

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

FOR COURT USE ONLY

Desiree Capuano
9153 N. 84th Dr
Peoria, AZ 85345

TELEPHONE NO.: 480-455-2086

FAX NO. (Optional):

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

ATTORNEY FOR (Name): Desiree Capuano

ORIGINAL FILED

FEB 21 2012

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

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

OTHER PARENT:

**RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE
OR NOTICE OF MOTION**

CASE NUMBER:

TD035397

HEARING DATE:
8/15/2012

TIME:
8AM

DEPARTMENT OR ROOM:
M 1211

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:

Visitation schedule as determined by this court on December 6, 2011

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: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD035397
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: 2-21-12

Desiree Capuano
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

PLAINTIFF/PETITIONER: Richard Riess
 DEFENDANT/RESPONDENT: Desiree Capuano

CASE NUMBER:
 TD035397

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

1. The petitioner, Richard Riess, is the biological father of G [REDACTED] Riess
2. I, Desiree Capuano, am the biological mother of G [REDACTED] Riess
3. Richard Riess has physical custody of G [REDACTED] Riess as determined by this court on December 6, 2011
4. I have joint legal custody with visitation as ordered by this court on December 6, 2011
5. G [REDACTED] Riess resides in my home during visitation to Arizona
6. The extent of the relationship between the petitioner and myself lasted between January of 2000 and October of 2001
7. I have no knowledge of whether this is true
8. Hearsay
9. True
10. I have not verified the final verdict for this case as I was unable to locate the records from 12 years ago.
11. Hearsay
12. Irrelevant
13. Hearsay
14. The cause of the relationship ending in 2001 was the petitioners continuous anger and animosity at being forced into parenthood and responsibility. The catalyst that caused the separation was his final statement that he was angry at me for not letting G [REDACTED] die during the delivery. After that, I left California with G [REDACTED] to stay with my mother in Phoenix, Arizona.
15. Hearsay
16. Drug use was never discussed in conversation while the petitioner was being held in federal detention

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

Date: 2-21-12

Desiree Capuano

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

17. Direct contradiction to item 16

18. Opinion

19. I can provide witness or testimony to certain behavioral characteristics which are normal for me

20. True

21. On September 27, 2011 on G [REDACTED]'s 11th birthday, I left work early to deliver McDonalds to G [REDACTED] at school for lunch per his request. When I arrived home, the police were present for an unrelated incident. I was charged and released within an hour and picked up both of my children from school where we opened birthday presents and had cake and ice cream

22. I was approved for medical marijuana 6 weeks after the charge.

23. True. Medical records were provided to the state of Arizona and I have included the doctors findings to support (exhibit 1)

24. True

25. True. Violent charges were in defense and were dropped. All incidents occurred 10 years ago for which Kristopher Lauchner has served his time and paid for his crimes.

26. The photograph referred to by the petitioner shows Kristopher Lauchner and my 8 year old son, S [REDACTED] Capuano, who I have sole physical custody of, practicing shooting a BB gun in our living room. A letter written by the father of S [REDACTED], Michael Capuano in support of Kristopher Lauchner is included as support (exhibit 2). Also included is a statement of a personal account from G [REDACTED]'s maternal grandmother witnessing the petitioner in possession of a firearm in a local Arizona bar, placing bullets one by one on the table while G [REDACTED] was sitting at the table with him (exhibit 3)

27. True

28. The petitioner assumed knowledge of what the court meant by "immediately." Supporting documentation (exhibit 4) clearly shows my willingness to work out a plan for G [REDACTED]'s return which was not accepted and started a procession of derogatory email correspondences

29. On November 9th, 2011, a plane ticket was purchased for G [REDACTED]'s return by a person named Josephine who also received G [REDACTED] at the airport in Los Angeles as the petitioner was unable to due to lack of identification.

30. True. I did not feel comfortable returning G [REDACTED] to the petitioner as he was only weeks out of prison and his ability to provide for G [REDACTED] as well as his legal status in the country were questionable.

31. True. I was advised by an attorney to return G [REDACTED]. I did so on November 9th, 2011 and paid my half the cost of the return to Josephine out of my next paycheck.

32. False. Supporting documentation (exhibit 4) will show that the petitioner would not consider any options for return outside of the ones he proposed. He made it very clear that he would not work out an arrangement that would suite all parties and threatened further legal action if I did not comply with his plan.

33. In November, 2011, a phone call was made to the petitioner offering to "go in half's" on a new expensive gaming console as a Christmas present for G [REDACTED]. The intent was to provide the petitioner with an opportunity to give G [REDACTED] a great gift.

34. True. I received an email from the petitioner requesting the medical insurance information however, I informed the petitioner that I would not have the updated information until January 2012 as that is when the new policy became effective.

35. True. I did not respond to the request for insurance information as I still did not have it and wanted to avoid further negative reactions from the petitioner.

36. On January 16, 2012, I received another email requesting the insurance information. I was incorrect in thinking the petitioner needed the physical insurance card which I had requested a copy of for him. In normal cases, a medical facility requests a copy of the insurance card and not just the policy number. When I explained I what was causing the delay he became verbally abusive and threatened to contact my insurance company regarding fraud claiming that I was covering Kristopher Lauchner as my legal husband (exhibit 5). The petitioner does not know the facts of my insurance policy which lists Kristopher as a legitimate domestic partner, not husband.

37. False. No threats have been made to the petitioner

38. On Monday, January 30th, 2012 we received a notification of a motion filed by the petitioner to appear for a court hearing on Tuesday February 7th, 2012 against Kris Lauchner to protect the petitioner and G [REDACTED]. Both myself and Kristopher Lauchner were physically present for this court hearing which was dismissed due to a lack of threat from Kristopher to either the petitioner or G [REDACTED]. The judge advised Kristopher to not send any further email correspondence and advised the petitioner to stop filing frivolous charges.

39. Hearsay

40. On January 17th, prior to the hearing, Kristopher sent the petitioner an email responding to the false accusations put against him.

41. True

42. During the 7 day visit to Arizona, G [REDACTED] showered multiple times including the night before his return. The clothes the petitioner is referring to were his pajama's and since he was on vacation, he did wear them around the house often.

43. Hearsay

44. I was under counsel and determining with my attorney what the best legal options were to make the 2002 custody arrangement current, suitable for the situation while preserving my right to be with G [REDACTED] and minimizing the amount of control the petitioner would demand.

45. Per written communication with the petitioner at the time, no dialog was required between him and I since I was in direct communication with G [REDACTED] and he was in a detention facility in Arizona.

46. False. I have provided supporting evidence to S [REDACTED] Capuano's excellent progress in school (exhibit 6).

47. Hearsay

48. False. I have called multiple times to speak with G [REDACTED]. We have had limited conversations but we have spoken.

49. During the 7 day visit in January, G [REDACTED] was taken to an eye doctor. He received an eye exam and a prescription for eyeglasses which were paid for at the time of appointment (exhibit 7). I am in the process of getting the rest of the insurance information to the petitioner.

50. In August of 2011, when I brought G [REDACTED] to Arizona to stay with me, the majority of the clothes he had were too small. G [REDACTED] and I discussed giving the items to goodwill which he agreed with. The necessities that he had outgrown were replaced.

51. Hearsay

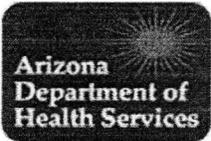
52. Referring to the letter dated 2-11-2011 from the petitioner to G [REDACTED], the petitioner admits to "years of drug use and neglect and being an irresponsible asshole" (exhibit 8). The petitioners allegations of my erratic behavior are only a reaction to the constant barrage of frivolous motions.

53. False

54. I have not broken any promises to G [REDACTED]. As far as potentially harming him psychologically, I am concerned that the petitioners negative actions, false statements and accusations and lies will be detrimental to G [REDACTED]'s psychological and social development (exhibit 9).

