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Pro Per

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

Richard Riess,
Petitioner,

v.

Desiree Capuano,
Respondent.

Case No.: TD 035397

**REPLY TO FL-320 RESPONSIVE
DECLARATION OF DESIREE CAPUANO**

1 Due to the 5 page limit for replies, I have attempted to order the following replies based on what I
2 believe are their significance to this matter. It is not possible to address all of Desiree's statements
3 within 5 pages, and I respect that this court may disregard any portions of this declaration which
4 exceed that limit.

5 **Misrepresentation of the Facts**

- 6 1. I believe Desiree is attempting to manipulate the courts by intentionally misrepresenting the facts,
7 and withholding critical information, in particular:
- 8 a. At the 2015-12-16 hearing regarding the order of protection, Desiree falsely testified regarding
9 the status of this matter, in order to circumvent Arizona statute (A.R.S. § 13-3602(P)) which
10 prohibits that court from issuing the order of protection (Ex. A at 2:13-4:42, Ex. B page 4).
- 11 b. Desiree refers to James Pendleton as her “landlord”, in an attempt to mislead the court in

1 order to make my conduct seem more egregious – as though I am attacking an innocent third
2 party. In their reports to the Sahuarita Police Department, both Desiree and Mr. Pendleton
3 refer to each other as “girlfriend/boyfriend” and “fiance” (Ex. C).

4 c. In much of the email correspondence which Desiree attached as exhibits, she removed her
5 own side of the conversations. I believe she did that because her communication would show
6 that she has engaged in as much, if not more, hostility and provocation as she is attempting to
7 portray me initiating.

8 2. I believe the purpose of this proceeding is G [REDACTED]'s best interests, not the ongoing conflicts
9 between Desiree and I. To that end, I do not respond to Desiree's statements which are not related
10 to G [REDACTED]'s well-being and best interests.

11 **Desiree's Averments Regarding My Refusal to Return G [REDACTED] to Her**

- 12 3. Given Desiree's well documented, proven history of
- 13 a. being intimately involved, and cohabiting with dangerous, drug addicted men;
 - 14 b. deliberately withholding critical information, such as her and her boyfriends' drug use and
15 involvement in ongoing criminal activities;
 - 16 c. denial of such drug use and criminal activities, even when confronted with physical proof;
 - 17 d. taking G [REDACTED] to Arizona without notice, then attempting to gain custody based on false
18 premises;

19 when I discovered, through my own research, that she had relocated to another city (Sahuarita,
20 AZ), and deliberately withheld that fact, then attempted to pass off a PO box 20 miles away, in yet
21 another city (Tucson, AZ), as her new address, I believe it would be entirely reasonable for any
22 responsible parent to believe her situation was precarious and would put G [REDACTED] in imminent

1 danger. My reluctance to allow G [REDACTED] to return, without having any evidence that Desiree even
2 had a place to live, was based entirely on my concern for his safety and well-being.

3 **Desiree's Averments Regarding My Plan to Take G [REDACTED] to Ontario, Canada**

4 4. Desiree claims I stated I plan to take G [REDACTED] to Ontario, Canada when he turns 16 because, at that
5 point, he will be an adult under Ontario law. That is a misrepresentation of the facts. In the email,
6 I merely stated to her what the law *is*, and that if G [REDACTED] chose to do so then he could relocate to
7 Ontario, Canada and be legally independent; and because he has Canadian citizenship, neither the
8 Canadian nor the US governments could compel him to return to the US against his will. I never
9 stated that *I* had any intention of *taking* G [REDACTED] to Ontario (Ex. D).

10 **Desiree's Averments That I Am Willing to Put G [REDACTED] in Danger in Order to Harm Her**

11 5. On page 9 of her declaration, Desiree states I said in an email, that "...they would probably not
12 hurt G [REDACTED], so [I] am willing to take that chance." That is a misrepresentation of the facts. What
13 I said was "The Latino people are, generally, honorable and would not harm an innocent child if
14 they had issues with the child's misguided mother. So, no, I don't believe G [REDACTED] would be put in
15 any danger by publishing your address." (Ex. E).

16 **Desiree's Admission of Intention to Refuse All Further Visitation**

17 6. On page 11 of her declaration, Desiree makes reference to an email she received from the RCMP
18 in which Constable Dupont stated Desiree told him she has no intention of allowing G [REDACTED]
19 further visits (Ex. F). I believe this shows that Desiree's true intention is to completely remove me
20 from G [REDACTED]'s life.

21 **Desiree's Willingness to Harm G [REDACTED] in Order to Affect Me**

22 7. On page 11 of her declaration, Desiree states on July 22, G [REDACTED] requested a conversation between

1 me, Desiree, and himself. That is a misrepresentation of the facts. G [REDACTED]'s interest in that
2 conversation was to get his phone back, because by taking away his phone she had completely cut
3 him from all of his friends from Phoenix and Los Angeles, including Liz M [REDACTED] who had cared
4 for him for much of his life. I believe this proves that Desiree is willing to hurt G [REDACTED] in order to
5 adversely affect me.

6 **Desiree's Averments Regarding G [REDACTED]'s Adjustment to Their New Environment**

- 7 8. On page 14 of her declaration, Desiree attempts to portray G [REDACTED]'s current situation as though he
8 is happy, and has adjusted to their new environment. That is a misrepresentation of the facts.
9 Based on my conversations with G [REDACTED], he is just trying to make the best of a situation which he
10 knows is beyond his control; and that given the opportunity, G [REDACTED] would choose without
11 hesitation, to leave the entire life he currently has, with Desiree, to be able to return to my care.

12 **Desiree's Averments That I Threatened to Physically Harm Her**

- 13 9. Desiree alleges I sent her an email wherein I stated “[I] absolutely would have no problems killing
14 [her] if the consequences of that were not life in prison” and that “[I] discuss all of [my] plans to
15 attack [her] with G [REDACTED]”. Both statements are gross distortions of the facts, as is proven from that
16 email which she attached as Exhibit C of her declaration. The relevant part, to which she refers, is
17 on the lower half of page 3 of the exhibit (Ex. G). A plain reading of my statement in that email
18 shows that there was no threat and, in fact, I asserted that I would never physically harm her.
- 19 10. Since July 2015, Desiree has repeatedly modified this allegation to suit her interests at the given
20 moment. In particular:
- 21 a. On July 21, 2015, Desiree told the RCMP I said “I would shoot her if it was legal” (Ex. H,
22 page 5), to support her complaint of criminal harassment. Upon reviewing the email, the

1 RCMP found “There is no criminal offence being committed” (Ex. H, page 7) .

- 2 b. On July 23, 2015, Desiree stated to the Municipal Court that “[I] discussed shooting [her] with
3 our son and said that [I] would if there was no risk of going to jail” (Ex. I). Desiree did not
4 submit a copy of the email to support the allegation.
- 5 c. On August 31, 2015, Desiree submitted a declaration to this court where she claimed “[I] had
6 had a conversation with G [REDACTED] where [we] discussed [me] physically shooting [her]”, and
7 that I stated “[I] told G [REDACTED] that [I] would in fact kill [her] if [I] would not face jail time for
8 it” (Ex. J at page 2).
- 9 d. On December 16, 2015, at the order of protection hearing, Desiree reverted to merely claiming
10 that I had told G [REDACTED] “if the risk of jail time were not there that [I] would shoot [her]”
11 (Exhibit A at 10:42-10:52; Exhibit B at page 9). Desiree no longer alleged I stated I would
12 “kill her”. Again, Desiree did not provide that court a copy of the email in question.
- 13 e. On January 11, 2016, in Desiree's declaration to this court, she is claiming I stated “[I]
14 absolutely would have no problems killing [her] if the consequences of that were not life in
15 prison”.
- 16 f. On February 9, 2016, I was contacted by a journalist, Natalie Clancy, from the Canadian
17 Broadcasting Corporation (CBC) television network, asking if she could interview me
18 regarding the website. At the interview, Miss Clancy disclosed to me that Desiree had
19 contacted the CBC, as well as other news media and law enforcement agencies including the
20 FBI, regarding the website, and claiming I had been threatening to “kill her”, and that none of
21 the courts or law enforcement in Canada or the US had done anything to help her.

22 I believe this pattern of behavior demonstrates that Desiree is willing to not only distort the facts,

1 but to lie, to manipulate the courts, law enforcement agencies, and the whole of society in general,
2 to get what she wants, regardless of the truth or of the consequences to herself or others.

3 **Desiree's Averments Regarding My Ownership and Possession of Firearms**

4 11. I believe Desiree's stated concerns regarding my firearms ownership are insincere and are grossly
5 over-dramatized. She has known for more than 15 years that I have owned firearms and she has
6 never expressed a concern about it until July 2015 – exactly the day after I questioned the
7 propriety of Mr. Pendleton's top secret security clearance status. In her own prior declarations to
8 this court she has alluded to me owning and carrying firearms when G [REDACTED] and I lived in Arizona
9 in 2006 to 2007. I have owned firearms for most of my adult life and have never had an issue with
10 them. I have passed the stringent RCMP background check and the ongoing, automated,
11 computerized check which is performed on every Canadian firearms license holder each day their
12 license is valid. I believe Desiree's recent “concerns” about my firearm ownership are retaliatory
13 because of the website I have published about her.

14 **Desiree's Averments Regarding the Home Landline Telephone**

15 12. Desiree claims I was provided the home phone number and began communicating regularly and
16 freely with G [REDACTED], and that the calls are not being monitored. That is false. Mr. Pendleton
17 admitted in his report to the Sahuarita Police Dept. (Ex. C at page 7) that my calls with G [REDACTED] are
18 being recorded.

19 **Desiree's Order of Protection Precludes Me From Calling G [REDACTED] on the Home Landline**

20 13. Desiree's order of protection and Mr. Pendleton's injunction against harassment both explicitly
21 prohibit me from contacting either of them by telephone. Therefore, by taking away the phone I
22 provided G [REDACTED] and only allowing Mr. Pendleton's home landline as a means for me to

1 communicate with G [REDACTED], Desiree has created a situation whereby any time I call G [REDACTED] there is
2 a possibility she or Mr. Pendleton may answer the phone and I will be in violation of the orders. I
3 believe she has orchestrated this deliberately in order to discourage my communication with
4 G [REDACTED], and to be able to accuse me of being in violation of the orders.

5 **Desiree's Averments Regarding My Arrest for Criminal Harassment**

6 14. Desiree states that she called the RCMP and filed a charge of criminal harassment. She states
7 “The RCMP felt that there was more than enough evidence to support the charge...”. Indeed,
8 based only on Desiree's misrepresentation of the facts, the RCMP did draw that conclusion.
9 However, after further investigation; interviewing me; and receiving the complete facts, the
10 RCMP concluded no crime had been committed (Ex. H at page 7). The report had been forwarded
11 to the local prosecutor for review and it was determined no further action would be taken.

12 **Desiree's Further Averments**

13 15. On page 4 of her declaration, Desiree states that I had changed G [REDACTED]'s travel plans and I had
14 “asked her to transport G [REDACTED] to the airport” at a time which would conflict with her work
15 schedule. That is false. I emphasized to Desiree, repeatedly, during that communication that there
16 was no reason she had to personally transport G [REDACTED] to the airport (Ex. K) – she, and she alone,
17 insisted on doing that. During that communication, Desiree repeatedly changed the terms which
18 she would “allow” and was deliberately vague and refused to provide clarification when requested.
19 Based on my prior dealings with Desiree, I believed she was being deliberately vague so that she
20 could later back out of allowing G [REDACTED] to visit by accusing me of refusing to cooperate. For
21 example (Ex. L):

22 a. In her email, dated 2015-04-20, the only travel requirement was that I confirm I will pick up

1 G [REDACTED] from the airport on May 24, return him to the airport on July 12, and that I provide a
2 “full itinerary”;

3 b. In her email dated 2015-04-26 9:17AM, she stated G [REDACTED] may only travel on the weekends;

4 c. In her email dated 2015-04-26 4:02PM, she reiterated that she would require a “full itinerary
5 for G [REDACTED]'s summer trip”, yet she refused to clarify what she considered a “full itinerary”,
6 and further, that she would reserved the right to “approve” the itinerary *after* she reviewed it;

7 d. In her email dated 2015-05-04 9:07AM, she added the qualifier “...including but not limited
8 to...” to her requirement of a “full itinerary”, indicating she reserved the right to add further
9 requirements;

10 e. In her email dated 2015-05-06 1:56PM she then stated she only required G [REDACTED]'s *flight*
11 *information* and insisted I was being unnecessarily difficult.

12 Based on my prior dealings with Desiree, I believe she has a history of trying to change
13 commitments she had already agreed to, so all I wanted was for her to state her requirements
14 clearly, in writing.

15 16. On page 6 of her declaration, Desiree states that her move from Phoenix to Tucson was not a spur
16 of the moment decision and that she had discussed it with G [REDACTED]. I believe this shows that her
17 attempt to conceal G [REDACTED]'s whereabouts after the move was a premeditated attempt to abscond
18 with G [REDACTED].

19 17. On pages 6 and 7 of her declaration, Desiree references a communication wherein I had sent her
20 pictures of the Peace Arch border crossing. This is another attempt to misrepresent the facts. The
21 context of that discussion was in response to her repeated implications that I *want* to return to the
22 US and that I am only living in Canada because I was deported from the US and it is physically

1 impossible for me to return. I do not believe there is anything remotely threatening in the email
2 she referred to (Ex. M).

3 18. On page 8 of her declaration, Desiree states that she withheld her new address because she was
4 afraid I would publish it on the website. However, prior to her deliberately attempting to conceal
5 her and G [REDACTED]'s new location, I had never published her contact information on the site (Ex. N).
6 Moreover, prior to that relocation, her address and contact information were already publicly
7 available on the Internet on numerous websites.

8 19. On page 10 of her declaration, Desiree states I said I obtained her new address using the mobile
9 phone I had provided G [REDACTED]. That is false. In the email to which she refers, I explicitly informed
10 her I *did not* receive the information from G [REDACTED] (Ex. O).

11 20. On page 10 of her declaration, Desiree admits that she was spending weekends at Mr. Pendleton's
12 home prior to her relocation. According to the reports I had received from an investigator, she had
13 been bringing G [REDACTED] with her on those weekend excursions, since the spring of 2014. I believe it
14 is inappropriate to drag children along on such intimate trysts. That admission also proves Desiree
15 and Mr. Pendleton have been in an intimate relationship for more than a year before they moved in
16 together – which directly contradicts her insistence that Mr. Pendleton is only her landlord.

17 21. On page 10 of her declaration, Desiree states she took away the phone I had provided G [REDACTED]
18 because it was being used to track her and unrelated people's locations. That is false. I have never
19 used G [REDACTED]'s phone to track any other person's location. Nevertheless, I believe, as a responsible
20 parent and given Desiree's history, I have a right to know who's home G [REDACTED] is living in.

21 22. By taking away G [REDACTED]'s phone, Desiree has also imposed severe limitations on when G [REDACTED] and
22 I can communicate. When G [REDACTED] is not inside the house I cannot reach him. G [REDACTED] does not

1 have access to the landline voice message system and he often does not get the messages I leave.
2 Moreover, by leaving messages on that messaging system, I am in violation of Desiree's order of
3 protection and Mr. Pendleton's injunction against harassment.

4 23. On page 12 of her declaration, Desiree states that she has provided G [REDACTED] a new mobile phone,
5 however she refuses to allow him to speak to me on it. She claims that she believes I would be
6 able to do something inappropriate if I had that number. That claim is unfounded. As she stated,
7 the account is in her name. I believe the only reason Desiree does not allow G [REDACTED] to speak to
8 me from that mobile phone is because she would be unable to record those calls.

9 24. On page 12 of her request, Desiree states that on July 23 she obtained an order of protection
10 against me. That order was initially issued based solely on her unsupported testimony –
11 particularly the allegation I had threatened to shoot her. The order was issued in violation of
12 Arizona statute (A.R.S. § 13-3602(P)) which provides that a municipal court may not issue an
13 order of protection when there is a pending family court matter between the parties. The order of
14 protection is currently on direct appeal for that, and other reasons. Also, the order only prohibits
15 me from contacting Desiree, going near her residence, or possessing a firearm within the US. The
16 order does not enjoin me from continuing to publish information about Desiree (Ex. A at 58:25-
17 58:48; Ex. B at page 38).

18 25. On page 13 of her declaration, Desiree states I took out a 'google ad' in her name, with keywords
19 such “meth head”, and “smoking pot”. That is false. Google AdWords Policies do not allow the
20 use of drug references in ads on their service (Ex. P). It is also false that if you search, using
21 Google, for the term “desiree capuano” that the terms she referenced come up at all, let alone
22 bolded (Ex. Q).

1 26. On page 13 of her declaration, Desiree makes reference to a sworn declaration which she
2 submitted to this court and was filed on September 3, 2015 but later rejected for non-compliance
3 and failure to pay the required fees. In that declaration (Ex. I), Desiree averred that the phone I
4 had provided G [REDACTED] had been seized by “the local police department”, was being used as
5 evidence in the criminal harassment case against me, and could not be returned to G [REDACTED] or to me
6 (Ex. I at page 8). However, the Sahuarita Police reports regarding Desiree's claims show that no
7 evidence was taken into police custody, and no reference is made to G [REDACTED]'s phone (Ex. C). In
8 Desiree's most recent declaration, she now claims she alone took the phone away from G [REDACTED].
9 She refuses to return it to G [REDACTED] or to me. I believe this further proves Desiree's willingness to
10 lie to, and mislead this court.

