Petitioner including alienating me from our minor
24
25 child.
- 26
27
28

1 28. With that said, our minor child had been with me for several months before our minor child was
2 returned to California. During that time our minor child was very happy with his surroundings
3 and continued to thrive.

4 29. Our minor child and my family have a nice residence in Arizona in a good neighborhood with
5 family and friends surrounding us.

6 30. We have a support group of many individuals that care for our minor child and I. I feel safe and
7 our minor child would continue to grow in the environment he would be in.

8 31. In sharp contrast to the living conditions that we can provide, I believe Petitioner would provide
9 an unstable living environment as displayed by his past behavior, incarceration and illegal
10 immigrant status.

11 32. I do not feel that our minor child would be safe with Petitioner without certain restrictions and
12 only until he can show this Honorable Court that he is capable of being a proper parent with our
13 minor child's best interest in mind.

14 33. I am unaware of Petitioner's exact living conditions and whether our minor child will be safely
15 kept, watched, fed and so on.

16 34. I would ask for a different custody and visitation request; however, after speaking with our minor
17 child he suggested the visitation and custody schedule that I have now proposed to this Honorable
18 Court. I do believe that continuity and structure in our minor child's life would be in his best
19 interest.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct.

22
23
24
25
26
27 **[SIGNATURE ATTACHED TO FL-320]**
28

EXHIBIT A

B. Elaine Thompson, Esq. I # 75136
LAW OFFICES OF B. ELAINE THOMPSON
2276 Torrance Boulevard
Torrance, California 90501

ATTORNEY FOR (Name): RICHARD RIESS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 825 Maple Avenue

MAILING ADDRESS: 825 Maple Avenue

CITY AND ZIP CODE: Torrance, California 90503

BRANCH NAME: SOUTHWEST DISTRICT

PETITIONER/PLAINTIFF: RICHARD RIESS

ESPONDENT/DEFENDANT: DESIREE TOMLIN RIESS

CLAIMANT:

FILED
LOS ANGELES SUPERIOR COURT
FEB 21 2002
JOHN A. CLARKE, CLERK
BY K. SMITH, DEPUTY

FINDINGS AND ORDER AFTER HEARING
(Family Law - Domestic Violence Prevention - Uniform Parentage)

CASE NUMBER:
YD042145

This proceeding was heard
on (date): 2/6/02 at (time): 8:30 a.m. in Dept.: J Room:
by Judge (name): Commissioner Glenda Veasey ☒ Temporary Judge

☒ Petitioner/plaintiff present

☒ Respondent/defendant present

☐ Claimant present

☒ Attorney present (name): B. Elaine Thompson, Esq.

☒ Attorney present (name): Marita Nogueiras, Esq.

☐ Attorney present (name):

On the order to show cause or motion filed (date): by (name):

THE COURT ORDERS

Custody and visitation: ☒ As attached ☐ Not applicable

Child support: ☐ As attached ☒ Not applicable

Spousal-Family support: ☐ As attached ☒ Not applicable

Property orders: ☒ As attached ☐ Not applicable

Domestic Violence Miscellaneous Orders ☐ As attached ☒ Not applicable

Other orders: ☒ As attached ☐ Not applicable

☐ Attorney fees (specify amount): \$ payable to (name and address): ☐ payable as child support ☐ payable as spousal support

payable ☐ forthwith ☐ other (specify):

Other issues are reserved until further order of court.

FEB 21 2002

Glenda Veasey
JUDGE OF THE SUPERIOR COURT

ed as conforming to court order.

Marita Nogueiras

E OF ATTORNEY FOR ☐ PETITIONER/PLAINTIFF ☒ RESPONDENT/DEFENDANT
a Nogueiras, Esq.

(Continued)

Page 1 of 3

by Rule 1208.31
nal of California
January 1, 1992
tory Form

FINDINGS AND ORDER AFTER HEARING
(Family Law - Domestic Violence Prevention - Uniform Parentage)

Legal
Solutions
& Plus

1. Both parties are ordered to complete Parents Without Conflict or the equivalent.
2. The parties are awarded joint legal custody of G[REDACTED], born September 27, 2000.
3. The parties are awarded joint physical custody of G[REDACTED], each party to have equal time with him.
4. G[REDACTED] shall spend alternating two week periods with each parent. The transfer shall occur on Sunday with the exception that Respondent shall begin her time with G[REDACTED] Friday, February 8, 2002. G[REDACTED] shall be returned to Petitioner Sunday February 24, 2002. The transfer of the minor, G[REDACTED], shall occur on Sundays every two weeks thereafter.
5. The receiving parent is to provide the transportation. If transportation is by airplane, the transfer of the minor shall occur at the airport. If transportation is by car, the exchange shall occur at the local McDonalds. In California, the exchange shall occur at the local McDonalds at the corner of 190th Street and Hawthorne Boulevard in Torrance, California.
6. If the minor requires cross-country transportation for the purposes of custody exchanges, the transportation must be by airplane.

