

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Richard Riess  
 Lincoln St  
 Carson, CA 90745

TELEPHONE NO.: 310- [REDACTED]

FAX NO. (Optional):

E-MAIL ADDRESS (Optional): richardriess@gmail.com

ATTORNEY FOR (Name): Richard Riess

FOR COURT USE ONLY

ORIGINAL FILED

FEB 03 2012

LOS ANGELES  
SUPERIOR COURT

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 200 W. Compton Blvd.

MAILING ADDRESS: 200 W. Compton Blvd

CITY AND ZIP CODE: Compton, CA 90745

BRANCH NAME: South Central District

PETITIONER/PLAINTIFF: Richard Riess

RESPONDENT/DEFENDANT: Desiree Capuano

## ORDER TO SHOW CAUSE

☐ Child Custody☐ Child Support☐ Attorney Fees and Costs

## MODIFICATION



Visitation



Spousal Support



Injunctive Order



Other (specify):

CASE NUMBER

TD035397

1. TO (name): Desiree Capuano

2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: 8/15/12 Time: 8AM ☐ Dept.: M ☐ Room: 121

b. The address of the court is ☐ same as noted above ☐ other (specify):

c. ☒ The parties are ordered to attend custody mediation services as follows: 3-9-12, 8am, Tanaka Court House

3. THE COURT FURTHER ORDERS that a completed Application for Order and Supporting Declaration (form FL-310), a blank Responsive Declaration (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed Income and Expense Declaration (form FL-150) and a blank Income and Expense Declaration  
 (2) ☐ Completed Financial Statement (Simplified) (form FL-155) and a blank Financial Statement (Simplified)  
 (3) ☐ Completed Property Declaration (form FL-160) and a blank Property Declaration  
 (4) ☐ Points and authorities  
 (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):

Any responsive declaration must be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.

d. ☐ Other (specify):

Date:

FEB 03 2012

STEPHEN M. LOWRY

JUDICIAL OFFICER

**NOTICE:** If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).



## Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8.)

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PETITIONER/PLAINTIFF: Richard Riess

CASE NUMBER:

TD035397

RESPONDENT/DEFENDANT: Desiree Capuano

**APPLICATION FOR ORDER AND SUPPORTING DECLARATION**  
**—THIS IS NOT AN ORDER—**

☒ **Petitioner** ☐ **Respondent** ☐ **Claimant** requests the following orders:

1. ☐ **CHILD CUSTODY** ☐ **To be ordered pending the hearing**
- a. Child's name and age b. Legal custody to (name of person who makes decisions about health, education, etc.) c. Physical custody to (name of person with whom child will live.)

- d. ☐ **Modify existing order**  
 (1) filed on (date):  
 (2) ordering (specify):

- e. ☐ As requested in form ☐ FL-311 ☐ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)

2. ☒ **CHILD VISITATION** ☐ **To be ordered pending the hearing**

- a. As requested in: (1) ☐ Attachment 2a (2) ☒ Form FL-311 (3) ☐ Other (specify):

- b. ☒ **Modify existing order**  
 (1) filed on (date): 12/6/11  
 (2) ordering (specify): physical custody to Petitioner, visitation with Respondent

- c. ☐ 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):

- |  |  |
|--|--|
| (1) <input type="checkbox"/> Criminal: County/state:<br>Case No. (if known): | (3) <input type="checkbox"/> Juvenile: County/state:<br>Case No. (if known): |
| (2) <input type="checkbox"/> Family: County/state:<br>Case No. (if known):   | (4) <input type="checkbox"/> Other: County/state:<br>Case No. (if known):    |

3. ☐ **CHILD SUPPORT** (An earnings assignment order may be issued.)

- a. Child's name and age b. Monthly amount requested (if not by guideline)  
 \$

- c. ☐ **Modify existing order**  
 (1) filed on (date):  
 (2) ordering (specify):

4. ☐ **SPOUSAL OR PARTNER SUPPORT** (An earnings assignment order may be issued.)

- |   |  |
|---|--|
| a. <input type="checkbox"/> Amount requested (monthly): \$  | c. <input type="checkbox"/> <b>Modify existing order</b> |
| b. <input type="checkbox"/> <b>Terminate existing order</b> | (1) filed on (date):                                     |
| (1) filed on (date):  | (2) ordering (specify):                                  |
| (2) ordering (specify):                                     |  |

**NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110), and *Notice of Court Hearing (Domestic Violence Prevention)* (form DV-109).**

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD035397

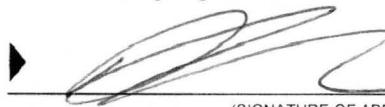
5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$ b. ☐ Costs: \$
6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|             |                          |               |
8. ☐ OTHER RELIEF (*specify*):
9. ☐ I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): \_\_\_\_\_ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in item 10 or the attached declaration.
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):
- ☒ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).
- Please see attached declaration of Richard Riess

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

Date: 2-1-12

Richard Riess

(TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT)

PETITIONER/PLAINTIFF: Richard Riess

CASE NUMBER:

RESPONDENT/DEFENDANT: Desiree Capuano

TD035397

**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 NameDate of BirthLegal Custody to

(person who makes decisions about health, education, etc.)

Physical Custody to

(person with whom the child lives)

G [redacted] Riess

[redacted]/2000

Richard Riess

Richard Riess

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 monthfrom \_\_\_\_\_ 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 periodfrom \_\_\_\_\_ 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 periodfrom \_\_\_\_\_ 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 Attachment 2e(4).

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PETITIONER: Richard Riess

CASE NUMBER:

RESPONDENT: Desiree Capuano

TD035397

3. ☒ **Supervised visitation.**

I request that (name): Desiree Capuano 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: 0 percent; respondent: 100 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):
- b. ☐ Transportation from the visits will be provided by (name):
- 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): Los Angeles
- 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):

Respondent must submit to a drug test within 48 hours prior to any direct physical contact with G[REDACTED]. If such test is positive for any illegal drugs Respondent may not have direct physical contact with G[REDACTED]. Respondent may not possess or use any illegal drugs during any period of visitation with G[REDACTED]. Kristopher Lauchner must not have any contact with, or be within 100 yards of G[REDACTED].

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):          TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	
PETITIONER/PLAINTIFF:   RESPONDENT/DEFENDANT:   OTHER PARENT:	
<b>RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION</b>	
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	CASE NUMBER: _____

1. ☐ CHILD CUSTODY
  - a. ☐ I consent to the order requested.
  - b. ☐ I do not consent to the order requested, but I consent to the following order:
  
2. ☐ CHILD VISITATION
  - a. ☐ I consent to the order requested.
  - b. ☐ I do not consent to the order requested, but I consent to the following order:
  
3. ☐ CHILD SUPPORT
  - a. ☐ I consent to the order requested.
  - b. ☐ I consent to guideline support.
  - c. ☐ I do not consent to the order requested, but I consent to the following order:
    - (1) ☐ Guideline
    - (2) ☐ Other (specify): \_\_\_\_\_
  
4. ☐ SPOUSAL OR PARTNER SUPPORT
  - a. ☐ I consent to the order requested.
  - b. ☐ I do not consent to the order requested.
  - c. ☐ I consent to the following order:
  
5. ☐ ATTORNEY FEES AND COSTS
  - a. ☐ I consent to the order requested.
  - b. ☐ I do not consent to the order requested.
  - c. ☐ I consent to the following order:

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT:	

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:

9. ☐ SUPPORTING INFORMATION

☐ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

**NOTE:** To respond to 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:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Richard Riess  
[REDACTED] Lincoln St.  
Carson, CA 90745  
310-[REDACTED]  
Pro Per

**SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

Richard Riess,  
Petitioner,

v.

Desiree Capuano,  
Respondent.

Case No.: TD035397

**DECLARATION OF RICHARD RIESS IN  
SUPPORT OF REQUEST TO MODIFY  
CHILD VISITATION SCHEDULE**

I, Richard Riess, hereby declare under penalty of perjury that I am the Petitioner in the captioned matter and that all statements made herein are true and correct to the best of my knowledge.

1. I am the biological father of G [REDACTED] Riess.
2. Desiree Capuano is the biological mother of G [REDACTED] Riess.
3. I have sole physical custody of G [REDACTED], as ordered by this Court on December 6, 2011.
4. Desiree has visitation with G [REDACTED] during the summer, winter and spring school breaks, and alternating long weekends, as ordered by this Court on December 6, 2011.
5. During Desiree's periods of visitation, G [REDACTED] stays at her residence in Arizona for the duration of the visitation period.
6. Desiree and I resided together from January 2000 until October 2001.

7. I do not currently use, nor have I at any time during the course of my relationship with Desiree used, illegal drugs.
8. Prior to becoming pregnant with G [REDACTED] in 2000, Desiree regular used marijuana and methylenedioxymethamphetamine (MDMA). I personally witnessed Desiree smoke marijuana on numerous occasions and have witnessed her under the influence of MDMA.
9. In March 2000 Desiree was arrested in Santa Monica, on the 3<sup>rd</sup> Street Promenade, for being under the influence of a controlled substance in a public place (CPC 647(F)). Desiree falsely provided and was booked under the name Virginia Tomlin.
10. On March 17, 2000 Desiree was found guilty of the charge of being under the influence of a controlled substance (case no. SM0SM00882-01). She was subsequently confined, by court order, to a psychiatric hospital, due to her behavior in the courtroom. Desiree falsely provided the Court the name Virginia Tomlin.
11. Desiree's drug use prior to her pregnancy with G [REDACTED] was repeatedly the source of tension between her and I, and on one occasion in March 2000 resulted in the brief termination of our relationship and my insistence she move out. Later that day Desiree promised me that she would stop using drugs.
12. I have no knowledge of, or reason to believe, Desiree used any illegal drugs during her pregnancy with G [REDACTED] or for the first nine months following G [REDACTED]'s birth.
13. In the summer of 2001 I became aware that Desiree had started using drugs again when I noticed changes in her behavior and attitudes.
14. Desiree's relapse into drug use in the summer of 2001 was the catalyst for our separation and my

subsequent petition for dissolution of our marriage, and for custody of G [REDACTED].

15. In October 2001, after we had separated, Desiree admitted to me that she had been using marijuana again. She stated that since we had separated she didn't have to hide her marijuana use anymore and that she was an adult and could do what she wanted.
16. When I established contact with Desiree in January 2011, after having no significant contact for nine years, I assumed, based on the statements in her letters, that she was no longer using drugs.
17. In a letter Desiree wrote me in the spring of 2011, after she had been in contact with G [REDACTED], she alluded to her continued and present use of marijuana. However, when I asked her about it directly she denied that she was still using marijuana or any other drugs.
18. Based on my conversations and dealings with Desiree from August 2011 through the present, I have suspected she has been using marijuana and crystal methamphetamine because her behavior was often irrational, she would become easily agitated and very hostile from the smallest provocation, and she would repeatedly make preposterous and grandiose claims and allegations. However, because she insisted she was not using drugs and I had no further evidence to support my suspicions I provided her the benefit of the doubt.
19. On December 30, 2011 Desiree drove from Phoenix, Arizona to Carson, California to pick G [REDACTED] up for her period of visitation. She left Phoenix at approximately midnight and drove all night, arriving at my residence at approximately 7:00 am. Upon her arrival she did not appear tired, or show any signs of fatigue. She was very alert, rambled about irrelevant, disparate topics and continually paced back and forth. I suspected she was under the influence of a stimulant but had no evidence to support my suspicions. I asked Desiree if she was sure she was alright to



drive back to Phoenix without first resting and she assured me she was fine. G [REDACTED] called me at 2:00 pm to inform me they had arrived at Desiree's house.

20. On January 26, 2012 I discovered, through my own independent research, that Desiree had been arrested by the Scottsdale Police Department for possession of marijuana (ARS 13-3405) and possession of drug paraphernalia (ARS 13-3415) on September 27, 2011. The Maricopa County Attorney's Office filed a Direct Complaint in the Superior Court of Arizona, against Desiree (case no. CR2012-103751) on January 18, 2012. The case is currently pending before the Court.
21. September 27 is G [REDACTED]'s birthday and G [REDACTED] was in Desiree's custody and care at the time of her arrest for possession of a controlled substance. That was the first time Desiree had been present for any of G [REDACTED]'s birthdays.
22. On January 20, 2012 Desiree admitted that after her arrest on September 27, 2011 she applied for and obtained an Arizona Medical Marijuana Program ID card. She obtained the card on November 7, 2011.
23. Arizona law requires a person to suffer from a debilitating condition in order to qualify for a medical marijuana card (ARS 36-2801). When I asked Desiree what debilitating condition she is suffering from she became defensive and refused to tell. I believe that information is relevant because it may affect her ability to care for G [REDACTED] when he is with her.
24. Desiree's current boyfriend, Kristopher Lauchner, lives at Desiree's home in Peoria, Arizona.
25. Lauchner has an extensive, violent criminal history which includes multiple convictions, in multiple states, for Attempted Aggravated Assault; Theft of Means of Transportation; Shoplifting; Possession of Dangerous Drugs; Receiving and Transferring Stolen Vehicles;

Assault with a Deadly Weapon; Petit Larceny; Trespassing; Conspiring to Commit Grand Larceny; Conspiring to Commit Burglary, as well as arrests for Unlawful Flight from Law Enforcement; Taking Identity of Another; Obstructing Public Officer; Attempted Murder with a Deadly Weapon; Manufacture or Importation of Dangerous Weapons; Unlawful Possession of a Controlled Substance; Burglary; and Grand Larceny.

26. Desiree copied onto G [REDACTED]'s iPod two photographs of Lauchner and her other son, S [REDACTED] who was eight years old at the time, handling/aiming a pistol. The pistol did not have an orange muzzle. I believe the pistol to be real. Due to Lauchner's felony convictions he is prohibited from possessing or controlling a firearm.
27. On November 8, 2011 this Court ordered Desiree to immediately return G [REDACTED] to California and to my custody. The Court ordered Desiree and me to work out the details of G [REDACTED]'s return in such a way that each party would bear half the burden.
28. Following the Court's order to return G [REDACTED] I attempted to communicate by telephone and email with Desiree to execute his return as soon as possible. Desiree refused to cooperate or to return G [REDACTED] at that time.
29. On November 9, 2011 Desiree was still refusing to return G [REDACTED] as directed by the Court. After a number of telephone calls and emails to her I received a telephone call from Lauchner. Lauchner told me that if I called Desiree again he would "come to LA and take care of [me] [himself]". Lauchner was hostile, yelled, and repeatedly used profanities, and menacing tones.
30. I later learned that while they were refusing to return G [REDACTED] on November 8 and 9, 2011 Desiree and Lauchner were actively contacting attorneys to try to find a way to not have to return G [REDACTED].