11 27. On page 15 of her declaration, Desiree again misrepresents the facts by falsely paraphrasing my
12 statements in an email to her (Ex. R). She claims I stated I did not have to abide by any demands
13 she made because she didn't have a job, and that I stated I would be taking her back to court to get
14 custody of G [REDACTED] taken away from her. That is false. What I said was that I was not looking to
15 negotiate; I was requesting exactly what G [REDACTED] told me he wanted with respect to his winter
16 break visit; and that I would not agree to any “terms” she tried to impose – particularly regarding
17 what she would “allow” me and G [REDACTED] to speak about. There is no mention in that email about
18 custody.

19 28. On pages 15-16 of her declaration, Desiree implies I have claimed the order of protection was not
20 properly served and was dismissed. That is false. I have never made such a claim. I have
21 consistently claimed it is currently on direct appeal because it was issued in violation of Arizona
22 statute (A.R.S. § 13-3602(P)), which the court acknowledged at the hearing but proceeded with the

1 hearing nevertheless (Ex. A at 2:13-4:20; Ex. B at pages 2-4). The prohibition on firearm
2 possession is only within the US, and since I am not in the US it is not enforceable. The RCMP
3 knows of all of my firearms because they are all registered with the RCMP as required by
4 Canadian law, and the RCMP also knows about the order of protection, because it was the RCMP
5 that served it on me. When Constable Dupont served me, I asked him if I would be required to
6 dispose of my firearms and he informed me that I would not and that the order was “meaningless
7 in Canada.” Moreover, Desiree's representation of my statements to the municipal court regarding
8 surrendering my firearms is also misrepresented. The attached record of that hearing shows that I
9 was merely informing the court, as a matter of record, that I have not surrendered my firearms
10 because I am not legally required to since I am not physically within the US. The court conceded
11 that was correct (Ex. A at 51:14-51:49; Ex. B at pages 32-33).

12 29. On page 16 of her declaration, Desiree states I have “contested the order of protection...in the
13 Superior Court”. Specifically, I believe she is referring to the direct appeal (Ex. S). However,
14 because that is an appeal, not transferring the case, all the Superior Court may do is either affirm
15 or vacate the current order of protection.

16 30. On page 16 of her declaration, Desiree states she would like to try to keep this matter before this
17 court rather than it being transferred to Arizona, however the reports filed with the Sahuarita
18 Police show that she “wished to get them moved to Arizona” (Ex. C at page 8).

19
20 Dated this 21 day of February, 2016.

21
22 _____
23 Richard Riess

Exhibit A:
Audio Record of Contested Hearing on
Order of Protection
December 16, 2105

Exhibit B:
Transcript of Hearing on
Order of Protection
December 16, 2015

Sahuarita Municipal Court, Pima County, Arizona

Desiree Capuano,
Plaintiff,

vs.

Patrick [REDACTED],
Defendant.

No. CV2015-00024

TRANSCRIPT OF PROCEEDINGS

Sahuarita, Arizona
December 16, 2015

PROCEEDINGS

[00:00]

1
2
3 THE COURT: This is an unusual circumstance, um, that I allow a
4 telephonic...uh...contested hearing. I'm allowing it because I believe you mentioned that you live
5 in Canada. Is that right?

6 Mr. [REDACTED]: That's correct, yes.

7 THE COURT: Okay...so...let me get this volume as loud as I possibly can.
8 I have Desiree Capuano versus Patrick [REDACTED], C-V-2-0-1-5-0-0-0-2-4...and James Pendleton versus
9 Patrick [REDACTED], C-V-2-0-1-5-0-0-0-2-5. We're set for a contested hearing on Miss Capuano's case an
10 Order of Protection, Mr. Pendleton's case an Injunction Against Harassment. Uh, this proceeding
11 will follow...will proceed as follows, um, it's the Plaintiffs' burdens to prove on each of their
12 cases...uh, that the orders should remain in effect. I have the authority to do one of several
13 things. I have the authority either to keep the case, the orders in place, as written; to modify the
14 orders...um, after I've heard testimony and evidence that's been presented, um, or I have the, the
15 authority to dismiss the orders, and it...they're both separate hearings even though we're going to
16 hear them together because we have you on record now. Um. What is it that you are contesting
17 in Miss Capuano's order? Let me read her order to you. The order that was signed by this
18 court...give me just a moment...on July 23, 2015...orders that you not have any contact with Miss
19 Capuano, or residence location, and that any firearms in your possession be transferred to law
20 enforcement upon service. What part of the order are you contesting?

21 Mr. [REDACTED]: Um, it would be with respect...well...primarily the firearms.
22 And...with respect to no contact, since we do have a, uh, current, ongoing custody, child custody
23 matter in the Superior Court...um...it would be difficult to have no contact with her since I have

1 no contact with her since I have to serve [crosstalk] documents on her.

2 THE COURT: Okay, I, I'm going to stop you right now—

3 Mr. [REDACTED]: Sure.

4 THE COURT: —because I just heard the word Sup—Superior Court is
5 pending.

6 Mr. [REDACTED]: Yes.

7 Ms. CAPUANO: In California.

8 THE COURT: It doesn't matter.

9 Ms. CAPUANO: It's a custody court in California—

10 THE COURT: It doesn't matter. I don't have authority over an injunction
11 —

12 Ms. CAPUANO: Right and, and none of that is concerning the child at all.
13 Um, we still, there is communication as far as hearing dates and custody dates and that all—

[02:31]

14 THE COURT: So it's pending?

15 Ms. CAPUANO: —of that happen...Yeah, all of that is being taken care of
16 separately.

17 THE COURT: Okay, I have no authority over an injunction or an order of
18 protection, in your case an order of protection when there's anything pending in Superior Court.
19 That is why when you come in, my clerks asked you and I asked you in court when I, I'm issuing
20 an order, uh, whether or not there's anything pending in Superior Court between the two of you.
21 If there is, when it comes to child custody, dissolution, paternity, anything like that, this court has
22 no authority on this type of a hearing.

23 Ms. CAPUANO: Well, and that's why we didn't put any kind of protection

1 over G [REDACTED].

2 THE COURT: Over—

3 Ms. CAPUANO: Over the child...in any...we actually discussed that.

4 THE COURT: Okay, you, you don't understand what I'm saying. If there's
5 anything pending in Superior Court, between the two of you, in those types of issues, this court
6 does not have authority.

7 Ms. CAPUANO: I understand.

8 THE COURT: So we were to be notified to transfer these up if that were
9 the situation, but in your case it's in California.

10 Ms. CAPUANO: Correct.

11 THE COURT: So, I can't transfer this up to California.

12 Mr. PENDLETON: We have not been notified—

13 THE COURT: And, hold on, I'm just going to talk to Miss Capuano
14 because this is her case first.

15 Ms. CAPUANO: How do I, as an individual get protection from him then?

16 THE COURT: I can't give you legal advice but all I can tell you is we
17 don't have authority once there's something pending in another, in a higher court, basically...for
18 dissolution, custody, parenting, anything like that.

19 THE COURT: Mr. [REDACTED].

20 Mr. [REDACTED]: Yes?

21 THE COURT: Uh, when were you made aware of the pending case?

22 Mr. [REDACTED]: The—

23 THE COURT: When did the case become pending?

24 Mr. [REDACTED]: Oh, goodness, uh, 2011 it's been going on.

1 THE COURT: Okay. This court does not have authority, uh, to issue an
2 order...in this case, Miss Capuano. I, I'm very sorry about it. I know that you...are concerned,
3 and you have some concerns but I, it, this is the wrong forum to bring this case. It would have to
4 go through Superior Court...if there's something pending...um.

5

6 Ms. CAPUANO: The case was actually final. I, it was finalized...he just
7 reopened it.

8 THE COURT: Okay, reopen, when was it reopened?

9 Ms. CAPUANO: Well, there's a hearing he filed for two weeks ago, and that,
10 that hearing is not set for January. He gave up rights to the child and, and gave sole custody to
11 me, it was finalized in court...over the summer. And he just...requested to change that.

[05:02]

12 THE COURT: Two weeks ago?

13 Ms. CAPUANO: Yeah.

14 THE COURT: Mr. [REDACTED] did you just file something two weeks ago? Was
15 this filed after you received the order of protection?

16 Mr. [REDACTED]: Um, I request, yes, to modify the current custody and
17 visitation.

18 THE COURT: Was it after you received the order of protection from Miss
19 Capuano?

20 Mr. [REDACTED]: Um, honestly, I don't recall.

21 THE COURT: Okay. What would be your need to make contact with Miss
22 Capuano, at all?

23 Mr. [REDACTED]: Well, the first and immediate would be to serve a copy of

1 the request that was recently filed in the California case.

2 THE COURT: Okay, but that's not your, you cannot serve her personally.

3 Mr. [REDACTED]: Right, right.

4 THE COURT: So you would not be making contact with her. Legal
5 process, um, is, is okay when there's an active order of protection in place. You still are not
6 allowed to make contact yourself, personally, anyways.

7 Mr. [REDACTED]: Sure—

8 THE COURT: Proper, proper legal process would not involve you handing
9 something to her.

10 Mr. [REDACTED]: Right, right. Um, aside from that I really have no interest
11 in having contact with her so I'm not overly concerned about that, I guess.

12 THE COURT: Okay, well you just said to me that one of your concerns
13 would be the issue with the pending Superior Court and having contact with her.

14 Mr. [REDACTED]: Oh, yes, yes, but if I can still serve her and, um, interact
15 with her, uh, at the court hearings, um—

16 THE COURT: You can, you cannot with her at any place...time, at all
17 under, with a restraining order in place. Um, legal counsel can if you have an attorney, legal
18 counsel [crosstalk] would communicate with her directly.

19 Mr. [REDACTED]: Right, right.

20 THE COURT: So, and the only other thing would be the court could
21 monitor, um, and, and direct any conversation, it would be directed to the court and she would be
22 within hearing distance if she's in the courtroom but that would pretty much be it.

23 THE COURT: My concern at this point is, um, let me go through the
24 order...So we don't have the child on this restraining order.

1 THE COURT: I, I'm not comfortable proceeding even, because there is
2 something pending. However, this case was set to be heard today, prior to notification to the
3 court that there was something pending, so I'm going to go ahead and hear it.

4 THE COURT: Um, in the case James Pendleton versus Patrick [REDACTED], C-V-
5 2-0-1-5-0-0-0-2-5, uh, Mr. [REDACTED], what part of that order are you contesting and I will read to you
6 what is re—, what is prohibited from you. You are not to have any contact with Mr. Pendleton;
7 you're not to go to his place of residence, and that is it. Which part of that order do you want
8 dismissed?

[07:37]

9 Mr. [REDACTED]: Um, well, I guess it would be the no contact, uh, and
10 the...neither of those if particularly...huge, since I live so far away and I have no interest in
11 returning to the US at this point.

12 THE COURT: Okay, so—

13 Mr. [REDACTED]: Um.

14 THE COURT: —your only contest to the, to today, for today would be if
15 you're contesting the order that is in place. Are you contesting having contact with him or his
16 residence?

17 Mr. [REDACTED]: Um, yes.

18 THE COURT: So, you want to have contact with him?

19 Mr. [REDACTED]: Not at this point. Um, I guess it's, I would phrase it more
20 as I don't want to have a court order prohibiting contact.

21 THE COURT: Well, you are prohibited from contact and unless you're
22 contesting having contact then I'm not going to have a hearing in this case.

23 Mr. [REDACTED]: Um, well then I guess I would contest that.

1 THE COURT: Okay so you wish to have contact with Mr. Pendleton?

2 Mr. [REDACTED]: Um, yes.

3 THE COURT: Alright. Then this is how we will proceed: It is the
4 plaintiff's burden of proof by a preponderance of the evidence, uh, that the petition, the order
5 should remain in effect, as written. Potentially I would modify, if I heard enough to make that
6 decision. I'll hear first from each of the plaintiffs. You will be given an opportunity to ask them
7 questions. Once they've testified, uh, once I've completed hearing their evidence and their
8 testimony, I'll, I will make a preliminary decision, uh, prima facie case showing by
9 preponderance of the evidence that there's enough to proceed with the injunction and order of
10 protection. If so, at that point I will listen to your testimony. I will swear you in telephonically
11 and listen to your testimony and the two of them will then have an opportunity to ask you
12 questions.

13 THE COURT: So let me start with, um, both of you. If I can have, uh,
14 Miss Capuano and Mr. Pendleton raise your right hand, please. Do you solemnly swear/affirm to
15 tell truth, the whole truth, and nothing but the truth?

16 Mr. PENDLETON: I do.

17 Ms. CAPUANO: Yes, I do.

18 THE COURT: Okay, and then I'll start with Miss Capuano, uh, tell us your
19 complete name, spell the, your last name, for the record.

20 Ms. CAPUANO: My name is Desiree Yvonne Capuano, C-A-P-U-A-N-O.
21 Um, I'm requesting an order of protection. Uh, it is my belief that, um—

22 THE COURT: Talk loud and clear so that we make sure everybody can
23 hear.

24 Ms. CAPUANO: Absolutely. It is my belief that, uh, Patrick [REDACTED], also

1 known as Richard Riess, um, is, has an obsession and hatred towards me. Um, he has put up a
2 website detailing information about me. Our relationship ended fifteen years ago.

[10:07]

3 THE COURT: Okay. So, let me explain what your burden of proof is
4 because your, your order is an order of protection. How are you connected to Mr. [REDACTED]?

5 Ms. CAPUANO: Uh, we have a child.

6 THE COURT: Okay. So, you have a child in common.

7 Ms. CAPUANO: Yes.

8 THE COURT: And, I'll, I'll ask you to be as specific as possible. Dates,
9 time, what happened that you believe rises to the level of a domestic violence charge.

10 Ms. CAPUANO: Um, I have documentation that he has sent me, um, that is
11 said he intended to hire someone to have sex with me so that he can get intimate photos of me to
12 put on my website. The website that he has created and maintains. He has told our child that,
13 uh, if the risk of jail time were not there that he would shoot me. Uh, physically shoot me. Um,
14 he has, I have no less than three emails where he tells me that he has guns and he shoots guns
15 and he has, um, a gun license. Uh, he was deported from the United States under the name
16 Richard Riess and the gun license is under the name Patrick [REDACTED]. And I also have documentation
17 where he shows me a park, in Canada, and tells me that he crosses the border with no legal
18 authorities present...constantly. So, I...am concerned that at any point he could enter the United
19 States with his guns, that he shoots, without any legal, or authority knowing and...clearly the
20 obsession and hatred that he has for me...if...nothing else...will get me to commit suicide...or
21 destroy me, as he said he is trying to do, he would shoot me.

22 THE COURT: When did he say he would shoot you?

23 Ms. CAPUANO: Uh, that conversation was in December.

1 THE COURT: Of what year?

2 Ms. CAPUANO: Uh, 2014.

3 THE COURT: Anything since then?

4 Ms. CAPUANO: Um, yes, there is an email, uh...no threats, like that, but,
5 um...the email with the, um, hatred, um...the threats that have been made are more, um, saying
6 that I will never be able to get a job, um, as long as he's got his website up, doing everything that
7 he can to limit what I can do and cannot do.

8 THE COURT: Okay. You, I have to, I have to stress to you, it's your
9 burden to prove, in your case, with a restraining order, uh, where there's...a connection...um—

[12:32]

10 Ms. CAPUANO: I have—

11 THE COURT: —there has been an act of domestic violence within this
12 preceding year. So, from the date of the injunction that I, or the order of protection that I issued.
13 So—

14 Ms. CAPUANO: Um—

15 THE COURT: So, specific dates and what was, what believe was an act of
16 domestic violence. So—

17 Ms. CAPUANO: Um—

18 THE COURT: —the threat to shoot was...December of last year.

19 Ms. CAPUANO: Yeah. Still within the calendar year.

20 THE COURT: Absolutely. And then, you mentioned him talking to your
21 son about something. When did that happen?

22 Ms. CAPUANO: That was the same conversation. Apparently, they had that
23 conversation about shooting me.

1 THE COURT: Do you know when that was?

2 Ms. CAPUANO: Uh, the email he sent me where he, actually it was in
3 January...of this year—

4 THE COURT: Okay.

5 Ms. CAPUANO: —that he had that conversation and told me about it. I
6 don't know when they had that conversation. He just sent me the email and told me they
7 discussed it. He also told me that, um, that the website will be up until, um, I die [laughing].
8 Um, um, he will keep that going until I'm no longer alive. Um, thought that was interesting
9 wording...for him to use.

10 THE COURT: Anything else?

11 Ms. CAPUANO: Um...[sigh], I, not really, uh, he's not allowed to send me
12 emails anymore, because he was arrested in Canada for criminal harassment.

13 THE COURT: Okay.

14 Ms. CAPUANO: Um, for all of the emails and the stuff he's been doing. Um,
15 so the emails themselves have stopped but he's taken to writing on the website, um, he calls it a
16 blog (INDISCERNIBLE) where, instead of sending the emails to me he, he can then, put them
17 on the website (INDISCERNIBLE).

18 THE COURT: Okay. Do you feel he has any purpose beyond harassment?

19 Ms. CAPUANO: No.

20 THE COURT: Okay. Anything else?

21 Ms. CAPUANO: No.

22 THE COURT: Mr. [REDACTED] if you like, would like to ask questions now's your
23 opportunity to ask questions.

24 Mr. [REDACTED]: Um, I don't believe I have any questions. No.

1 Mr. [REDACTED]: I would no.

2 THE COURT: —site. You would not. Would you feel harassed if your
3 home address and your employer's information were posted on a public website?

[50:02]

4 Mr. [REDACTED]: Again, no I would not, because—

5 THE COURT: Would you feel harassed if you had security clearance and
6 these types of things were posted against you and it could potentially cause you the loss of your
7 job?