55. Supporting evidence will show that the petitioner has already lied to this court once by stating that he was born in the United States and is a natural born citizen
(10)

Exhibit 1



Arizona Department of Health Services
Medical Marijuana Qualifying Patient Registry ID Card Application

Please retain this document carefully. You will need the application number and submission date for the system to find your application

Application Information

Application ID	AZQP9973866000027968
Date Submitted	11/4/2011

Patient Information

First Name	Middle Name	Last Name	Suffix
DESIREE	YVONNE	CAPUANO	
DOB	Gender		
10/01/1980	F		
AZ Driver's License or State ID Number	Issuing State	ID Type	Issued Date
D00247373	AZ	Arizona Driver's License	08/27/2011

Residence Address

Address			
9153 N. 84TH DR.			
City	County	State	Zip
PEORIA	MARICOPA	AZ	85345
Phone	Email		
(480) 455-2086	desiree.capuano@gmail.com		

Mailing Address

<input type="checkbox"/> Check if mailing address is the same as residential.		
Address		
20100 N. 78TH PL #1080		
City	State	Zip
SCOTTSDALE	AZ	85255

Physician

Patient's Physician Name

CAROL A. SPOONER

Physician Address

2334 N. SCOTTSDALE RD. #112

City

State

Zip

Phone

SCOTTSDALE

AZ

85257

(480) 423-7328

License Number

Physician License State

License Type

08-1051

AZ

ND

Secondary Physician (applies to patients under 18)

Patient's Physician Name

Physician Address

City

State

Zip

Phone

License Number

Physician License State

License Type

Qualifying Health Conditions

- Cancer
- Glaucoma
- Human Immunodeficiency Virus
- Acquired Immune Deficiency Syndrome
- Hepatitis C
- Amyotrophic Lateral Sclerosis
- Crohn's disease
- Agitation of Alzheimer's disease
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes cachexia or wasting syndrome
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes severe and chronic pain
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes severe nausea
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes seizures, including those characteristic of epilepsy
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes severe or persistent muscle spasms, including those characteristic of multiple sclerosis

Caregiver

<input type="checkbox"/> Check if caregiver is being designated				
First Name	Middle Name	Last Name	Suffix	
DOB	Gender	SSN		
Address				
City	County	State	Zip	
AZ Driver's License or State ID Number	Issuing State	ID Type	Issued Date	

Mailing Address

<input type="checkbox"/> Check if mailing address is the same as residential.			
Address			
City	State	Zip	

Parent or Guardian

<input type="checkbox"/> Parent	<input type="checkbox"/> Guardian
---------------------------------	-----------------------------------

Request to Cultivate

<input type="checkbox"/> Check if requesting to cultivate.	<input type="checkbox"/> Check if requesting Caregiver to cultivate.
--	--

Clinical Studies

<input type="checkbox"/> Check if you would like to be notified of clinical studies.
--

Snap Eligible

<input type="checkbox"/> Snap Eligible.

Homeless

<input type="checkbox"/> Check if homeless.

Payment Information

Credit Card Payment Date	Credit Card Type	Authorization Code
11/4/2011 5:18:12 PM	V	2115392
Payment Amount	Payment Status	
150	PAID	

Arizona Medical Marijuana
Doctor Center
(AZMMDC)

Physician Statement and Recommendation

Recommendation ID Number (REC ID): 0406 3279 2193 218

Patient Name: Desiree Yvonne Capuano

Patient Identification: DMV: D00247373

Qualifying Condition: Chronic Pain

Recommendation Issued: 10/21/2011

Recommendation Valid Through: 10/20/2012

24-Hour Verification

Phone: 602-492-9274 Online: <https://verify.greenlifemedical.com>

Pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1

The purpose of this medical document is to identify this individual as a patient whose possession and/or cultivation of medical cannabis is permissible pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1.

This affirms the patient listed above has been examined and evaluated by the physician indicated on this document and that they are licensed to practice medicine in the State of Arizona. It is in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition. The attending physician is responsible for only the medicinal cannabis aspect of medical care. This patient assumes full responsibility for any and all risks associated with this treatment option. The physician has discussed the potential medical benefits and risks of cannabis use.

This patient hereby gives permission for representatives of GreenLife Medical Systems to discuss the nature of their condition(s) and the information contained within this document for verification purposes. This is a non-transferable document. This document is the property of the physician indicated on this document and can be revoked at any time without notice. Void after expiration, if altered or misused.

Patient Signature: Blair Capuano

Physician Signature: Carol A. Spooner, NMD

Physician Name: CAROL A. SPOONER, NMD

License Number: 08-1051

Clinic Name: Arizona 420 Evaluations

Clinic Address: 2334 North Scottsdale Rd.

#112

Scottsdale, AZ 85257

Recommendation Verifiable By:
GreenLife Medical Systems LLC
Collective/Patient Support Line: 602-492-9275





MEDICAL MARIJUANA PHYSICIAN CERTIFICATION

PHYSICIAN INFORMATION

FOR ALL QUALIFYING PATIENTS

Physician's Name: CAROL A. SPOONER, NMD	
Arizona License Number: 08-1051	Type: <input type="checkbox"/> MD <input type="checkbox"/> DO <input checked="" type="checkbox"/> NMD/ND <input type="checkbox"/> MD(H)/DO(H)

PHYSICIAN INFORMATION ON FILE WITH LICENSING BOARD

Office Address: 2334 North Scottsdale Rd. #112 Scottsdale, AZ 85257	
Telephone Number: 4804237328	Email Address: az420doc@yahoo.com

QUALIFYING PATIENT INFORMATION

Patient's Name: Desiree Yvonne Capuano	Date of Birth: 10/01/1980
---	----------------------------------

CHECK ONE OR MORE BOXES TO INDICATE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION

<input type="checkbox"/> Acquired immune deficiency syndrome (AIDS)	<input type="checkbox"/> Agitation of Alzheimer's disease
<input type="checkbox"/> Amyotrophic lateral sclerosis (ALS)	<input type="checkbox"/> Cancer
<input type="checkbox"/> Crohn's disease	<input type="checkbox"/> Glaucoma
<input type="checkbox"/> Human immunodeficiency virus (HIV)	<input type="checkbox"/> Hepatitis C

IF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT FOR A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION CAUSES:

<input type="checkbox"/> Cachexia or wasting syndrome	<input checked="" type="checkbox"/> Severe and chronic pain
<input type="checkbox"/> Severe nausea	<input type="checkbox"/> Seizures, including those characteristic of epilepsy
<input type="checkbox"/> Severe or persistent muscle spasms, including those characteristic of multiple sclerosis	

IF ANY CONDITION ABOVE IS CHECKED, INDICATE THE UNDERLYING CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION:

MYALGIA AND MYOSITIS, ARTHRITIS (FIBROMYALGIA)

I, CAROL A. SPOONER, NMD, THE PHYSICIAN:

- Have made or confirmed a diagnosis of a debilitating medical condition, as defined in A.R.S. § 36-2801, for the qualifying patient.
YES NO Initial: CS
- Have established a medical record for the qualifying patient and am maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297.
YES NO Initial: CS
- Have conducted an in-person physical examination of the qualifying patient within the last 90 calendar days appropriate to the qualifying patient's presenting symptoms and the debilitating medical condition I diagnosed or confirmed.
YES NO Date of Examination: 10/21/11 Initial: CS
- Have reviewed the qualifying patient's medical records, including medical records from other treating physicians from the previous 12 months, the qualifying patient's responses to conventional medications and medical therapies, and the qualifying patient's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database.
YES NO Initial: CS
- Have explained the potential risks and benefits of the medical use of marijuana to the qualifying patient or, if applicable, the qualifying patient's custodial parent or legal guardian.
YES NO Initial: CS
- Have referred the qualifying patient to a dispensary. YES NO If YES, I have disclosed to the qualifying patient or, if applicable, the qualifying patient's custodial parent or legal guardian any personal or professional relationship I have with the dispensary.
YES NO Initial: CS

PHYSICIAN'S ATTESTATION

I, CAROL A. SPOONER, NMD, in my professional opinion believe that the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition. I attest that the information provided in this written certification is true and correct.