31. At approximately noon on November 9, 2011 Desiree was advised by her new attorney to comply with the Court's order to immediately return G [REDACTED] to me.
32. Desiree continued to refuse to comply with the Court's order to bear half the burden of G [REDACTED]'s return and she further refused to speak to me. Lauchner addressed me on Desiree's behalf. They refused to meet me half way and insisted I drive all the way to Arizona to pick up G [REDACTED]. I ultimately purchased G [REDACTED] a plane ticket for that evening and Lauchner escorted G [REDACTED] to Sky Harbor Airport in Phoenix.
33. In late November I received a telephone call from Lauchner. The purpose of the call was to attempt to sell me an XBox 360 console he claimed he and Desiree had purchased G [REDACTED] for Christmas. I informed Lauchner that I had no interest in communicating with him or purchasing anything from him.
34. On November 11, 2011 I sent Desiree an email requesting her medical insurance information for the purpose of G [REDACTED]'s coverage. She responded that G [REDACTED]'s coverage would commence on January 1, 2012. She did not provide the requested information.
35. On January 9, 2012 I sent another email to Desiree requesting the medical insurance information for G [REDACTED]. Desiree did not respond.
36. On January 16, 2012 I sent a third email to Desiree requesting the medical insurance information for G [REDACTED]. Desiree responded, refusing to provide her medical insurance information. I attempted to express to Desiree that she had a legal and moral obligation to provide the information for G [REDACTED]'s benefit. Shortly thereafter I received a threatening email from Lauchner, stating that he has "resources [I] couldn't possibly imagine" and that if I mentioned his

name again he would get personally involved. Lauchner further insisted that Desiree and I are not now, nor ever were married, and ordered me to never refer to Desiree as my wife again.

37. Based on Lauchner's criminal history and his illegal possession of at least one firearm I considered his threats very credible.
38. On January 20, 2012 I filed a request for a Temporary Restraining Order against Lauchner. The Court granted the Order, prohibiting Lauchner from attempting to contact me or to be within 100 yards of me (case no. TS015675).
39. Upon receiving the Temporary Restraining Order I contacted Desiree by telephone to inform her. She became very hostile, yelled at me and made numerous irrational, unfounded allegations against me. Desiree then demanded to speak to G [REDACTED]. She asked G [REDACTED] if he wanted to continue seeing her and said "everything would be so much easier for [her] if he just said no".
40. Shortly thereafter I received a telephone call from Lauchner but I did not answer it. That evening I received another derogatory and threatening email from Lauchner. I did not respond.
41. When G [REDACTED] left with Desiree, for his eight day visit in Phoenix, on December 30, 2011 he had a suitcase packed with six clean outfits to wear while in Phoenix.
42. Upon G [REDACTED]'s return from his eight day visit with Desiree, on January 7, 2012, I noticed the clothes he was wearing were dirty and stained and his hair was oily. Later that evening I noticed a picture of G [REDACTED], Desiree had posted on her Facebook page on January 5, 2012 wherein G [REDACTED] was wearing the same clothes. I pointed that out to G [REDACTED] and he admitted he had been wearing the clothes and had not showered since January 4, 2012.
43. G [REDACTED] recently told me that when he was living with Desiree in Phoenix (August 2011 to

November 2011) she told him that she uses marijuana.

44. Since Desiree has been present in G [REDACTED]'s life (March 2011), she has frequently made him promises which she has failed to follow through on. In particular:

- A. For the first couple of months that Desiree was in contact with G [REDACTED] she consistently assured him that she would not "take him from the only home he has ever know" and that it was not her intention to take him to Phoenix. She further assured him that she would not pressure him and that she would only move as fast as he was comfortable with. In June 2011 Desiree then told G [REDACTED] that she was going to bring him to live with her in Phoenix regardless of what he wanted. In August Desiree showed up with no notice and took G [REDACTED] to Phoenix in spite of his pleas not to do so.
- B. When Desiree took G [REDACTED] to Phoenix in August 2011 she told him she would take him to visit me in Eloy, AZ (when I was still in Administrative Detention). However, she failed to make any attempt to do so.
- C. In September 2011 Desiree, G [REDACTED] and I came to an agreement regarding custody and visitation (essentially the same agreement entered by this Court on December 6, 2011). But on the following day Desiree sought and obtained a restraining order barring me from having any visitation with G [REDACTED] pending the outcome of the proceedings in Arizona (FC 2011-093719).

45. In June 2011 Desiree informed G [REDACTED] of her intention to take him to San Diego for a one week vacation in July. Desiree failed to inform me of the trip. The day before she was planning to pick G [REDACTED] up to take him to San Diego I told her I could not agree to it because I had received no

notice and her withholding the information from me made her intentions seem very questionable. Also, she had only been in G [REDACTED]'s life for less than four months at that point and had only visited him twice. Desiree became incredibly hostile toward both me and G [REDACTED] and accused me of trying to keep G [REDACTED] from her. She also called G [REDACTED] directly and accused him of "ruining S [REDACTED]'s birthday" and messing up her plans. G [REDACTED] was very upset and hurt by her behavior and accusations. Desiree's next contact with G [REDACTED] was when she came to Carson to take him to Phoenix in August.

46. Desiree has stated that S [REDACTED] has had numerous problems at school due to violent and/or aggressive behavior and that one time he tried to strangle another child in his class.
47. Desiree has stated that when she was with her ex-husband, Michael Capuano (2001 – 2009), they used to get into physical fights which often resulted in both parties hitting and throwing objects at the other.
48. Since G [REDACTED]'s return from Phoenix on January 7, 2012 Desiree has not contacted him either by telephone, email or otherwise.
49. Desiree has still not provided the information for G [REDACTED]'s dental or vision insurance.
50. In January 2012 I learned that Desiree had been giving G [REDACTED]'s clothes, which were purchased by me, to her other son, S [REDACTED]. When I requested she return them to me she stated they had been donated to Goodwill.
51. I believe Desiree's recent arrest for possession of a controlled substance demonstrates that she has had a very long drug problem which started in her childhood and has continued all through her adult life.



# **Exhibit 1**

**The Judicial Branch of Arizona, Maricopa County****Criminal Court Case Information - Case History****Case Information**

**Case Type:** Criminal      **Location:** Downtown

**Party Information**

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	COUNTY ATTORNEY CRIMINAL -CCC,		
Desiree Yvonne Capuano - (2)	Defendant	F	To Be Determined	Richter	CR2012-103751-001

**Disposition Information**

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Desiree Yvonne Capuano	13-3415 (F6)	DRUG PARAPHERNALIA VIOLATION	9/27/2011			
Desiree Yvonne Capuano	13-3405 (F6)	MARIJUANA VIOLATION	9/27/2011			

**Case Documents**

Filing Date	Description	Docket Date	Filing Party
1/24/2012	RTM - Returned Mail - Party (001)	1/24/2012	
1/18/2012	DCO - Direct Complaint - Party (001)	1/18/2012	
1/18/2012	SUM - Summons - Party (001)	1/19/2012	

**Case Calendar**

Date	Time	Event
2/15/2012	13:30	Initial Appearance



## Scottsdale Police Department

### Weekly Arrest Report - Public Release

Date Range: 09/25/2011-10/01/2011 Total Number Of Pages: 22

#### Districts: ALL

Date/Time	DR	Arrestee and Charges	Race	Sex	Age	Arrest Location	Dist	Beat	City of Residence	Serial #
09/25/2011 0009	11-22441	VARGAS, STEVEN ANTHONY M - 19-20A, LOUD STEREO IN VEHICLE F - 13-3407A1, DANGEROUS DRUG-POSSESS/USE F - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE	B	M	21	N BROWN AV	D2	06	CHANDLER, AZ 85412	745
09/25/2011 0021	11-22440	BENSON, JOHNATHAN DEAN M - 28-1381A1, DUI-IMPAIRED TO SLIGHTTEST DEGREE M - 28-1381A2, DUI-BAC OF .08 OR MORE M - 28-1382A1, EXTREME DUI-BAC .15 OR MORE	W	M	24	N SCOTTSDALE RD	D3	10	PHOENIX, AZ 85086	1337
09/25/2011 0028	11-22441	SENG, DOROTHY YIM M - 4-251A2, LIQUOR-POSSESS OPEN CONTAINER IN VEHICLE	A	F	29	N BROWN AV	D2	06	CHANDLER, AZ 85248	745
09/25/2011 0036	11-22444	KUJAWSKI, TIMOTHY ROBERT M - 19-8A, ALCOHOL/TOXIC VAPORS/ DRUG INCAPACITATION IN PUBLIC	W	M	30	N DRINKWATER BL	D2	06	SCOTTSDALE, AZ 85259	1288
09/25/2011 0054	11-22445	LEWIS, DERRICK G M - 28-1381A1, DUI-IMPAIRED TO SLIGHTTEST DEGREE M - 28-1381A2, DUI-BAC OF .08 OR MORE M - 28-1382A1, EXTREME DUI-BAC .15 OR MORE M - 28-1382A2, EXTREME DUI-BAC .20 OR MORE	B	M	50	E MCDOWELL RD / N MILLER RD	D1	01	PHOENIX, AZ 85021	826
09/25/2011 0107	11-22446	AVERILL-EDWARDS, VANESSA BRIANNE M - 4-244.41, LIQUOR-UNDER 21 ANY LIQUOR IN BODY	W	F	18	N BROWN AV	D2	06	TEMPE, AZ 85251	1312
09/25/2011 0107	11-22446	BYRD, KAYLA MARIE M - 4-244.41, LIQUOR-UNDER 21 ANY LIQUOR IN BODY	W	F	18	N BROWN AV	D2	06	PHOENIX, AZ 85048	1312
09/25/2011 0121	11-22448	WETZEL, ALANNA BETH M - 28-1381A1, DUI-IMPAIRED TO SLIGHTTEST DEGREE M - 28-1381A2, DUI-BAC OF .08 OR MORE	W	F	21	N 78TH ST / E INDIAN SCHOOL RD	D2	06	SURPRISE, AZ 85379	1261
09/25/2011 0143	08-02209	HERNANDEZ, ROBERTO OSORIO M - 13-3904A, VIOLATION OF PROMISE TO APPEAR	W	M	29	E BROADWAY RD			PHOENIX, AZ 85042	1305
09/25/2011 0151	11-22449	TSO, ASHLEY JUSTINE M - 4-244.41, LIQUOR-UNDER 21 ANY LIQUOR IN BODY M - 4-244.34, LIQUOR-MINOR DRIVE AFTER DRINKING	W	F	20	N BROWN AV	D2	06	TUBA CITY, AZ 86045	1272
09/25/2011 0151	11-22449	JOHN, KATALINA K M - 4-244.41, LIQUOR-UNDER 21 ANY LIQUOR IN BODY	W	F	20	N BROWN AV	D2	06	CAMERON, AZ 86020	1272
09/25/2011 0151	11-22449	CARTER, LEANDRA NICOLE M - 4-244.41, LIQUOR-UNDER 21 ANY LIQUOR IN BODY	W	F	19	N BROWN AV	D2	06	TUBA CITY, AZ 86045	1272
09/25/2011 0151	11-22449	HUDGINS, STEPHANIE ADLENE	W	F	20	N BROWN AV	D2	06	TUBA CITY, AZ 86045	1272

# Districts: ALL

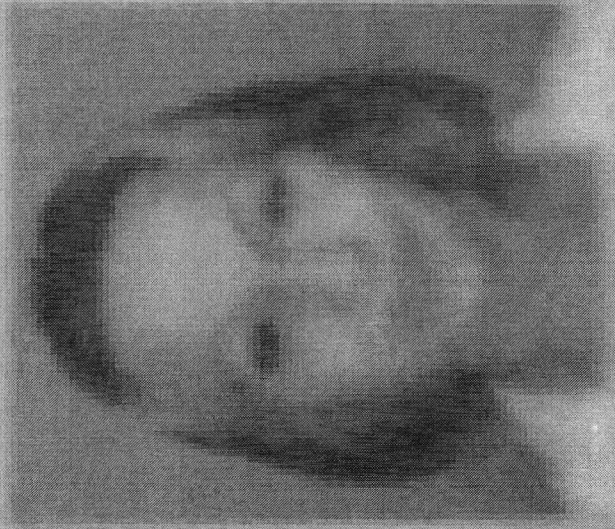
Date/Time	DR	Arrestee and Charges	Race	Sex	Age	Arrest Location	Dist	Beat	City of Residence	Serial #
09/27/2011 0850	11-22628	M - 13-2904A1, DISORDERLY CONDUCT-FIGHTING M - 13-1203A1, ASSAULT-INTENTIONAL/RECKLESSLY INJURE								
09/27/2011 0850	11-22628	GARCIA, DEREK ANTHONY	W	M	18	E MAIN ST	D2	06	QUEEN CREEK, AZ 85142	881
09/27/2011 0905	11-22631	M - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE F - 13-3408A1, NARCOTIC DRUG (SYNTHETIC/RX)-POSSESS/USE								
09/27/2011 0905	11-22631	HOSMAN, DAVID JAMES	W	M	39	W BOSTON			TEMPE, AZ 85282	761
09/27/2011 1128	11-22636	F - WARRANT, WARRANT - FEL - OTHER JURISDICTION F - WARRANT, WARRANT - FEL - OTHER JURISDICTION F - WARRANT, WARRANT - FEL - OTHER JURISDICTION F - 13-1802A3, THEFT-OBTAIN BY MISREPRESENT F - 13-2307A, TRAFFICKING STOLEN PROPERTY 2ND DEG F - 13-2002A3, FORGERY-OFFERS FORGED INSTRUMENT F - 13-2002A3, FORGERY-OFFERS FORGED INSTRUMENT F - 13-1802A2, THEFT-UNAUTHORIZED SERVICE/PROPERTY F - 13-2307A, TRAFFICKING STOLEN PROPERTY 2ND DEG								
09/27/2011 1128	11-22636	SENER, CHRISTOPHER JAMES	W	M	23	N GRANITE REEF RD / E INDIAN SCHOOL RD	D2	05	SCOTTSDALE, AZ 85257	1113
09/27/2011 1147	11-22638	M - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE M - 28-3473A, SUSPENDED/REVOKED D.L.								
09/27/2011 1147	11-22638	MCGUIRE, SHERMAN JOSEPH JR	W	M	24	N SCOTTSDALE RD		99	PHOENIX, AZ 85022	1329
09/27/2011 1200	11-22639	CAPUANO, DESIREE YVONNE	W	F	30	N 78TH PL	D4	19	SCOTTSDALE, AZ 85255	704
09/27/2011 1312	11-22645	F - 13-3405A1, MARIJUANA-POSSESS/USE F - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE								
09/27/2011 1312	11-22645	BELSCHER, CHRISTOPHER L	W	M	39	N SCOTTSDALE RD	D2	06	GOLD CANYON, AZ 85218	800
09/27/2011 1352	11-22648	M - 18-6A, LITTERING M - 28-3473A, SUSPENDED/REVOKED D.L.								
09/27/2011 1352	11-22648	MAY, JEFFREY RYAN	W	M	26	N SCOTTSDALE RD / E THUNDERBIRD RD	D4	15	PHOENIX, AZ 85032	1236
09/27/2011 1419	11-22651	PAUL, MICHAEL PATRICK	W	M	23	N SCOTTSDALE			SCOTTSDALE, AZ 85250	786
09/27/2011 1419	11-22651	M - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE HORVATIC, CHRISTOPHER BRANDON								
09/27/2011 1419	11-22651	M - 13-3415A, DRUG PARAPHERNALIA-POSSESS/USE	W	M	20	N SCOTTSDALE RD			SCOTTSDALE, AZ 85255	786
09/27/2011 1659	09-10594	MALONE, JOSHUA A	W	M	31	N COUNTRY CLUB DR / E MCKELLIPS RD		99	GAMERCO, NM 95317	650
09/27/2011 1722	11-20601	M - 13-3904A, VIOLATION OF PROMISE TO APPEAR WIRTH, JACKSON TYLER								
09/27/2011 1722	11-20601	M - 13-3904A, VIOLATION OF PROMISE TO APPEAR	W	M	20	E FRANK LLOYD WRIGHT BL	D4	15	SCOTTSDALE, AZ 85251	856
09/27/2011 1725	11-19070	LOVELADY, KELLY MICHAEL	W	M	44	N COUNTRY CLUB DR / E MCKELLIPS RD		99	APACHE JUNCTION, AZ 85120	1121
09/27/2011 1728	11-22664	M - 13-3904A, VIOLATION OF PROMISE TO APPEAR GREEN, DANNELL ANNETTE								
09/27/2011 1728	11-22664	M - 28-3473A, SUSPENDED/REVOKED D.L.	W	F	28	E FRANK LLOYD WRIGHT BL	D4	15	PHOENIX, AZ 85043	1328
09/27/2011 1742	11-22661	DELGRECO, GERALD THOMAS	W	M	41	E CHRISTMAS CHOLLA DR	D4	20	SCOTTSDALE, AZ 85255	1346
09/27/2011 1742	11-22661	M - 13-1203A1, ASSAULT-INTENTIONAL/RECKLESSLY INJURE-DV								