8 Mr. [REDACTED]: Well, with respect to the security clearance, let me just say,
9 um, the information that was posted regarding, uh, Mr. Pendleton was obtained from the Internet
10 to begin with. It was already publicly posted on the Internet by himself.

11 THE COURT: Okay, so let me—

12 Mr. [REDACTED]: um

13 THE COURT: —let me ask you this: If you were in Mr. Pendleton's case,
14 in his shoes, would you feel that he were not harassing you, by including you in this website and
15 directing yourself to him?

16 Mr. [REDACTED]: Um, given that it is published on the Internet merely as
17 statements of fact, and that no allegations are made against, uh, Mr. Pendleton, no, I would not
18 feel harassed.

19 THE COURT: Okay. Um, anything else I should hear from you, Mr. [REDACTED]?

20 Mr. [REDACTED]: Um, no. I believe that, uh, that should be sufficient. The
21 main thing was whether or not any threats of harm have ever actually been made. Oh, um, I
22 guess, well I guess I should state, just as a matter of record, um, because I in Canada, now I, I
23 understand that the order required me to surrender my firearms but, uh, I've discussed it with the

1 RCMP already and they've advised me that the current order, or any order of protection issued in
2 the United States has no legal weight in Canada, so, I've not, in fact, surrendered by firearms
3 because I've not legally been required to do so.

4 THE COURT: Well, legally, here in Arizona and the United States you are
5 prohibited from possessing any firearms at this point.

6 Mr. [REDACTED]: Yes.

7 THE COURT: Okay. So, and you are also, legally, not allowed to make,
8 reach into the United States to make contact with any of these persons named in these orders.
9 You do understand that?

10 Mr. [REDACTED]: Yes.

11 THE COURT: Okay. Alright, at this point I'll ask Miss Capauno, do you
12 have any questions for Mr. [REDACTED]?

13 Ms. CAPUANO: No.

14 THE COURT: Okay. And Mr. Pendleton, do you have any questions for
15 Mr. [REDACTED]?

16 Mr. PENDLETON: Absolutely [laughing]. So, obtaining from the Internet you
17 do understand that under the DMCA, which is the Digital Millennium Copyright Act, the
18 intellectual property resides with the person that's, uh, that originates the document. Therefore,
19 that intellectual property actually belongs to me. Your reposting of that not only violates the, uh,
20 agreements of all of said sites, which have been reviewed. But it also interferes with my
21 copyright and my intellectual property holdings as the originator of said documents. Further, I
22 am the subject of those photographs—

[52:46]

23 THE COURT: Bu—, ask just one question at a time. Do you understand

1 THE COURT: Mr. ■■■, I'm going to interrupt here and—

2 Mr. ■■■: Sure.

3 THE COURT: —and ask how you do not see this as harassment. Because
4 I see clear harassment. This is the judge speaking. I don't even know—

5 Mr. ■■■: Sure, yeah.

6 THE COURT: —if I need to hear any further questions or arguments in
7 this matter. Is there anything else I should hear from you as to how I should not consider this
8 harassing?

9 Mr. ■■■: Um, well, I believe that the reason I would not see it as
10 harassment is because if people, if people do things that they're ashamed of and they don't want it
11 to become public knowledge then they shouldn't do those things.

[57:14]

12 THE COURT: Uh, I'm going to leave it at that and I think I've heard
13 enough from everybody today. At this point this is what I'm going to find: I do find evidence in
14 this, in the case of Desiree Capuano versus Patrick ■■■, uh, C-V-2-0-1-5-0-0-0-2-4, clear
15 evidence of, uh, acts of dur—domestic violence during this preceding year, uh, formally I will
16 say harassment, domestic violence harassment, uh, aimed at Miss Capuano from Mr. ■■■, uh,
17 with no legitimate purpose other than to harass. I'm going to order it be, this particular remain in
18 effect, Brady law in Ar—in the United States does apply. We will process and per—present a,
19 uh, Brady, uh, notice to the Sheriff. You do have the right to appeal my decision, Mr. ■■■. We
20 will provide you with a notice of the right to appeal, um, however, you seem to be pretty savvy
21 on, on how to, to do things so I, I would bet that you could find the notice of right to appeal, uh,
22 on Arizona's website. We will still send that out to you. Since you chose to be here
23 telephonically rather than in person, we cannot provide that to you in person. You have 14 days

1 from today to file your notice of right to appeal. I am going to keep the order in place, as
2 written.

3 Ms. CAPUANO: Your honor—

4 THE COURT: Your are not, you are not to have any contact in any way,
5 shape, or form, uh, with Miss Capuano. You are not to have any contact at her place of
6 residence, and you are not to, uh, possess or purchase any firearms or ammunition. Uh, this is
7 within the state—the United States jurisdiction. This order is valid across the United States.

8 THE COURT: In the case of James Pendleton versus Patrick [REDACTED], C-V-2-
9 0-1-5-0-0-0-2-5, I do find, um, reasonable evidence of harassment of the plaintiff by the
10 defendant, uh, during this preceding year. You do have the right to appeal my decision. I'm
11 going to keep the order in place. Mr. Pendleton has met his burden of proof by a preponderance
12 of the evidence. You will receive copies in the mail today's order. Other than that, again, you
13 have the right appeal. We'll send you the notice in this case, as well, of the right to appeal, uh,
14 you have 14 days from today's date to appeal. If there is nothing further—we are adjourned.

[59:28]

15

Exhibit C:
Sahuarita Police Department
Complaint Reports



Sahuarita Police Department

Detail Incident Report for S15070464

Incident: S15070464
Nature: HARASSMENT
Location: Sahuarita PD Beat 1

Offense Codes: 5603

Received By: Alegria, Johanna	How Received: Telephone	Agency: SPD
Responding Officers: Montoya, Carlos	Requested By: _____	
Responsible Officers: Montoya, Carlos	Disposition: Closed	By: P.D. Records
When Reported: 15:05:41 07/20/15	Occurred Between: 15:00:00 07/20/15 and 15:00:45 07/20/15	
	By: Federal & State Law	

Assigned To:	Detail:	Date Assigned: **/**/**
Status:	Status Date: **/**/**	Due Date: **/**/**

NOTICE:

PRIVATE OR CONFIDENTIAL INFORMATION, SUCH AS DATE OF BIRTH, SOCIAL SECURITY NUMBER AND HOME ADDRESS, HAS BEEN REDACTED PURSUANT TO ARIZONA LAW.

NARRATIVE:

INITIAL CASE NARRATIVE BY OFC C MONTOYA SP250 IN SUPPL 1

Radiolog:

Unit: 2370	Enroute: 15:30:00 07/20/15	Arrived: 15:30:04 07/20/15
	Completed: 16:08:08 07/20/15	

REPORTTEES:

Name: PENDLETON,
JAMES A.

Name: CAPUANO,
DESIREE Y.

Requested By: _____

Released From San Juanita P.D. Records
Secondary Dissemination Governed
By Federal & State Law

SUPPLEMENTAL NARRATIVE:

22:59:58 07/20/2015 - Montoya, Carlos

S15070464

A-56.03

Between 5/01/14 and 07/20/15

Reportee 1 of 1:

NAME: JAMES A PENDLETON



INITIAL CASE NARRATIVE BY OFFICER C. MONTOYA SP250

On 07/20/15 at 1505 hours I was dispatched to a telephonic report reference harassment. Upon making contact with the reportee, via telephone he did verbally identify himself as James Pendleton. James advised me that his girlfriend's, ex-fiance has been posting negative things about her on the Internet. He identified his girlfriend as Desiree Capuano. James stated her ex-fiance was deported back to Canada where he currently lives. James said he goes by the name of Richard Reese but also uses several other aliases.

I asked James if Richard has made any threats towards him or his girlfriend and he said no. He stated this has been going on since May of last year and he has in the past opened up a web site under Desiree's name. He stated the web site has since been taken down by the domain owner but he thinks he has started a new one.

I advised James that with no threats or harassing behavior made against him then I would need to speak with Desiree. He advised Desiree was not home and he would talk to her about it and see if she wants to pursue the issue. NFI SP250

Requested By: _____
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Attachments:

None
SP111

SUPPLEMENTAL NARRATIVE:

23:21:25 08/04/2015 - Zimmerling,Rona
S15070464

Supplement:

Date: 08/04/15

Narrative by R. Zimmerling SP240

On 08/04/15 I was dispatched to a call reference supplemental information on this call. The caller, James Pendleton, requested telephone contact. I called James Pendleton. He said he originally made a report with Officer Montoya. He wanted to give additional information on the case as it was escalating.

Requested By: _____
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I read the original case and then called James. He said his girl friend, Desiree Capuano, has an x boyfriend who has been deported to Canada. His name is James Reese. He started harassing Desiree and James Pendleton in May. Desiree has not made a report. I suggested she call and make a report as she was not present.

James Pendleton said James Reese also uses other names. He has been harassing him on different Internet sites. He said he has posted his resume as well as his security clearance level on the site. He has called the Department of Justice and told them they should take James Pendleton's security clearance. James said he has not threatened him but is harassing him. James Pendleton said he obtained an Order of Harassment against James Reese. He said the Constable, RC Brown, has or is going to send the Order to the Royal Canadian Mounted Police for service.

I told him I would document the information that the activity was continuing.
NFI SP240

Approved, AD, SP106

SUPPLEMENTAL NARRATIVE:

14:57:14 08/17/2015 - Johnston, Thomas
S15080464

REPORTEE 1 OF 1:

NAME: DESIREE, YVONNE, CAPUANO



SUPPLEMENTAL CASE NARRATIVE BY T. JOHNSTON, SP219:

On 08/17/15 at 1345 hours, I telephonically responded to the report of supplemental information regarding suspicious activity. I spoke with Desiree Capuano, who stated that her husband who lives in Canada, Richard Reese, posted a web site of her personal information at www.desireecapuano.com with horrible information about her. She said that on Saturday 8/15/15, she spoke with Ofc. Montoya who verified that the web site was down. She also said that on 8/16/15, the web site was back up.

I accessed that web site and verified that it was up and running. Ms. Capuano said that an injunction against harassment against Mr. Reese from the Sahuarita Municipal Court is pending service by the Royal Canadian Mounted Police, and that she contacted the web domain abuse department to file a complaint. NFI.
SRC SP104

SUPPLEMENTAL NARRATIVE:

09:53:33 09/07/2015 - Johnston, Thomas
S15070464

Reportee 1 of 1:

NAME: JAMES A PENDLETON



Requested By: _____
Released From Sahuarita P.D. Records
Secondary Dissemination Governed
By Federal & State Law

SUPPLEMENTAL CASE NARRATIVE BY T.JOHNSTON, SP219:

On 09/07/15 at 0752 hours I telephonically responded to the report of suspicious activity related to this case. I spoke with James Pendleton, who said that on 09/05/15 at approximately 2000 hours, Richard Reese telephonically contacted his son, and told him that he hired a private investigator and will publish any findings on his web site.

Mr. Pendleton said that all phone calls are recorded by Canadian law enforcement reference the original harassment case. NFI.
SRC SP104

SUPPLEMENTAL NARRATIVE:

13:56:05 01/03/2016 - Amico, Don

S15070464 (Supplement)
Officer Don Amico, SPD 212

On 01/03/2016 at approximately 1130 hours, I spoke via telephone to a Mr. James Pendleton, at his request. James told me that there has been more blogs posted by Mr. Richard Riess, against him (James) and his fiance, Ms. Desiree Capuanao. James mentioned that these blogs have been recently posted on DesireeCapuanao.com and DesireeTomlin.com. He mentioned that Mr. Richard Riess might now be using the name of Mr. Patrick [REDACTED], and has been posting these blogs with the service provider of Shaw Cable, in Burnaby, B.C., Canada. James stated that Richard will often write in the third person, pretending to be Desiree. He sent an email to Desiree stating that these blogs and the website will continue, until Desiree is dead. Richard has also stated that he wishes to isolate James from the community, and wishes to ruin his reputation. James told me he wanted to mention that his Fiance's child custody hearings are still in California, and wished to get this moved to Arizona. Here are the recent postings by Richard, that James has a copy of. These are just the titles to Richard's blogs:

12/15/2015 "Desiree Capuanao Sahuarita's token drug addict."

12/17/2015 "Obsession with Desiree Capuanao."

12/18/2015 "James Pendleton not so smart afterall."

12/19/2015 "The police executed a search warrant on my home and found a stolen assault rifle and meth and marijuana."

12/19/2015 "No, I would not feel harassed."

12/20/2015 "An objective review of James Pendleton's resume."

12/23/2015 "Difference between merely a bad person and truly evil dilusional psychotic person."

12/24/2015 "A white trash Christmas"

12/25/2015 "Living a dream getting a man to pay my way, while I sit around and get high all day."

12/26/2015 "Did I happen to mention that I happen to be quite the hippocrit."

12/29/2015 "Trashy ghetto people and honoring agreements."

James was informed that this information will be documented in the original police report, and forwarded to Detective Montoya. NFI 212

Requested By: _____
Released From Sahuarita P.D. Records
Secondary Dissemination Governed
By Federal & State Law

Exhibit D

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>
Date: 05/06/2015 10:05 PM
To: Desiree Capuano <desiree.capuano@gmail.com>

So no comment on the turning 16 thing? Didn't think so. You didn't realize that when you set this course of action in motion, did you? You didn't even stop to consider what the consequences of your actions would be, did you?

You had no idea that the legal age to be independent of your parents, in Ontario, was 16. And that by G [REDACTED] receiving Canadian citizenship that it meant that on his 16th birthday he could walk out your door and never, ever have to see or speak to you ever again, huh? And the best part is that if, before he turns 18, he steps outside of Ontario THEN at that moment you have the legal authority to have him brought back to you by force. But as long as he's in Ontario there's not a damn thing you, or any US law enforcement agency, or any US court can do about it.

Now, if he was a US citizen and NOT also a Canadian citizen, THEN the Canadian authorities would have to send him back to the US. But as long as he has Canadian citizenship (which he now has for the rest of his life (thanks to you for setting things in motion), and he's over the age of 16, he can live on his own, have his own apartment, get his own firearms license, his own driver's license. And he won't need anyone's permission to do so.

And, by the time he turns 16, next year, what he will remember is things like you refusing to allow him to visit and refusing to provide a decent reason why. You taking away his property (like video game consoles) because you say "it's not fair to S [REDACTED]". You taking him, by force, from Liz and forcing him to live in Arizona. You refusing to let him have things he, as a child with parents with a combined income over \$200,000, should have. You refusing to take him to the doctor for regular check ups. You refusing to have the anomaly in his eye checked. You calling ICE on his father and having him deported for no justifiable reason, other than to get custody of him by default. You never bothering to teach him things about life.

I was really hoping to surprise you with this on September 28, 2016, but I guess the cat's out of the bag now.

Do you ever get tired of being the perpetual loser? You ever think to yourself "what's the point"? Ever seem to you that maybe life is just to fucking hard and there's no point because we're all gonna die in the end anyway? If not, well, that's too bad - the world is going to be a better place when you are no longer in it.

Good evening,
Desiree

On 05/06/2015 07:34 PM, Desiree Capuano wrote:

Please provide me with your hotel information. I will make sure I am available for the "pick up" schedule.

On Wednesday, May 6, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:
Desiree:

Either your English skills are horrendous or you really do think of your offspring as possessions?

I am planning to accompany G [REDACTED] to the Vancouver International Airport on or before July 12, 2015, and being present with him until he passes through the security checkpoint. I cannot force him to do anything past that point. I also have no intention of, as you say, "returning him".

G [REDACTED] is a human being, not a possession. Neither you, nor I have the power to force him to do something against his will. All I can, and will, do is make every reasonable effort to ensure he is at the airport in time to board his return flight.

Why would you even ask such a stupid question? I mean, if I was intending to do something like abscond with G [REDACTED] do you think I would admit it beforehand? And if that was my intention, why would I bother going through all this stupid shit with you? Why wouldn't I just go to Phoenix and pick him up? What? Do you think it's impossible for me to walk right into the US? Do you think they scrutinize me every time I cross the border? My god, there is no end to your stupidity, is there?

And besides, what do you really care? You only have, at most, another 16 months until you have absolutely no legal authority over him, anyway. Yeah, that's right, the day he turns 16 and his foot touches the ground in the Province of Ontario he is a legal adult and cannot be forced to return to his parents - because he now has Canadian citizenship - because of **YOUR** actions. I don't even need to be in Canada myself.

Patrick

On 05/06/2015 06:46 PM, Desiree Capuano wrote:

Are you planning on returning G [REDACTED] ?

On Wednesday, May 6, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:
Desiree:

I cannot imagine why you would hear that because I never said that.

I will tell you this, unequivocally: Since you did not require I provide the return flight information in order to allow G [REDACTED] to travel from Phoenix to Los Angeles on May 24, 2015, then from Los Angeles to Vancouver on May 28, 2015, and you only brought that up AFTER I purchased the tickets, then NO! I absolutely will not purchase his return ticket until I know he is actually going to be present in Vancouver.

I have no history of backing out of commitments, or saying completely false stuff to get what I want. You do! You are the one that cannot be trusted, not me.

Now, our dealings here are done. I have fulfilled the requirements you stated in writing. You are now attempting to change those requirements by adding new requirements. It is not going to happen! I don't believe there is anything further for us to discuss between now and when G [REDACTED] arrives here on May 28, 2015.

I have posted all of our emails from today onto your wonderful website so there is a public record of all of your words.

Good day,
Patrick

Exhibit E

Re: Contact Information

Subject: Re: Contact Information
From: Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com>
Date: 07/18/2015 10:51 PM
To: Desiree Capuano <desiree.capuano@gmail.com>

Yes, of course I had considered that. But the address is, in fact, the address you are physically at - in fact, you are there right at this moment.