Carol A. Spooner, NMD 11/3/11
 Physician's Signature Date Signed



Fri, 04 Nov 2011 17:17:58 MST

Payment is complete. Print this receipt for your records.

Your authorization number is 2115392.

Please reference this number in any correspondence regarding your transaction.

Billing Information

Desiree, Capuano

20100 N. 78th PI #1080

Scottsdale, AZ 85255

Phone: 4804552086

Email:

Account Information

VISA

4*****2121 EXP. 05/2013

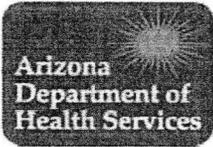
Order Items

Order ID	Product ID	Item Description	Amount	Quantity	Total Amount
22291	HSMM0050	Patient	\$150.00	1	\$150.00
22291				Total	\$150.00

Merchant Name	Amount
AZ DEPT OF HEALTH SVCS	\$150.00

Notes

This payment is for the Qualifying Patient above 18 years of age with Name- Desiree Yvonne Capuano of his/her ApplicationID - AZQP9973866000027968



Arizona Medical Marijuana Program

P.O. BOX 19000
Phoenix, AZ 85005

JANICE K. BREWER, GOVERNOR
WILL HUMBLE, DIRECTOR

DESIREE CAPUANO
20100 N. 78TH PL #1080
SCOTTSDALE AZ, 85255

This card shall serve as your Arizona Medical Marijuana Registry Identification Card. Please carry this card with you to present when making a purchase from a medical marijuana dispensary or if requested by law enforcement. If this card is a second card that has been re-issued due to a change request or other circumstances, please be advised that **this card is not considered valid until the issued date listed on the card**. If you have received your card prior to the issued date listed on the card, you must carry your old card in addition to the new card, until the new card becomes valid on the issued date. Once the issued date on the new card arrives, your old card will become invalidated and should be disposed of appropriately.

ANNUAL RENEWAL: Your renewal application, documentation and payment must be submitted 30 calendar days prior to the expiration date shown on the card. To submit your renewal request, go to the Arizona Medical Marijuana Program website at: <http://www.azdhs.gov/medicalmarijuana/>.

CHANGING A REGISTRY IDENTIFICATION CARD: Arizona law requires that you submit a change request to the Arizona Medical Marijuana Program within 10 working days if there is a change in your name, address, caregiver designation, or cultivation status. To submit your change request, go to the Arizona Medical Marijuana Program website at: <http://www.azdhs.gov/medicalmarijuana/>.

REPLACING A REGISTRY IDENTIFICATION CARD: To request a replacement registry identification card that has been lost, stolen, or destroyed, you must submit your request to the Arizona Medical Marijuana Program within 10 working days after the card was lost, stolen, or destroyed. To submit your replacement card request, go to the Arizona Medical Marijuana Program website at: <http://www.azdhs.gov/medicalmarijuana/>.

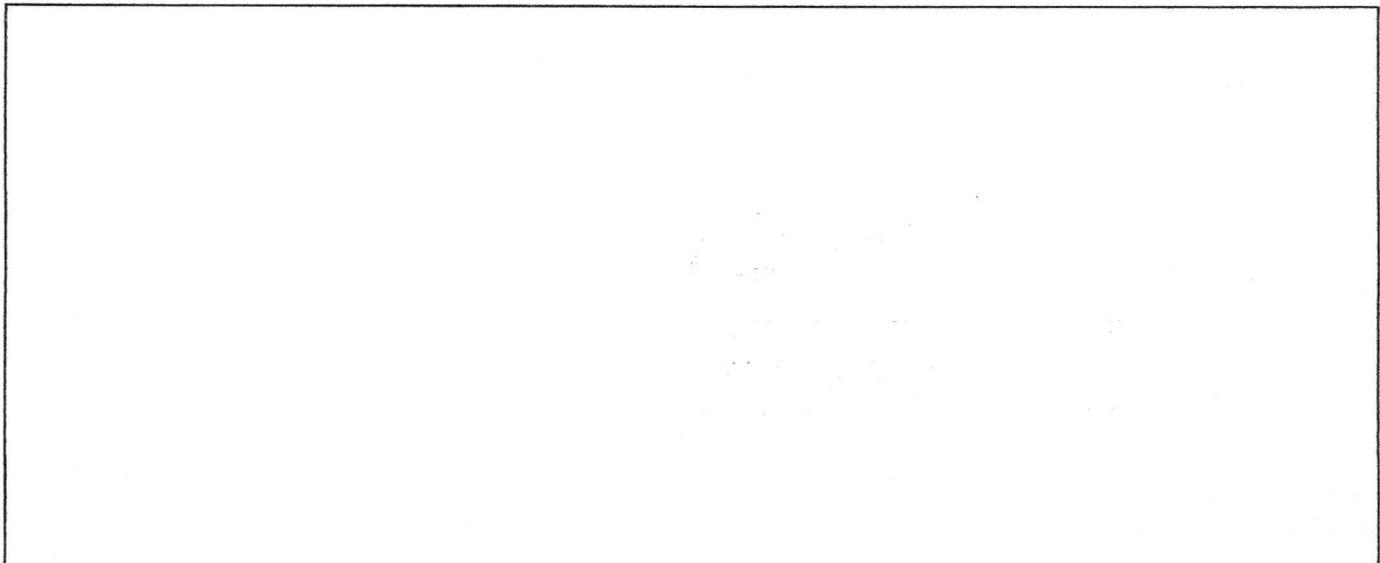


Exhibit 2

This letter is written on behalf of Mr. Kristopher Lauchner. I have known Kris since April 2010, when he and Desiree started dating. Since Desiree and I co-parent our 8-year-old son S [REDACTED], I have had a close relationship with Kris for the past 21 months. I can tell you with absolute certainty that I trust Kris with S [REDACTED] beyond the shadow of a doubt and he makes an excellent stepfather. He is one of the calmest and most levelheaded individuals I have ever met and is extremely kind. Any allegation of Kris putting our child in danger is a falsehood, to include handling or firing a handgun.

Having been married to Desiree for almost ten years, I can tell you this is not the first time Richard Riess has attempted to manipulate the legal system for personal gain. In January 2001, shortly after Desiree and I started dating, Richard told me emphatically that "he had no interest in the child other than to hurt Desiree." That entire year we were wrapped up in legal battles, and when the system could be used no more, Richard disappeared with Gabriel. We searched for him for years, and it wasn't until Richard was imprisoned in Eloy, Arizona for fraud that we learned G [REDACTED] was staying with a caregiver in California.

I have watched Desiree give to this situation unconditionally for a decade, always in fear G [REDACTED] would disappear forever when Richard was extradited. I have watched Richard use the court system and false aliases to get his way, and somehow he always manages to succeed. If this fraudulent charge against Kris Lauchner does not stick, Richard will find another way to inconvenience Desiree and keep her son from her.

Please be conscientious when investigating this case. It is crystal clear that Richard's intention is to make Desiree choose between her son and significant other. As her former husband, I have experienced it firsthand. Kristopher is a good person and I am happy that he is a part of my son's life.

Please also pay close attention to Mr. Riess. He is a non-US Citizen with a long history of false identities and fraudulent behavior, and as I stated previously, if he does not find satisfaction this way, he will continue to manipulate the legal system until he does.

