

Richard Riess
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Pro Per

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

RICHARD RIESS,
Petitioner,

v.

DESIREE CAPUANO,
Respondent.

Case No.: TD035397

**DECLARATION OF RICHARD RIESS IN
SUPPORT OF EX PARTE REQUEST**

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

1. I am the natural father of Gabriel Riess who was born in Phoenix, Arizona on September 27, 2000 and is the subject of these proceedings.
2. Desiree is engaged to be married to Kristopher Lauchner who lives with Desiree, at the same residence where Desiree is holding Gabriel, and has resided with Desiree for the entire time she has had Gabriel in Arizona.
3. On November 4, 2011 I obtained information from the Superior Court of Arizona, the Superior Court of Nevada, and the Arizona Department of Corrections showing that Lauchner had been convicted of numerous violent and dangerous offenses over a period of more than nine years and multiple periods of imprisonment. His convictions included aggravated assault; assault with a deadly

weapon; possession of a dangerous drug; and auto theft. Lauchner had also been arrested for attempted murder.

4. In October 2011 Gabriel informed me that Desiree and Lauchner keep at least one firearm in the house and that Lauchner has taken him shooting on at least one occasion. Due to Lauchner's felony convictions and both Desiree's and Lauchner's record of drug use or possession neither is legally permitted to possess a firearm under Arizona law.
5. Desiree and I were ordered to attend mediation on November 4, 2011. I attended but Desiree did not attend nor did she contact the Mediation Department.
6. On November 8, 2011 the Court issued an Order directing Desiree to immediately return Gabriel to California and to my custody. The Court further ordered Desiree and I to make the arrangements to execute Gabriel's return, such that each party would bear half of the burden.
7. On November 8, 2011 at 1:35 pm I sent Desiree an email proposing that we meet in front of the General Patton Museum in Chirico Summit, CA to exchange Gabriel. I proposed the exchange occur on November 9, 2011. Chirico Summit is less than a four hour drive from both Phoenix, AZ and Los Angeles, CA.
8. I then attempted to telephone Desiree to communicate the same proposal to her verbally but she did not answer her mobile telephone.
9. At approximately 3:00 pm I called Gabriel on the telephone to inform him of the Court's order and that I would be picking him up within the next day. Gabriel was very excited and immediately began preparing to return home.
10. I asked Gabriel whether he had started attending his the new school in Peoria, AZ yet and he stated he had not. He had remained at home on both Monday and Tuesday and had not yet been registered at the new school.

11. At 5:15 pm I received a response email from Desiree stating that the earliest she would be able to meet me to return Gabriel would be Saturday, November 12, 2011. She agreed to meet at the General Patton Museum. She further acknowledged that that would be four days after the issuance of the Court's order. Her reason for not bringing Gabriel sooner was that she had to go to work.
12. At 6:04 pm I sent Desiree an email declaring that her proposed terms were not acceptable and pointing out that the Court ordered the return of Gabriel "immediately". I also forwarded her an email clarifying the definition of "immediately". Desiree did not respond to that email.
13. At approximately 8:00 pm I attempted to call Desiree on her mobile telephone but she did not answer. I left her a voice mail informing her that it was my intention to request another ex parte hearing if she refused to return Gabriel by Wednesday, November 9, 2011.
14. Moments later I received a call from Gabriel from Desiree's mobile telephone. Gabriel told me he's "okay with waiting until Saturday". I explained to Gabriel that I was not comfortable with waiting until Saturday because that would mean he'd be out of school for an entire week, and because when a court issues an order we must comply with it.
15. I asked Gabriel if Desiree was available and he stated that she was sleeping. I did not believe that to be true because Gabriel had called me using Desiree's mobile telephone and he seemed to know the content of the voice mail I had just left her. I believe Desiree instructed Gabriel to call me to try to convince me to agree to picking up Gabriel on Saturday.
16. On Wednesday, November 9, 2011 at 12:06 am, having not heard back from Desiree, I sent her an email informing her of my intention to request another ex parte hearing due to her refusal to cooperate in returning Gabriel immediately.
17. At 8:41 am I received an email from Desiree stating "I will meet you at 3pm on Saturday".
18. I then sent Desiree an email informing that she did not have to bring Gabriel personally, or that she

can bring Gabriel after work that day.

19. I received no further response from Desiree.
20. At approximately 10:30 am I received a telephone call from Lauchner. He was yelling, uttering threats and profanities and told me that if I called Desiree again he would come to Los Angeles and take care of me himself. I informed him that what Desiree was doing was illegal. He responded that it was not illegal it was only contempt. When I told him I was just trying to get Gabriel back as the Court had ordered he said "You'll get your son back". He then hung up on me.
21. At 10:39 am I received an email from Lauchner wherein he stated: "...you have now convinced me you are nothing but a bully and I have no tolerance for people of that nature... I have resources and other avenues to find you the kind of fight your [sic] looking for. You engaged the wrong person... I am involved now, for Desiree and Gabriel's sake."
22. Based on Lauchner's violent criminal history and illegal possession of firearms I took his threats of seriously and believe that I have a credible fear for mine and Gabriel's safety.
23. Based on Lauchner's history and threats, and Desiree's threats and refusal to comply with the Court's orders I believe that Gabriel may be in danger of being harmed or neglected and that I may be in danger of being harmed or assaulted if I meet with either of them in person to pick up Gabriel.

Dated this 9th day of November, 2011 at Carson, California.

Richard Riess