I have considered whether publishing the address of an openly racist, anti-Latino, who happens to be physically present at the same house which my son is also physically present at and, after careful consideration, have concluded if such an event as angry Mexicans showing up to express their discontent with you and your white supremest beliefs were to occur, the focus of their attention would be you - not G [REDACTED]. The Latino people are, generally, honorable and would not harm an innocent child if they had issues with the child's misguided mother. So, no, I don't believe G [REDACTED] would be put in any danger by publishing your address.

The point of the website is not to be aesthetically appealing. It is to make known, publicly, the facts and the realities about you...the type of person you REALLY are. It has been up for over a year and a half and you have not indicated that anything on it is inaccurate. And, if the information is true then you have no legal or ethical grievance. If you do not want your true ugliness published on the Internet then perhaps you should be a better person - less ugly.

"Classy"? I am thinking you don't know what the word means. I don't see how it would apply in this context. Perhaps the word you meant to use was "dignified". But even then, I don't see anything undignified about what I've done.

Good evening. Go scream at your children, then cry yourself to sleep like you usually do.

Cheers,
Patrick

On 07/18/2015 10:23 PM, Desiree Capuano wrote:

Richard,

Have you stopped to consider that if what you have were the real address, and not just an intentional misdirection, that you would be endangering G [REDACTED]'s safety and privacy with your amateur website? Publishing an address your son would potentially be residing at?! Good job. Classy... real classy.

- Desiree

On Saturday, July 18, 2015, Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com> wrote:
Desiree:

Isn't it amusing that your reason for refusing to provide me the address where G [REDACTED] will be residing while in your case was that I continue to put your so-called "personal information" on a public website...but, the one piece of "personal information" I had never put on a public website was your address...but, now, even though you'd refused to provide the address, I've put your current address on your public website. Ah, the irony.

Cheers,
Patrick

On 07/07/2015 06:28 PM, Desiree Capuano wrote:

As long as Patrick [REDACTED] continues to put my personal information on a public website, it will not be provided. Richard Riess does not have visitation within the United States as he has been forcibly deported so having a physical address serves no purpose. A mailing address has been provided for the purpose of communication which is all I am required to provide. If G [REDACTED] is not returned, Richard Riess will be in direct violation of the court order governing G [REDACTED] and immediate action will be taken. I expect to see my son on the 12th of July, 2015.

Desiree

On Tuesday, July 7, 2015, Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com> wrote:

So I told G [REDACTED] about your refusal to provide the address where he will be residing upon his return and that

if you do not provide the address I have the legal right to refuse to allow him to return - because a parent, regardless of custody orders, cannot legally be compelled to knowingly put their child in harms way, and given your well documented history of refusing to cooperate, and taking up with drug users, criminals, and violent people you hardly know...well.

Do you think he was upset about that? No. Not at all.

Cheers,
Patrick

Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:

according to Google maps that address is a US Post Office. You are legally required to provide me the address where G [REDACTED] will be physically residing. A post office box does not meet that requirement.

If you fail or refuse to provide me the address where G [REDACTED] will be physically residing, prior to his time of departure on July 12 I will have the legal grounds to refuse to allow him to return because, as far as I know, you're homeless and unable to provide his shelter. Particularly since you also refuse to provide any information about whether you even have any income.

Patrick

Exhibit F



Desiree Capuano <desiree.capuano@gmail.com>

Hello Desiree

Tue, Jul 21, 2015 at 8:38 PM

To: desiree.capuano@gmail.com

Hello Desiree,

For your information, Richard has [redacted] to Patrick [redacted]. For the purpose of this email, I will refer to him as Patrick [redacted]. This is the same person you have referred to as Richard RIESS.

Yesterday, July 20th, 2015, [redacted] was arrested for Criminal Harassment and brought to cells. He was interviewed and later released. He was released from custody with the conditions not to contact you in any way, except for the sole purpose of arranging travel plans for G [redacted]'s visit. Patrick is not allowed to send messages to you through other people for any other reason, but travel plans for G [redacted]. We know that you are not intending to send G [redacted] to visit him, however that was not something we were going to disclose to him.

In order for us to proceed legally, you cannot initiate contact with Patrick any messages you send to him or have anyone else send to him, would likely be cause for an immediate dismissal of the charge. Please ensure that you do not contact him in any way or have anyone else contact him on your behalf.

If you receive any contact from Patrick, that is not related to G [redacted]'s travel plans, please contact the Burnaby RCMP immediately and provide them with this file number 2015-32597. Richard/Patrick can freely contact G [redacted], even if it's unrelated to travel plans.

I was made aware that your landlord, James PENDLETON, contacted us concerning Patrick [redacted]. We are looking to see if we can do anything about it.

As for the website, we are still looking into it. Canadian laws make it difficult for us to quickly remove the website.

We are working with U.S. law enforcement to determine if there are any additional charges that can be laid. If you have any questions, feel free to email me. After tonight I will be off work until Sunday.

Thank you

[redacted signature block]

Exhibit G

Re: Your loving home and parental teaching and guidance

Subject: Re: Your loving home and parental teaching and guidance
From: Patrick [redacted] <patrick [redacted]@s [redacted].com>
Date: 01/11/2015 07:34 PM
To: Desiree Capuano <desiree.capuano@gmail.com>
CC: G [redacted] Riess <g [redacted]@gmail.com>
BCC: liz [redacted]@yahoo.com

As always, I shall address each of your statements and point out, as plainly as possible, why/how it is wrong.

On 01/11/2015 12:54 PM, Desiree Capuano wrote:

Ricky / Richard / Morgan / Parick / Patricia / Susan / whatever your chosen alias is today,

I don't get your intended implication here. How is my first name, whether assumed or legal, relevant to anything in my previous message and, in particular, whether I am on schedule with my plan against you? An insult is much more effective when the intended recipient is able to infer the reference. Please clarify.

Are you bored or something?

Bored: no. Or something: vague and ambiguous. Please be more specific.

Your stalker-like obsession with me is truly impressive. The amount of time and energy spent thinking of me is flattering, but honestly a little pathetic.

If there is any sincerity in your statements then you have grossly misinterpreted my intentions. I was pretty direct when I told Detective Tuchfarber that my intention was to do everything in my power and capabilities to make your life as miserable as possible, and, if possible, to the point that you ultimately commit suicide. That would be my ultimate desire. But before you reach that point it is imperative that you experience as much misery, disappointment, and suffering as possible first. At this point in your life you have very little to lose so there is not much incentive for me to actively publish your information. I shall wait, patiently, until you rise up a bit, THEN proceed with the billboard campaign around Phoenix; I'll wait until you actually have some financial significance, THEN publish your complete credit and financial history - including your social security number and birth certificate (not illegal as long as it's done outside the US).

I don't see how you could interpret such intentions as being misguided affection.

For someone who so strongly espouses logic and intelligence, I would think that you could have grasped that I am not interested in you. Especially since I have directly told you that I am not interested in you.

Whether or not you are interested in me is not relevant to my objectives.

I realize that I am really amazing, but please expend some of that energy towards finding a man / woman / inanimate object that is capable of coping with your delusional nature, and providing some small measure of happiness.

I see no evidence to suggest there is any merit to your implication that I am delusional. If you know of any then please cite them. Otherwise you're just talking gibberish again.

Everyone has a right to the pursuit of happiness. Though that is a founding principal of America, so I understand it being foreign to a Canadian citizen like yourself.

Almost every country in the world includes in their respective constitutions and/or bill of rights the right to the pursuit of happiness. I wish I could say it is because you are an ignorant American that you do not realize that, but that fact that you were born on US soil has nothing to do with the fact that you are clearly ignorant.

You again bring up the question of citizenship. Why? You are the only one pretending to still cling to that claim. When I show up at border crossings with my US birth certificate and BC photo ID US customs and ICE don't even give me a second thought.

Re: Your loving home and parental teaching and guidance

But, I'll play along, for the sake of argument: Let's assume your claim that I am a Canadian citizen is true. So? What's your point? Are you trying to suggest that a person born on US soil is inherently superior to someone who wasn't? By that logic then Lauchner and Michael Capuano are automatically superior to me. Charles Manson, Ted Bundy and Richard Ramirez are superior to every single person ever born in Canada? That's some pretty sketchy reasoning. And let's pretend for a moment that I AM a Canadian citizen: that hasn't, and still doesn't prevent me from living in the US. I own a business in the US. So, again, what are you trying to imply?

Your obsessive pursuit of my attention seems to only pale in comparison to your capacity for delusional transference, and cruelty towards G [REDACTED].

Again, you're making claims about my psychological state without citing a single case of me ever exhibiting delusional behavior. At least when I call you delusional I refer you to a specific thing you did which supports my claim.

It is unfortunate that you chose to rob G [REDACTED] of his right and opportunity to choose for himself which parent to live with.

Come again? I was the one initially requested G [REDACTED] be interviewed by the court so he can tell the court where he wants to live. You then attempted to circumvent that by having me deported. I then ordered my attorney to request the court put the interview back on calendar. Then, when G [REDACTED] was given the chance, he clearly, explicitly, and very unequivocally told the court he wants to return to me...to live with me.

See that? That is a case of you exhibiting delusional behavior. You're accusing ME of doing exactly what you have, and continue to do. THAT's delusional.

You relinquished all rights a mere 2 months from his 14th birthday where he would have been able to declare his choice in front of everyone in open court.

I relinquished my rights so that I can remove the court from the equation. So that I can proceed with my plans respecting you. It's hard to do that when I have to maintain appearances for the court.

You are unsurprisingly misinformed about the significance of G [REDACTED] turning 14. There is no statutory age, in either California or Arizona, at which the court is required to grant the child the living arrangement the child desires. It is completely at the discretion of the court. "Generally" after the age of 14 the court will "listen" to what the child wants - but that's the extent of the law on the matter.

I also point out, waiving one's rights does not mean refusing one's responsibilities. Though you seem to think they are one and the same. I did not refuse to allow G [REDACTED] to return to live with me - I created a situation where he can see, firsthand, what you would be like in the absence of the court compelling you to act. And so far you've played right into it.

It doesn't surprise me given your repeated underestimation of his intelligence and potential; simply seeing him as a pawn and tool to use in your obsessive quest to win me back. ("destroy me" ... Whatever you want to call it.)

As I have explained to him: sometimes, to get the desired outcome, we have to go through a period of challenges. That is what he is going through right now. I believe the exact idiom I used was "Sometimes, to make an omelette you have to break a few eggs".

I explained what that meant and how it applied to the current situation. He acknowledged understanding.

I love G [REDACTED] regardless of what decision he should ultimately make.

If that is the case then why do you insist on not allowing him to make that decision? He already has: he said he wants to come and live with me. He has expressed that if he never heard from you again he's fine with that.

It's already been more than 2 years...what do you believe is going to happen? Do you think one day he's going to wake up and realize that he was wrong all this time and suddenly love you unconditionally? Again, I say, THAT is delusional! Dude, the fact that since the July hearing, since you've gotten full custody and authority over him he has steadily withdrawn from you and that other kid of yours should tell you something. Before that he could hold on to the hope that at the next hearing the court would order you to return him. That hope is gone. I really don't know what you are hoping for, but your

Re: Your loving home and parental teaching and guidance

relationship with G [REDACTED] has reached it's peak and the only place it's going from here is down. There's less than two years until he can legally move out and I'm willing to bet that within 24 hours of turning 16 you'll never hear from him again.

As for "love": unless you can provide a clear definition of what the word means then you should refrain from using it.

I know he is capable of so much, and will support him down whatever path he should ultimately choose in whatever capacity I am able. I may be hard on G [REDACTED] sometimes, but being a real parent means looking out for the physical, mental, and emotional well being of your child even when it isn't easy or popular.

You are completely oblivious to anything going on with G [REDACTED]. I just spoke to him on the phone - you still haven't even noticed the anomaly in his eye. You live in the same house with him and he's been back for 8 days and you haven't noticed. You also didn't notice it before he came up here. How can you not notice a bright discoloration in his eye? Do you not speak with him? Do you not look him in the eye when you do (assuming you do speak with him)?

You add him to your insurance but you don't bother taking him to the doctor or the dentist (you only do it when you think I'm going to bring it up in court). Dental cleaning and checkups are supposed to be every 6 months, not every 12. He wasn't in the habit of using deodorant - I had to point out to him one day that he smelled of BO. He still often "forgets" to brush his teeth. He doesn't know how to get from your place to the Target, which is only a few blocks away. When given the choice of doing the research to figure out how to get to the outdoor shooting range, or not go, he chose not to do the research. Is that the result of your "real parenting"?

I can only hope that one day you decide to strive to be a better person, and better parent.

I strive, on a daily basis, to improve myself. I strive to be objective and fair, and to be reasonable and rational. I consider myself to be fair and decent. The people I come in contact with, exclusive of you, of course, also consider me such.

You're still making the same unfounded arguments that you've been making since 2011. You're the one that has to use underhanded tactics and false claims to get what you want. I'm referring to you resorting to calling ICE in order to gain custody by default. See, when G [REDACTED]'s with me he's with me because he **wants** to be. I've never once had to force him or tell him he has to visit because the court ordered it. You, on the other hand, have done exactly that. You claim to want what's best for G [REDACTED], yet you teach him nothing. You think hugs and kisses will make everything okay (again, that's delusional).

It is my opinion that if anyone needs to work on being a better person it is you.

If not for yourself, for G [REDACTED]'s sake.

Both I, and G [REDACTED], are happy with who I am, with how I behave, with my values and beliefs. If I identify a character or personality flaw in myself then I will commit to improving it.

You act the same now as you did in 2000. You still try to use people's guilt and pity to manipulate them. You tell people half truths and versions of events which are heavily skewed in your favor, to gain their support. That's deceptive. That's completely contrary to how I try to live and how I try to guide G [REDACTED]. You can deny that you do that until you're blue in the face but I've got over 400 emails from you and/or about you where you've done that countless times.

You rush into relationships with losers like Lauchner and Capuano, you move in with them, you hastily have children with them. You expose your children to people like Lauchner and tell them he's a good, wonderful person. You allow him to take on a paternal role in their lives. You defend his behavior and get angry when people state facts about him. Yet you want to pretend you're a good, honorable person? And that you give a shit about your children?

He is the one being hurt by your actions, scheming, and manipulation.

G [REDACTED] is not being hurt at all by what I am doing. He knew before I started executing the plan exactly what the plan was/is. I always confer with him beforehand so that he's not taken by surprise. If he told me he was uneasy with anything I would not proceed with that course. I told him in May I would be waiving all of my parental rights in July. I told him why. If he had concerns about me wouldn't he bring them to you? You're his primary custodial parent, aren't you? When he's with me we talk about you. Are you saying that he has such a lack of respect for you that he can't even speak openly with you about me? If that's that case then it really sucks to be you.

He once asked me if I would shoot you. I told him that murder is illegal and immoral and can result in spending the rest of one's life in prison. And that the rest of my life in prison is not a risk I'm willing to take. But otherwise, no, I would have no

Re: Your loving home and parental teaching and guidance

calms about it; that that is how much I despise you for the things you've done and continue to do. He did not flinch; he didn't look anything other than indifferent; as best I could tell, he didn't care. The topic never came up again. That was during his visit last summer. To be clear, I told Tuchfarber the same thing. There is nothing illegal or threatening about *wanting* to harm someone - as long as you don't act on it. I am reasonable and rational enough to know the difference, and to refrain from engaging in such activity.

And let me be absolutely clear on this point: I would never deliberately cause you physical harm, other than in self defense or defense of another. Though that is nothing special toward you - I have that rule for **ALL** people. Also, I emphasize that G [redacted] brought up the question and I only responded to it truthfully.

~ Desiree (Not meant as a term of endearment, please do not mistakenly take it that way.)

I don't understand your meaning.

On Sunday, January 11, 2015, Patrick [redacted] <patrick [redacted]@s [redacted].com> wrote:
Desiree:

Allow me to also point out: Having previously waived, in court, **all** of my parental rights, you now have the full legal right and authority to:

- refuse to allow G [redacted] to visit me;
- take away the phone and every other thing I have provided him, including the debit and credit cards (although you do not have the legal right to withhold them - you must return them to me);
- cut off all contact and communication between G [redacted] and me.

Doing so would definitely prevent me from being able to have any influence on his perceptions, values, beliefs, et cetera and, thereby prevent me from being able to have any influence on your home environment and the relationship between you and him. However, doing so would also make him hate you that much more and ensure that he leaves your home at the first opportunity and never has anything to do with you for the rest of your life.

So, you see, again, we've created a situation where you have two mutually exclusive options but neither of them do ends favorably for you. That is strategy, and the benefit of long term planning, and the benefit of foresight. Remember also, that all of this was initiated by, and is the result of your own actions. I am where I am because of your direct and explicit actions; G [redacted] now has Canadian citizenship and cannot be deported from Canada and receives all of the benefits and protections of being a Canadian citizen the moment his foot touches Canadian soil - all because of your actions calling ICE. And you can say that I've been manipulating G [redacted] but that's exactly what you have done countless times with almost everybody you've ever met (that's why people always take your side when they hear your side of the story but then abandon you when they discover the full story).

I'd also like to point out that, as always, I've been very careful to make sure everything I do is within the law.

I've discussed all of this with G [redacted] and I've explained to him what my plan is with respect to you. I've told him if he's uncomfortable with any of it then I won't proceed. He is fully aware that he is being used as a pawn in my plan to ruin your life and he seems to be okay with it.

All the best,
Patrick

On 2015-01-11 9:04 AM, Patrick [redacted] wrote:

Good morning, Desiree.