# Arizona Medical Marijuana Program ID

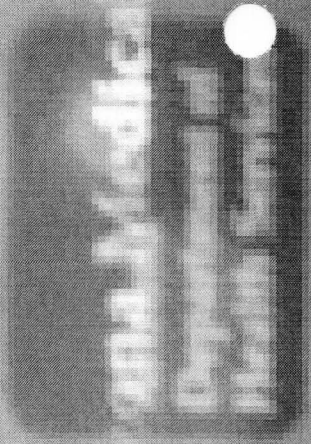
Patient ID: 00197020P1U392094001

PATIENT



DAVIDE CARLUCCI  
5151 N. BATHING  
PHOTO AS 05145

Not Authorized to Collect



Issue Date: 11/07/2011  
Expiration Date: 11/07/2013  
Valid Until: 11/07/2013

**From:** Desiree Capuano <Desiree.Capuano@apollogrp.edu>

**To:** Richard Riess <richardriess@gmail.com>

**Subject:** Re: further curiosity

**Date:** Tue, 31 Jan 2012 23:12:43 -0700 (01/31/2012 10:12:43 PM)

Richard, you are not my prosecuting attorney. You are the father of my child. That's it. Please limit yourself to items concerning Ga [REDACTED] and his current needs.

Thank you.

Desiree Capuano  
Product Support Owner  
602.713.2193  
480.455.2086  
desiree.capuano@apollogrp.edu

On Jan 31, 2012, at 10:40 PM, "Richard Riess" <richardriess@gmail.com> wrote:

> Desiree:

>

> This is only for my own curiosity, not an interrogatory: In order to  
> qualify for a medical marijuana card a person has to be diagnosed with a  
> "debilitating condition" (cancer, glaucoma, MS, HIV/AIDS, hepatitis C,  
> etc). So, I'm curious, what debilitating condition are you claiming?

>

> Thanks,  
> Richard

>

>

>

>

>

> On Tue, 2012-01-31 at 14:54 -0700, Desiree Capuano wrote:

>>

>>

>> This message is private and confidential. If you have received it in error, please notify the sender and remove it from your system.

>>

>

>

>

This message is private and confidential. If you have received it in error, please notify the sender and remove it from your system.



# Index of Defendants in Criminal Cases

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The following list might contain records of different people of the same name, and it may not contain records of the person for whom you are searching.

**Result of query on Thursday, February 02, 2012 7:24:46 AM**

**Last Name:** Tomlin(*Exact Match*)

**First Name:** Virginia(*Exact Match*)

(A Date of Birth was provided for this search)

**Filing Date Range:** 01/01/2000-07/01/2000

[Print this page](#)

**Name:** TOMLIN , VIRGINIA

**Case Number** SM0SM00882-01

**Filed At** Santa Monica Courthouse

**Filing Date** 03/14/2000

Limited Jurisdiction

Count	Charge Section	Charge Statute	Disposition	Disposition Date
01	647(F)	<a href="#">Penal Code</a>	Guilty/Convicted	03/17/2000

If the Charge Statute link is available, click on it to search for the Charge description.

[Print this page](#)

## **Exhibit 2**

Desiree Capuano

2/10/2011

20100 N. 78<sup>th</sup> Pl #1080

Scottsdale, AZ 85255

Attn: Richard Riess

P624615

3250 W. Lower Buckeye Rd

Phoenix, AZ 85003

Richard,

Hell no this is not an intrusion. Yes. I would very much like any mail correspondence you have. I will most certainly give you my contact information and I want very much to meet with him. I think the easiest way would be to start with mail. I will give you my information and wait to hear from Gabriel. If I receive anything, I will respond to him and let him know that when he is comfortable and ready, I want very much to see him.

There are a few things I would like to say, whether you believe them or not. The first thing I want to say is I'm sorry for my behavior at our last "meeting." I can understand why you refused to give me anything then. I have tried several times to find you or G [REDACTED]. My only option in Florida was through legal routes and I always ended up at dead-ends. I was not in Arizona in 2007 – I was still in Florida with intention of moving. I truly appreciate that hour I had with him and I am sorry I wasn't here. I had tried and failed so many times to make some progress toward legal action, but then I never really knew where you were. That didn't make it very easy. It was a fluke that I even found about you in 2009. Tim thought he saw you and G [REDACTED] in town, so I Googled you. It took a lot of work to actually find you and through all of it I just wanted so desperately to find him. I think I was so worked up (and there was a little coaching going on) that when I went there, I didn't give you a chance to even talk.

Since then I have made some changes and started thinking for myself. I thought that if I ever saw you again or spoke to you again, that I would tell you all of this. I am not angry – never really was, just sad. I've realized that, although I don't need you to see me in any kind of favorable light, I think if you knew some things you might. Things like, I went to college and got an Associate in Science – Oracle Certified Database Admin degree. I took the first Oracle Certification Exams back a couple years ago,

but I bombed it. I'm working on a bachelors' in Database Administration and I'm a systems analyst right now, didn't know about that job – its fun.

Well – back to the matter at hand. G [REDACTED] is the missing piece in my life. There is a place here for him as there always has been and I miss him so much. Thank you for attempting to contact me one last time. I do have a request and I do not believe this is something you can provide, but maybe you can assist. In due time, I would like to meet the person who has been taking care of our son for the last three years. I would like to thank them. I know the work it takes to raise a child and to do that for one that's not even theirs – wow.

Anyway...I know this is supposed to be a legal document so I'm sorry the thoughts were not conveyed more in that manner, but it's been a long time.

- Desiree

H: 480-284-7731

C: 480-455-2086 (this is a company phone and the best number to reach me on)

Richard -

Wow, where to start. I want to say first that I tried hand-writing this, but my hand cramped up and I realized that I'm lazy and prefer typing. I think your idea of writing G [REDACTED] a letter is excellent - I will do that and that one will be hand written.

Ok, I think I'll start with me cause it's easier. I'll start in 2001/2002. I think more than anything I was surprised. When I found out you had G [REDACTED] and you had filed for custody in CA, I couldn't help but think "really? He still thinks I would go after him for money?" My other thought was "He doesn't even like the baby!" I was confused, scared - I didn't know where I was, being in FL for the first time in years, back with Michael (who, by the way, wasn't coping with his Dad's death very well), no money, no job, no idea what was going on or what I was going to do. I let Michael handle the situation with us, for lack of having any better idea, and I don't think it helped. What changed for me, what made me stop fighting, was a conversation you and I had where you actually asked me not to take G [REDACTED]. You were sincere. You weren't the nicest to G [REDACTED] for the first year, when we were still together (I know you probably don't want to admin it now☺), so to hear that you had a love for him - that touched me. Then, when we took him to Florida for those 2 weeks... Richard, he didn't want to leave you and he certainly didn't want to go with me. There was a bond there and although it crushed me that he didn't even remember me, it made me happy that he wanted to be with you. If tension and emotions weren't already running so hot, we may have been able to work something out at that point, but to my regret, I let someone else take the lead. I remember the last email I sent to you. It was in response to you saying that no matter what, G [REDACTED] needed his mother. It was not because I had given up on him - it was because you guys loved each other. I know you're a good person Richard. As much as you tried to prove otherwise, then and over the years - I saw it. I know. My hope was that having someone else to love, someone else who depended on you - and knowing how you feel about your parents and not wanting to be like them, would...I don't know, maybe help you become that good person. That said, it was so hard to be away from him. It tore me apart and it hurt ten time's worse every time we talked or emailed or anything. So I let you have him. I used that pain as my strength to do everything I could to improve my life, thinking that the day I could be with him again, I would have food in my fridge, video games for him to play, bills paid and money that we could use to go see movies and such. That has always been the vision that's gotten me through some very difficult years. And they were difficult. The first couple of years were ok with Michael. He got a decent job and I got my GED and went to college. At that time they didn't offer the Oracle Certified DBA as a degree choice, it was only a certificate program, so I was going for an associate of arts. Yeah - I failed those classes. I got pregnant in 03 and Michael, thinking that we would never be able to travel again, booked a very expensive trip to Europe. We went, me 8 months pregnant and came back to absolutely no money and Michael losing his job. It was when I had S [REDACTED] that I found out what happened with G [REDACTED]. I guess that car accident, the one that totaled the Toyota - well, it ripped the placenta away from the uterus wall which is

what caused the hemorrhaging. Because they had to deliver G [REDACTED] so young, the scar that was left was so thin that if I ever went into labor again, it would tare open. So, S [REDACTED] was a planned C-Section before I ever went into labor. During the operation, the doctor offered to fix me so I couldn't have any more kids and I said yes. So he's the only other one. OK, back to the story - Michael got another job and I started working at he same place (Carrie was living with us at the time ☺ and yes, she worked there as well. We ended up kicking her out cause she was too messy). We were with the company for about 4 years and it was hell. It was basically a telemarketing firm but for federal student loan consolidation. Yeah, I'm no good on the phone. About 2 years into it, I almost lost it, so I looked into college again since I knew I wanted databases. I've known that ever since I first picked up the book you hounded me to read. The school had actually turned that certificate into a degree program, so I was able to attend on state money. I did roughly 2 years - full time, while working full time and raising S [REDACTED] who was only 3, 4 then. We never recovered financially after that trip to Europe, we constantly owed more than we had and sometimes didn't have enough money for food or gas. It sucked. In 06, Mom married Tim and Michael and I came out for the wedding. I vowed at that point that I was moving back to Phoenix. Actually, I just straight up told Michael we were moving. It was always my plan - primarily cause it might be where you and G [REDACTED] were and if not, at least not so far away from CA. (I will add here, that it absolutely killed me both times G [REDACTED] asked me to see him. I had to think of some way to say no while telling him how so very much I wished I could. That drove me to go to school full time, including over the summers). The other reason was because I did a job search between Tampa and Phoenix and Phoenix had six times more jobs for Oracle. And I HATE Florida. I graduated in Dec of 07 and we moved in February of 08. I had a phone interview for a database developer position. I wasn't really sure what that entailed at the time but needless to say the interview didn't go well. I took a PL/SQL course in my program, but it was only 1 and I didn't really dig it that much. So, basically - we moved to phoenix with no money, no job, no car - 1 suitcase each (Me, Michael and S [REDACTED]) and our dog. I got a call from a recruiter for the same company that I had just had the phone interview with, but this was for a different position. He said the pay was lower than what I was asking for, but I was for sure qualified for it. He arranged it and I had an interview with them the week we got here. I nailed the interview and got the job. First day was Feb 29<sup>th</sup>☺. Systems analyst is definitely a title that means different things in different organizations. Here, being an SA on the team I'm on basically means that I am in charge of everything in production. I help support over 200 applications that are used by all internal employees and all of our 500,000+ students. I'm involved with the dev's, the QA team, network, hosting, lower level support, tech support, campus technicians, end users and my favorite, the DBA's - who all know me. Basically, nothing goes into production without our approval - however, if something breaks in production it's our asses. We are also the experts on all of the applications, so we find the bugs, inform the application team of things that need to be added, answer questions from the customers that no one else knows the answers too. Almost



all our work is on the backend, querying the database tables to identify the root cause (which a lot of the time is just a data issue) and executing scripts against the database to modify and correct the data. I have been the tech lead on my team for over a year and I have the final word on pretty much everything that would affect what I support. I own certain processes and there are many things that are not done there if I do not give the ok. It is probably the best job I could dream of, but the salary cap is about 90k. Although that's good, DBA's make a whole lot more. See - I guess some things did rub off. As a person, I changed once I started this position. I realized that I am actually a really bossy person. I expect people to listen when I speak and do what I tell them to do. I'm often the one who is right, so I don't like it when other people are in charge. Well, this made things difficult with Michael who was used to controlling every aspect of my life. In August of 09, I realized that I was done. I wanted to make my own choices and decisions with my life. So, as is my style, with no animosity, resentment or anger, I asked Michael to leave. We have been separated since then and still the best of friends. Our divorce is final next month (where I have elected to waive any child support that he would owe me☺) and between the breakup, the separation and the divorce, we never fought once. S■■■■ lives with me. He's 7 and in second grade. He likes different kinds of music, but mainly hip-hop (not sure where he picked that one up), he loves video games and he could care less about sports. His video game right now is Black Ops (he loves the zombie board). S■■■■ has known, ever since he was born, that he has a brother. He has maintained the same hope that I have that he will get to meet him and he gets excited every time I talk about him. He is a very friendly kid, but he doesn't have a "best friend" which I guess being this young, is actually an important thing. I think we always hoped S■■■■ and G■■■■ would be it. S■■■■ and I live with my boyfriend of a year. He and Michael get along well and we're all good friends (Michael has moved on as well and his girlfriend and I are friends too). Kris and S■■■■ are basically the same age and do all the same things, except Kris helps him do his homework and makes him clean his room. S■■■■ ended up really well adjusted after the separation and divorce, but I talked to him all the time about what he was feeling, if he was upset - letting him know that was it was alright if he was. There was some acting out at first, but he has told me on his own that he is much happier now. That's pretty much me now.