If for any reason you need to reach me, please feel free to do so at michael.capuano@gmail.com.

Respectfully,

Michael Capuano

Tuesday, January 24, 2012

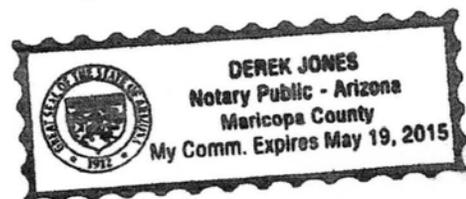


Exhibit 3

The statements provided below are true to the best of my ability

In the late summer of 2006 my husband and I were out at a local bar. We had observed Richard Reiss and G [redacted] Reiss sitting a booth. It was fairly late at night and I was concerned for my grandchild G [redacted]. I became especially concerned with I observed that Richard Reiss had a gun attached to his belt. Richard was drinking alcohol and began lining up bullets on the table. I then approached Richard and informed him that he cannot do that in a public area and that he had G [redacted] with him which wasn't a smart thing. I was told by the server that waited on us that Richard had been coming into the bar with G [redacted] frequently because he seemed to take a liking to one of the other servers. During the course of the evening I had noticed that Richard and G [redacted] were gone. I asked around to see if anyone had noticed that they left but without any luck. At the end of the evening my husband and I decided that we would go to Denny's for some breakfast. It was then that we saw Richard and G [redacted] eating. This was approximately 2:30am.

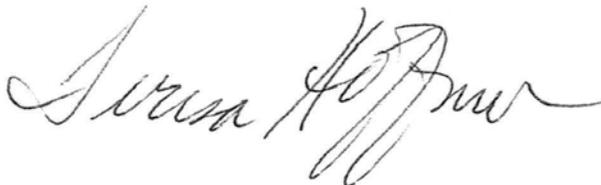
In the early time of 2006 Richard Reiss called my cell phone and informed me that he and G [redacted] were in town and wanted to know if I wanted to see G [redacted]. I stated that I would very much like to. We agreed to meet a fast food restaurant and a specific time. My husband and I meet Richard and G [redacted]. This is the first time that I had seen G [redacted] since he was a baby. We spent some time together and I asked Richard if I could spend some time with G [redacted]. He stated yes but that I couldn't have G [redacted] talk to Desiree because it would be uncomfortable for G [redacted]. When I asked Richard what he tells G [redacted] when he asks about his mother, Richard informed me that G [redacted] never asks.

I spent several times with G [redacted]. One specific time was when Richard asked if I would keep G [redacted] while he went to California. Richard informed me that he would return before the evening however at the time that Richard was suppose to pick up G [redacted], Richard called to inform me that his motorcycle had broken down and he didn't know when he was going to be able to get there. I kept G [redacted] over night. I actually called out for work as I didn't know when Richard was going to be there. Richard called me in the morning to tell me that he was at their apartment in Phoenix and asked if I could drop G [redacted] off of which I did.

On one visit when G [redacted] visited with me, I did allow my daughter Desiree to speak with G [redacted] as I felt she needed to be aware of what was going on. She was living in Florida at the time and could not make it to Phoenix is such short notice.

The next time that we were going to spend some time together was G [redacted]'s birthday September 27, 2006 and Richard and I had agreed that we would meet at an indoor amusement place to celebrate. I had gone out and purchased presents for G [redacted]. Richard and G [redacted] never showed up. I called several times. I went to Richards's apartment after two days of trying to call him only to find the apartment empty (I looked through the window and it was bare). That was the last time I saw G [redacted].

Teresa Hoffman

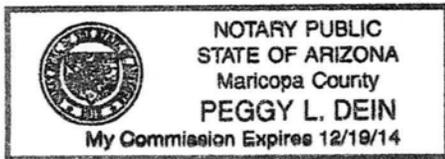
 2/20/12

L. dtd Feb 20, 2012 - STATEMENTS
TO BEST OF ABILITY

State of Arizona

County of Maricopa

On this 20 day of February, 2012, before me personally appeared Teresa M Hoffmann whose identity was proved to me on the basis of satisfactory evidence to be the person whose name, is subscribed to this document, and who acknowledged that he/she signed the attached document.




Notary Public

Exhibit 4



Desiree Capuano <desiree.capuano@gmail.com>

Return of G [REDACTED]

6 messages

Richard Riess <richardriess@gmail.com>**Tue, Nov 8, 2011 at 2:35 PM**

To: Capuano Desiree <desiree.capuano@gmail.com>

Desiree:

Pursuant to the Court's Order this morning I would like to make the necessary arrangements for G [REDACTED]'s return. As you know the Court ordered G [REDACTED] be returned IMMEDIATELY and the Court's primary motivation was G [REDACTED]'s school attendance. Therefore, I take IMMEDIATELY to mean in the next day or two at the most.

I've checked on the map and although there are no cities or towns exactly 187.5 miles from either of us (the total distance from your residence to mine is 375 miles) the closest place would be Chiriaco Summit, CA. That's where the General Patton Museum is (right next to I10). I propose we meet there (in front of the museum) for me to take custody of G [REDACTED] from you.

I would like to pick him up tomorrow, Wednesday, November 9, 2011 so that I can get him back here and into school as early as possible. I understand that this is short notice (although not nearly as short as the notice you provided when you took him to Arizona!) but if we cannot execute this by Thursday, November 10, 2011 then I will conclude you are not willing to cooperate and I shall have no choice but to notify the Court.

Please let me know what time you will be able to meet to drop G [REDACTED] off.

Thank you,
Richard

Desiree Capuano <desiree.capuano@gmail.com>**Tue, Nov 8, 2011 at 6:15 PM**

To: Richard Riess <richardriess@gmail.com>

Richard,

As I currently have work and another child also in school, the earliest I can feasibly meet you in Chiriaco Summit would be this weekend - putting the amount of time after ruling at 4 days. I do however agree to meet you at the place designated by you below, on Saturday, Nov 12th, 2011 to exchange G [REDACTED] - barring any changes from the judge. Given the distance and time it will take to drive, do you agree to meet at 3pm on Saturday, Nov 12th in front of the General Patton Museum?

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>**Tue, Nov 8, 2011 at 7:04 PM**

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

I absolutely do not agree to Saturday! The Court said "immediately". To be completely frank I am not concerned that you have work and another child in school. They haven't even started at the new school yet (although you told the Court today that they were already attending the new school). I believe the Court's intent with the use of the word "immediately" was that we drop what we're doing and bring G [REDACTED] home today. Otherwise, he would have ordered you to return him "soon", or "by the end of the week". I am willing to defer it to tomorrow because I

don't believe it is fair to G [REDACTED] to make him pack his things on the spur of the moment, get in the car and be moved around (oh, wait, isn't that what you did in August...oh, yeah, it is).

As for you, I have very little interest in accommodating you further. You've done nothing but disregard the laws, lie to the courts, force G [REDACTED] to do what YOU want regardless of his desires, and generally cause a lot of grief and misery for G [REDACTED] and all of the people close to him. You're the person that agreed to custody terms that G [REDACTED] said he wanted then, the next day, tried to get an order of protection against me! You're the person that, behind my back, came and took G [REDACTED] to Phoenix just before I was to be released then tried to start a new custody proceeding and obtained an ex parte emergency order barring me from seeing him! You're the person that didn't consider your live-in boyfriend's violent criminal history "relevant" enough to inform me of it! You didn't consider the mediation important enough to even call them, let alone show up for it (even though you were ordered to do so by the Court). You didn't attend the PACT class. You didn't tell the Arizona court that there was a pending case in California. You accused me of "hiding" G [REDACTED] from you for nine years. You accused me of often leaving G [REDACTED] alone in the car while I'm in the bar getting drunk all night - lining up bullets on the bar! No! I will not go out of my way for you any more. The Court ordered you to immediately return G [REDACTED] to me so he can "return to the school and the home he has been in all his life, until August" (I believe that's how the Judge put it).