All communication between the parties shall be handwritten dated and signed by the party. The communicating party shall keep a copy of the communication.

8. Neither party shall make any negative or derogatory remarks concerning the other party or their family within the presence or the hearing of the minor or allowing anyone else to do so.

9. Respondent is awarded temporary use and possession of the 1999 Chevrolet Tracker. Petitioner is ordered to make the payments on the same.

DATED:

GLEND A VEASEY
COMMISSIONER OF THE SUPERIOR COURT

D/PLEADINGS/RIESS/OrderAfterHearing



I certify that this is a true and correct copy
of the original Findings & ORDER on
file in this office consisting of 3 pages.

FEB 18 2009

JOHN A. CLAPKE, Executive Officer/Clerk of
the Superior Court of California, County of Los Angeles.

By: Barla Brin, Deputy

D. LIPPI

EXHIBIT B

2-13-11

Dear Terence:

I have started this letter 5 or 6 times now. The first thing I wish to say is I sent a letter to Gabriel on 2-11-10 with your contact information therein. I emphasized that it must be his decision whether or not to contact you. I told him it is my own wish that he does but it will not influence him either way. I also included a letter for Lin (the friend taking care of him) making it clear that I would not tolerate any interference on her part.

Then, on Saturday (2-12-11) morning I called Gabriel and told him I had spoken to you. He didn't say much. Obviously, he was caught off guard.

Unfortunately, I cannot say whether or not I think he'll contact you. I honestly don't know. I would like to believe that he will but I can't say.

You have to realize that both you and Teresa have always had the means to contact or locate both me and Gabriel (through gabrielruss.com or richandruss.com). And, after we moved here in January 2006 I was in contact with Teresa. I made no effort to keep our presence from her or you. I never prohibited her from visiting Gabriel. All I told her is that I think it's best that I be present for those visits. After that she stopped calling. Months later we ran into her at a Danny's one time. Gabriel pointed her out. She never came

ever to say hello. There is also your satisfaction

certain that our time has not again. Based on all

of this it can understand how he might form the

belief that you had made a conscious choice to move

on

But I'm not being critical of you. I'm just trying
to explain how I believe he might see the situation.
I had considered all of the other writing the letter to
him and explained that we all make mistakes and
decisions that we regret. I have more than my
share of shameful memories over the last 10 years.

I also made it clear that I did have an active and

apologetic part in pushing you away. Alright, I

admit that I was an evil bastard (at times, anyway)

and that I used the discrepancy in our respective

financial positions to tilt the situation in my

favor. And yes, I told him that I don't keep any

secrets from him and I try to present things to him

in as objective a manner as possible.

To that end, now the part of us been knowing
difficultly with which has been the cause of the
reaction!

As you may recall, in 2000-2001 I did +

great children. I wanted you to be happy and you

connected to proceed with the programme, as it supported
your decision. Unfortunately, that led to resentment
and animosity, as I realised I had to give up a
lot of other things that I wasn't prepared to give up
(freedom, sports cars, motor cycles, travel, etc.). I
eventually convinced myself that you were just
using me for money (though, years later I realised
there is no life, but I know that I did want).
As you also may recall I wasn't religious at
the time (I was atheist). However, there was one
night in Madrid (I think) I got into an
argument with you over and I was driving from
LH to Frankfurt, I asked God to take care of you and
I prayed that (I believe that you would become
pregnant so that it may convince you to quit the
divorced and erratic behaviour. You had been making
for a couple of weeks at that point. Shortly
thereafter I heard you were in the hospital in El
Monte. But of course, being atheist, I quickly
forgot about that night driving to Phoenix.
Well, there are many more things I've never
told you about myself or my life before I met
you. One of those things is that when I'm not
athletic I'm Jewish. And I haven't been athletic
since about 2005. Anyway, my religious beliefs

aside, once I got past the excitement I had to realize that I was blessed with an amazing child. And that I would always be indebted to you for that. It's unfortunate that I spent so many years being angry about my situation rather than appreciating what I had.

And so, you know how people always say if they could do it all over again, well, I'm for it they could go back and change things in their lives. I'm for it to say anything like that, Truth is there are a great many things I would change. But not for the world would I change having met you. Learning to have faith, managing your destiny to raise Gabriel, and never contacting you and telling you all of this. Other than these and my career choices I could probably have done everything else differently. But I'm not going to wallow in self pity about how I've made a mess of things. That would be like. And this is not my style. And it's not because I'm in custody that I'm saying all of this. I've wanted to remain silent

times over the years but the combination of Gabe and the fact that you were married and had a life going on kept me from doing so. It just happens that I recently asked my investigator

to try to locate you and he provided your address and telephone number. If then had a friend do a search of your address and send me information on the complex. From the listings it looks like a nice place. So, as you can see, locating someone is not that hard. Anyway, I don't want you to think I'm stalking you or anything. I just wanted to know what I was walking into before I contacted you.