As far as G■■■■ goes...I have been waiting a very long time for this to happen and there's no way I'm going to rush anything or make anyone feel uncomfortable in any way. I'm completely prepared for him to have a lot of questions and to not think the world of me. That's ok. He is completely justified in whatever feelings or opinions he has toward me. I hope - like you - that he can overcome them and try, but just knowing how well he's doing is enough for now. It will go at no one else's pace but his. I could search him out that is true - but why would I do that? That is most certainly not the best way to handle this situation for him. The best way is for the people he loves trusts and knows to give him the information and let him process it in his own way and make his own decision about what he wants to do, always. I will hope

for a phone call one day – believe me, it's the only thing I wish for, but I'm not going to initiate it. Not out of fear, but out of respect. I can't lie to you and say that I don't dream of a day when he's living with me and I know that is my legal right, but Richard – I've never been an uncaring or mean person. I can completely understand how someone would grow attached to him. She has been his mother for a long time now. If it ever happens that he comes to live with me, it would only be with her acceptance. I have nothing but gratitude for everything she's done. I hope that if we get a chance to meet, she will see that I'm not some negligent mother who doesn't love or care about her child. Instead I was a weak naive child that made a lot of wrong choices. Perhaps if that were to happen, she would be more comfortable with G [redacted] and I meeting and possibly spending time together. And I am not too far away now. For the things you told me, I think it's absolutely hilarious that his taste in music is a complete mix of both of us. You could almost take your favorites and my favorites and have his top ten! I was actually hoping that he would be into computers. S [redacted] doesn't care about them unless he's playing a game on one. I've already bragged to my co-working about G [redacted] knowing command line on Linux and Solaris. He seems to be doing extraordinary in school. It did concern me a little, with his challenges, but he was always a fighter. I guess I can't be too surprised – I mean jeeze, just look at his parents. I'm pretty sure he's the best parts of us ☺. I'd like to think that he and I will have lots in common – hopefully that will help. I still have a box of his things from the hospital right after he was born – the first little Halloween shirt they put on him, the feeding tube that went up his nose, the stuffed animals he had in the incubator with him, all of the original photos – all kinds of stuff. I've carried that Rubbermaid box with me everywhere. One day, I hope I get to show him all of it.

Now for you – I didn't know you were Jewish!!! I have to say it – cause it's funny to me, but G [redacted] is half-Jewish/Canadian which means I will feel sorry for the server if he ever goes out to eat. Ha Ha! Ok, bad joke over. Not in a million years did I ever expect to hear you apologize. Although it did play a large part in why I didn't come after G [redacted] over the years – or at least just try to contact him, it was not completely your fault. I can't say I completely trust you – not even now, but I'm no longer scared and I certainly don't need apologies. Besides, it sounds like life has beaten you up enough lately. I certainly don't need to do it. You know, over the years I heard stories too (and yes, they were all from my mom) and some of them scared me a little – not sure which ones are true and which ones aren't. Not that it really matters now anyway. I get frustrated with Mom sometimes for getting in the middle of things when she shouldn't. She can end up making a mess of a situation...but I know she always means well. I'm sorry to you and G [redacted] for some of those times too. I already apologized for pretty much being a bitch in Florence and I know I made a lot of snide comments; they were all intended to sting. Although, bringing Michael wasn't – I realized later how that probably didn't help. I know it's not that difficult to find someone Richard, although it's easier if you already have an investigator – every one that I spoke too

wanted a lot of money down. Then, what could I do even if I did find you - I didn't trust you enough to just make contact - I didn't know what your state of mind was. So that only left having some legal action to be able to enforce getting him back. That was a very long and expensive process with home visits and all kinds of things. Honestly, that's what I've been working toward as I didn't see an alternate route. You sending me a letter and initiating this - it is more than I could ever have dreamed of. I think it will give us an opportunity to do this the right way for G [REDACTED] and still retain his love for you and the person he's with now, and may help how he feels about me (he won't hate me for pulling him away from the only family he knows). I'm honestly scared to death that he won't understand that everything I've done has been out of love and that I've always considered this a temporary absence. I'm scared he won't call or write back, but I guess all I can do is try. Thank you for letting me know where he is and how he's doing. Just that is such a huge release - so much stress is gone just knowing that. Ok, well...

I included the letter to G [REDACTED]. It's in an envelope but I didn't seal it - you can read it if you want. It doesn't say half the things I want to and I don't think I did a great job with what I did write. I just didn't want to overwhelm him with too much right off the bat. I have included a letter to the person watching him. You are more than welcome to read this too. Please forward them if you find it appropriate. I have also included the original copies of G [REDACTED]'s school information. It made me so proud I cried (although I would love to know the subject of his science fair project). I would love to have anything else you receive and I'll make sure to get the originals back to you. Take it easy and thank you again.

Desiree

Richard,

Can you please ask the prisons to stop moving you around? It makes it difficult to keep in contact ☺. I knew from the first letter after the package that you sent, that you had not received what I returned, but I couldn't tell from the second letter whether you had received it or not. I had something already written to send to you, I was just waiting on pictures to include when I got my own package back - hence the hastily written note I threw in there. The letter to G [REDACTED] was important so I wanted to make sure I got that to you as quick as possible. (I'm going to assume here that have received my package containing the letter to G [REDACTED], the self-addressed stamped envelope, the original docs that you sent to me and the letter to you. If not, please let me know as I will need to write G [REDACTED] another one.) Sorry for the confusion there.

Couple things and I touched on this first one in the note I included, but if G [REDACTED] isn't sure how to proceed, I don't mind calling him. I certainly don't mind speaking with the person watching him first either. Of course, that is up to our son - just saying that whatever would make it easiest, I'm all for. I would of course need his number and I wouldn't expect that you would include it unless he indicated it was alright. The second thing I wanted to mention is that I certainly didn't mean to step on your toes. I mentioned in my letter to you that I would love to have him live with me eventually, but if you're permitted to stay, then I assume we would need to work out some kind of schedule. If you have to go to Canada, we would figure something out; I am in a position to take him whenever. All of that, of course, would be contingent on the fact that one day G [REDACTED] would even want to stay with me - which is a long way down the line. I just didn't want you to take that like I'm snatching him from you.

Ok, sorry the pictures aren't better quality, but I have so few photos of myself and they are all digital. The point is that he can put a face with a person. I love the pictures you included - especially the more recent one, although he doesn't look very happy - it is adorable. Thank you very much for them - do you need them back? It's good to know I don't have to photocopy the things you send, I appreciate you letting me know. Well, ok - I guess I just wanted to follow up in a less hectic manner. Please let me know whether you receive that stuff I mailed or not. I have the letter to you saved, but I need to re-write G [REDACTED]'s' and I don't want him thinking that I don't care about him.

Thanks ☺

3-7-11

Richard,

well, I guess this answers my question about whether you got my last package. Must have just missed you. I Haven't heard from Gabriel yet. If he's not sure how to initiate communication and he still wants to talk, I have no problem calling him. I will get some pictures printed and send them this week.

3-8-11

Richard,

I didn't get a chance to write a letter to the woman who is watching Gabriel, but I wanted to get the rest of this to you.

There is also a self-addressed stamped envelope included for Gabriel.

Thanks again

Desiree

Ita Ita! Very funny Richard What I had assumed when I said it would be with her approval was that your's was implied.

I am horrible at sending out letters cause I always seem to be waiting on something I have referenced within the letter. So I'm including the one I wrote before this one. I've included a couple pictures - as I referenced previously, I don't have many. The other girls are my cousin and her daughter on my dad's side. They are relation to Gabriel as well, but more - I just don't have many pictures. You can keep these.

OK - I've spoken with Gabriel. So far we have spoken twice. He called me the day he got my letter (thank you!) I had a brief introduction to Liz, but spoke with Gabriel for an hour and a half. He described everything he could possibly think of or have in his room. He not only has an amazing memory but he describes things so vividly - I could picture everything he described. That went on for about an hour. Then he wanted to know some things about me. It is truly amazing how much... Scratch that - 3 times He just called! u! At this point I need to say that I think he enjoys talking to Sage maybe more than me. I guess that's the best thing I could ask for - they are brothers... we have in common! It seems to me that there is a lot in character make up that it's similar - but as you mentioned you and I are a lot alike.

(1)



has to do with self evolution or development will be left for him to uncover on his own with my support. This may sound rushed or to quick, but he sounds just as excited as us. I plan to present this to him as something to think about and consider as an option. I will also personally speak to Liz about it too as I have no intention of excluding her from the family. I think she has paid enough dues for us.

As for us - Richard, I always considered you a friend. But I couldn't stand your dark outlook then and it hasn't changed. I think we could work very well together when it comes to Gabriel. I don't believe your hints at getting back together are 100% serious. I think it's probably half joking. But let me address them real quick. It's not really an option. I have every intention of maintaining the same relationship with you as I have with the father of my other child. I plan to have an ongoing relationship in the benefit of our child. I'll work with what I need to in order to guarantee that we both have an ongoing relationship with Gabriel. That is all I can give you, but that I promise.

Take it easy - I'll write again soon.

Des



Hey –

So, I'm wondering if I have stepped on any toes or upset anyone. I'm probably just being anxious, but I haven't spoken to G [redacted] in almost two weeks now. I have called every day for the past week and left messages. Nothing mean or abrupt, just saying hi and trying to figure out what's going on. I'm wondering now if I should have even mentioned G [redacted] coming to stay with me. I haven't said anything to him or Liz about it – I wanted to wait a little longer until everyone was more comfortable. I also didn't want to bring it up to G [redacted] if it was something you were against. The most important thing I want everyone to understand is that if G [redacted] doesn't want to come stay with us (me and S [redacted]) – I won't take it personally, I won't push the issue and I'll be content to talk to him on the phone and visit. It's just been so long and I get so thrilled at the thought of having my boys with me. Of course, if you get let out and (as it looks like will happen) you stay here in the country – I think we will need to figure something out. I have no problem taking him for a while, until you can get back on your feet and all. I was also thinking – if it's easier, you're more than welcome to call me on my cell number (480-455-2086). I guess at some point we're going to have to talk anyway, may as well start now if you can – not sure what the procedures are. I just know that it would be much easier to talk rather than write and wait for a response.

Those pictures I sent are actually for you – I sent G [redacted] different pictures (one of me, one of S [redacted] and one of the two of us) so you can keep those. Thanks for the compliment about S [redacted] – in my own opinion, I make pretty kids 😊 S [redacted] is absolutely ecstatic every time he talks to G [redacted] – they actually get along great. He's a little bummed he hasn't been able to speak with him in so long too. I know it's probably stupid and they just went on vacation or something – but I just got in contact with him and I don't want to lose it now.

You asked me to explain what I meant about you having a dark outlook – and I suppose it's not fair to say that seeing as I don't know who you are now, but I have an outlook on life and people (as you probably remember) where I try to see the positive about everything. I look for solutions, I don't focus on problems. If I remember correctly, you pretty much thought everyone was shit 😊 I don't agree with using people for your own gain, I don't think anyone is entitled to anything and I think the only way to get something is to work for it, cause how could it be important to you if you're not willing to put in your own time and effort into obtaining it. I know besides that, we did have a lot in common – it was the only reason you were able to put up with me for as long as you did. I think that will work to our advantage in raising G [redacted] in two homes. I think our parenting styles will be a good match so it won't be too weird for him to go from one home to the other. Also – you will know that if he's with me, I'm taking care of him the same way you would (for the most part).

I actually work for Apollo – which is the company that owns the University of Phoenix. That means that not only do I support all of the student's and employees for UOP, but I also support the other 40 or so Universities, Colleges and High Schools that also use our systems. I just got promoted to a new role so I'm no longer a Systems Analyst on the support team. Now basically I work with the dev and QA teams to make sure everything that is released into production is documented, monitored and supportable for an entire division. It includes our new platform that we are leveraging for clients. Basically we can

stand up and entirely new University in a different country from the ground using what we already have here as a template. Right now we are working on one in London. At some point, I may need to go there to make sure the University is set up correctly and documented. It's been a challenge, but its fun.

You have a very good memory – yes, I still like the BMW. And I still want a dark green, 4 door convertible with a black top. One day...☺ I really haven't changed all that much— besides getting smarter, more vocal about what I think and quite a bit tougher. I still smoke – although I am continuously trying to quit cigarettes. I'll let you take that for what you think it might mean. I do like to drink beer after work now – that's new. Around 28 years old I actually got to the point that I could drink alcohol and enjoy it. Not that I drink all the time by any means – but its fun occasionally.

There's really not a whole lot more – honestly, I'm just nervous not speaking with G [redacted] in so long and not getting any word on what's going on. Not sure if you know or not (and there is the possibility that I'll hear from him before you receive this or get a chance to write back). Either way, I will continue to call every day until I hear something. Again – if you have the ability to – feel free to call me. It will make communication a lot easier. Ok, well, take it easy. I'll write again soon.

OK - ammendment

- 1 - You have to call collect
- 2 - You can't call a cell

Depending on how much it costs - call me at home number 480-284-7731. If it costs like 150 or something, we'll continue writing.

Richard,

Yes, everything is fine. I apologize for not responding to you – I know it's been a while. I had gotten the feeling from G [redacted] that I had been calling a little too much and pushing a little too much, so I decided to back off a little. I know G [redacted] called and spoke to S [redacted], although I didn't hear about the phone disconnecting (S [redacted] forgets to include details). I was at school that night so I didn't get a chance to talk to him. My last class was pretty intensive as far as the work went and I was wrapped up in trying to complete a team project. It is finally over (and I got an A) but that contributed to my lack of time to write. I did actually talk to G [redacted] a couple of weeks ago – and we spoke for a good 40 min – so it wasn't really that brief. He told me all about the new Gears of War 3 game that comes out in September. I called and left a message last week as no one answered and I just called him today and left another message. I am still fully intending on going out to visit him and in fact, I'd like to drive out the first weekend of June – but I need to make sure they will be there first.

To be completely honest, it did hurt a little...the combination of being told G [redacted] doesn't want to go to Phoenix and that you wouldn't need any help with him. It very well could have been my own perception telling me I was calling him too much and not really his feelings. I did get your follow up letter that you would possibly be willing to accept help with him at some point and I need to say thank you for that – it made me feel better. I guess I just always kind of hoped there would be a place for me and it felt that I had been wrong about that. I realized the last time I spoke to him that I was being silly. At some point I think he and I need to start talking about feelings. I'm not sure how to breach that subject, but I'm hoping it will be a little easier after I see him. I think I will become more of a real person to him at that point. It would be nice to talk to him about something other than video games

I want you to know that I haven't taken anything you've said in any of your letters offensively. Not the comment about the BMW even. The reason I'm not looking at that kind of a purchase right now is that I got a brand new Ford Focus last year that only had 3 miles when I got it. I will finish paying off this vehicle and drive it for a good long time before moving up to something like a BMW. Hopefully by that point I will have fixed my wretched credit score enough that I won't be paying out the ass for it. I know that I have missed every single phone call from you – you have an uncanny knack for calling right when I'm out and can't answer or don't hear the phone. I realize that you can't leave a message and I can't call back. Sorry.