My suggestion to you is to call work and tell them that you cannot make it in tomorrow, get in your car with G [REDACTED], and bring G [REDACTED] back to California as the Court ordered you to do! I believe Chiriaco Summit is about a 3 1/2 - 4 hour drive from Peoria.

I do not believe that you will comply with the Court's order to immediately return G [REDACTED] to me and I believe you will try to delay it as much as possible. I must inform you I will not tolerate a single delay in G [REDACTED]'s return. It is my intention, at this point, since Friday is a holiday, to go to the Court Thursday morning with the ex parte request unless I have evidence that G [REDACTED] is on his way or already in my custody.

And finally, I believe there were some things that G [REDACTED] brought with him - such as his glasses, and that Liz had to send you his birth certificate because you did not have one. I insist these, and any other items G [REDACTED] brought with him or which were provided to you by me or Liz, be returned with G [REDACTED].

Good evening,
Richard

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>

Tue, Nov 8, 2011 at 7:31 PM

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

Perhaps this can help:

dictionary.com defines "immediately" as such:

without lapse of time; without delay; instantly; at once

see <http://dictionary.reference.com/browse/immediately>.

I believe it is well within my rights to demand that you put G [REDACTED] in the car and meet me at Chiriaco Summit in five hours. But, I am willing to give it until tomorrow so as not to disrupt G [REDACTED] too much.

I am proposing I pick G [REDACTED] up from you at the General Patten Museum Wednesday afternoon. I'm sorry if this is not convenient for your schedule but I get the impression the Court does not care about your schedule at this point. So, do we have an agreement then, on Wednesday afternoon? If so, give me a specific time to meet you there. If I do not hear back from you before midnight I will assume you object.

Richard

On Nov 8, 2011, at 5:15 PM, Desiree Capuano wrote:

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>

Tue, Nov 8, 2011 at 7:35 PM

To: Desiree Capuano <desiree.capuano@gmail.com>

I'm sorry, I forgot to include this definition from dictionary.law.com:

immediately

adv. 1) at once. 2) in orders of the court or in contracts it means "as soon as can be done" without excuse.

It seems pretty clear the Court's intent was for this to happen today!

Richard

On Nov 8, 2011, at 5:15 PM, Desiree Capuano wrote:

[Quoted text hidden]

Desiree Capuano <desiree.capuano@gmail.com>

Wed, Nov 9, 2011 at 10:08 AM

To: henrik <henrik@thehkfirm.com>

[Quoted text hidden]

Exhibit 5



Desiree Capuano <desiree.capuano@gmail.com>

G [redacted]'s medical insurance information

6 messages

Richard Riess <richardriess@gmail.com>**Mon, Jan 16, 2012 at 8:45 PM**

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

When you have an opportunity, please provide your medical insurance information as it pertains to G [redacted] so I may have it on hand for when G [redacted] requires it.

Thank you,
Richard

Desiree Capuano <desiree.capuano@gmail.com>**Mon, Jan 16, 2012 at 10:52 PM**

To: Richard Riess <richardriess@gmail.com>

You have asked me for this no less than 3 time Richard. I got your request. You cannot have the 1 medical card I have currently as I need it for the rest of the family too. However, I have requested additional medical cards for you and for S [redacted]'s father. I will be sending it as soon as I get it so please stop asking.

Thank you.

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>**Tue, Jan 17, 2012 at 12:34 AM**

To: Desiree Capuano <desiree.capuano@gmail.com>

I am not asking for, nor do I need, a copy of the card. Only the information on the card: the group name, policy number, etc. And, I'm not sure if you're aware or not but you ARE required to provide it - for G [redacted]'s sake and benefit. As you pointed out, and as I am well aware, I have requested it three times now and you have still not provided it. I believe that shows I have made reasonable and good faith efforts to obtain it and you have consistently refused to provide it. The next step on my part (obviously) is to request the court take judicial notice of your refusal to cooperate in matters of G [redacted]'s welfare and your continued refusal to make ANY contribution to G [redacted]'s ongoing financial needs and your responsibilities as his biological parent.

By "the rest of the family" don't you mean just you and S [redacted]? Because, being that you're married to me and not to Kristopher, I'm sure it would be a form of insurance fraud if you lied about being married to him so that he could be covered by your insurance. Not to mention, since we're still married, I do believe I have a legal right to be covered, as your spouse, under your insurance. I'll check with the insurance company and get back to you.

Good evening.

Richard

P.S. I respectfully request you discontinue the practice of listing Kristopher Lauchner as G [REDACTED]'s step-father on legal and/or travel documents.

[Quoted text hidden]

Desiree Capuano <desiree.capuano@gmail.com>

Tue, Jan 17, 2012 at 9:24 AM

To: kristopher lauchner <klauchner@gmail.com>

[Quoted text hidden]

Desiree Capuano <desiree.capuano@gmail.com>

Tue, Jan 17, 2012 at 11:56 AM

To: Richard Riess <richardriess@gmail.com>

Bcc: kristopher lauchner <klauchner@gmail.com>

Name: Aetna

Group: 476745-010-00022

ID: W1838 37516

I find it interesting that you are so adamant about having his insurance information when neither you nor Liz ever had him covered...you apparently did not find this necessary for the first 10 years...why now? As far as contacting my insurance company goes - seeing as you and I were never married, you have no right or business involving yourself in my policy, as I will make sure to let them know. You are currently in contempt of court yourself as 30 days have passed since the last hearing and I, my lawyer or the court still have no documentation proving your citizenship in this country. You're more than welcome to take the insurance matter before them, I myself have bigger matters to bring in front of them. You need to concern yourself with how I refer to my fiance (Kris) in any matters that do not directly involve you. Since you do not drop off G [REDACTED] at the airport, pick him up at the airport or drive him to or from the 2 states, you have no direct involvement. At this point, I honestly I fail to see how you, as his biological father are contributing (financially or any other way) to G [REDACTED]'s care right now having no income, place to live, mode of transportation or form of identification - which leaves you no leg to stand on when trying to denounce me as his mother or what I am providing for him. My contribution started the moment you finally told me where he was as it's impossible to contribute to a missing child.

Have a nice day.

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>

Tue, Jan 17, 2012 at 6:40 PM

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

Thank you for the insurance information.

You seem to be taking this as some sort of personal attack. You really shouldn't. I believe I am only stating facts. I have made no accusations against you.

You are incorrect about my past insurance coverage of G [REDACTED]. The reason it has become an issue as of late is that California requires the

parent(s) to provide health insurance for the child if they have it; and, it is in G [REDACTED]'s best interest to be covered and for me to have immediate access to the information should a need for it arise.

Regarding us being married: again, you are incorrect. Assuming arguendo, your claim of me already being married were true, under California law, if two parties enter into a marriage in good faith then the marriage is legitimate. At the time we married (as well as now) I have no knowledge of ever being married to anyone else; we had a child together; we resided together; I provided for you; I've had no contact with a person named Kim Baker...I think the good faith is quite clear. Also, by filing for divorce in Arizona in August you conceded that you agree that the marriage is legitimate. Furthermore, and again, this is assuming arguendo, you keep saying I was already married - but do you know for a fact that I had not terminated the marriage at any point prior to marrying you? Perhaps Miss Baker had terminated the marriage; perhaps she passed away before you and I were married. Have you confirmed any of these possibilities before making claims?

As for your new claim that we're not married because it was not you that I married on August 29, 2000: 1) you've already initiated divorce proceedings in Arizona in August 2011, therefore, you conceded on record that we are, in fact, married; 2) you've admitted it in at least one of your letters to me; 3) you've stated under oath in your written declarations to the court in both Arizona and California that we are married. There is no question that you and I did get married. We lived together; you were on my medical insurance (the Blue Cross that covered you and G [REDACTED]); the Chevy Tracker was under both our names; and most significantly, you've already admitted it before the court.