I'd like to inquire how things have been going with all the wonderful stuff that you are able to teach and expose G [redacted] to which I, according to you, could not do. In particular, how has that emphasis on "family" been working out? Have you been able to instill in him the importance of "family" and how good it is to have "family"? Would you say he's "bonded" with your family? And knowing your family - is it your belief that that has improved him in some way? These are loaded and/or sarcastic questions. I already know the answers to them (otherwise I wouldn't be asking), and I wouldn't expect you to answer them, not honestly anyway - given your aversion to reality and honesty.

From what's been reported to me and from my own observations, so far all you've taught G [redacted] is poor table

manners and how to mimic the people around you rather than having your own opinion. An important skill, I suppose, if you live in an environment where people get angry with you for being different. Say, for example, your home.

Are you still trying to convince yourself that you have the perfect little family? Are you beginning to realize, yet, that G [redacted]'s presence there is slowly eroding the happy, fair tale home that you're trying to hold on to?

I know that by saying this you will react to spite me - it's what you people do. Am I saying it deliberately, for that purpose? Is it that I know that you're getting fed up with how he's ruining your fair tale and you've been having thoughts of sending him away before he starts to taint S [redacted] as well - and by stating these truths to you I will provoke you to hang in there a little longer, so you can show me how wrong I am? Probably. The longer G [redacted] is there, with his "bad attitude", his indifference toward you and S [redacted] and your family, and his subtle demeanor of disgust and condescension toward you and S [redacted] and your mother, and your trashy ways, the more it will instill into S [redacted]'s subconscious that he is inferior and inadequate. The more it will slowly eat away at your perfect family.

Sucks! Now, on the one hand, you are pulled by your upbringing and years of conditioning, to react in the only way you know: with anger and spite, to want to keep G [redacted] there because you believe that will adversely affect me; while on the other hand, you know I'm right and that I've been manipulating the situation for two years, and that as long as G [redacted] is in your home you will never be happy because you will never have your fairy tale.

So, you'll show this email to your mother and ask her what you should do. She's going to say I'm just trying to get under your skin and the best thing is to not respond at all. She'll say that if you don't respond then I'll think you're unaffected and that will piss me off. She'll say this because she's just like you - after all, where did you learn your behavior from, right? And just like you she has the same emotional, irrational beliefs that a child inherently and unconditionally loves his mother.

But!!! I am relying on your mother providing you such advice. And on you pretending you don't care and that you're unaffected. I require you to insist on keeping G [redacted] with you longer - the longer he's with you the more of an effect he'll have on S [redacted] and the more subconscious hostility will seep into your home.

In the end you'll take your mother's advice and not respond to this, you'll convince yourself (with your mother's help) that everything is fine in your home and that I'm the one trying to cause problems for you. Or am I saying that because I believe you'll do the opposite of what I state you'll do - just to spite me?

Let me ask you this in closing: Has the amount of "love" in your home increased or decreased over the past year? It's rhetorical - I know the answer.

Patrick

Exhibit H

	LMD RCMP CTU GENERAL OCCURRENCE HARDCOPY	UNSPECIFIED ASSISTANCE
	GO# 1202 2015-32900	

General Occurrence Information

Main offence: **UNSPECIFIED ASSISTANCE - COMPLETED**
Operational status: **CLOSED**
Location: **SUNSET ST ,BURNABY**
District: **04** Zone: **BUG** Atom: **BU4006**
Approved on: **Tuesday, 2015-Jul-21** by: **151366 YANG, JOHN**
Reported on: **Tuesday, 2015-Jul-21**
Occurred on **Tuesday, 2015-Jul-21**
Submitted by: **254736 DUPONT, JEAN-PHILIPPE** Org unit: **GD A WATCH**
Accompanied by: **212310 HUGGINS, RICHARD**

CCJS Information

CCJS Status: **FOUNDED NOT CLEARED**
Offences committed: **UNSPECIFIED ASSISTANCE - COMPLETED**
Location type: **SINGLE HOME/TOWNHOUSE/DUPLEX (AND CONNECTED PROPER**
Family violence: **NOT APPLICABLE**
Study flag: **MENTAL HEALTH NOT RELATED, SBOR NO**

Related Event(s)

CP 1202 2015 - 32900
GO 1202 2015 - 32597

Related Person(s)

*** CONFIDENTIAL ***

LMD RCMP CTU
GENERAL OCCURRENCE HARDCOPY

GO# 1202 2015-32900

UNSPECIFIED ASSISTANCE

3. SUB OF COMP 1 - RIESS, RICKY STEVE (Case-specific)

Sex: MALE , Born on: [REDACTED]
Residing at: [REDACTED] SUNSET ST , BURNABY
BRITISH COLUMBIA , V5G1T3

Phone numbers

HOME: (604) [REDACTED]

Particulars

Born in: SUDBURY C216 POB: ONT
Country of Birth: CANADA
Ethnicity: CAUCASIAN

Linkage factors

Ethnicity: CAUCASIAN

Master Name Summary

Name: [REDACTED], PATRICK [REDACTED]
Sex: MALE , Born on: [REDACTED]
Residing at: [REDACTED] SUNSET ST, BURNABY
BRITISH COLUMBIA , V5G1T3

Phone numbers

HOME: (604) [REDACTED]

Person Alias(es)/Associate(s)

1. RIESS, RICKY STEVE
Sex: MALE
Type of link: ALIAS/NICKN
Residing at: [REDACTED] SUNSET ST, BURNABY
BRITISH COLUMBIA, V5G1T3

Complaint Information

Incident Location
Address: [REDACTED] SUNSET ST
Zone: BUG

General Information

Type: FOLLOWUP

*** CONFIDENTIAL ***

LMD RCMP CTU
GENERAL OCCURRENCE HARDCOPY

GO# 1202 2015-32900

UNSPECIFIED ASSISTANCE

Case type: **ASSIST GENERAL PUBLIC** Priority: 3
Time received: **30:10**
Dispatched: **43:33** Enroute: **55:06**
Scene: **55:06**
Cleared:
How received: **TELEPHONE**
Unit ids: #1 - **BU4A29**
Call taker ID: **EC28 E - CARLSON, ROBERT**

Clearance Information

Final Case type: **ASSIST GENERAL PUBLIC**
Reporting officier1: **212310- HUGGINS, RICHARD**
Reporting officier2: **254736- DUPONT, JEAN-PHILIPPE**
Report expected: **YES**
Founded: **YES**
Cleared by: **REPORT SUBMITTED**

Additional Remarks

14937796 07/21/2015]

. EC28 003010

*** CONFIDENTIAL ***

LMD RCMP CTU

CP 1202 2015-32900

Rep: 21 Jul. 2015 00:30:10

CALL HARDCOPY

Incident Location

Address : ██████████ SUNSET ST BURNABY
Zone : BUG Atom : BU4006 District : 04

General Information

Type : PRIME
Case type : ASSIST GENERAL PUBLIC Priority : 3
Time received : 00:30:10
Dispatched: 00:43:33 Enroute: 00:55:06
Scene: 00:55:06 Cleared: 02:34:17
How received : TELEPHONE
Unit ids : #1 - BU4A29 Call taker ID : EC28 E - CARLSON, ROBERT

Complainant Information

Remarks :

SOC !RIESS.RICHARD.. ██████████.M// ON WEBSITE

POSTED BY

Clearance Information

Final Case type : ASSIST GENERAL PUBLIC
Reporting officer1 : 212310 HUGGINS, RICHARD
Reporting officer2 : 254736 DUPONT, JEAN-PHILIPPE
Report expected : YES Founded : YES
Cleared by : REPORT SUBMITTED

Additional remarks

Position : EC28 2015-Jul-21 00:30:10
TARGETTED BY SOC RE: X-REF BU15-32597. SOC IS ALSO IN
POSESSION OF AND HAS POSTED SELECT INFO.

Position : EC28 Last Updated by : E - CARLSON, ROBERT 2015-Jul-21 00:36:08
SOC APPEARS NEG BOTH WAYS,PRIME ATTACHED

Position : EC28 Last Updated by : E - CARLSON, ROBERT 2015-Jul-21 00:38:12
SOC LIVES AT A/L.

Position : EC31 Last Updated by : E - DUBE, JACKIE 2015-Jul-22 21:55:22
SOC HAS UPLOADED NEW PICTURE

Position : EC31 Last Updated by : E - DUBE, JACKIE 2015-Jul-22 21:55:22

** CONFIDENTIAL **

LMD RCMP CTU

CP 1202 2015-32900

Rep: 21 Jul. 2015 00:30:10

Related Event(s)
CP 1202 2015-15750

Complaint Information

Incident Location

Address : ██████████ SUNSET ST BURNABY
Zone : BUG Atom : BU4006

General Information

Type : PRIME
Case type : THREATS Priority : 3
Time received : 12:15:58
Dispatched: 15:06:56 Enroute: 15:16:16
Scene: 15:16:18 Cleared: 16:30:46
How received : TELEPHONE
Unit ids : #1 - BU4C17 Call taker ID : EC14 E - MADIGAN, EMILY

Complainant Information

Remarks :
A/L IS SOC'S ADDRESS, SOC IS
SOC HAS BEEN EMAILING SAYING HE WOULD SHOOT IF
IT WAS LEGAL... SOC HAS BEEN LIVING UNDER A FALSE NAME: "PATRICK ██████████"
..

Related Entities

Role : SUB OF COMP
RIESS, RICKY STEVE
MALE, Born on ██████████
Residing at ██████████ SUNSET ST
Home phone : () Business phone : ()

Clearance Information

Final Case type : THREATS
Reporting officer1 : 241515 JUBBAL, AMRINDER
Report expected : YES Founded : YES
Cleared by : REPORT SUBMITTED

Additional remarks

SOC HAS FIRE ARMS REGISTERED UNDERNEATH THIS FAKE NAME..
SOC HAS ALSO BEEN DEPORTED FROM THE UNITED STATES 3 TIMES..
SOC HAS POSTED VIDEOS ON FACEBOOK OF HIM SHOOTING THESE GUNS....
SOC HAVE A SON SOC HAS TOLD
THAT HE WOULD SHOOT AS WELL...
SOC HAS MADE A FAKE WESBITE

SOC HAS A BIRTH CERTIFICATE SHOWING THE NAME OF PATRICK ██████████
SOC'S DOB ON IT,BUT IS FROM FLORIDA.. AND SOC IS A CANADIAN
CITIZEN.. NK HOW SOC OBTAINED THIS BIRTH CERTIFICATE

SOC IS POS PRIME ONLY.. CFRO SHOWS 2 REGISTERED FIRE ARMS TO PATRICK
██████████

LMD RCMP CTU

CP 1202 2015-32900

Rep: 21 Jul. 2015 00:30:10

** CONFIDENTIAL **

NEG HIST/HAZ TO A/L
BU4C17 NTR
BU4C17 CONDUCTING FOLLOW UP
BU4C17 CLEAR AND WRITING

GO1202 2015-32900

Dispatch Information

Unit number : BU4A29

Officer 1 : 212310 HUGGINS, RIC Officer 2 : (Rct) 254736 DUPONT, JEAN

Dispatch Date : Tue, 21 Jul. 2015 00:43:33

Clear Date : Tue, 21 Jul. 2015 02:34:17

Related text page(s)

MAIL

Author : E2699 E - CARLSON, ROBER

Related date : Tue, 21 Jul. 2015 at 00:35

From: RMS
To: CARLSON, ROBERT
Subject: QP RESPONSE
Date: Tue. Jul. 21, 2015 @ 00:35:22

ENQ Person: RIESS RICHARD [REDACTED] M

- RIESS Ricky Steve
DOB: [REDACTED] Sex: M
Address: [REDACTED] SUNSET ST City: BURNABY Score: 24
Home: (604) [REDACTED] ext:
Place of birth: SUDBURY
CAUCASIAN
Alias: [REDACTED] Patrick [REDACTED]

001>> GO32597 1202 15Jul19 SUB OF COMP CRIMINAL HARASSMENT
GO29196 1202 15Jun30 SUB OF COMP ZZZCHLD FMLY&COMM SERVICES ACT
003>> GO15750 1202 15Apr10 SUB OF COMP UTTER THREATS AGAINST
PERSON

Total Events

Note: Display depends on security and retention

Narrative: SYNOPSIS - 1

UNSPECIFIED ASSISTANCE

Author: **254736 DUPONT, JEAN-PHILIPPE**

Related date/time: **Tuesday, 2015-Jul-21 02:26**

On July 21st, 2015 at 0030 hours, Burnaby RCMP received a call to
by attending [REDACTED] Sunset Street, in Burnaby.
Patrick [REDACTED], residing at the above location,

There is no criminal offence being committed
File concluded.

Cst. DUPONT J.-P.
Burnaby RCMP
A Watch D4
HRMIS#000254736
Reg#61612

	<p style="text-align: center;">LMD RCMP CTU GENERAL OCCURRENCE HARDCOPY</p> <p>GO# 1202 2015-32900 UNSPECIFIED ASSISTANCE</p>
--	--

Clearance Information

Agency: **RCMP**

Cleared on: **Tuesday, 2015-Jul-21** CCJS Status: **FOUNDED NOT CLEARED**

Cleared by Officer(s): **MACDONALD, LAURA**

*** CONFIDENTIAL ***

**LMD RCMP CTU
GENERAL OCCURRENCE HARDCOPY**

GO# 1202 2015-32900

UNSPECIFIED ASSISTANCE

***** END OF HARDCOPY *****

***** CONFIDENTIAL *****

Exhibit I

Sahuarita Municipal Court- 360 W. Sahuarita Center Way, Sahuarita, Az. 85629 520-344-7150

<u>Desiree Capuano</u> Plaintiff / Plaintiff Employer (Work Injunction ONLY) Birth Date: <u>10/01/80</u>	<u>Patrick Fox</u> Defendant <u>3846 Sunset St #</u> Address <u>Burnaby, BC V5G 1T3</u> City, State, Zip Code, Phone	Case No. <u>CV 2015-00024</u> <div style="background-color: black; color: white; padding: 5px; text-align: center;"> This is <u>not</u> a court order. </div> PETITION for <input checked="" type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
Agent's Name (Work Injunction ONLY)		

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

- Defendant/Plaintiff Relationship: Married now or in the past Live together now or lived together in the past
 Child in common One of us pregnant by the other Related (parent, in-law, brother, sister or grandparent)
 Romantic or sexual relationship (current or previous) Dating but not a romantic or sexual relationship
 Other: _____
- If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in Maricopa (annulment) Superior Court,
 Case #: FC 2011-093719 (annulment) Los Angeles (custody)
TD 035397 (custody)
- Have you or the Defendant been charged or arrested for domestic violence OR requested a protective order?
 Yes No Not sure
 If yes or not sure, explain: _____
- I need a court order because: (PRINT both the dates and a brief description of what happened.)

Tell the judge what happened and why you need this order. A copy of this petition is provided to the defendant when the order is served. (Do not write on back or in the margin. Attach additional paper if necessary.)

Dates	
7/18/15	My physical address, email address, employment info, etc was added to a website he hosts
7/20/15	He was arrested and charged with criminal harassment against me
7/21/15	additional pictures and information was added to the website <u>www.desireecapuano.com</u>
7/18/15	a very aggressive email was sent to me using profanity and insults
7/18/15	Received 9 emails from about information that
7/20/15	would be made public by him

June 27th 2015 - He states he will contact my supposed employer and direct them to the website

January 11th, 2015 - He tells me that he discussed shooting me with our son and said that he would if there was no risk of going to jail

January 27th, 2015 - He tells me that he intends to hire someone to have sex with me so he can get "intimate" pictures for his website

January 28th, 2015 - He tells me that his primary goal in life is for me to experience as much misery as possible

July 18th, 2015 - He threatens to put my social security number on the website. I don't know how he would have it.

December 17th, 2014 - He states that he has a gun license and owns multiple firearms

May 18th, 2015 - He shows me the border in Canada that he uses to cross into the United States

Exhibit J

PLAINTIFF/PETITIONER: Richard Riess (Patrick [redacted]) DEFENDANT/RESPONDENT: Desiree Capuano	CASE NUMBER: TD035397
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DECLARATION

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

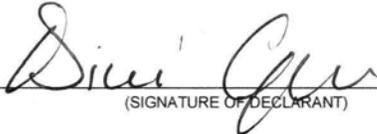
Please see attached Declaration for details and supporting evidence

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

Date: 08/31/2015

Desiree Capuano

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

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

I swear under penalty of perjury that the information below is true and accurate to the best of my knowledge.

- Sometime toward the end of summer of 2014 the petitioner began using the name Patrick [REDACTED] exclusively and began refusing any form of communication to the name 'Richard Riess'
- In December of 2014 I received an email from the petitioner which included the common child, G [REDACTED] Riess, as a recipient where the petitioner informed me that he had plans to hire someone to have sex with me in order to obtain "intimate" photos which he intended to put on his harassment website 'desireecapitano.com' (Exhibit A)
- Also in December 2014 I received an email from the petitioner stating that he had had a conversation with G [REDACTED] where they discussed the petitioner physically shooting me. Riess/[REDACTED] told G [REDACTED] that he would in fact kill me if he would not face jail time for it (Exhibit B)
- I also received email communication from the petitioner stating that when G [REDACTED] turns 16 years old that he would have the ability to defect to Toronto Canada and would never have to return to the United States or my care and there would be nothing this court could do about it (Exhibit C)

- Regardless of these emails, G [REDACTED] has spent every visitation with Richard/Patrick in Canada with the exception of Spring Break in March of 2015 where I took G [REDACTED] with me to visit family.
- Summer visit of 2015 was from the day after school let out (May 23rd) until 2 weeks before school started (July 12). It took 2 weeks and 48 emails to get just the departure plane ticket as the petitioner could not figure out what the term "travel itinerary" meant, despite using the term himself for a previous visit.
- I sent G [REDACTED] to Canada to see his father in May without having a return ticket purchased. I was told by the petitioner that he would send me the return information "sometime in June"
- During the course of the summer I received numerous email from the petitioner clearly illustrating that G [REDACTED] and his father were talking about me, that G [REDACTED] was providing information about me to his father and that the Petitioner was adding this information to the harassment website and using it to bully me. In one email he told me that he had a conversation with G [REDACTED] explaining to him that I love my other son more than G [REDACTED] (Exhibit D)
- Over the summer of 2015, I moved from Phoenix to Tucson as this court is aware. A copy of the Change of Address form submitted to this court was mailed to the petitioner under the name Richard Riess, as the petitioner made no motion to update his information with this court.