I guess there is no huge urgency for us to communicate as you are correct that I am now in contact with our son. However, I'd like to know what's going on with you getting out as that will impact my life as well – through G [redacted]. I have to mention at this point that there were 2 letters included in what I just got and I have not read them both yet...I suppose I should, but I wanted to get this out and let you know that everything is fine...just been a little busy.

Ok – I'm going to send this now and then read your letters...I'll try to write again before I go see G [redacted], but I will most certainly write after I see him (I can't tell you how excited I am to see him!)

It's time to talk. Things are about to change and I need you to be straight with me. I know that you were convicted of perjury and that the courts were able to prove your citizenship. I know that you were sentenced to 24 months, and I'm pretty sure that you were done serving that a while ago. I know that you are trying to sue everyone under the sun for your treatment. I know that if they send you back to Canada, there is nothing to say you can't just cross the border again in the middle of the night. Maybe you're just biding your time, waiting for one of these lawsuits to be ruled in your favor. Maybe you are trying to get the system to compensate you for the additional time you've been in. Maybe you are expecting that you will be able to get out, stay in the country, and have a settlement that will set you up nice. No doubt this is what your lawyer is telling you that you are entitled to. Regardless, I refuse to believe that you haven't given any thought to what's going to happen if this ideal ending doesn't pan out the way you want. I'm not exactly sure what you thought would happen when you contacted me and maybe I wasn't as aggressive about stating it, but I've told you from the very first letter that I want G [redacted] with me. Seeing him only strengthened that resolve. Now...The custody paperwork is going to have to change regardless. Primarily because he is in school and 2 weeks with each parent won't work. Question is - whether to go for sole custody or not. Here are my thoughts on why sole custody might work better;

1. Potential situation: I shell out the money to begin modifying the custody agreement for joint time but something more reasonable and you are deported. Now I have to spend additional money to modify the paperwork that has already been submitted. I don't have the resources to keep paying a lawyer to change paperwork halfway through the process.

2. Sole custody gives you an equal say into a couple of points that I'm not sure we agree on - primarily schooling. I understand that you want to just kind of ignore any issues with G [redacted]'s eyesight and pretend nothing is wrong. This is a fine approach for now, but it will cause problems for him later on. There are certain ways that schools are willing to assist to make things a little easier for him (an example is requesting the school to allow G [redacted] to turn in his homework typed instead of hand-written. If he can learn how to type, he can complete his homework without even having to look at the paper.) There are also certain exercises he needs to be doing to strengthen the eye that still has sight. With the right balance of strengthening exercises and rest, there's no reason he shouldn't be able to retain sight forever. I'm not prepared to ask your permission or approval to give him what he needs.

3. Of the two of us, I have the better track record for remaining fair to both parents. There is some miscommunication somewhere as Liz has implied (more than once) that if G [redacted] came to live with me that he would not be allowed to see you. I have no idea where this idea came from, but it couldn't be further from the truth. After being separated from my child for so long, why in the world would I be responsible for doing that to someone else - I know how much it hurts. Not only would I be fair as far as

time spent with each parent (provided you can stay in the country), I have no problem bringing him down to see you at the detention facility if it's something you and he are comfortable with. I honestly don't trust that if you do get out and you are allowed to stay, that you won't up and take off with him again...I can't handle that. Not again.

Now here is where I'm at a cross-roads and I'm not sure which decision to go. G [REDACTED] would like to finish and graduate 5<sup>th</sup> grade with his class and friends. I understand how important that is and I would like to be able to give that to him. It would afford me time to get situated into a new place, get things in order and set up for him and it would give us lots of visiting time before he comes out. He will have to change schools at that point anyway so the timing would be good. However, I will not chance that you get out, get something else into your head and make it hell for me to be with him. Unfortunately you can tell me your intentions as many times as you want, but I know the pain that comes from trusting you. So, do I make a move now or do I wait. I'm sure you've spoke with Liz and G [REDACTED] and they've told you that I'm a big bad monster that's going to come snatch him up and tear him away regardless of his feelings. This again couldn't be further from the truth. I am going out the weekend following this one to spend some one on one time with him, where I'm hoping he and I can figure something out that makes both of us happy - but please keep in mind, it is not his decision. It is not fair to make a child decide between staying with the only life he's ever known and going out and living with a stranger he barely knows in a place he is uncertain about. No child would make the decision to leave. It's too scary with too many unknowns and that is far too heavy of a burden to place on the shoulders of a 10 year old kid. So although his desire is most certainly taken into account, I will not leave the decision up to him. As a parent, I will make that call on my own...unless you care to provide some input from your side. I make no promises to you or to Liz - G [REDACTED] is the only one I will be making any promises too.

I'm sure this letter probably pisses you off. My direction now is different from the conversations we've previously had regarding G [REDACTED]. I'm not going to explain to you why there is a difference now as I'm sure you could probably figure it out given a little bit of thought and I'm not going to apologize. You had the first 10 years...it's my time now. The intent of writing this to you is so that you know where I'm at mentally and why. I would rather not rip him out of California abruptly, but I will take that route over the possibility of losing him or having someone else dictate the terms of our relationship ever again.

Richard,

12/19/2011

This letter is intended as official notice to you of the itinerary for G [REDACTED] to travel to Arizona for the approximate week of winter vacation as decreed.

I, as primary physical driver, will be arriving in Wilmington, California the afternoon of Friday, December 30<sup>th</sup>, no later than 4pm. I will retrieve G [REDACTED] from the home of Liz M [REDACTED] and travel by vehicle to Peoria, Arizona.

G [REDACTED] will stay with me from Dec 30<sup>th</sup>, 2011 until Jan 8<sup>th</sup>, 2012. There are currently no plans to travel outside of Phoenix during this time - however, if we go to Heber-Overgaard to stay at the family cabin, or if we leave the city limits I will notify you. Any travel is limited to the state of Arizona, meaning G [REDACTED] will not travel outside the state boundaries of Arizona until his return to California on January 8<sup>th</sup>.

I have purchased a one-way airline ticket for G [REDACTED] to return to California at the end of his trip. G [REDACTED] will depart Phoenix on Southwest Airlines at 7:45am on Sunday, January 8<sup>th</sup>, 2012. He will arrive in Los Angeles at 8:10am of the same day. A conformation email of the ticket and itinerary details of the flight has been forwarded to you.

Please inform me if you have any additional questions or want further clarification of any of the above.

Thank You,

A handwritten signature in cursive script, reading "Desiree Capuano". The signature is written in dark ink and is positioned above the printed name.

Desiree Capuano

## **Exhibit 3**



**From:** Kris Lauchner <klauchner@gmail.com>

**To:** Richard Riess <richardries@gmail.com>

**Subject:** Reminder

**Date:** Tue, 17 Jan 2012 09:58:18 -0700 (01/17/2012 08:58:18 AM)

You have once again crossed the line, Desiree is not nor has ever been your wife, not on any level. You were and are currently still married to the woman you traumatized before Desiree. You seem to feel comfortable talking to and threatening to take court actions when you communicate with Desiree, however I will once again discourage that practice and remind you that the game you are playing is one I'm all too familiar with, and If you want me involved just mention my name one more time. I have resources you couldn't possibly imagine which are ironically suited to expose you, I've only refrained contacting them for 2 reasons

1. I thought you and I had an understanding and you would respect certain boundaries
2. I'm not a cop caller, even with people I dislike.

I'm sure I'll get flak for sending you this email, but I wanted to give you one last warning before I get involved and cause as many headaches for you as you do Desiree. On a personal note, don't ever refer to Desiree as your wife again.

Sent from my iPhone

**From:** Kris Lauchner <klauchner@mail.com>

**To:** Richard Riess <richardriess@gmail.com>

**Subject:** Weak

**Date:** Fri, 20 Jan 2012 19:09:05 -0700 (01/20/2012 06:09:05 PM)

Sorry bud, you're too much like a chick for me to fight with. But heads up, my uncle works with ICE and had a pretty interesting conversation with someone down at Eloy. I can't wait for our next court date. Did you know you had a felony check fraud warrant? Extraditable. Besides the new investigation into identity theft. Dumbass chicks, they just don't listen. Sent from my iPhone



RETURN TO SEARCH RESULTS

RETURN TO DATASEARCH FORM



Inmate 169677  
K LAUCHNER

Last Name	First Name	Middle Initial	Birth Date
LAUCHNER	KRISTOPHER	M	07/07/1974
Gender	Height (inches)	Weight	Hair Color
MALE	68	180	BROWN
Eye Color	Ethnic Origin	Custody Class	Inmate / Detainee
HAZEL	CAUCASIAN	MIN	INMATE
Sentence (yyymmdd)	Admission	Prison Release Date	Max End Date
007/00/00	02/23/2005	11/02/2009	01/30/2011
Cur. Absconded	Hist. Absconded	Release Type	Most Recent Loc. Unit
--	--	COM SUPERV RLSE [info]	ASPC - LEWIS
Community Supervision/ Parole	Last Movement	Commitment Status	Status
Y	11/02/2009	COMPLETE AND VERIFIED	INACTIVE

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting ADC.

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

- If you are the victim of a crime please visit [\[Victim Services\]](#).
- For family and friends inmate issues, please visit [\[Inmate Services\]](#).
- For public records or reports, please visit [\[Public Access\]](#) or contact the Public Access Office via [\[email\]](#).

#### Commitment Information 4 record(s)

Commit#	Sentence	Sentence County	Court Cause#	Offense Date	Sentence Status	Crime	Crime Info	Felony Class	Ruling	Verified
A01	0030000	MARICOPA	20030362560	07/14/2003	IMPOSED	[1]:AGGRAVATED ASSAULT [2]:ATTEMPT TO COMMIT	ND/NR	CL4	N	YES
B01	0070000	MARICOPA	20040130170	01/17/2004	IMPOSED	[1]:THEFT MEANS OF TRNSPRTATION [2]:DANGER/ REPETIT/ ENHANCE	ND/R1	CL3	Y	YES
C01	0020000	MARICOPA	20040064470	07/17/2004	IMPOSED	[1]:SHOPLIFTING [2]:DANGER/ REPETIT/ ENHANCE	ND/R1	CL6	N	YES
C03	0050000	MARICOPA	20040064470	01/17/2004	IMPOSED	[1]:DANGEROUS DRUG VIOLATION [2]:DANGER/ REPETIT/ ENHANCE	ND/R1	CL4	N	YES

#### Sentence Information 4 record(s)

Commit#	Sentence yyymmdd	Admit Date	Consec/ Concur	Release Date(s)	Supervision End	Sentence Expiration	Flat Maximum
A01	003/00/00	02/02/2005				07/10/2006	12/13/2006
B01	007/00/00	02/02/2005	Concurrent:A01	Supervised:11/02/2009	01/30/2011	01/30/2010	01/17/2011
C01	002/00/00	02/02/2005	Concurrent:B01			10/05/2005	01/17/2006
C03	005/00/00	02/02/2005	Concurrent:B01			05/01/2006	01/16/2009

#### Disciplinary Appeals 0 record(s) note: display will be limited to most recent 5

**Parole Action** 2 record(s) note: display will be limited to most recent 5

Hearing Date	Statute	Action	CS Sent
04/02/2007	COMMUTATION PHASE I	NOT PASSED TO PHASE II	
04/02/2007	COMMUTATION PHASE I	NOT PASSED TO PHASE II	

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UPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2003-036256-001 SE

02/02/2005

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
B. Giles  
Deputy

FILED: 02/07/2005

STATE OF ARIZONA

N VICTOR COOK

v.

KISTOPHER MICHAEL LAUCHNER (001)  
DOB: 07/07/1974

GEORGE G GAZIANO

APO-SENTENCE IMPRISON-SE  
APPEALS-SE  
DISPOSITION CLERK-SE  
RFR  
VICTIM SERVICES DIV-CA-SE

SENTENCE OF IMPRISONMENT

State's Attorney:	N. Victor Cook
Defendant's Attorney:	George G. Gaziano
Defendant:	Present
Court Reporter:	Helene Paustian

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (Amended): Attempted Aggravated Assault  
Class 4 designated felony  
A.R.S. § 13-1001, 1204(A)(2), (B), 1203(A)(1), (B), 701, 702, 702.01 and 801  
Date of Offense: 07/14/2003  
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

PERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2003-036256-001 SE

02/02/2005

Count 1 (Amended): 3 year(s) from 02/02/2005  
Presentence Incarceration Credit: 416 day(s)  
Aggravated  
Sentence is concurrent with CR 2004-013017-001 SE and CR 2004-006447-001 DT.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1 (Amended): PROBATION SURCHARGE: \$5.00

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: IT IS ORDERED leaving the issue of Restitution open.

Community Supervision: Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2, 3 and the allegation of dangerousness.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED that the Defendant submit to DNA testing for law enforcement identification purposes.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2003-036256-001 SE

02/02/2005

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DAVID M. TALAMANTE  
JUDGE OF THE SUPERIOR COURT

(thumbprint)

**The Judicial Branch of Arizona, Maricopa County**

Criminal Court Case Information - Case History

**Case Information**

Case Type: Criminal Location: Southeast

**Party Information**

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	COOK, N		
Kistopher Michael Lauchner - (2)	Defendant	M	GAZIANO, GEORGE	Contes	CR2003-036256-001
Clerk Of The Court - (3)	In The Matter Of	N/A	To Be Determined		

**Disposition Information**

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Kistopher Michael Lauchner	13-1204 (F4)	AGGRAVATED ASSAULT	7/14/2003	Pled to Reduced Charge	Pled Guilty To Reduced Charge	10/2/2005
Kistopher Michael Lauchner	13-1204 (F3)	AGGRAVATED ASSAULT	7/14/2003	Dismissed - Plea Other	Dismissed Due To Plea On Other Count	2/2/2005
Kistopher Michael Lauchner	13-1204 (F3)	AGGRAVATED ASSAULT	7/14/2003	Dismissed - Plea Other	Dismissed Due To Plea On Other Count	2/2/2005

**Case Documents**

Filing Date	Description	Docket Date	Filing Party
2/11/2005	PSR - Presentence Report - Party (001)	2/15/2005	
2/7/2005	193 - ME: Sentence-Imprisonment (monetary Orders Entered) - Party (001)	2/7/2005	
2/2/2005	IAD - Initial Appearance Document - Party (001)	2/4/2005	
2/2/2005	LET - Letter - Party (001)	2/4/2005	
NOTE: AND RELATED CASE CR2004-006447-001 DT CR2004-13017-001 SE			
2/2/2005	LET - Letter - Party (001)	2/4/2005	
NOTE: AND RELATED CASE CR2004-006447 CR2004-013017			
2/2/2005	NRR - Notice Of Rights Of Review - Party (001)	2/4/2005	
2/2/2005	LET - Letter - Party (001)	2/4/2005	
1/27/2005	169 - ME: Sent/Dispo Reset - Party (001)	1/27/2005	
12/16/2004	169 - ME: Sent/Dispo Reset - Party (001)	12/16/2004	
11/8/2004	169 - ME: Sent/Dispo Reset - Party (001)	11/8/2004	
10/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	10/22/2004	