I am not in contempt of court. I filed a request for an extension of time prior to the deadline, and I provided multiple reasonable explanations for why I have not been able to provide the requested documentation.

You cannot say that your contribution started the moment you were put in touch with G [REDACTED] because we have yet to receive a penny from you. The non-custodial parent has a legal obligation to contribute half of the child's living expenses. You have been in contact with G [REDACTED] for 10 months and have still not done so. Even while you had him there for 3 months you clothed him with the stuff that Liz, her family, and I provided him. Regarding his travel expenses for periods of visitation with you, I am sure the court will take that into consideration. But it IS "visitation", not shared custody. The norm is for the parent with visitation to cover the travel costs for that visitation.

Your ongoing claims that I hid G [REDACTED] from you still do not stand up to the simplest scrutiny. We've been over this already and I'm not going to bother with it again, here. Unless you can provide a reasonable explanation for why you did not notify the court that you believed I was withholding G [REDACTED] then it is not a credible claim and it just makes you look foolish by continually repeating it.

The insurance information is for G [REDACTED]'s benefit. You're required to pay half of all of his medical expenses not covered by insurance so if you didn't provide the information then you would just end up having to reimburse me for out of pocket expenses. Providing the information is really in your best interest. Whatever child support the court is going to order you to pay is also for G [REDACTED]'s benefit.

Sincerely,
Richard

[Quoted text hidden]

Exhibit 6



3rd Qtr Progress
Peoria Unified School District
 Alta Loma Elementary
 9750 N 87th AVE
 Peoria, AZ 85345

February 15, 2012

Grading Key
 Percentage
 A 90-100%
 B 80-89%
 C 70-79%
 D 60-69%
 F 0-59%
 No Grade

Achievement
 Excellent
 Above Average
 Average
 Below Average
 Failing
 Incomplete

GPA
 4.0
 3.0
 2.0
 1.0
 0.0

13755701
 CAPUANO, S [redacted] Grade: 03

Homeroom Teacher:
 Gollobit, M - C-1

Attendance	Absences	Tardies
This year:	7.5	8
This Quarter:	6.0	6

Language Arts 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	86	Gollobit	Alta Loma ES	
3rd Qtr Progress	87	Gollobit	Alta Loma ES	Conduct: Satisfactory

Music 3*

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	100	Rother	Alta Loma ES	
3rd Qtr Progress	100	Rother	Alta Loma ES	

Art 3*

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade		STONE	Alta Loma ES	
3rd Qtr Progress	97	STONE	Alta Loma ES	

PE 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	100	Smith	Alta Loma ES	
3rd Qtr Progress	97	Smith	Alta Loma ES	

Reading 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	98	Gollobit	Alta Loma ES	
3rd Qtr Progress	83	Gollobit	Alta Loma ES	Continue reading at home Late work

Math 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	90	Gollobit	Alta Loma ES	
3rd Qtr Progress	93	Gollobit	Alta Loma ES	Practice multiplication facts

Social Studies 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade		Gollobit	Alta Loma ES	
3rd Qtr Progress	87	Gollobit	Alta Loma ES	

Science/Health 3

Term	Grade	Teacher	Location	Teacher Comments
2nd Qtr Grade	100	Gollobit	Alta Loma ES	
3rd Qtr Progress		Gollobit	Alta Loma ES	

*courses marked with an * are not included in gpa calculations*

Office Comments
 PLEASE CONTACT THE INDIVIDUAL TEACHER FOR SPECIFIC GRADE QUESTIONS. THANK YOU!

Exhibit 7

NATIONWIDE VISION CENTER #033 INVOICE: 4975517
 9069 West Olive, Suite 700 INVOICE DATE: 01/03/2012
 Peoria AZ 85345 Tax ID: 86-0560663
 623-486-9663 Store Num: 033
 Clerk ID: 4642

PATIENT
 Ga Riess
 9153 N 84th Dr
 Peoria, AZ 85345
 Pat. ID: 1122294

RESPONSIBLE PARTY
 Ga Riess
 9153 N 84th Dr
 Peoria, AZ 85345

FUND: VSP - Apollo Group Elig Code: elig per jason Dr: Stephanie Lee

SERVICES PROVIDED	QTY	CO-PAY	TOTAL CHARGE	FUNDED AMOUNT	DIS-COUNT	PATIENT SURCHGE
NIKE 4621 DARK BLUE 45/19	1	0.00	169.99	97.99		72.00
HD ASPHER HD TRIVEX TRANS	1	5.00	29.99	24.99		10.00
UV COAT	1	0.00	0.00	0.00		0.00
HARD COAT (WITH WARRANTY)	1	0.00	0.00	0.00		0.00
CLARITY + PLUS	1	0.00	49.99	20.00		29.99
FRAME AGREEMENT	1	0.00	0.00	0.00		0.00
SV TRIVEX ADDON	1	0.00	45.00	18.00		27.00
SV PHOTO T6 ADDON	1	0.00	40.00	18.00		22.00
PREMIUM PACK	1	0.00	39.98	0.00		39.98
C. COMP. EXAM W/ DIL &	1	10.00	71.00	59.00		22.00

Diagnosis Codes:367.0

TOTAL SERVICES:	\$	445.95	237.98	0.00\$	207.97
COORDINATE BENEFITS:					0.00
SUBTOTAL:					\$ 207.97
TAX:					0.00
CO-PAY:					15.00
SUBTOTAL:					\$ 222.97
PAYMENT1: 01/03/2012 VISA				222.96	
PAYMENT2: / /				0.00	
PAYMENT3: / /				0.00	
FROM ACCT:				0.00	
TOTAL PAYMENT:					222.96
BALANCE DUE:			This Invoice	\$	0.01
PAYMENT APPLIED:		0.00			
REFUND RECEIVED:		0.00			
TOTAL BALANCE DUE:			All Invoices	\$	0.00

**** RETURN POLICY ****

Professional services, custom made eyewear, and specialty contacts are not refundable.

Office and Patient Copy

9069 W. Olive
Suite 112
Peoria, Arizona 85345
Phone: (623) 486-9663 FAX: (623) 486-9742

Final Spectacle Rx

Patient: G Riess **Age:** 11

9153 N 84th Dr
Peoria, AZ 85345

	Sphere	Cylinder	Axis	Horizontal Prism	Vertical Prism	Add	Dist PD	Near PD
OD:	BALANCE LENS							
OS:	+0.75	Sph.						

-----**Lens Information**-----

	Product Name	Category	Material
OD:		N/A	N/A
OS:		N/A	N/A

Tint:	Color:	Degree:	
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-----**Lens Add-on's**-----

[Empty box for lens add-ons]

-----**Notes**-----

Recommendations: Trivex or Tegra, Anti-reflective coat
READING ONLY. RECOMMEND PROTECTIVE LENSES FOR MONOCULAR PATIENT.

Provider: 

Stephanie Lee O.D.

License#: 1612

Exhibit 8

Dear Gabriel:

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

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

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

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

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

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

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

Devine Capuano
20100 N. 78th Pl #1080
Scottsdale, AZ 85255

And her number is:

480-284-7731 (home)
480-455-2086 (mobile)

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

I'll talk to you soon.

Dad



Exhibit 9



Desiree Capuano <desiree.capuano@gmail.com>

Forms for ex parte hearing

5 messages

Richard Riess <richardriess@gmail.com>

Wed, Feb 8, 2012 at 1:57 AM

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

Attached are the forms and declaration I will be submitting for the hearing on Friday, February 10, 2012. These have not been signed but I will provide you a hard copy as soon as possible or at the hearing if you appear in person. In the meantime this should give you an opportunity to prepare a response or defense. There are also 25 exhibits but I would have to scan those so I'll just send you the hard copies of them. (No, there will be more exhibits because I should include all of the emails I've sent you in case you try to claim, again, that I was "harassing" you by sending you an excessive amount of emails.)

