

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

ORIGINAL FILED

MAR 13 2013  
LOS ANGELES  
SUPERIOR COURT

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

Richard Riess,  
Petitioner,

vs.

Desiree Capuano,  
Respondent

Case No.: TD 035397

**Petitioner's Declaration Regarding  
Respondent's Threatening Statements and  
Intent**

I, Richard Riess, hereby declare under penalty of perjury that the statements provided herein are true and correct to the best of my knowledge and are based on first hand knowledge.

1. I am the Petitioner in this matter and the biological father and custodial parent of G [REDACTED] Riess.
2. Desiree Capuano is the Respondent in this matter and the biological mother of G [REDACTED] Riess.
3. On January 2, 2013 I was arrested and detained by the United States, from the custody of the U.S. Immigration and Customs Enforcement (ICE), based on statements made to them by Desiree.
4. On February 6, 2013 the Court stated that, upon my release from custody I may request another ex parte hearing and at that time the Court would consider entering an order that G [REDACTED] be returned to my custody.

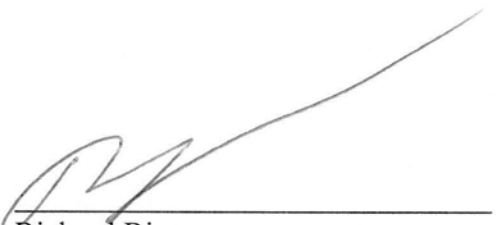
5. While I was in ICE custody Desiree stated that she was going to seek an order from the Court prohibiting all communication between myself and G [REDACTED].
6. On January 15, 2013 Desiree submitted a request to the Court for an order prohibiting further communication between me and G [REDACTED].
7. No criminal charges or new immigration proceedings resulted from my arrest by ICE on January 2, 2013.
8. On February 15, 2013 I was released, in Los Angeles, from ICE custody.
9. Upon my release from ICE custody I learned that G [REDACTED] and I would no longer be able to reside with our friend, Liz M [REDACTED], due to ICE agents going to her home and arresting me.
10. On two occasions (8/7/11 and 1/2/13) Desiree's direct actions have resulted in police activity at Miss M [REDACTED]'s home, causing complications between Miss M [REDACTED], her landlord and her neighbors. For that reason Miss M [REDACTED] has stated to me that she is very afraid of what Desiree might do if she (Miss M [REDACTED]) were to continue assisting me and G [REDACTED] with a place to live.
11. Due to not being able to return to Miss M [REDACTED]'s home I was homeless upon my release from custody.
12. On February 16, 2013 I emailed Desiree to notify her that I was released from custody.
13. On February 17, 2013 I received two emails from Desiree.
  - a. In the first email (Ex. 1) Desiree seemed to be proposing an amicable arrangement which she claimed to believe would be in G [REDACTED]'s best interests and whereby we would share time with, and custody of, him. Based on Desiree's past and recent behavior and actions I did not consider her proposal credible.
  - b. In the second email (Ex. 2) Desiree seemed to be hostile toward me because she believed she shouldn't have to defend herself to me. In that email she further stated "Immigration

and homeland security are not my only avenues and if pushed I will pursue them - I agree that I will probably not 'win' in family court, but I have no intention of 'beating' you there." I believe that statement is a direct threat and an indication that Desiree intends to continue doing anything in her capabilities to cause me hardship in order for her to gain custody of G [REDACTED].

14. In 2011 Desiree contacted a person she claimed to believe to be my biological father in order to obtain a copy of what she claimed she believed was my birth certificate. When I later spoke with that person he was very angry and hostile toward me because of what Desiree had stated to him. He repeatedly called me a liar, a manipulator and accused me of using and taking advantage of people for my own gain. Neither I nor Desiree had ever met that person and I would have other no idea why he would be hostile toward me.
15. When I was finally able to contact G [REDACTED] by telephone (on or about February 21, 2013) he informed me that he had received all of my letters from when I was in ICE custody but that he had received them all at the same time. He said he received about 7 or 8 letters at one time. I believe that is further evidence that Desiree was withholding my letters from him while I was in custody. He further said he received them about two weeks prior (around February 7, 2013).
16. I believe, based on Desiree's history of contacted total strangers and attempting to create animosity between them and I, and her filing a report with ICE to effect my arrest and prolonged detention, that there is very little Desiree will not do to get what she wants, regardless of the consequences of her actions.
17. I believe Desiree does not think about, nor is she concerned with how her actions may affect others, including G [REDACTED]. And that she will readily do things that may be harmful to G [REDACTED]'s psychological and emotional development as long as she gets what she wants.

18. I am concerned, based on Desiree's history of contacting strangers and turning them against me, and filing a report with ICE to have me detained and deported, that she will continue to do such things and that her actions will continue to cause me significant hardship.
19. I believe, if I am required to provide Desiree my employment information, she will attempt to cause complications for me at work in order to cause me to lose my job so that it will be harder for me to provide for G [REDACTED].
20. As a result of the circumstances of my arrest by ICE, occurring at Miss M [REDACTED]'s home, I am now temporarily homeless, jobless, and clearly unable to provide for G [REDACTED]'s needs.
21. As a result of my arrest and detention by ICE and my current situation (being homeless) I have been unable to complete my work for the Temple (Temple Menorah) which I was actively engaged in prior to the arrest. This has significantly adversely affected the Temple.
22. Upon my release from custody Rabbi Steven Silver and others at Temple Menorah have offered to help me in any way they can. Up to this point I have been reluctant to accept such help due to my ethics and personal beliefs but have recently decided, out of necessity, to accept their help.