9/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	9/22/2004
9/20/2004	ARC - Adult Probation Request for Continuation - Party (001)	9/23/2004
9/14/2004	169 - ME: Sent/Dispo Reset - Party (001)	9/14/2004
9/8/2004	002 - ME: Hearing Vacated - Party (001)	9/8/2004
9/2/2004	004 - ME: Hearing Continued - Party (001)	9/2/2004
6/3/2004	169 - ME: Sent/Dispo Reset - Party (001)	6/3/2004
4/30/2004	169 - ME: Sent/Dispo Reset - Party (001)	4/30/2004
4/9/2004	SJU - Satisfaction Of Judgment - Party (001)	4/14/2004
3/31/2004	169 - ME: Sent/Dispo Reset - Party (001)	3/31/2004
3/29/2004	NRD - Notice Of Release Of Deposit - Party (001)	8/9/2004
NOTE: \$4000 TO CLERK OF COURT-RFR		
3/15/2004	169 - ME: Sent/Dispo Reset - Party (001)	3/15/2004
3/12/2004	196 - ME: Bond Exonerated - Party (001)	3/12/2004
3/4/2004	NRD - Notice Of Release Of Deposit - Party (001)	5/14/2004
NOTE: \$5000 TO DENNIS LAUCHNER BY MAIL		
3/4/2004	ORE - Order To Release/Exonerate Bond - Party (001)	5/13/2004
3/3/2004	BFJ - Bond Forfeiture Judgment - Party (001)	3/31/2004
2/26/2004	056 - ME: Hearing Set - Party (001)	2/26/2004
2/20/2004	ROR - Release Order - Party (001)	7/23/2004
NOTE: NO BOND 02/20/04		
2/20/2004	RTM - Returned Mail - Party (001)	8/3/2004
2/16/2004	176 - ME: Continuance - Party (001)	2/16/2004
2/10/2004	BWA - Bench Warrant - Party (001)	7/19/2004
NOTE: SERVED 1/30/04		
1/14/2004	133 - ME: Bw Issued Hrg/Tri Vacate - Party (001)	1/14/2004
12/4/2003	169 - ME: Sent/Dispo Reset - Party (001)	12/4/2003
10/10/2003	105 - ME: Plea Agreement/Change Of Plea - Party (001)	10/10/2003
10/6/2003	005 - ME: Hearing - Party (001)	10/6/2003
10/2/2003	PAG - Plea Agreement - Party (001)	1/22/2004
9/25/2003	MEM - Memorandum - Party (001)	6/11/2004
NOTE: SETTLEMENT CONFERENCE		
9/18/2003	NDC - Notice Of Deposit With Court - Party (001)	4/6/2004
NOTE: \$9000		
9/8/2003	089 - ME: Trial Setting - Party (001)	9/8/2003
8/26/2003	LET - Letter - Party (001)	10/6/2003
8/15/2003	176 - ME: Continuance - Party (001)	8/15/2003
8/14/2003	RQH - Request For Hearing - Party (001)	11/20/2003
NOTE: RULE 609		

8/14/2003	ACO - Allegation of Historical Priors - Party (001)	6/15/2004
8/13/2003	NDR - Notice of Defenses and Request for Notice of Rebuttal Witnesses - Party (001)	7/6/2004
8/5/2003	NDD - Notice of Discovery Disclosure/Witness/Interviews - Party (001)	7/23/2004
7/31/2003	152 - ME: Not Guilty Plea Arraign - Party (001)	7/31/2003
7/28/2003	SUA - Subpoena And Affidavit Of Service - Party (001)	10/30/2003
7/25/2003	INF - Information - Party (001)	10/27/2003
7/24/2003	SUA - Subpoena And Affidavit Of Service - Party (001)	10/24/2003
7/24/2003	SUA - Subpoena And Affidavit Of Service - Party (001)	10/24/2003
7/24/2003	WWP - Waiver With a Plea - Party (001)	10/30/2003
7/22/2003	IAD - Initial Appearance Document - Party (001)	5/25/2004
7/17/2003	DCO - Direct Complaint - Party (001)	7/18/2003

**Case Calendar**

Date	Time	Event
7/24/2003	8:30	Preliminary Hearing
7/24/2003	8:31	Original Arraignment Hearing
8/26/2003	8:30	Initial Pretrial Conference
8/27/2003	8:30	Initial Pretrial Conference
9/26/2003	8:00	Settlement Conference
10/2/2003	8:30	Change Of Plea
11/7/2003	8:30	Trial Management Conference
11/10/2003	9:00	Trial
12/1/2003	8:30	Acceptance Of Plea/Snt
1/8/2004	8:30	Acceptance Of Plea/Snt
2/11/2004	8:30	Initial Appearance Hearing Bench Warrant
2/20/2004	8:30	Initial Appearance Hearing Bench Warrant
3/3/2004	13:30	Bond Forfeiture Hearing
3/12/2004	8:30	Sentencing
3/26/2004	8:30	Presentence Hearing/Sentencing
4/26/2004	8:30	Presentence Hearing/Sentencing
5/27/2004	8:30	Presentence Hearing/Sentencing
8/25/2004	11:00	Settlement Conference
8/27/2004	11:00	Settlement Conference
8/30/2004	8:30	Presentence Hearing/Sentencing
9/27/2004	8:30	Sentencing
10/14/2004	8:30	Sentencing
11/4/2004	8:30	Sentencing
12/9/2004	8:30	Sentencing

1/26/2005	8:30	Sentencing
2/2/2005	8:30	Sentencing

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-013017-001 SE

02/02/2005

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
B. Giles  
Deputy

FILED: 02/07/2005

STATE OF ARIZONA

N VICTOR COOK

v.

KRISTOPHER MICHAEL LAUCHNER (001)  
DOB: 07/07/1974

GEORGE G GAZIANO

APO-SENTENCE IMPRISON-SE  
APPEALS-SE  
DISPOSITION CLERK-SE  
RFR  
VICTIM SERVICES DIV-CA-SE

SENTENCE OF IMPRISONMENT

State's Attorney:	N. Victor Cook
Defendant's Attorney:	George G. Gaziano
Defendant:	Present
Court Reporter:	Helene Paustian

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count : Theft of Means of Transportation With One Historical Prior Felony Conviction

Class 3 designated felony

A.R.S. § 13-1801, 1814, 28-3304, 13-604, 701, 702, 702.01 and 801

Date of Offense: 01/17/2004

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-013017-001 SE

02/02/2005

Count : 7 year(s) from 02/02/2005  
Presentence Incarceration Credit: 381 day(s)  
Aggravated  
Sentence is concurrent with CR 2003-036256-001 SE and CR 2004-006447-001 DT.

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Count 1: Assault With a Deadly Weapon, a class Category "B" felony committed on 05/22/2000 and convicted on 06/26/2000 in C167233, Clark County, Nevada.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count - \$488.47 to the following victim(s) in the following amounts:

Bell Road Big Automall, Attn: Kathy Pickett (Business) \$488.47

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Payment shall be 30% of Defendant's earnings while incarcerated at the Arizona Department of Corrections.

ASSESSMENTS:

Count : PROBATION SURCHARGE: \$5.00

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: IT IS ORDERED that any Restitution balance is payable at \$40.00 per month beginning on the first day of the second month after release from prison.

Community Supervision: Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion To Dismiss the following: CR 2004-006446-001 SE and all allegations of prior felony convictions, except the one listed in Paragraph 2 of the Plea Agreement.



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-013017-001 SE

02/02/2005

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR 2004-006447-001 DT.

IT IS ORDERED that the Defendant submit to DNA testing for law enforcement identification purposes.

IT IS ORDERED revoking Defendant's license to drive.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-013017-001 SE

02/02/2005

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DAVID M. TALAMANTE  
JUDGE OF THE SUPERIOR COURT

(thumbprint)

**The Judicial Branch of Arizona, Maricopa County**

Criminal Court Case Information - Case History

**Case Information**

Case Type: Criminal Location: Southeast

**Party Information**

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	COOK, N		
Kristopher Michael Lauchner - (2)	Defendant	M	GAZIANO, GEORGE	Contes	CR2004-013017-001

**Disposition Information**

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Kristopher Michael Lauchner	13-1814 (F3)	THEFT-MEANS OF TRANSPORTATION	1/17/2004	Pled No Contest	Pled No Contest	8/27/2004

**Case Documents**

Filing Date	Description	Docket Date	Filing Party
2/15/2005	ACA - Arizona Department Of Transportation Court Abstract - Party (001)	3/1/2005	
2/14/2005	DRE - Disposition Report - Party (001)	3/7/2005	
2/7/2005	193 - ME: Sentence-Imprisonment (monetary Orders Entered) - Party (001)	2/7/2005	
2/2/2005	NRR - Notice Of Rights Of Review - Party (001)	2/4/2005	
1/27/2005	169 - ME: Sent/Dispo Reset - Party (001)	1/27/2005	
12/16/2004	169 - ME: Sent/Dispo Reset - Party (001)	12/16/2004	
11/8/2004	169 - ME: Sent/Dispo Reset - Party (001)	11/8/2004	
10/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	10/22/2004	
9/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	9/22/2004	
9/14/2004	105 - ME: Plea Agreement/Change Of Plea - Party (001)	9/14/2004	
9/2/2004	004 - ME: Hearing Continued - Party (001)	9/2/2004	
8/27/2004	PAG - Plea Agreement - Party (001)	9/15/2004	
6/3/2004	089 - ME: Trial Setting - Party (001)	6/3/2004	
5/28/2004	NDD - Notice of Discovery Disclosure/Witness/Interviews - Party (001)	6/9/2004	
5/28/2004	ALG - Allegation - Party (001)	6/9/2004	
NOTE: OF FELONY COMMITTED WHILE ON RELEASE/ENHANCED SENTENCING			
5/27/2004	STA - Statement - Party (001)	6/9/2004	
NOTE: JOINTLY PREPARED PRETRIAL/			

5/20/2004	593 - ME: Case Location Change - Party (001)	5/20/2004
5/12/2004	IAD - Initial Appearance Document - Party (001)	5/19/2004
5/7/2004	152 - ME: Not Guilty Plea Arraign - Party (001)	5/17/2004
4/29/2004	WAR - Warrant For Arrest - Party (001)	4/29/2004
NOTE: SERVED 4/28/04		
4/27/2004	IND - Indictment - Party (001)	4/29/2004
4/27/2004	604 - ME: GJ True Bill/Warrant Issue - Party (001)	4/29/2004

**Case Calendar**

Date	Time	Event
5/5/2004	8:30	Original Arraignment Hearing
5/27/2004	8:30	Initial Pretrial Conference
8/25/2004	11:00	Settlement Conference
8/27/2004	11:00	Settlement Conference
9/21/2004	8:30	Trial Management Conference
9/22/2004	10:30	Trial
9/27/2004	8:30	Sentencing
10/14/2004	8:30	Sentencing
11/4/2004	8:30	Sentencing
12/9/2004	8:30	Sentencing
1/26/2005	8:30	Sentencing
2/2/2005	8:30	Sentencing

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-006447-001 DT

02/02/2005

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
B. Giles  
Deputy

FILED: 02/07/2005

STATE OF ARIZONA

N VICTOR COOK

v.

KRISTOPHER MICHAEL LAUCHNER (001)  
DOB: 07/07/1974

GEORGE G GAZIANO

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

State's Attorney:	N. Victor Cook
Defendant's Attorney:	George G. Gaziano
Defendant:	Present
Court Reporter:	Helene Paustian

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: Shoplifting With One Prior Felony Conviction  
Class 6 designated felony  
A.R.S. § 13-1801, 1805, 604, 701, 702, 702.01 and 801  
Date of Offense: 07/17/2004  
Non Dangerous - Repetitive

OFFENSE: Count 3: Possession of Dangerous Drugs (Not Proposition 200) With One Prior Felony Conviction  
Class 4 designated felony

Docket Code 193

Form R193

Page 1

PERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-006447-001 DT

02/02/2005

A.R.S. § 13-3401, 3407, 3418, 604, 701, 702, 702.01 and 801

Date of Offense: 01/17/2004

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2 year(s) from 02/02/2005

Presentence Incarceration Credit: 381 day(s)

Aggravated

Sentence is concurrent with Count 3, CR 2003-036256-001 SE and CR 2004-013017-001

SE.

Count 3: 5 year(s) from 02/02/2005

Presentence Incarceration Credit: 381 day(s)

Aggravated

Sentence is concurrent with Count 1, CR 2003-036256-001 SE and CR 2004-013017-001

SE.

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Count 1: Assault With a Deadly Weapon, a class Category "B" felony committed on 04/22/2000 and convicted on 06/26/2000 in C167233, Clark County Nevada.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$5.00

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: IT IS ORDERED leaving the issue of Restitution open.

Community Supervision: Imposed pursuant to A.R.S. § 13-603(I).

PERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-006447-001 DT

02/02/2005

IT IS ORDERED granting the Motion To Dismiss the following: Count 2, CR 2004-006446-001 SE and all allegations of prior felony convictions, except the one listed in Paragraph 2 of the Plea Agreement.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR 2004-006447-001 DT.