I would also like to point out that today in court you and Kristopher claimed that you have accumulated some \$7,000 in legal fees because of me. Actually, YOU were the one that initiated the proceedings in Arizona. I was responding to YOUR action, you were not responding to me. Therefore, I had nothing to do with your legal fees from Goldfarb. Had you kept your word to me, and G [REDACTED], and Liz, and taken the time to build a relationship with G [REDACTED] before going off half cocked and whisking him off to Phoenix just before my release, then pulling your incredibly ill advised scheme of trying to start a new proceeding in Arizona then none of these legal proceedings would have been necessary and you wouldn't have had to spend a penny on legal fees. I didn't bring it up in court today because it was not material to the matter at hand.

I would also like to address the claim that you and Kristopher made, repeatedly, that I am doing this because I am still hurt and I am jealous that you are with Kristopher. Desiree, the year and a half you and I were together was one crisis or headache or nuisance after another. Just when things started going well you wrecked the car so we had to delay moving into that apartment; then you became depressed because you didn't know anyone in LA, so I agreed to move to Phoenix so you could be close to your mother during the pregnancy; then you brought your druggie friend to live with us in Torrance; then you started using drugs again. The nine years you were gone were peaceful and prosperous. Almost as soon as you got back in mine and G [REDACTED]'s lives all this bullshit started up again. But like I've said before - nothing you do surprises me. I grew up in a white trash family so I've seen it all before. You're so much like my mother that it amazes me. Anyway, I don't like or respect anything remotely related to white trash. You were a brief interest when you were 19 - 20, you were something of a "trophy wife" at that point but there are two problems: 1) you're not young and attractive anymore, and 2) the headaches that go with you aren't worth any perceived benefit. I do admit, though, you are intelligent (now if only you were able to think for yourself). You have that going for you. You're just so incredibly ghetto. And clingy. I don't like clingy. Oh, yeah, and you try to emulate whatever person you're in a relationship with. You have no personality of your own. These are things that I find utterly unappealing. I'm not saying this to be insulting or to hurt your feelings - Lord knows I have no concern for your feelings - I am trying to make the point clear that I have absolutely no interest in you. I have no jealousy toward your boyfriend - if anything, I feel for him having to deal with your never ending string of drama. And one more thing: you're a pothead. I have no respect for people that use marijuana. It kills your motivation and makes your brain clouded and slow. Perhaps if you were a little more dignified, had a little more class, and were not constantly getting yourself into messes then relying on others to bail you out maybe I could see some possibility. Oh, and you're not Jewish. And your kind of a slob - I mean you're car and apartment/house always seem to be a mess. Alright, so, if you can think of any redeeming qualities that would offset these traits feel free to let me know.

You have a post on your Facebook page from August 8, 2011 wherein you give a big thank you to the universe for always bringing what should be. I find that decidedly amusing given everything that has transpired over the last few months.

Anyway, if you have any questions or want to try to resolve the pending visitation issues amicably feel free to contact me. But please remember, I've tried repeatedly to work things out civilly when you had G [REDACTED] in Phoenix and you fought me at every turn. Even when G [REDACTED] returned here in November I honored his request to spend the summer, winter and spring breaks with you. He has since decided he has no interest in continuing visitation and with your drug problems I have a very legitimate concern for his safety under your care.

Finally, G [REDACTED] was a little disturbed that you drove all the way from Phoenix and didn't even bother to stop and say hi or let him know you were here.

Good evening,
Richard

7 attachments

-  **01 - fl300 - Order to Show Cause.pdf**
174K
-  **02 - fl305 - Temporary Orders.pdf**
161K
-  **03 - fl311 - Custody and Visitation Application.pdf**
198K
-  **04 - fl310 - Application for Order.pdf**
331K
-  **05 - Declaration of Riess.pdf**
25K
-  **06 - fam-018 - Declaration of Ex arte Notice.pdf**
106K
-  **07 - fl320 - Responsive Declaration to Order to Show Cause.pdf**
80K

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

Wed, Feb 8, 2012 at 9:08 AM

This is the kind of harassment I'm talking about Richard. You know full well that 11 years ago I was going through a period where I wasn't myself. My "drug friend" did come out to stay with us...but I wasn't hanging out with her or her lifestyle - I was with you. Since then you have NO idea what I've done or what my life has been like. You say the last 9 years were bliss? What about about 2005 - 2007 where Liz didn't even know where you and G [REDACTED] were...or the drugs during those years...or the arrest that separated you from him. Sounds pretty blissful to me. You want to talk about broken promises? I have at least 2 letters written from you to me while you were still in custody saying "you don't need to keep communication with me now that you and G [REDACTED] are speaking" and "as long as he is comfortable, you are his mother and I will support that." But...that was before you heard he was going on a trip with me and freaked out cause you were consulted with...I was under the impression I didn't need to - from you. That's what started this whole ship sailing...that and Liz thinking she had ANY right to prevent me from speaking with or seeing G [REDACTED] regardless of what the 2 of you brainwashed him into thinking about me. Let me ask you this Richard - if I have such a bad drug habit - how come I've been with the same multi-million dollar organization for 4 years now, with the maximum annual raises possible and 3 title promotions...hmmm - yep, sure sign of someone who has a problem. Sure - go ahead and try this angle too - since the restraining order didn't work. Lets have the courts look into my flawless 10 year record (since the case in AZ WILL be dismissed), tax paying, debt paying, college graduating, successful mother of one and see them match MY life to your assumptions...again. Smoke and mirrors will only work for so long before the glass house comes falling down. I would love to be there to see it happen, but I think it might be hard on our son to finally realize something about his super-hero Daddy...Daddy's wrong about EVERYTHING...and I WILL win.

[Quoted text hidden]

Desiree Capuano <desiree.capuano@gmail.com>**Wed, Feb 8, 2012 at 9:09 AM**

To: kristopher lauchner <klauchner@gmail.com>

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>**Wed, Feb 8, 2012 at 9:52 AM**

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

If you consider this harassment and do not wish for me to respond to your claims or allegations then stop making them. As long as you accuse me of something or make claims, like that I'm in love with you, then I have the right to defend myself against such claims and to voice my side of the argument. Also, you are under no obligation to listen to, or to read my responses.

As for everything else that you said in your email I'm not going to bother responding to them. If you bring them up in court or on the record I will respond.

By the way, you forgot to bring G [REDACTED]'s clothes and you still have not provided the information for the dental or vision insurance.

Good day,
Richard

[Quoted text hidden]

Richard Riess <richardriess@gmail.com>**Wed, Feb 8, 2012 at 10:26 AM**

To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

Alright, let's return to civility for a moment, shall we? What I said in my email is my perception of the situation. If you disagree, then fine. You're entitled to do so. But making unrelated accusations to try to make me look bad is not a reasonable debate tactic. If you disagree with my statements then address those statements. If you want to lodge additional complaints or allegations then do so, but do it in a civilized manner. I try to refrain from raising claims against you until I have proof or evidence to support those claims. So far you've submitted no proof of any of your claims. If you are right about something then I will concede the point. I've known about your drug use for a while but I couldn't prove it so I kept quite. I chose to give you the benefit of the doubt.

Now, again, I am not trying to keep G [REDACTED] from you. I just don't want him around people using drugs and I don't want him around drugs. I also don't want him around people who are violent, emotionally unstable, or who have a propensity towards violence. Based on your drug use I would have a very strong likelihood of seeking and obtaining an order prohibiting ALL visitation until you can prove that you're clean. But I'm not seeking that. Think about it for a second.