Dated this 8<sup>th</sup> day of March, 2013.



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Richard Riess

## **Exhibit 1**



Richard Riess &lt;richardriess@gmail.com&gt;

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**Something to consider**

1 message

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**Desiree Capuano** <desiree.capuano@gmail.com>  
To: Richard Riess <richardriess@gmail.com>

Sun, Feb 17, 2013 at 10:34 PM

Hi,

I want to throw something out there - I want to propose something and I would like for you to consider it. We can continue to go back and forth, tossing this poor kid between home, between states in this hostile environment for the next...however long. But the truth is - its exhausting (you can't tell me it's not). As well, G [REDACTED] will turn 18 in 6 short years. You and I have very different lifestyles but as I've told him - neither one is wrong - it's just different. Regardless of what you may think of me personally, I am a great mother, I am an excellent mother to our son. I never speak badly of you, I encourage him to say whatever is on his mind and when he tells me things he's done with you or things he remembers with you I always listen - I even try to remember good or funny times you and I had and I tell them to him. All I want is time to know him. I don't want money and I don't care about "winning" in court.

There was a time that you considered my offer to help. I'm proposing almost the same thing now. Let me keep him during the school year for now. Let me have time with him and you can do what you need to wherever it is that you plan on settling. I will not interfere with you talking to him and as soon as you're ready we'll work on getting him to see you - maybe you pay for a flight out and I pay for a flight back. I have no doubt that you will land a good job and probably be making more money than my conservative salary - which means neither of us will need money from the other.

As a safe measure for you (as I'm sure you would need it to trust me) if I fail to follow through on what I promise - if you feel your not seeing him enough, talking to him enough, or don't agree with the person he grows into while being with me you can always take me back to court and have the judge return him to you - you and I both know that the judge (for whatever reason) is in your court (so to speak).



Richard Riess &lt;richardriess@gmail.com&gt;

**Continuation**

1 message

**Desiree Capuano** <desiree.capuano@gmail.com>  
To: Richard Riess <richardriess@gmail.com>

Sun, Feb 17, 2013 at 10:50 PM

I'm sorry - the last email was sent prematurely. To continue...

It does offend me that I have to defend myself and my lifestyle, I'll not lie...but what offends me more is that we have to resort to squabbling in a court like these less intelligent people. I hate sitting in that courtroom surrounded by those people because we are smart enough and reasonable enough to figure this out. If we both love G [REDACTED] and wants what's best for him then let's figure out how to let him have both parents. I don't want to keep him so I can go after child support - Jesus Richard, it wouldn't even do me any good right now as you have no income. You are right - I don't have a whole lot of money, but I have enough to support both boys.

I am hoping that you will at least consider this before immediately turning it down but I also want to make it very clear that I'm not proposing this out of weakness or fear. Immigration and homeland security are not my only avenues and if pushed I will pursue them - I agree that I will probably not "win" in family court, but I have no intention of "beating" you there. I propose this because I want G [REDACTED] to have both his parents, because (for some strange reason) that kid loves the shit out of you, and because I am tired of this battle. Hell, I'm even open to keeping him for just a year till you're on your feet and stable as long as you stop making it so difficult for me to talk to him and see him.

You and I have little to no trust between us and for good reason - but for the sake of the kids next 6 years, you think we can put all of that behind us and work together? I love him Richard and I want the best for him and the best thing for him is to have both of us in his life - I hope you can see that too. (I even keep up with the Jewish thing although I can't read the Torah with him (that would be on you) I do make sure he doesn't eat pork very often, showers before sunset if he does and I make sure he doesn't do any "work" on Saturdays).

I'm not trying to sabotage you, sever the relationship between you guys (or even damage it at all), or anything else. I'm just trying to have time to be his mother - something I haven't gotten to do until now.

Anyway - I really don't expect you to agree to try this but I can only hope.

If you've gotten this far then thank you for taking the time to read this.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Richard Riess</b> [REDACTED] Lincoln Street Carson, CA 90745  TELEPHONE NO: 310-[REDACTED] FAX NO. (Optional): E-MAIL ADDRESS (Optional): richardriess@gmail.com ATTORNEY FOR (Name): Richard Riess (pro per)		FOR COURT USE ONLY  <b>ORIGINAL FILED</b>  MAR 14 2013 LOS ANGELES SUPERIOR COURT	
<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		CASE NUMBER: TD 035397	
PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:		(If applicable, provide): HEARING DATE: March 20, 2013 HEARING TIME: 1:30 pm DEPT.: M	
<b>PROOF OF SERVICE BY MAIL</b>			

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

1. 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.

2. My residence or business address is:  
 [REDACTED] Lincoln Street, Carson, CA 90745

3. I served a copy of the following documents (specify):  
 Petitioner's Declaration Regarding Respondent's Threatening Statements and Intent

by enclosing them in an envelope AND

- a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.  
 b. ☐ **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.

4. The envelope was addressed and mailed as follows:

- a. Name of person served: Desiree Capuano  
 b. Address: 9153 N. 84th Dr, Peoria, AZ 95345  
  
 c. Date mailed: March 11, 2013  
 d. Place of mailing (city and state): Rancho Palos Verdes, CA

5. ☐ I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)

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

Date: March 12, 2012

Liz M [REDACTED]

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)