IT IS ORDERED that the Defendant submit to DNA testing for law enforcement identification purposes.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-006447-001 DT

02/02/2005

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DAVID M. TALAMANTE  
JUDGE OF THE SUPERIOR COURT

(thumbprint)

The Judicial Branch of Arizona, Maricopa County

Criminal Court Case Information - Case History

Case Information

Case Type:	Criminal	Location:	Downtown
------------	----------	-----------	----------

Party Information

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	COOK, N		
Kristopher Michael Lauchner - (2)	Defendant	M	GAZIANO, GEORGE	Contes	CR2004-006447-001

Disposition Information

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Kristopher Michael Lauchner	13-1805 (F6)	SHOPLIFTING	1/17/2004	Pled Guilty As Charged	Pled Guilty As Charged	8/27/2005
Kristopher Michael Lauchner	28-622.01 (F5)	UNLAW FLIGHT FROM LAW ENF VEH	1/17/2004	Dismissed - Plea Other	Dismissed Due To Plea On Other Count	2/2/2005
Kristopher Michael Lauchner	13-3407 (F4)	DANGEROUS DRUG VIOLATION	1/17/2004	Pled Guilty As Charged	Pled Guilty As Charged	8/27/2005

Case Documents

Filing Date	Description	Docket Date	Filing Party
2/11/2005	PSR - Presentence Report - Party (001)	2/15/2005	
NOTE: RELATED CASE: CR2004-013017-001SE			
2/7/2005	193 - ME: Sentence-Imprisonment (monetary Orders Entered) - Party (001)	2/7/2005	
2/2/2005	NOF - Notice Of Filing - Party (001)	2/4/2005	
NOTE: OF CORRESPONDENCE			
2/2/2005	NRR - Notice Of Rights Of Review - Party (001)	2/4/2005	
1/27/2005	169 - ME: Sent/Dispo Reset - Party (001)	1/27/2005	
12/16/2004	169 - ME: Sent/Dispo Reset - Party (001)	12/16/2004	
11/8/2004	169 - ME: Sent/Dispo Reset - Party (001)	11/8/2004	
10/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	10/22/2004	
9/29/2004	NOF - Notice Of Filing - Party (001)	10/18/2004	
NOTE: OF CORRESPONDENCE			
9/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	9/22/2004	
9/14/2004	105 - ME: Plea Agreement/Change Of Plea - Party (001)	9/14/2004	
9/2/2004	004 - ME: Hearing Continued - Party (001)	9/2/2004	

8/27/2004	PAG - Plea Agreement - Party (001)	9/15/2004
6/23/2004	NSI - Notice of Supervening Indictment - Party (001)	7/9/2004
NOTE: AMENDED		
6/3/2004	089 - ME: Trial Setting - Party (001)	6/3/2004
5/27/2004	STA - Statement - Party (001)	6/8/2004
NOTE: JOINTLY PREPARED PRETRIAL		
4/30/2004	172 - ME: Pretrial Conference Reset - Party (001)	4/30/2004
3/31/2004	172 - ME: Pretrial Conference Reset - Party (001)	3/31/2004
3/15/2004	172 - ME: Pretrial Conference Reset - Party (001)	3/15/2004
3/2/2004	NDD - Notice of Discovery Disclosure/Witness/Interviews - Party (001)	7/9/2004
3/2/2004	ALG - Allegation - Party (001)	6/14/2004
NOTE: OF FELONY COMMITTED WHILE ON RELEASE/ENHANCED SENTENCING		
2/19/2004	NDR - Notice of Defenses and Request for Notice of Rebuttal Witnesses - Party (001)	8/2/2004
2/10/2004	152 - ME: Not Guilty Plea Arraign - Party (001)	2/13/2004
2/6/2004	ROR - Release Order - Party (001)	6/11/2004
NOTE: BOND \$4500 02/06/03		
1/27/2004	606 - ME: GJ Not/Supervening Indictment - Party (001)	1/28/2004
1/27/2004	IND - Indictment - Party (001)	1/28/2004
1/27/2004	NSI - Notice of Supervening Indictment - Party (001)	1/28/2004
1/26/2004	IAD - Initial Appearance Document - Party (001)	6/11/2004
1/21/2004	DCO - Direct Complaint - Party (001)	1/22/2004

**Case Calendar**

Date	Time	Event
1/27/2004	8:30	Preliminary Hearing
2/6/2004	8:30	Original Arraignment Hearing
3/12/2004	8:30	Initial Pretrial Conference
3/26/2004	8:30	Initial Pretrial Conference
4/26/2004	8:30	Initial Pretrial Conference
5/27/2004	8:30	Initial Pretrial Conference
8/25/2004	11:00	Settlement Conference
8/27/2004	11:00	Settlement Conference
9/7/2004	8:30	Trial Management Conference
9/8/2004	10:30	Trial
9/27/2004	8:30	Sentencing
10/14/2004	8:30	Sentencing
11/4/2004	8:30	Sentencing
12/9/2004	8:30	Sentencing

1/26/2005	8:30	Sentencing
2/2/2005	8:30	Sentencing

**The Judicial Branch of Arizona, Maricopa County****Criminal Court Case Information - Case History****Case Information**

Case Type: Criminal Location: Southeast

**Party Information**

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	COOK, N		
Kristopher Michael Lauchner - (2)	Defendant	M	GAZIANO, GEORGE	Contes	CR2004-006446-001

**Disposition Information**

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Kristopher Michael Lauchner	13-2008 (F4)	TAKING IDENTITY OF ANOTHER	12/26/2003	Dismd Pros Mot	Dismissed By Prosecution Motion	2/2/2004

**Case Documents**

Filing Date	Description	Docket Date	Filing Party
2/7/2005	111 - ME: Dismissal/Per Plea Agreement - Party (001)	2/7/2005	
1/27/2005	004 - ME: Hearing Continued - Party (001)	1/27/2005	
12/16/2004	169 - ME: Sent/Dispo Reset - Party (001)	12/16/2004	
11/8/2004	169 - ME: Sent/Dispo Reset - Party (001)	11/8/2004	
10/22/2004	004 - ME: Hearing Continued - Party (001)	10/22/2004	
9/22/2004	169 - ME: Sent/Dispo Reset - Party (001)	9/22/2004	
9/14/2004	106 - ME: Motion To Dismiss Pending - Party (001)	9/14/2004	
9/8/2004	089 - ME: Trial Setting - Party (001)	9/8/2004	
9/2/2004	004 - ME: Hearing Continued - Party (001)	9/2/2004	
8/31/2004	SUB - Subpoena - Party (001)	9/7/2004	
8/31/2004	SUB - Subpoena - Party (001)	9/7/2004	
8/31/2004	SUB - Subpoena - Party (001)	9/7/2004	
6/3/2004	089 - ME: Trial Setting - Party (001)	6/3/2004	
5/27/2004	STA - Statement - Party (001)	6/8/2004	
NOTE: JOINTLY PREPARED PRETRIAL			
4/30/2004	172 - ME: Pretrial Conference Reset - Party (001)	4/30/2004	
4/12/2004	DRE - Disposition Report - Party (001)	6/15/2004	
3/31/2004	172 - ME: Pretrial Conference Reset - Party (001)	3/31/2004	

3/19/2004	MTD - Motion To Dismiss - Party (001)	3/19/2004
NOTE: Motion to Dismiss		
3/19/2004	MTD - Motion To Dismiss - Party (001)	6/3/2004
NOTE: WITHOUT PREJUDICE AND PROPOSED ORDER		
3/16/2004	ACO - Allegation of Historical Priors - Party (001)	6/3/2004
3/16/2004	ALG - Allegation - Party (001)	5/14/2004
NOTE: OF FELONY COMMITTED WHILE ON RELEASE/ENHANCED SENTENCING		
3/16/2004	RQH - Request For Hearing - Party (001)	6/8/2004
NOTE: RULE 609		
3/16/2004	NOT - Notice - Party (001)	6/8/2004
NOTE: OF DISCLOSURE AND REQUEST FOR DISCLOSURE		
3/15/2004	172 - ME: Pretrial Conference Reset - Party (001)	3/15/2004
2/27/2004	NDR - Notice of Defenses and Request for Notice of Rebuttal Witnesses - Party (001)	7/26/2005
2/25/2004	593 - ME: Case Location Change - Party (001)	2/25/2004
2/23/2004	042 - ME: Case Dismissed - Full - Party (001)	2/23/2004
2/23/2004	IAD - Initial Appearance Document - Party (001)	7/9/2004
2/19/2004	152 - ME: Not Guilty Plea Arraign - Party (001)	2/23/2004
2/18/2004	ODI - Order Of Dismissal - Party (001)	7/9/2004
NOTE: WITHOUT PREJUDICE		
2/6/2004	WAR - Warrant For Arrest - Party (001)	2/6/2004
NOTE: SERVED 2/5/04		
1/30/2004	IND - Indictment - Party (001)	2/6/2004
1/30/2004	604 - ME: GJ True Bill/Warrant Issue - Party (001)	2/6/2004
1/21/2004	DCO - Direct Complaint - Party (001)	1/22/2004

**Case Calendar**

Date	Time	Event
2/13/2004	8:30	Original Arraignment Hearing
3/12/2004	8:30	Initial Pretrial Conference
3/26/2004	8:30	Initial Pretrial Conference
4/26/2004	8:30	Initial Pretrial Conference
5/27/2004	8:30	Initial Pretrial Conference
8/25/2004	11:00	Settlement Conference
8/27/2004	11:00	Settlement Conference
8/30/2004	8:30	Trial Management Conference
8/31/2004	10:30	Trial
9/27/2004	8:30	Status Conference
10/14/2004	8:30	Status Conference

11/4/2004	8:30	Status Conference
12/9/2004	8:30	Status Conference
1/26/2005	8:30	Status Conference
2/2/2005	8:30	Status Conference



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Location : District Court Civil/Criminal Help

## REGISTER OF ACTIONS

### CASE No. 00C169483

The State of Nevada vs Kristopher M Lauchner

§  
§  
§  
§  
§  
§  
§  
§

Case Type: Felony/Gross Misdemeanor  
 Date Filed: 08/22/2000  
 Location: Department 14  
 Conversion Case Number: C169483  
 Defendant's Scope ID #: 1319139  
 Lower Court Case Number: 00F10080

#### PARTY INFORMATION

Defendant Lauchner, Kristopher M

Lead Attorneys  
James L. Gubler

Retained

7025922683(W)

Plaintiff State of Nevada

Stewart L. Bell  
7024554662(W)

#### CHARGE INFORMATION

Charges: Lauchner, Kristopher M	Statute	Level	Date
1. RECEIVING OR TRANSFERRING STOLEN VEHICLES.	205.273	Felony	01/01/1900
1. RECEIVING OR TRANSFERRING STOLEN VEHICLES.	205.273	Felony	01/01/1900
2. OBSTRUCTING PUBLIC OFFICER.	197.190	Misdemeanor	01/01/1900

#### EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Guilty
08/28/2000	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Negotiated NRS 173.035
08/28/2000	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. OBSTRUCTING PUBLIC OFFICER. Negotiated NRS 173.035
10/18/2000	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Guilty
10/18/2000	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 1. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0007 and Sentence#: 0001 in Case#: 00C167233  Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED  
Minimum 5 Days to Maximum 5 Days

Converted Disposition:  
Sentence# 0003: ADMINISTRATION FEE  
Amount: \$25.00

**OTHER EVENTS AND HEARINGS**

08/22/2000 **Criminal Bindover**  
*CRIMINAL BINDOVER Fee \$0.00*  
00C1694830001.tif pages

08/22/2000 **Hearing**  
*INITIAL ARRAIGNMENT*  
00C1694830002.tif pages

08/24/2000 **Information**  
*INFORMATION*  
00C1694830003.tif pages

08/28/2000 **Conversion Case Event Type**  
*SENTENCING*  
00C1694830004.tif pages

08/28/2000 **Memorandum**  
*GUILTY PLEA MEMORANDUM/AGREEMENT*  
00C1694830005.tif pages

08/28/2000 **Initial Arraignment (9:00 AM) ()**  
*INITIAL ARRAIGNMENT Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley*  
Parties Present  
Minutes  
Result: Matter Heard

10/10/2000 **Sentencing (9:00 AM) ()**  
*SENTENCING Court Clerk: JUDY NORMAN Reporter/Recorder: SHIRLEY PRAWALSKY Heard By: Sobel, Jeffrey*  
Parties Present  
Minutes  
Result: Matter Continued

10/18/2000 **Sentencing (9:00 AM) ()**  
*SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley*  
Parties Present  
Minutes  
Result: Matter Continued

10/26/2000 **Judgment**  
*JUDGMENT OF CONVICTION PLEA OF GUILTY*  
00C1694830006.tif pages

10/26/2000 **Judgment**  
*ADMINISTRATION/ASSESSMENT FEE*  
00C1694830007.tif pages

11/01/2000 **Reporters Transcript**  
*REPORTER'S TRANSCRIPT UNCONDITIONAL WAIVER OF PRELIMINARY HEARING*  
00C1694830008.tif pages

12/28/2000 **Motion**  
*DEFT'S PRO PER MOTION TO DISCHARGE ATTORNEY OF RECORD/PRODUCTION OF ALL PAP*  
00C1694830011.tif pages

12/28/2000 **Request**  
*MOTION TO DISCHARGE ATTORNEY OF RECORD AND THE PRODUCTION OF ALL PAPERS DOCUMENTS PLEADINGS AND  
ITEMS OF TANGIBLE PERSONAL PROPERTY TO DEFENDANT DOCUMENTS PLEADINGS AND ITEMS OF TANGIBLE  
PERSONAL PROPERTY TO DEFENDANT*  
00C1694830013.tif pages

01/17/2001 **Motion (9:00 AM) ()**  
*DEFT'S PRO PER MOTION TO DISCHARGE ATTORNEY OF RECORD/PRODUCTION OF ALL PAP Court Clerk: JUDY NORMAN  
Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley*  
Parties Present  
Minutes  
Result: Granted

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FINANCIAL INFORMATION

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<b>Defendant</b> Lauchner, Kristopher M		
Total Financial Assessment		25.00
Total Payments and Credits		0.00
<b>Balance Due as of 11/01/2011</b>		<b>25.00</b>
11/14/2000	Transaction Assessment	25.00



05/22/2000	Disposition (Judicial Officer: User, Conversion) 3. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Negotiated NRS 173.035
05/22/2000	Disposition (Judicial Officer: User, Conversion) 4. STOP REQUIRED ON SIGNAL OF PEACE OFFICER; Negotiated NRS 173.035
05/22/2000	Disposition (Judicial Officer: User, Conversion) 5. MANUFACTURE OR IMPORTATION OF DANGEROUS WEAPONS; CARRYING CONCEALED Negotiated NRS 173.035
05/22/2000	Disposition (Judicial Officer: User, Conversion) 6. UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE NOT FOR PURPOSE OF SALE. Negotiated NRS 173.035
06/26/2000	Disposition (Judicial Officer: User, Conversion) 1. ASSAULT WITH A DEADLY WEAPON (5024) Guilty
06/26/2000	Disposition (Judicial Officer: User, Conversion) 2. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Guilty
06/26/2000	Adult Adjudication (Judicial Officer: User, Conversion) 1. ASSAULT WITH A DEADLY WEAPON (5024) Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 30 Months Placement: NSP  Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 26 Days to Maximum 26 Days  Converted Disposition: Sentence# 0003: ADMINISTRATION FEE Amount: \$25.00
06/26/2000	Adult Adjudication (Judicial Officer: User, Conversion) 2. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 30 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0007 and Sentence#: 0001

**OTHER EVENTS AND HEARINGS**

05/16/2000	Criminal Bindover CRIMINAL BINDOVER Fee \$0.00 00C1672330001.tif pages
05/16/2000	Hearing INITIAL ARRAIGNMENT 00C1672330002.tif pages
05/18/2000	Information INFORMATION 00C1672330003.tif pages
05/18/2000	Conversion Case Event Type RELEASE AGREEMENT 00C1672330005.tif pages
05/22/2000	Conversion Case Event Type SENTENCING 00C1672330004.tif pages
05/22/2000	Memorandum GUILTY PLEA MEMORANDUM/AGREEMENT 00C1672330006.tif pages

05/22/2000	<b>Initial Arraignment (8:30 AM) ()</b> <i>INITIAL ARRAIGNMENT Court Clerk: NORA PENA Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
06/26/2000	<b>Sentencing (8:30 AM) ()</b> <i>SENTENCING Court Clerk: NORA PENA Reporter/Recorder: DEBRA VAN BLARICOM Heard By: Joseph Bonaventure</i> <u>Parties Present</u> <u>Minutes</u> Result: Granted
06/28/2000	<b>Judgment</b> <i>JUDGMENT OF CONVICTION PLEA OF GUILTY</i> <i>00C1672330007.tif pages</i>
06/28/2000	<b>Judgment</b> <i>ADMINISTRATION/ASSESSMENT FEE</i> <i>00C1672330008.tif pages</i>
09/06/2000	<b>Reporters Transcript</b> <i>REPORTER'S TRANSCRIPT OF UNCONDITIONAL WAIVER OF PRELIMINARY HEARING</i> <i>00C1672330009.tif pages</i>