- By the end of June I still did not have any information regarding G [REDACTED]'s return. The petitioner said that he was not required to provide me with any such information. I called the local authorities who went to Riess/[REDACTED] residence and spoke with G [REDACTED]. The petitioner then secured G [REDACTED]'s return flight and provided the information.
- Based on the harassing and bullying behavior from the petitioner, the fact that all my person information is being put up on a public website, and the petitioners' inability to enter the United States I provided him with a mailing address instead of a physical address. I understand that this is not customary in a custody situation and was aware that I might have to provide him with a physical address but was planning on seeking guidance from this court before I did.
- Days before G [REDACTED]'s scheduled return the petitioner told me that because he did not have a physical address that he was not going to return G [REDACTED] to my care. He said that he would be seeking authority to keep G [REDACTED] through the court in Vancouver and that Canada would take jurisdiction over G [REDACTED] from this court. (Exhibit E)
- The petitioner did seek this route, however he was informed by the Canadian court that they would contact and work with this Superior Court to find the best course of resolution. G [REDACTED] was returned to me on July 12th as scheduled.
- Immediately following G [REDACTED]'s return I discovered that the physical address of the home I am residing in was in fact acquired by the petitioner and added to the harassment website. This website includes many racial slurs in an attempt to make it look like I hate ethnic people. I

informed the petitioner that by publishing this information on such a public forum that he was not only putting me at risk, but also G [REDACTED]. His response was that "if Mexicans come to my home to hurt me because of all the racial remarks on the website, that they would probably not hurt G [REDACTED]" and that even if they did "no court would ever find him guilty of causing it" so he didn't care. (Exhibit F)

- The petitioner also informed me that he was able to obtain the physical address of my residence by tracking G [REDACTED] through the cell phone provided to him by the petitioner. He informed me that he had been tracking G [REDACTED]'s movements over the course of the last year using the phone. This cell phone was also used to access G [REDACTED]'s social media sites where he obtained photographs of me as well as other personal information that he has put up on the harassment website (Exhibit G). I took the cell phone away from G [REDACTED]
- Upon finding out that additional information had been added to the website, including the physical address of the home, a picture of the home, and information about the owner of the home – including his picture, I called the Canadian authorities to inform them of his harassing and bullying behavior. I gave them the information on the petitioners' actions and sent them examples of the numerous emails I received daily from Richard/Patrick. A case was opened.
- On July 20th, the petitioner was arrested by the Canadian authorities where he was detained and questioned. He was released on the condition that he not make contact me in any way. He is being charged with Criminal Harassment and is pending a hearing date in October. (Exhibit H)

- Riess/ [REDACTED] is still permitted to contact G [REDACTED] freely and is allowed to communicate with me regarding travel arrangements for visitation as those matters are under the jurisdiction of this court. The petitioner has call G [REDACTED] in my home and spoken to him regularly through the home phone which is available.
- I know, based on conversations with G [REDACTED], information that shows up on the website, and previous emails that the petitioner informs G [REDACTED] of his actions and plans to hurt, harass, and bully me, often before they are done.
- On July 22nd, G [REDACTED] called Mr. Riess/ [REDACTED] with me present and demanded that his father stop the harassing behavior and take down the website. In return, G [REDACTED] wanted the cell phone provided by his father to be returned to him. The petitioner refused to cease any behavior or actions toward me, regardless of his son's wishes. Mr. Riess/ [REDACTED] told G [REDACTED] that I "deserved it"
- July 23rd I went to the local courthouse with the owner of the house whose information was also put up on the website. I was awarded an Order of Protection and Mr. Pendleton was granted an Injunction against Harassment (Exhibit I). The local police department is working with the Canadian law enforcement to have the orders served to the petitioner.
- The Order of Protection that was granted does not cover the minor child in any way.

- The cell phone that was provided to the minor child by the petitioner is now being used as evidence in the criminal harassment case being handled by the local police department and cannot be returned to G [REDACTED] or the petitioner. Although I would like to replace the mobile phone that was taken from G [REDACTED], I am very scared to allow any access to or from the petitioner on it. Working in the technology field, I am aware of the various ways a mobile phone can be compromised remotely.
- On August 15th the local police department was able to forcibly take down the harassment website. It was down for a total of 24 hours before the petitioner had it back up. As of right now, both the Canadian and local authorities are working on the issues against the petitioner.
- The Canadian authorities have advised that, for right now, they do not believe it is a good idea for G [REDACTED] to travel to Canada to visit with Riess/[REDACTED]. They believe that the custody order is being used to exploit the situation and is giving the petitioner a way to remain in contact and gather additional information to use against me.
- I currently hold sole physical and legal custody of G [REDACTED] Riess, but under these terms I am required to provide "reasonable" visitation nor am I allowed to prevent communication. Although the mobile phone has been taken away, the petitioner has had frequent and regular communication with the minor child through use of the home phone, so I believe I am abiding by that rule. As far as "reasonable" visitation is concerned, I would like to request that it be reasonable to allow G [REDACTED] to continue to visit his father in Canada once all the harassing

behavior stops, including the things that are said about me to G [REDACTED] as well as using G [REDACTED] to gather information on me.

- Since having custody of G [REDACTED] full time, the petitioner has not provided any monetary assistance for the care of G [REDACTED], however – he has provided G [REDACTED] with a credit card in which he puts \$100 a week and gives G [REDACTED] permission to buy anything he wants on it. I am threatened by the petitioner that if I restrict access or take the credit card from G [REDACTED] that he will take me back to court and get custody taken away from me. I feel like this money is being used to undermine my parenting as G [REDACTED] is using it to buy video games and other items without my knowledge or permission.

I am requesting a hearing to discuss the items listed above and to see guidance on how to proceed with visitation and communication between the petitioner and minor child. I also respectfully request to be allowed to appear in the scheduled hearing through a court call appearance. Thank you.

Exhibit K

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>
Date: 04/26/2015 09:31 AM
To: Desiree Capuano <desiree.capuano@gmail.com>
CC: G [REDACTED] Riess <g [REDACTED]@gmail.com>

Desiree:

What is the reasoning for only allowing G [REDACTED] to travel on the weekends? He has no other commitments that would preclude travel during the week.

G [REDACTED]: You see - I told you she would start playing these games. She's going to say that she has to work and can't take you to the airport, which is retarded because there is no reason she has to transport you to the airport. You can just hop in a cab and be there on your own in a few minutes. She'll respond that she doesn't want you taking a cab on your own, that you're too young. Yet she'll let you get on a plane and travel 1500 miles by yourself? How is that logical? Then, she's going to say I'm the one being difficult; she'll say "Why can he (Patrick) just meet you on the 24th or the 30th. Because the cost of a plane ticket, right now, for the 24th is about \$1300 whereas on the 27th it's \$150. I think that's a perfectly reasonable justification. In short, G [REDACTED], I don't believe for one second that she has any intention of following through with this.

Patrick

P.S. Desiree: Please make up your mind about my name. Either call me Richard or call me Patrick, but calling me Patrick when sending me legal documents, and calling me Richard informally is kind of stupid.

On 04/26/2015 09:17 AM, Desiree Capuano wrote:

Richard,

May 27th, 2015 will not work. G [REDACTED] may travel on 05/23/15 or 05/24/15. If not either of those days, the next permissible time is the following weekend. Those dates being 05/30/15 or 05/31/15. You will need to find a weekend that works for G [REDACTED] to travel out. Keep in mind that his return date to Arizona is still to be July 12th, 2015 regardless of the date he leaves to visit. That means the further you push out the date, the less time you two get together.

On Saturday, April 25, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:

Desiree:

May you confirm whether May 24, 2015 is the only date you will permit G [REDACTED] to travel from Phoenix, AZ to Vancouver, BC? I would like him to travel on May 27, 2015. Will he be permitted to do so?

Patrick

On 04/20/2015 10:32 AM, Desiree Capuano wrote:

Richard,

G [REDACTED] has stated that for his summer vacation, he would like to visit with you in Canada from May 24th to July 12th. May you please confirm that you will pick G [REDACTED] up from the airport on May 24th, and return him to the airport on July 12th? During this time he is to remain in the care of his father Richard Steve Riess in Canada, and is not permitted to be flown to other sites such as California without my notification and express written consent. To that end, G [REDACTED] has also expressed a desire to travel to California during this time, for which I will need a full itinerary including flight and contact information. Please provide this information as soon as possible so that there is no delay in his summer visitation.

Any deviation from the above stated shall be deemed kidnapping and a violation of the terms of reasonable visitation.

Desiree

Exhibit L

G [REDACTED] summer visitation 2015

Subject: G [REDACTED] summer visitation 2015
From: Desiree Capuano <desiree.capuano@gmail.com>
Date: 04/20/2015 10:32 AM
To: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>

Richard,

G [REDACTED] has stated that for his summer vacation, he would like to visit with you in Canada from May 24th to July 12th. May you please confirm that you will pick G [REDACTED] up from the airport on May 24th, and return him to the airport on July 12th? During this time he is to remain in the care of his father Richard Steve Riess in Canada, and is not permitted to be flown to other sites such as California without my notification and express written consent. To that end, G [REDACTED] has also expressed a desire to travel to California during this time, for which I will need a full itinerary including flight and contact information. Please provide this information as soon as possible so that there is no delay in his summer visitation.

Any deviation from the above stated shall be deemed kidnapping and a violation of the terms of reasonable visitation.

Desiree

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Desiree Capuano <desiree.capuano@gmail.com>
Date: 04/26/2015 09:17 AM
To: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>

Richard,

May 27th, 2015 will not work. G [REDACTED] may travel on 05/23/15 or 05/24/15. If not either of those days, the next permissible time is the following weekend. Those dates being 05/30/15 or 05/31/15. You will need to find a weekend that works for G [REDACTED] to travel out. Keep in mind that his return date to Arizona is still to be July 12th, 2015 regardless of the date he leaves to visit. That means the further you push out the date, the less time you two get together.

On Saturday, April 25, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:
Desiree:

May you confirm whether May 24, 2015 is the only date you will permit G [REDACTED] to travel from Phoenix, AZ to Vancouver, BC? I would like him to travel on May 27, 2015. Will he be permitted to do so?

Patrick

On 04/20/2015 10:32 AM, Desiree Capuano wrote:

Richard,

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Any deviation from the above stated shall be deemed kidnapping and a violation of the terms of reasonable visitation.

Desiree

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Desiree Capuano <desiree.capuano@gmail.com>
Date: 04/26/2015 04:02 PM
To: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>
CC: G [REDACTED] Riess <g [REDACTED]@gmail.com>

Ricky,

That sounds like an acceptable start to me. However, as already discussed, I will require a full itinerary for G [REDACTED]'s summer trip. Upon my receipt of said itinerary, I will review it in full and provide approval at such time.

Also, please remember to keep a copy of your deportation paperwork handy as you claim that is the only legal document in your possession identifying you as Richard Riess (G [REDACTED]'s father).

~Desiree

On Sunday, April 26, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:

I have confirmed, with Liz, that she would pick up G [REDACTED] from LAX on May 24, 2015 and she would bring him to LAX on May 27, 2015 or May 28, 2015 to travel to Vancouver, BC. During the time G [REDACTED] would be in Los Angeles, he would be staying at Liz's residence.

Is that acceptable to you? And, if so, do you agree to permit G [REDACTED] to travel from Phoenix, AZ to Los Angeles, CA on May 24, 2015, then from Los Angeles, CA to Vancouver, BC on May 28, 2015?

Patrick

On 04/26/2015 11:35 AM, Patrick [REDACTED] wrote:

Desiree:

I'm unclear - your "previous correspondence" stated that G [REDACTED] traveling to California was contingent on your express notice and consent. But you now seem to be saying that it is pre-authorized by you and that you just require "full itinerary including flight and contact information". May you please try to be a little more clear and consistent in your communication?

I will speak with the relevant parties in Los Angeles and get back to you with confirmations.

Responses to your statements:

1. You are correct that you are not required, not legally anyway, to justify your decisions to me. However, your refusal to provide a rationale for your decisions is evidence that such decisions are arbitrary and NOT based on rationale or on what is in G [REDACTED]'s best interests. And child rearing (or leading, in general) arbitrarily, as opposed to by rational consideration and democratic processes is fascist and dictatorial. I have been, and I believe I have now, proven that that is your approach to raising children (if not your approach to life, in general).

In the past, when I have attempted to implement a rule, I have always allowed G [REDACTED] the opportunity to question it's rationale and, on more than one occasion he has pointed out that there was no logical basis for it. In such cases I have conceded that he was correct and the rule was either abandoned or modified appropriately. THAT is my approach to raising children - and to life in general. That is why I am a better person than you and why G [REDACTED] will always respect me, while he fears you. Personally, I'd rather have someone's earned respect than to have their fear. But that's just me.

2. I am not "failing to comply", as you put it. I am proposing alternatives to what you have mandated, in order to make more cost effective travel arrangements. Alternatives which would not affect you in any way whatsoever because you are not the one traveling. You are proving that you are completely unwilling to have ANY flexibility in this matter - even though it does not affect you in any way at all. Is there ANY reason you can provide why G [REDACTED] should not be permitted to travel on May 28, 2015 rather than on May 24, 2015? You're adamant refusal to provide such indicates there is not.

As for me being the one hurting G [REDACTED], I don't see how you come to that conclusion. You're the one being completely inflexible on his travel dates and only allowing him to travel on the dates that the flights cost over \$500. How exactly am I the one hurting him?

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Desiree Capuano <desiree.capuano@gmail.com>
Date: 05/04/2015 09:07 PM
To: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>

Yes, G [REDACTED] may travel for the purposes of visitation between the dates of May 24th and July 12th, 2015. I will need the travel plans (itinerary) all flights G [REDACTED] will be occupying, including but not limited to; the airline, day, time, flight number, confirmation number, and destination. This includes his flight from California to Vancouver.

On Monday, May 4, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:
Desiree:

Please provide a definitive response clearly stating whether or not you are going to allow G [REDACTED] to visit between the dates of May 24, 2015 and July 12, 2015. Your silence requires the other party (me) to make assumptions, and assumptions are not admissible in court.

Patrick

On 04/26/2015 04:24 PM, Patrick [REDACTED] wrote:

Desiree:

What the fuck is wrong with your head? Do you do this silly shit just to be annoying is your whole life experience based on trailer parks and TV? Come back to reality for a second, will ya?

What the fuck do you mean by "itinerary"?!?!? That is such a fucking vague term. Be specific, you fucking idiot! You're wasting my time with all this stupid back and forth. You pretend like you give a shit about G [REDACTED]'s safety, demanding I provide an "itinerary" and that I keep on me documents to establish I'm someone I'm not - and the other 364 days out of the year you don't put an ounce of interest into what's going on with him. Stop being such a fucking tool!

Just shut the fuck up and be a normal person or just fucking go away. I don't need your stupid shit and I have better things to do than try to jump through your hoops for your amusement. You're just a fucking twit. There is no documentation identifying me as Richard Riess and you know it. That deportation document is meaningless since the government has admitted that I'm not that person. What the FUCK is wrong with you?

And don't go telling G [REDACTED] that the reason he can't come to visit is because I didn't meet your "reasonable requirements". Your requirements are moronic and impossible to meet because they keep changing.

I'm done with you. Let him visit or don't, it's your problem. He and I both know that you have 100% of the authority to allow him to visit and that it is entirely on you - not me. He turns 16 in less than a year and a half and I'm pretty sure when that day arrives he's going to say "Fuck you!" and that will be the last you hear of him.

Good day,
Patrick

On 04/26/2015 04:02 PM, Desiree Capuano wrote:

Ricky,

That sounds like an acceptable start to me. However, as already discussed, I will require a full itinerary for G [REDACTED]'s summer trip. Upon my receipt of said itinerary, I will review it in full and provide approval at such time.

Also, please remember to keep a copy of your deportation paperwork handy as you claim that is the only legal document in your possession identifying you as Richard Riess (G [REDACTED]'s father).

~Desiree

On Sunday, April 26, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:

I have confirmed, with Liz, that she would pick up G [REDACTED] from LAX on May 24, 2015 and she would bring him to LAX on May 27, 2015 or May 28, 2015 to travel to Vancouver, BC. During the time G [REDACTED] would be

Re: G [REDACTED] summer visitation 2015

Subject: Re: G [REDACTED] summer visitation 2015
From: Desiree Capuano <desiree.capuano@gmail.com>
Date: 05/06/2015 01:56 PM
To: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>

I would appreciate it if you would keep your emotions in check as we attempt to discuss and resolve this.

Did I ever once say I needed to know where G [REDACTED] was going to be every single minute of every single day? No, I haven't. I told you specifically what information I needed, which was regarding the plane/flight information ONLY but you wanted to argue about the meaning of "including but not limited to".

You never once asked me to work with you on the date of his departure, you demanded it and only AFTER I said 'No' did you bring up that it was about the cost.