I'm not telling you to quit getting high. You can do what you want with

your life. But I will not knowingly remain idle knowing G [REDACTED] is going into a potentially harmful situation or environment. And the California family court does consider a parent who uses drugs to be a harmful or dangerous environment. The fact that you have a medical marijuana card actually works against you in this case. It proves that you use marijuana on a regular basis and that you are likely to keep it in the home. The fact that the card decriminalizes that has no relevance in California family court.

Now let me reiterate one crucial point: I am acting in what I believe is G [REDACTED]'s best interest! I don't care about you or what drugs you use. But I will not knowingly allow G [REDACTED] to spend time around people who are using drugs and who have a history of violence. And once again, this is not about winning, as you ended your email with. This is about what is best for G [REDACTED] and it is my sincere belief that what's best for G [REDACTED] is to be in my care with me making reasonable, rational decisions about how to raise him. I don't use drugs and I barely drink (I have about one cocktail every couple of weeks).

Finally, based on your assertion that this is harassment I will continue to abstain from communicating with you except under the two following circumstances: 1) you fail to fulfill your legal obligations as G [REDACTED]'s biological mother, and 2) you lodge, on the record, allegations or claims about me. You can say whatever you want about me outside the court record but if you make claims in court or in your declarations I have a right and an obligation to respond to them.

Sincerely,
Richard

On Wed, 2012-02-08 at 09:08 -0700, Desiree Capuano wrote:

[Quoted text hidden]

Exhibit 10



*Office of the United States Attorney
District of Arizona*

FOR IMMEDIATE RELEASE
Tuesday, February 17, 2009

For Information Contact Public Affairs
SANDY RAYNOR
Telephone: (602) 514-7625
Cell: (602) 525-2681

CANADIAN MAN SENTENCED TO 24 MONTHS FOR FALSELY CLAIMING TO BE A U.S. CITIZEN

PHOENIX – Richard Steven Riess, 34, of Ontario, Canada, was sentenced to 24 months in federal prison by U.S. District Judge Susan R. Bolton. Riess was found guilty by a federal jury on November 5, 2008 of Perjury and False Claim of Citizenship.

Riess made a false claim of U.S. citizenship when he appeared before U.S. Immigration Judge Sean Keenan for a removal hearing on October 31, 2007. Riess swore under oath to tell the truth but during that hearing, he testified that he was a U.S. citizen and falsely claimed that his parents were born in the United States. During the November 2008 trial, the government was able to prove that Riess is a Canadian citizen through the use of passport and birth records.

“We have a duty to protect the integrity of our immigration court system,” stated U.S. Attorney, Diane J. Humetewa. “This sentence demonstrates our resolve to prosecute those who undermine the court system through deceit and false statements.”

“Riess’ attempt to subvert the truth is an offense against the high value our system places on honesty in the courtroom,” said Katrina S. Kane, field office director of ICE’s Office of Detention and Removal Operations in Arizona. “The judge’s sentence in this case will provide Riess with ample opportunity to reflect on the damage perjury does to the judicial system and the serious penalties that await those who seek to deceive.”

The sentencing occurred on Friday, February 13, 2009. The investigation in this case was conducted by U.S. Immigration and Customs Enforcement, Detention and Removal Operations. The prosecution was handled by Mark Brnovich and Josh Parecki, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR 08-0723-PHX-SRB
RELEASE NUMBER: 2009-042(Riess)

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For more information on the U.S. Attorney’s Office, District of Arizona, visit <http://www.usdoj.gov/usao/az/>

Steve Riess
260 Labine St
Azilda, ON P0M 1B0

www.canadapost.ca 120202 09:40

www.postescanada.ca MAIL 195

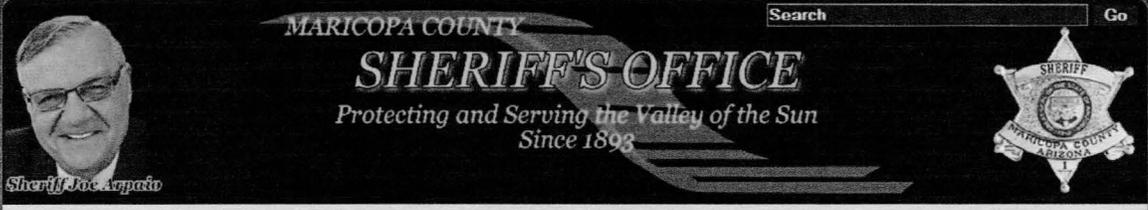
CANADA

CANADA

DESIREE CAPUANO
9153 N. 84TH DR.
PEORIA, AZ 85345

9594567169





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Riess, Richard Steve

Address: 1705 E Hanna Rd, Eloy, Az 85131

Sex: M

Race: W

D.O.B: 11/24/1973

Height: 5'05

Weight: 135

Eye: BRO

Hair: BRO

Dow: 4/14/2011

Oca: 1C2007102535

Court: Lake Pleasant Justice

Offense: Failure To Appear

Original Offense: Fraud Insuff Funds Check

Oty: M

Bond: 2640

Originating Agency: Maricopa County Attorney's Office

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First Name: Kimberly
 Middle Name: Ann
 Last Name: Shires
 Gender: Female
 Spouse First Name: Richard
 Spouse Middle Name: S
 Spouse Last Name: Riess
 Spouse Gender: Male
 Marriage Date: Nov 22, 1997
 Marriage Location: Clark, NV [Map](#)
 Record Type: Marriage Record
 Instrument Number: 75884
 Book: 1124
 Page: C904419
 Certificate Number: 1997975884
 Recorded Date: Nov 24, 1997
 Recorded County: Clark
 Collection: Nevada Marriage Records
 Certificate: [Hard Copy Certificate](#)

Source Information

Source: Nevada Department of Health and Human Services
 Years: 1966-2007
 Description: This collection of Nevada marriage records was provided by the Nevada Department of Health and Human Services. It contains data from 1966-2007.
 Address: 4126 Technology Way, Suite 100 Carson City, Nevada 89706 [On the Web](#)

Record Date:	11/24/1997 12:00 AM
Number of Pages:	1
Book Type:	MAR
Document Type:	(MC) MARRIAGE CERTIFICATE
Remarks:	Deputy: JYB
Groom	RIESS, RICHARD S
Bride	SHIRES, KIMBERLY ANN
Acknowledgement Date:	11/22/1997
Marriage Date:	11/22/1997
Marriage Certificate #:	C904419
Total Value:	\$3.00

First Name:	Desiree
Middle Name:	Y
Last Name:	Tomlin
Gender:	Female
Spouse First Name:	Richard
Spouse Middle Name:	S
Spouse Last Name:	Riess
Spouse Gender:	Male
Marriage Date:	Aug 26, 2000
Marriage Location:	Clark, NV Map
Record Type:	Marriage Record
Instrument Number:	79697
Book:	0829
Page:	D225020
Certificate Number:	20009409697
Recorded Date:	Aug 29, 2000
Recorded County:	Clark
Collection:	Nevada Marriage Records
Certificate:	Hard Copy Certificate

Source Information

Source: Nevada Department of Health and Human Services

Years: 1966-2007

Description: This collection of Nevada marriage records was provided by the Nevada Department of Health and Human Services. It contains data from 1966-2007.

Address: 4126 Technology Way, Suite 100 Carson City, Nevada 89706 [On the Web](#)

Record Date: 8/29/2000 12:00 AM
Number of Pages: 1Book
Type: MARDocument
Type: (MC) MARRIAGE CERTIFICATE
Remarks:
Deputy: JYB
Groom: RIESS, RICHARD S
Bride: TOMLIN, DESIREE Y
Acknowledgement Date: 8/26/2000
Marriage Date: 8/26/2000
Marriage Certificate #: D225020
Total Value: \$3.00