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**FINANCIAL INFORMATION**

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	<b>Defendant Lauchner, Kristopher M</b>	
	Total Financial Assessment	25.00
	Total Payments and Credits	0.00
	<b>Balance Due as of 11/01/2011</b>	<b>25.00</b>
07/18/2000	Transaction Assessment	25.00

Logout My Account Search Menu New District Civil/Criminal Search Refine Search Back

Location : District Court Civil/Criminal Help

## REGISTER OF ACTIONS

### CASE NO. 98C150808

The State of Nevada vs Kristopher M Lauchner

§  
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§

Case Type: Felony/Gross Misdemeanor

Date Filed: 05/21/1998

Location: Department Unassigned

Conversion Case Number: C150808

Defendant's Scope ID #: 1319139

Lower Court Case Number: 98F06246

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#### PARTY INFORMATION

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Defendant Lauchner, Kristopher M

Lead Attorneys  
Public Defender*Retained*

Plaintiff State of Nevada

Stewart L. Bell  
7024554662(V)

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#### CHARGE INFORMATION

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Charges: Lauchner, Kristopher M	Statute	Level	Date
1. PETIT LARCENY	205.240	Misdemeanor	01/01/1900
2. TRESPASS ON LAND OR IN BUILDING OF ANOTHER AFTER WARNING; WARNING BY	207.200	Misdemeanor	01/01/1900

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#### EVENTS & ORDERS OF THE COURT

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**DISPOSITIONS**

01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. PETIT LARCENY Guilty
03/11/1999	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. PETIT LARCENY Guilty
03/11/1999	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. TRESPASS ON LAND OR IN BUILDING OF ANOTHER AFTER WARNING; WARNING BY Guilty
03/11/1999	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 1. PETIT LARCENY Converted Disposition: Sentence# 0001: Minimum 6 Months to Maximum 6 Months Placement: CCDC  Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED

**OTHER EVENTS AND HEARINGS**

05/21/1998	<b>Criminal Bindover</b> CRIMINAL BINDOVER Fee \$0.00 98C1508080001.tif pages
05/21/1998	<b>Hearing</b> INITIAL ARRAIGNMENT 98C1508080002.tif pages



05/22/1998 **Information**  
 INFORMATION  
 98C1508080003.tif pages

06/04/1998 **Initial Arraignment (8:30 AM) ()**  
 INITIAL ARRAIGNMENT Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Parties Present  
Minutes  
 Result: Matter Heard

07/07/1998 **Reporters Transcript**  
 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING  
 98C1508080006.tif pages

08/18/1998 **Motion**  
 DEFT'S REQUEST FOR OR RELEASE  
 98C1508080007.tif pages

08/25/1998 **Motion (8:30 AM) ()**  
 DEFT'S REQUEST FOR OR RELEASE Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Parties Present  
Minutes  
 Result: Denied

09/02/1998 **Bond**  
 BAIL BOND #IC 78659 \$2,000.00  
 98C1508080008.tif pages

03/03/1999 **Notice**  
 NOTICE OF WITNESSES  
 98C1508080009.tif pages

03/10/1999 **Hearing**  
 STATE'S REQUEST ENTRY OF PLEA  
 98C1508080010.tif pages

03/11/1999 **Entry of Plea (8:30 AM) ()**  
 STATE'S REQUEST ENTRY OF PLEA Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Parties Present  
Minutes  
 Result: Granted

04/01/1999 **CANCELED Calendar Call (8:30 AM) ()**  
 Vacated  
 Result: Vacate

04/05/1999 **CANCELED Jury Trial (9:00 AM) ()**  
 Vacated  
 Result: Vacate

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FINANCIAL INFORMATION

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	<b>Defendant</b> Lauchner, Kristopher M	
	Total Financial Assessment	4.00
	Total Payments and Credits	4.00
	<b>Balance Due as of 11/01/2011</b>	<b>0.00</b>
04/24/2000	Transaction Assessment	4.00
04/24/2000	Conversion Payment Receipt # 00582095	(4.00)

Logout My Account Search Menu New District Civil/Criminal Search Refine Search Back

Location : District Court Civil/Criminal Help

**REGISTER OF ACTIONS**  
**CASE NO. 96C135290**

The State of Nevada vs Kristopher M Lauchner

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§

Case Type: Felony/Gross Misdemeanor  
Date Filed: 04/18/1996  
Location: Department 3  
Conversion Case Number: C135290  
Defendant's Scope ID #: 1319139  
Lower Court Case Number: 96F01458

**PARTY INFORMATION**

Defendant Lauchner, Kristopher M

Lead Attorneys  
Public Defender

*Retained*

Plaintiff State of Nevada

Stewart L. Bell  
7024554662(W)

**CHARGE INFORMATION**

Charges: Lauchner, Kristopher M	Statute	Level	Date
1. GRAND LARCENY.	205.220	Felony	01/01/1900
1. CONSPIRE TO COMMIT GRAND LARCENY	C205.220	Gross Misdemeanor	01/01/1900

**EVENTS & ORDERS OF THE COURT**

	DISPOSITIONS
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT GRAND LARCENY Guilty
04/19/1996	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. GRAND LARCENY. Negotiated NRS 173.035
06/26/1996	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT GRAND LARCENY Guilty
06/26/1996	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT GRAND LARCENY Converted Disposition: Sentence# 0001: SUSPENDED Minimum 1 Years to Maximum 1 Years Placement: CCDC Cons/Conc: Concurrent w/Charge Item: 0003 and Sentence#: 0001 in Case#: 96C135289  Converted Disposition: Sentence# 0002: PROBATION WITH CONDITIONS Minimum 3 Years to Maximum 3 Years  Converted Disposition: Sentence# 0003: COUNSELING PROGRAM  Converted Disposition:

Sentence# 0004: COMMUNITY SERVICE  
Minimum 100 Hours to Maximum 100 Hours

Converted Disposition:  
Sentence# 0005: ADMINISTRATION FEE  
Amount: \$25.00

Converted Disposition:  
Sentence# 0006: PROBATION MODIFIED

Converted Disposition:  
Sentence# 0007: ADDITIONAL CONDITIONS OF PAROLE & PROB  
Minimum 6 Months to Maximum 6 Months  
Placement: CCDC

Converted Disposition:  
Sentence# 0008: CREDIT FOR TIME SERVED  
Minimum 40 Days to Maximum 40 Days

#### OTHER EVENTS AND HEARINGS

04/18/1996 **Information**  
*INFORMATION Fee \$0.00*  
96C1352900001.tif pages

04/18/1996 **Hearing**  
*INITIAL ARRAIGNMENT*  
96C1352900002.tif pages

04/19/1996 **Criminal Bindover**  
*CRIMINAL BINDOVER*  
96C1352900003.tif pages

05/01/1996 **Conversion Case Event Type**  
*SENTENCING*  
96C1352900004.tif pages

05/01/1996 **Memorandum**  
*GUILTY PLEA MEMORANDUM/AGREEMENT*  
96C1352900005.tif pages

05/01/1996 **Initial Arraignment (9:00 AM) ()**  
*INITIAL ARRAIGNMENT Court Clerk: JEAN McKINLEY Relief Clerk: LINDA VIGIL/LV Reporter/Recorder: DANI ANTONACCI Heard By: Joseph Bonaventure*  
Parties Present  
Minutes  
Result: Matter Heard

06/07/1996 **Reporters Transcript**  
*REPORTER'S TRANSCRIPT WAIVER OF PRELIMINARY HEARING*  
96C1352900006.tif pages

06/26/1996 **Sentencing (9:00 AM) ()**  
*SENTENCING Court Clerk: JEAN McKINLEY Reporter/Recorder: JANIE OLSEN Heard By: Joseph Bonaventure*  
Parties Present  
Minutes  
Result: Granted

07/18/1996 **Order**  
*ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF*  
96C1352900007.tif pages

07/23/1996 **Judgment**  
*JUDGMENT OF CONVICTION - PLEA*  
96C1352900008.tif pages

07/23/1996 **Judgment**  
*ADMINISTRATION/ASSESSMENT FEE*  
96C1352900009.tif pages

05/15/1998 **Motion**  
*SET TIME CERTAIN:REVOCATION OF PROBATION*  
96C1352900011.tif pages

05/26/1998 **Hearing (8:30 AM) ()**  
*SET TIME CERTAIN:REVOCATION OF PROBATION Court Clerk: LINDA VIGIL Relief Clerk: NORMA CHATY/CN Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure*  
Parties Present

	<u>Minutes</u>
	Result: Matter Heard
05/27/1998	<b>Hearing</b> <i>REVOCATION OF PROBATION</i> 96C1352900012.tif pages
06/09/1998	<b>Revocation of Probation</b> (8:30 AM) () <i>REVOCATION OF PROBATION Relief Clerk: JO ANN HANEMAN Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> <u>Parties Present</u> <u>Minutes</u>
	Result: Probation Modified
06/11/1998	<b>Judgment</b> <i>AMENDED JUDGMENT OF CONVICTION - PLEA</i> 96C1352900013.tif pages
06/11/1998	<b>Judgment</b> <i>AMENDED JUDGMENT</i> 96C1352900014.tif pages

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FINANCIAL INFORMATION

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	<b>Defendant</b> Lauchner, Kristopher M	
	Total Financial Assessment	25.00
	Total Payments and Credits	0.00
	<b>Balance Due as of 11/01/2011</b>	<b>25.00</b>
07/18/2000	Transaction Assessment	25.00

Logout My Account Search Menu New District Civil/Criminal Search Refine Search Back

Location : District Court Civil/Criminal Help

**REGISTER OF ACTIONS****CASE NO. 96C135289**

The State of Nevada vs Kristopher M Lauchner

§  
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Case Type: Felony/Gross Misdemeanor

Date Filed: 04/18/1996

Location: Department 3

Conversion Case Number: C135289

Defendant's Scope ID #: 1319139

Lower Court Case Number: 96F00916

**PARTY INFORMATION**

Defendant Lauchner, Kristopher M

Lead Attorneys  
Public Defender*Retained*

Plaintiff State of Nevada

Stewart L. Bell  
7024554662(W)**CHARGE INFORMATION**

Charges: Lauchner, Kristopher M	Statute	Level	Date
1. BURGLARY.	205.060	Felony	01/01/1900
1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO	C205.060	Gross Misdemeanor	01/01/1900
2. GRAND LARCENY.	205.220	Felony	01/01/1900

**EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO Guilty
04/19/1996	Disposition (Judicial Officer: User, Conversion) 1. BURGLARY. Negotiated NRS 173.035
04/19/1996	Disposition (Judicial Officer: User, Conversion) 2. GRAND LARCENY. Negotiated NRS 173.035
06/26/1996	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO Guilty
06/26/1996	Adult Adjudication (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO Converted Disposition: Sentence# 0001: SUSPENDED Minimum 1 Years to Maximum 1 Years Placement: CCDC  Converted Disposition: Sentence# 0002: PROBATION WITH CONDITIONS Minimum 3 Years to Maximum 3 Years  Converted Disposition: Sentence# 0003: COUNSELING PROGRAM

Converted Disposition:  
Sentence# 0004: COMMUNITY SERVICE  
Minimum 100 Hours to Maximum 100 Hours

Converted Disposition:  
Sentence# 0005: ADMINISTRATION FEE  
Amount: \$25.00

#### OTHER EVENTS AND HEARINGS

04/18/1996	Information INFORMATION Fee \$0.00 96C1352890001.tif pages
04/18/1996	Hearing INITIAL ARRAIGNMENT 96C1352890002.tif pages
04/19/1996	Criminal Bindover CRIMINAL BINDOVER 96C1352890003.tif pages
05/01/1996	Conversion Case Event Type SENTENCING 96C1352890004.tif pages
05/01/1996	Memorandum GUILTY PLEA MEMORANDUM/AGREEMENT 96C1352890005.tif pages
05/01/1996	Initial Arraignment (9:00 AM) () INITIAL ARRAIGNMENT Court Clerk: JEAN McKINLEY Relief Clerk: LINDA VIGIL/LV Reporter/Recorder: DANI ANTONACCI Heard By: Joseph Bonaventure <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
06/07/1996	Reporters Transcript REPORTER'S TRANSCRIPT WAIVER OF PRELIMINARY HEARING 96C1352890006.tif pages
06/26/1996	Sentencing (9:00 AM) () SENTENCING Court Clerk: JEAN McKINLEY Reporter/Recorder: JANIE OLSEN Heard By: Joseph Bonaventure <u>Parties Present</u> <u>Minutes</u> Result: Granted
07/15/1996	Judgment JUDGMENT OF CONVICTION - PLEA 96C1352890007.tif pages
07/15/1996	Judgment ADMINISTRATION/ASSESSMENT FEE 96C1352890008.tif pages
07/18/1996	Order ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF 96C1352890009.tif pages

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#### FINANCIAL INFORMATION

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	Defendant Lauchner, Kristopher M	
	Total Financial Assessment	25.00
	Total Payments and Credits	0.00
	Balance Due as of 11/01/2011	25.00
07/18/2000	Transaction Assessment	25.00

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOV. MENTAL AGENCY (under Family Code, §§ 17400, 17406) (Name, state bar number, and address): <b>Richard Riess</b> [REDACTED] Lincoln St Carson, CA 90745  TELEPHONE NO.: 310-[REDACTED] FAX NO.: ATTORNEY FOR (Name): <b>Richard Riess</b>		FOR COURT USE ONLY   <b>ORIGINAL FILED</b>  FEB 24 2012  <b>LOS ANGELES SUPERIOR COURT</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: 200 W. Compton Blvd. CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District		
PETITIONER/PLAINTIFF: <b>Richard Riess</b>  RESPONDENT/DEFENDANT: <b>Desiree Capuano</b>  OTHER PARENT:		
<b>PROOF OF SERVICE BY MAIL</b>		
		CASE NUMBER: <b>TD035397</b>

**NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).**

- I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:  
 [REDACTED] Lincoln Street, Carson, CA 90745
- I served a copy of the following documents (*specify*):  
 Order to Show Cause (FL-300); Application for Order and Supporting Declaration (FL-310); Child Custody and Visitation Application Attachment (FL-311); blank Responsive Declaration (FL-320); Declaration of Richard Riess in Support of Request to Modify Child Visitation Schedule; supporting exhibits/documents.  
  
 by enclosing them in an envelope AND
  - ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.
- The envelope was addressed and mailed as follows:
  - Name of person served: **Desiree Capuano**
  - Address: **9153 N. 84th Dr, Peoria, AZ 85345**
  - Date mailed: **February 9, 2012**
  - Place of mailing (*city and state*): **Carson, CA**
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **February 10, 2012**

**Liz M** [REDACTED]  
 (TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)