With all your threats to "destroy me", the emails you've sent to my work, and that horrendous website still up and being hosted from your home computer - what makes you think that I should do ANYTHING to help you out? Tell me exactly why I am responsible for taking time off of work to accommodate you? Where exactly does it say that I am required to in the court decree? Please show me.

See - you still don't get it. If you had come to me and said "hey, flights are cheaper on Wednesday and I would really appreciate it if you would work with me on G [REDACTED]'s travel" I would have done it. Even after everything you have done (especially beginning in March). The fight here is one sided, always has been.

Now to wrap this up, I do NOT need (from you or Liz);

1. a detailed plan for a journey, especially a list of places to visit; plan of travel.
2. a line of travel; route.
3. an account of a journey; record of travel.
4. a book describing a route or routes of travel with information helpful to travelers; guidebook for travelers.

What I need is the same thing you have sent me for every other visitation G [REDACTED] has had to see you - the confirmation from the airline that includes the flight information (generally referred to as a "travel itinerary" - I can copy and paste a picture of one of you still need it for reference).

I just did a search on Google and found the following;

<http://www.kayak.com/flights/PHX-YVR/2015-05-24>

I gave you the travel dates on April 20th. You could have purchase a ticket at any point in the last 2 weeks. Instead you want to quibble over dictionary definitions and cite case law and now there are no reasonable flights left that are non-stop. So I guess I have no choice but to allow a layover, unless you want to explain to Liz that you were incorrect in your interpretation of what I said. Regardless of where he's traveling to, send me the flight confirmation. Or don't and we can most certainly take this back to court and you can plead your case.

Cheerio

On Tuesday, May 5, 2015, Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com> wrote:
Desiree:

How am I the one making it complicated when you're the one changing your demands? Please see my further comments below.

On 05/05/2015 08:55 PM, Desiree Capuano wrote:

Ricky,

This is just unnecessarily complicated. Even for you. Let me make this VERY simple so that you can follow.

Exhibit M

The most difficult border in the world to cross!

Subject: The most difficult border in the world to cross!
From: Patrick [redacted] <patrick [redacted]@ [redacted].com>
Date: 05/15/2015 05:03 PM
To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

You will find, attached, numerous pictures of the Peace Arch border crossing and the surrounding area. The pictures are, obviously, from Google Maps. The Peace Arch border crossing is 27.5 miles from my apartment. It is where I usually cross the border.

If you look at the picture named border_crossing_looking_north.jpg you see that I circled an obelisk. That obelisk marks the actual, physical border between the two countries. Do you see any security? Any fences or walls? Anything at all to obstruct movement between the two countries?

Now, turn your attention to the image named border_crossing_looking_south.jpg. That is taken from exactly right next to the same obelisk, but facing south, into the US. Over to the left is the park that is in the other pictures. Any signs of Border Patrol? Anyone attempting to inspect people moving between the two countries?

Now, have a look at in_us_park_facing_canada.jpg. That is about 100 feet to the east of the same obelisk. you see that road beyond the bench where the guy and his dog are sitting? That's the intersection of Peace Park Drive and 0 Ave. That intersection is in Canada; the park the picture is taken from is in the US. Do you see anything suggesting that people are not allowed to move freely?

In fact, let's go to the picture named peace_park_drive_and_zero_ave.jpg. This picture is just about 15 feet north of the previous one. In fact, you can see part of the same bench right there, behind the hedges (I've circled it for you). Do you see that opening in the two hedges? With the paved path/walkway? That is, in fact, a paved path for people to walk and/or ride their bicycles on. And it crosses right over the border. Not only is there nothing suggesting that people SHOULDN'T move freely between the two points, they've even created a walkway to make such movement easier!

Now have a look at zero_ave_facing_south.jpg. That is standing on 0 Ave, which runs along the border, on the Canadian side. See what's right next to it? Completely open, unobstructed access to that nice, inviting park in Washington State. There is a ditch that runs along the road, for drainage, and every 100 feet, or so, there is a covering so that you can step across easily (circled, on the far left).

Have a look at in_us_park_facing_canada-01.jpg. You see that road? That's in Canada. Everything on this side is the US. The houses - they're in Canada. You see that spot I've circled on the far right? That's one of the points where the ditch is covered over to facilitate movement.

Do you see ANYTHING, ANYWHERE that would make it in any way difficult to simply walk from any one point to any other point?

So why the fuck do you think that if I wanted to be in the US I would not be? People obviously hang out in that park and nobody bothers them. There are no ICE agents or border patrol running around demanding to see peoples' proof of lawful presence. Do you not think an ordinary looking, English speaking person could just come and go as they pleased?

Do you not think those people that live in those houses along 0 Avenue do just walk across the border to take their children to that park?

God damn, you're such a fucking moron.

Cheers,
Patrick

—border_aria1.jpg

Exhibit N

Re: Contact Information

Subject: Re: Contact Information
From: Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com>
Date: 07/18/2015 02:37 PM
To: Desiree Capuano <desiree.capuano@gmail.com>

Desiree:

Isn't it amusing that your reason for refusing to provide me the address where G [REDACTED] will be residing while in your case was that I continue to put your so-called "personal information" on a public website...but, the one piece of "personal information" I had never put on a public website was your address...but, now, even though you'd refused to provide the address, I've put your current address on your public website. Ah, the irony.

Cheers,
Patrick

On 07/07/2015 06:28 PM, Desiree Capuano wrote:

As long as Patrick [REDACTED] continues to put my personal information on a public website, it will not be provided. Richard Riess does not have visitation within the United States as he has been forcibly deported so having a physical address serves no purpose. A mailing address has been provided for the purpose of communication which is all I am required to provide. If G [REDACTED] is not returned, Richard Riess will be in direct violation of the court order governing G [REDACTED] and immediate action will be taken. I expect to see my son on the 12th of July, 2015.

Desiree

On Tuesday, July 7, 2015, Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com> wrote:

So I told G [REDACTED] about your refusal to provide the address where he will be residing upon his return and that if you do not provide the address I have the legal right to refuse to allow him to return - because a parent, regardless of custody orders, cannot legally be compelled to knowingly put their child in harms way, and given your well documented history of refusing to cooperate, and taking up with drug users, criminals, and violent people you hardly know...well.

Do you think he was upset about that? No. Not at all.

Cheers,
Patrick

Patrick [REDACTED] <patrick[REDACTED]@s[REDACTED].com> wrote:

according to Google maps that address is a US Post Office. You are legally required to provide me the address where G [REDACTED] will be physically residing. A post office box does not meet that requirement.

If you fail or refuse to provide me the address where G [REDACTED] will be physically residing, prior to his time of departure on July 12 I will have the legal grounds to refuse to allow him to return because, as far as I know, you're homeless and unable to provide his shelter. Particularly since you also refuse to provide any information about whether you even have any income.

Patrick

Exhibit O

Re: Updates to your site

Subject: Re: Updates to your site
From: Patrick [REDACTED] <patrick.[REDACTED]@s[REDACTED].com>
Date: 07/13/2015 08:30 PM
To: Desiree Capuano <desiree.capuano@gmail.com>
BCC: G [REDACTED] Riess <g[REDACTED]@gmail.com>

Desiree:

Oh, I should mention, before you freak out at G [REDACTED] and ground him for telling me where you live: I already had the address from the times you've previously spent the weekend at the house. Given the address, finding the name of the person who owns the property is a simple public records check. Given the name of the property owner, a simple google search provides his LinkedIn and Facebook profiles. From the LinkedIn profile I see that he also worked at Apollo Group at the same time you did. Using basic deduction, and given how well I know you, I was able to conclude that you were intimately involved with Mr. Pendleton - why else would you take your kids and spend numerous weekends at his house which is hours drive from where you lived.

So, you see, G [REDACTED] told me nothing - any fool with partial intelligence and a bit of background on you could figure it out.

Patrick

On 07/13/2015 08:11 PM, Patrick [REDACTED] wrote:

Desiree:

I've updated some of the information on your site. Let me know if anything is inaccurate. Namely on the home page and on the News page. I was sure to include your new address, a picture of your presumed boyfriend, and a picture of your new home.

I still need to confirm your employment - once I do then I'll update that information too.

It's good that you're living in such a small community now. Much less anonymity. Your reputation will undoubtedly spread quickly.

Cheers,
Patrick

P.S. I believe you are expecting me to say nasty things about James Pendleton, but I don't know him so I have no opinion of him.

Exhibit P

Dangerous products or services

Our policy

We want to help keep people safe both online and offline, so we don't allow the promotion of some products or services that cause damage, harm, or injury.

Examples of what's not allowed

Here are some examples of products and services that we consider to be dangerous:

Explosives

- ✘ Products that are designed to explode and could cause damage to nearby people or property
 - *Examples:* Nail bomb, chemical bomb, any fireworks that explode, firecrackers, grenades
- ✘ Instructional materials on how to make explosives
 - *Example:* Bomb-making site

Guns & parts

- ✘ Functional devices that appear to discharge a projectile at high velocity, whether for sport, self-defense, or combat (Note that we err on the side of caution and apply this policy to sporting or recreational guns that can cause serious harm if misused, or that appear to be real guns.)
 - *Examples:* Handguns, rifles, shotguns, hunting guns, functioning antique guns, airsoft guns, paintball guns, bb guns
- ✘ Any part or component that's necessary to the function of a gun
 - *Examples:* Ammunition, ammunition clips, silencers, or ammunition belts

Dangerous knives

- ✘ Knives that are designed or promoted (in modern-day usage) as products that can be used to injure an opponent in sport, self-defense, or combat
- ✘ Any knife design that provides a confrontational advantage (including disguised appearance or assisted-opening mechanism)
 - *Examples:* Switchblades, fighting knives, sword-canes, balisongs, military knives, push daggers, throwing axes

Other weapons

- ✘ Any other product that's designed to (in modern-day usage) injure an opponent in sport, self-defense, or combat
 - *Examples:* Throwing stars, brass knuckles, tasers, pepper spray

Recreational drugs & drug-related equipment

- ✘ Promotion of substances that alter mental state for the purpose of recreation or otherwise induce "highs"
 - *Examples:* Cocaine, crystal meth, heroin, marijuana, cocaine substitutes, mephedrone, "legal highs"
- ✘ Products or services marketed as facilitating recreational drug use
 - *Examples:* Pipes, bongs, cannabis coffee shops
- ✘ Promotion of instructional content about producing, purchasing, or using recreational drugs
 - *Examples:* Forums to exchange tips or recommendations on drug use

Tobacco products & related equipment

Exhibit Q



desiree capuano

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Mail - Desiree Capuano: Sahuarita's Sweetheart

www.desireecapuano.com/mail/

Patrick, **Desiree Capuano**, Re: G's visit for winter break 2015, 2015-11-14 03:21 pm ...

Patrick, **Desiree Capuano**, Babying G, 2015-07-12 03:05 pm.

Apollo Education Group - Desiree Capuano: Sahuarita's ...

www.desireecapuano.com/apollo_group/

Apollo Education Group. On this page I've compiled some useful and interesting information and links about my employer, Apollo Education Group - the owner ...

Desiree Capuano Profiles | Facebook

<https://www.facebook.com/public/Desiree-Capuano> Facebook

View the profiles of people named **Desiree Capuano** on Facebook. Join Facebook to connect with **Desiree Capuano** and others you may know. Facebook gives.

Desiree Capuano | LinkedIn

<https://www.linkedin.com/in/desiree-capuano-89740179>

Greater New York City Area - Administration

View **Desiree Capuano's** professional profile on LinkedIn. LinkedIn is the world's largest business network, helping professionals like **Desiree Capuano** discover ...

Desiree Capuano | Whitepages

www.whitepages.com/name/Desiree-Capuano Whitepages

Find **Desiree Capuano's** phone number, address and more on Whitepages, the most trusted online directory with contact information for over 90% of US adults.

Intelius - 1 Profile found for Desiree Capuano in Phoenix, AZ

www.intelius.com/people/Desiree-Capuano/08vx5tzzvn6

Get contact information on **Desiree Yvonne Capuano**, Phoenix AZ. Find out **Desiree Yvonne Capuano's** age, gender, possible aliases, associates, professional, ...

Desiree Capuano and Thomas Capuano's Baby Registry o...

registry.thebump.com/desiree-capuano-thomas-capuano.../8584027

Nov 5, 2014 - **Desiree Capuano** & Thomas Capuano's Registry. Due Date: Nov ... **Desiree Capuano** has shared a baby registry with you! See what Desiree ...

Images for desiree capuano

Report images



More images for desiree capuano

desiree capuano (@desireecapuano) | Twitter

<https://twitter.com/desireecapuano>

The latest Tweets from **desiree capuano** (@desireecapuano): "Ti vorrei rivivere - Eros Ramazzotti: <http://t.co/K04YNuPe> via @youtube"

Desiree Capuano (330706938) on Myspace

<https://myspace.com/330706938>

Desiree Capuano (330706938)'s profile on Myspace, the place where people come to connect, discover, and share.

Desiree Capuano's Photos, Phone, Email, Address - Spokeo

www.spokeo.com/Desiree-Capuano ▾ Spokeo ▾

Find **Desiree Capuano's** phone number, address, email and photos on Spokeo, a leading people search directory for contact information and public records.

Desiree Capuano on Etsy

<https://www.etsy.com/people/italiababi> ▾ Etsy ▾

View the Etsy profile for italiababi, who joined Etsy on January 19, 2012.

Desiree Capuano - Google+

<https://plus.google.com/113663979740872125584> ▾

Desiree Capuano - Apollo Education Group - Phoenix, AZ - University of Phoenix.

Desiree Capuano | 411

www.411.com/name/Desiree-Capuano ▾ 4-1-1 ▾

View **Desiree Capuano's** phone number, address and more on 411. Find 2 listings for **Desiree Capuano** in the US/Canada. 411 is the largest and most trusted ...

Desiree Capuano on Pinterest

<https://www.pinterest.com/ItaliaBabi/> ▾

See what **Desiree Capuano** (ItaliaBabi) has discovered on Pinterest, the world's biggest collection of everybody's favorite things.

Desiree Capuano (DesireeCapuano666) on We Heart It

weheartit.com/DesireeCapuano666 ▾

Browse and search images hearted by **Desiree Capuano** (DesireeCapuano666).

Desiree Capuano | Doctor Print Inc | ZoomInfo.com

www.zoominfo.com/p/Desiree-Capuano/-2106987777 ▾

View **Desiree Capuano's** business profile at Doctor Print Inc and see work history, affiliations and more.

@desiree.capuano.5 | Instagram photos and videos ...

www.mundimago.com/profile/desiree.capuano.5 ▾

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Instagram web viewer online, You can find the most pop photos and users at here Yooying.

Desiree Capuano - Classmates.com

www.classmates.com/people/Desiree-Capuano/131526861 ▾ Classmates.com ▾

Desiree Capuano 1987 graduate of Hollywood Hills High School in Hollywood, FL is on Classmates.com. Get caught up with **Desiree Capuano** and other high ...

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www.reunion.com ▸ ... ▸ Erica Capua - Janet Capuano ▾

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Desiree Capuano Name Meaning - Desiree Origins

twelve.namespage.com/posts/desiree-capuano ▾

Desiree Capuano name meaning. Discover the origins of the name **Desiree Capuano**. Namespage displays origins and meanings behind names such as ...

Desiree Capuano in Clifton, NJ - Free People Directory

www.freepeopledirectory.com/name/Desiree-Capuano/Clifton-NJ ▾

Free white page contact information. Find address & phone for **Desiree Capuano** in Clifton, NJ.

Paul Capuano | Free Public Records | PublicRecords360

www.publicrecords360.com/people-search/capuano/paul ▾

People search results for Paul Capuano. Lookup public ... Age 52, Paul Trust Capuano, New

Castle, DE Wilmington, DE ... **Desiree Capuano**. View Details ...

SQL DBA resumes in Tucson AZ | Indeed Resume Search

www.indeed.com/resumes/SQL-DBA/in-Tucson-AZ ▾ Indeed.com ▾

Desiree Capuano - Sahuarita, AZ. Systems Analyst II - Apollo Education Group. Telemarketer. Exotic Dancer - Lollipops Exotic Dance Club. University of ...

capuano v. kenneth eisen & assoc., ltd. - Casetext

<https://casetext.com/case/capuano-v-kenneth-eisen-assocs> ▾

Jan 22, 2012 - No. CV-11-02395-PHX-JAT. 06-22-2012. Michael Capuano; **Desiree Capuano**, Plaintiffs, v. Kenneth Eisen & Associates, Limited, Defendant.

Desiree Capuano in the United States - Public Records ...

www.ussearch.com/people-search-name/Desiree-Capuano

Print; Email Results. Get a People Search Report on **Desiree Capuano**. 3 matches were found for **Desiree Capuano**. back disabled Page. of 1. back disabled ...

7 Exotic Dancers in Phoenix, AZ Directory - Artists - Trustoria

artist.trustoria.com › Phoenix, AZ › Dance Artists › Exotic Dancers ▾

7 results - **Desiree Capuano** Phoenix, AZ. Professions & Specialties. Dance ArtistDancerTelemarketerIT AnalystSystems AnalystSupporting MemberTeam ...

Capuano v. Kenneth Eisen & Associates Limited et al

www.law360.com/cases/4edd62e2879d941a69000001 ▾ Law360 ▾

Parties, docket activity and news coverage of federal case Capuano v. Kenneth Eisen & Associates Limited et al, case number ... Plaintiff. **Desiree Capuano** ...

Desiree Capuano - Address, Phone Number, Public ...

radaris.com/p/Desiree/Capuano/

Jan 21, 2011 - Get **Desiree Capuano's** contact information, age, background check, white pages, social networks, resume, professional records, pictures ...