And finally, for the record, I wish to say, I really am sorry for causing so much misery, unhappiness, anger, and whatever else it may have caused.

I do not necessarily expect a response to this letter. I just wanted to finally say what I know should have been said many years ago - some of which should have been said before we separated.

And if you've gotten this far I thank you for listening.

Sincerely,

Richard

EXHIBIT C

2-11-11

Dear Gabriel:

Everyone makes mistakes, Lord knows I've made my share. A lot of times I didn't have a role model or guide to show me the way so I had to learn through trial and error. Eventually you'll make some mistakes too. Thankfully you have access to good people who can help you to make good decisions. As you know, over the last ten years I've made a lot of bad decisions and done a lot of not so good things. But even still, you were able to forgive me and give me another chance.

The reason I bring all this up is that I've recently been in contact with Desiree. She very much wants to get to know you but I told her that has to be your decision. Not mine or hers. And while I disagree with some of the choices she's made in the past I have to realize that I've also made some pretty bad ones. And to be completely honest and fair I wasn't exactly the best husband and father back then. When I got custody of you I did go out of my way to make it difficult for her. But anyway, a long time ago she made some choices that I disagreed with and a consequence of those decisions meant her being 3000 miles

away from you. And it certainly didn't help that situation by being an asshole to her. My point is, a lot of time has passed since then. And with me being in custody, she could have tried to take advantage of the situation but she didn't.

Anyway, I told her I would give you her contact information. Whether or not you decide to contact her is your choice. I personally, would like it if you did. But I would not push you to do so. You may find it easier to start by writing rather than calling. That way, you're not on the spot and you can take your time answering. Of course, there's also e-mail. I asked her if she has a web site or myspace page. I'll let you know. Also, if you prefer you can send a letter to me and I can forward it to her. Or, if you prefer you can do nothing. It's all up to you.

I only ask that you confirm that you received her information. And I won't bring it up again. And even if you want to contact her and not tell me - that's fine. That's personal stuff between her and you.

But after my years of drug use and neglect and
being an irresponsible asshole you were able to
forgive me so I ask that you try to forgive her
as well.

Anyway, that's all I will say on the matter.
So, her address is:

Devine Capuano

20100 N. 78th Pl #1080

Scottsdale, AZ 85255

And her number is:

480-284-7731 (home)

480-455-2086 (mobile)

Apparently the mobile is the best number to reach
her on.

I'll talk to you soon.

Dad




EXHIBIT D

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

JUDGE PRO TEM JAMES T. BLOMO

CLERK OF THE COURT
L. Talbo
Deputy

STATE OF ARIZONA

JEFFREY R DUVENDACK
ADENA J ASTROWSKY

v.

RICHARD RIESS (002)

RICHARD RIESS
3250 W LOWER BUCKEYE
P624615
PHOENIX AZ 85009
JEREMY L. BOGART

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

1:34 p.m.

State's Attorney:	Adena Astrowsky
Advisory Counsel:	Jeremy Bogart
Defendant:	Present
Court Reporter:	Renee Mobley

This is the time set for Evidentiary Hearing re: Non-Bondable Status under A.R.S. §13-3961.

State's case:

Detective Matthew Arndt is sworn and testifies.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

LET THE RECORD REFLECT the witness makes an in-court identification of the Defendant.

The witness is excused.

Detective Adam Geremiah is sworn and testifies.

Exhibits 1-2 are marked for identification.

Exhibit 1 is offered and received in evidence.

LET THE RECORD REFLECT the witness makes an in-court identification of the Defendant.

Exhibit 2 is offered and received in evidence.

The witness is excused.

State rests.

Defendant rests.

Closing arguments.

The Court finds that there is proof evident or presumption great that the crime(s) of Forgery a class 4 felony was/were committed and the defendant committed those crime(s).

The Court further finds that there is probable cause to believe that the defendant has entered or remained in the United States illegally.

Therefore, pursuant to Article 2, Section 22 of the Arizona State Constitution and A.R.S. §13-3961,

IT IS ORDERED that the defendant continue be held non-bondable.

IT IS ORDERED affirming the Final Trial Management Conference on 12/20/2010 at 8:45 a.m. before Judge Thumma and Trial on 01/05/2011 at 8:00 a.m. before the Master Calendar Assignment Judge.

Last Day Remains: 02/04/2011

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

IT IS ORDERED permanently releasing exhibits 1 through 2 to counsel for plaintiff.

ISSUED: Exhibit Release Form

2:00 p.m. Matter concludes.