St. Petersburg College People | Vitae

<https://chroniclevitae.com/institutions/3081/people?page=4> ▾

... Linda Millard Assistant Professor at Coastal Bend College · Johannetsy Avillan Microbiologist at CDC · **Desiree Capuano** Systems Analyst II at Unemployed ...

Desireecapuano.com - wa-com.com

wa-com.com/desireecapuano.com ▾

Desireecapuano.com domain informations. Updated : 2015-10-06. **Desiree Capuano** - Systems Analyst, Apollo Education Group. Desireecapuano.

Desiree Capuano - Joesdata.com

www.joesdata.com/executive/Desiree_Capuano_922855016.html ▾

May 22, 2014 - Email, phone number & executive profile for **Desiree Capuano**, Systems Analyst of Apollo Education Group, Inc. at Phoenix, AZ.

Desireecapuano.com Desiree Capuano - Web Analysis

www.statscrop.com/www/desireecapuano.com ▾

Desiree Capuano. Desireecapuano.com - **Desiree Capuano** - Systems Analyst, Apollo Education Group. Rating: 2.5/5.0 Stars. Advertisement ...

Soccer: 'World class' Shale Classic set Saturday at Perry ...

www.cantonrep.com/article/20150724/.../150729703 ▾ The Repository ▾

Jul 24, 2015 - Angelo **Capuano**, an outside midfielder, played high school soccer for ... (Lake), **Desiree Beatty** (Perry), Danielle Huff (Hoover), Frankie Mujic ...

Desirée Martinelli & Alfredo Capuano - Tu Si' 'Na Cosa ...



<https://www.youtube.com/watch?v=mNYFTsF-x0o>

Nov 19, 2011 - Uploaded by FlvOfficial

Desirée Martinelli e Alfredo **Capuano** interpretano "Tu Si' 'Na Cosa Grande", canzone Napoletana ...

Tony Capuano : The Profile Engine

profileengine.com/people/96246885/tony.capuano ▾
Are you Tony Capuano? ... Log in now to access Tony Capuano's profile on the social network which provided this information ... **Desiree Capuano** Aoki.

2
hodes-directory.us/directory.php?q=7rf7-734-469-0633-Livonia... ▾
Desiree Capuano, Berwick St, Livonia Michigan, 734-469-0141. Diana Kussubagyo, Westbrook Ct, Livonia Michigan, 734-469-8003. Donna Hall, Gaylord St ...

PUBLIC RECORDS DIRECTORY - Anthony Capano
publicrecords.directory/profiles/anthony-capano.9620307.html ▾
Manorville, NY 11949-3219. Holbrook, NY 11741-3319, **Desiree M Capuano** Leopoldo M **Capuano** Leopoldo **Capuano** Mary **Capuano** Melissa **Capuano**

Fountain Valley wins Area K title - tribunedigital ...
articles.hbindependent.com/.../tn-hbi-1103-youthsports-20111102_1_mi... ▾
Nov 2, 2011 - Fountain Valley team members are: Molina, Soliman, Alicia Arnett, Vivien Bayless, Lauren Brose, Alex **Capuano**, Jordi Emrich, **Desiree** Fisher, ...

Samoset Middle School Departments
www.sachem.edu/.../samoset_departments%20ne... ▾ Sachem School District ▾
70+ items - Staff Directory Samoset 2014-2015 Contact Information ...

Staff.	Dept.	Staff	Dept.
Alfiero, Lisa.	Teacher Assistant.	Kouimanis, Maria	Food Service.
Amy, Megan.	Special Ed.	Kouimanis, Vivian	Teacher Assistant.

CONSTANCE GIANGREGORIO Obituary - Revere, MA ...
www.legacy.com/obituaries/bostonglobe/obituary.aspx?pid... ▾ Legacy.com ▾
Apr 4, 2014 - ... of Erica Chandler, Salvatore Costanzo, **Desiree**, Michael, Paul, and Marissa Giangregorio. Loving sister of Rita **Capuano** of Wilmington MA.

[PDF] parish bulletin board - St. Raymond - East Rockaway NY
www.data.saintraymonds.org/bulletin/_archive/20120610_bulletin.pdf ▾
Jun 10, 2012 - **Desiree** Arrigali & Thomas **Capuano**. Monica Sanchez & Ugnius Norkunas. Maura McShane & Ronan Cooney. Christina Fucci & John Bragg.

[PDF] 2014 Softball Championship Program - NJSIAA
www.njsiaa.org/.../1... ▾ New Jersey State Interscholastic Athletic Association ▾
Nicole **Capuano**. 2B. 2014. 6. Sam McQueen. 3B/SS ... 55 Jenna **Capuano**. OF. 2016. Colors: Royal and ... 21 **Desiree** Melendez. IF. 2016. 24 Brianna Incorvaia.

Amazing spirits | Angels for Talia
<https://angelsfortalia.wordpress.com/2009/01/08/amazing-spirits/> ▾
Jan 8, 2009 - For the first time in close to two months I got the opportunity to meet with Talia and her mother, **Desiree**. ... Cheri **Capuano** - January 8, 2009.

Student Ambassador Profiles - University of San Diego
<https://www.sandiego.edu/.../student-ambassador...> ▾ University of San Diego ▾
Our Student Ambassadors are available to connect with prospective students interested in SOLES graduate programs. These outstanding students are leaders ...

[PDF] Liste des étudiants gradués de l'Université de ... - Unil
<https://www.unil.ch/.../files/live/.../MA2014.pdf> ▾ University of Lausanne ▾
CAPUANO HERRERO. Tony Orlando. 06/2014. **CARRON** **MORATH**. **Désirée**. 01/2014. **NGUYEN**. Dorian. 06/2014. **OBERHAUSER**. Pierre-Nicolas. 08/2014.

Dwight 1991 by Dwight School - issuu
issuu.com/thedwightschool/docs/dwight_1991_reduced ▾
Mar 27, 2013 - ... Lauren Slater, Lauren Lombardi, Daniella Berger, Tiff any **Capuano**, Rachel ... **Desiree** - 1 couldn't ask for an y thing more from a friendship.

[PDF] Arizona School Redesign Survey Alternative School Pr...
<https://www.azed.gov/wp-content/uploads/PDF/AltSchoolPrograms.pdf> ▾
6-8 **Desiree** Castillo dcastillo@fesd.org. Maricopa. Mesa Public ... 9-12 Anthony **Capuano**

anthony.**capuano**@dysart.org. Maricopa. Peoria Unified. Peoria High.

cgiles296 - Instagram Followers - Lakako.com

www.lakako.com/followed/15052561 ▾

italiababi (**Desiree** Arrigali **Capuano**), 23megan23 (23megan23), jwalker927 (jwalker927).

dvla23 · nykarebear95 (Karie Preuss), mami1423 (Kristen McKnight).

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Exhibit R

Re: G [REDACTED]'s visit for winter break 2015

Subject: Re: G [REDACTED]'s visit for winter break 2015
From: Patrick [REDACTED] <patrick [REDACTED]@s [REDACTED].com>
Date: 11/14/2015 03:21 PM
To: Desiree Capuano <desiree.capuano@gmail.com>
BCC: G [REDACTED] Riess <g [REDACTED]@gmail.com>, liz [REDACTED]@yahoo.com

Desiree:

This was not an invitation to negotiate and you are not in a position to be making demands of any sort. You have stated that you will be monitoring G [REDACTED]'s communication with me so I assume you heard our conversation the other day. Therefore, you know that I am well aware of your entire situation.

G [REDACTED] has told me he wants to spend his entire break with me - just as he wanted to spend his entire Fall Break with me, his entire Summer Break with me, and his entire Spring Break with me. So that is what I am requesting.

There will be know negotiating and I will not agree to any terms you try to impose. You will soon be homeless; you have no money; nobody believes anything you say anymore; nobody is coming to your aid or defense; you will not be able to secure another job as long as that website exists - and it's not going anywhere as long as you're alive; your boyfriend has reached the point of being fed up and only his sense of decency toward S [REDACTED] keeps him from kicking you guys out (he knows G [REDACTED] will be fine because of me).

Moreover, I've already submitted a request to the family court for an expedited hearing for an order for G [REDACTED] to visit for the entire winter break (amongst other things). So, why would I agree to your "terms"?

Patrick

On 11/14/2015 09:51 AM, Desiree Capuano wrote:

Richard Riess,

I will allow G [REDACTED] to travel to Canada for visitation under the following conditions;

1. His visit will not be for the entire duration of winter break. You may have him for the first week. These dates have been discussed and agreed to by G [REDACTED] and are as follows:

Travel to Canada may occur on either Friday, December 18th, 2015 or Saturday, December 19th, 2015

Return travel to Arizona will occur no later than Sunday, December 27th, 2015

2. The plane ticket from Arizona to Canada and from Canada back to Arizona must be purchased and provided to me prior to G [REDACTED]'s departure.

3. While G [REDACTED] is in your care you are not to speak about me at all. This includes my home, my lifestyle, the other people in our home, your opinions, or your thoughts. These are unnecessary topics of conversation. I know if this has happened based on his behavior when he returns.

4. While G [REDACTED] is in your care you are not to use him to gather information about me, my home, my lifestyle, or the people in my home. Using your child to gather information to hurt the other parent is bad and G [REDACTED] does not deserve to be used in this manner. I will know if this has happened.

5. While G [REDACTED] is in your care you are not to use G [REDACTED] to plot or attempt to plot against me, my home or the people in my home. This includes any actions, direct or

Re: G [REDACTED]'s visit for winter break 2015

indirect, which would or could potentially adversely affect me, my home, my lifestyle, or the people in my home. Again, using or attempting to use your child in such a way is bad and G [REDACTED] deserves better.

If you agree to these terms then provide the travel plans for both flights and I will make sure G [REDACTED] sees you for the first week of winter break.

Desiree

Exhibit S

Case No: CV2015-00024

APPELLANT Patrick [REDACTED] [REDACTED] Sunset St, [REDACTED] Burnaby, BC V5G 1T3 Canada 604-[REDACTED] Pro Se	APPELLEE Desiree Capuano 250 E. Placita Lago Del Mago Sahuarita, AZ 85629 520-288-8200 Pro Se
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APPELLANT'S MEMORANDUM

STATEMENT OF THE CASE:

On July 23, 2015 Ms. Capuano filed a Petition for an Order of Protection against Mr. [REDACTED], in the Sahuarita Municipal Court. Based on Ms. Capuano's sworn statements, the Municipal Court issued the Order of Protection. A copy of the Order of Protection was served on Mr. [REDACTED] on October 31, 2015. Mr. [REDACTED] thereafter requested a contested hearing in the Sahuarita Municipal Court, and a hearing was set for December 16, 2015. Ms. Capuano and Mr. [REDACTED] both testified at the hearing. Upon completion of the hearing, the Municipal Court ordered the Order of Protection remain in effect, and ordered a Notice of Possible Brady Indicator (PBI) be issued against Mr. [REDACTED]. Mr. [REDACTED] timely filed a Notice of Appeal.

STATEMENT OF FACTS:

On July 23, 2015, Ms. Capuano, filed a Petition for Order of Protection in the Sahuarita Municipal Court, against Mr. [REDACTED] (Appendix A: Petition). Ms. Capuano's petition clearly

declared two pending Family Court matters – one in Maricopa County Superior court for Dissolution of Marriage; and one in Los Angeles County Superior Court for Child Custody and Support. In her petition, Ms. Capuano alleged Mr. [REDACTED] told her “he discussed shooting [her] with [their] son and said that he would if there was no risk of going to jail”; “He states that he has a gun license and owns multiple firearms”; and “He shows [her] the border in Canada that he uses to cross into the United States”. Ms. Capuano also alleged Mr. [REDACTED] has posted various information about her on a public website which Mr. [REDACTED] hosts.

On that same day, the Sahuarita Municipal Court granted Ms. Capuano's petition and issued an Order of Protection against Mr. [REDACTED] (Appendix B: Orders). The Order prohibited Mr. [REDACTED] from having contact with Ms. Capuano; from going to or near Ms. Capuano's residence; from possessing firearms; and further required Mr. [REDACTED] to surrender his firearms to law enforcement with 24 hours of being served a copy of the Order.

A copy of the Order of Protection was served on Mr. [REDACTED] on October 31, 2015, by the Royal Canadian Mounted Police (RCMP) at Mr. [REDACTED]'s residence in Burnaby, British Columbia, Canada. In early December 2015, Mr. [REDACTED] requested a hearing in the Sahuarita Municipal Court to contest the Order. A hearing was set for December 16, 2015.

At the hearing, on December 16, 2015, the Municipal Court informed Ms. Capuano it did

not have authority to issue an Order of Protection because there is a pending Family Court matter before the Superior Court (12/16/15 Hearing Record (hereinafter "H.R.") at 2:17-4:35). Ms. Capuano testified that the Family Court matter was, in fact, pending (H.R. at 2:31-2:41). Mr. [REDACTED] also testified that the child custody proceeding has been pending before the Superior Court since September 2011 (H.R. at 4:09-4:17). The foregoing notwithstanding, the Court proceeded with the hearing, explaining "this case was set...prior to notification to the court that there was something pending..." (H.R. at 6:59-7:14).

Ms. Capuano testified regarding her claim that Mr. [REDACTED] told her he discussed shooting her, with their son. Although Ms. Capuano testified that she received an email from Mr. [REDACTED], informing her of the discussion between Mr. [REDACTED] and their son, in January, she did not know when the discussion actually occurred (H.R. at 13:03-13:19). According to Ms. Capuano's testimony, the email did not contain a statement from Mr. [REDACTED], to her, saying he would shoot her – only that he he had told their son "if the risk of jail time were not there he would" (H.R. at 10:42-10:50). Ms. Capuano further testified, that other than that email, she has not received any threats of harm from Mr. [REDACTED] (H.R. at 11:55-12:23). Mr. [REDACTED] also testified that he had never threatened Ms. Capuano or said that he would shoot her (H.R. at 44:25-44:58). Ms. Capuano did not offer, as evidence, any of the emails she claimed to have received from Mr. [REDACTED], or other documentation she claimed to have, to support her allegations.

The remainder of the testimony offered, related exclusively to the content, essentially

text and photographs, of a website created and maintained by Mr. [REDACTED], about Ms. Capuano. Ms. Capuano's fundamental argument was that Mr. [REDACTED] was harassing her by publishing what she considered to be personal information about her, and speaking critically and offensively about her, on a public website. Mr. [REDACTED] testified that, to the best of his knowledge, all of the information about Ms. Capuano, which he published on the website was true and correct (H.R. at 46:29-46:46). Ms. Capuano did not allege that there had been any unwanted or harassing contact from Mr. [REDACTED].

After hearing all testimony, the Municipal Court found that there was “clear evidence of domestic violence” against Ms. Capuano, by Mr. [REDACTED], during the preceding year. The Court clarified that its finding of domestic violence was based only on harassment (H.R. at 57:32-57:39) – not threatening. The Court did not enter a finding that Mr. [REDACTED] was a credible threat to the physical safety of Ms. Capuano, or that Mr. [REDACTED] had, at any time, attempted to harm or use physical force against Ms. Capuano. The Court ordered the previously issued Order of Protection remain in effect, and a Notice of Positive Brady Indicator be issued (H.R. at 57:45-57:54).

STATEMENT OF ISSUES PRESENTED FOR APPEAL:

1. Whether the Municipal Court had authority or jurisdiction to issue an order of protection when it had prior knowledge of a pending Family Court proceeding between the parties?
2. Whether the Municipal Court misconstrued and incorrectly applied the “directed

at a specific person” element of the statutory definition of “harassment”, thereby finding evidence of prior harassment from statements published to the public?

3. Whether a finding of prior acts of harassment, to support the issuance of an order of protection, may be based on the *content* of statements published in a public forum?
4. Whether a Notice of Positive Brady Indicator may be issued when there is no finding that the Defendant poses a credible threat to the physical safety of the Plaintiff?

REASONS WHY THE LOWER COURT RULED INCORRECTLY:

1. **Whether the Municipal Court had authority or jurisdiction to issue an order of protection when it had prior knowledge of a pending Family Court proceeding between the parties?**

The Municipal Court erred in issuing an order of protection when it was clearly stated on the petition that a family court proceeding was pending between the parties. The Municipal Court further erred when it proceeded with the contested hearing in this matter and subsequently entered an order keeping the order of protection in place, knowing there was a pending family court proceeding between the parties.

A.R.S § 13-3602(P) provides, “the Superior Court shall have exclusive jurisdiction to issue orders of protection if it appears from the petition that there is

a pending family court matter between the parties”; “a municipal court shall not issue an order of protection if it appears from the petition that there is a pending family court matter between the parties”; and “if a municipal court determines, after it issues an order of protection, that there is a pending family court matter between the parties, it shall stop further proceedings and transfer the matter to the superior court”.

Nothing in the language of A.R.S. § 13-3602(P), requires the pending family court proceedings to be specifically in the *Arizona* Superior Court.

The petition filed by Ms. Capuano, clearly declares a pending dissolution proceeding before the Maricopa County Superior Court; and, a pending child custody proceeding before the Los Angeles County Superior Court. Although the first hearing in this matter is not on the record, it is presumed the Municipal Court reviewed the petition prior to issuing the order of protection. Therefore, the Municipal Court could not have not known of the pending family court matters when it issued the order of protection.

Assuming *arguendo*, the Municipal Court had *not* been previously notified of the pending family court matters, prior to the December 16, 2015 hearing, it unequivocally acknowledged them, as well as its statutory lack of authority to issue the order of protection at the December 16, 2015 hearing.

The wording of A.R.S § 13-3602(P) is both plain and clear – the Municipal Court statutorily lacked jurisdiction to issue an order of protection in this matter because it was clearly stated on the petition that there were two pending family court matters between the parties.

2. Whether the Municipal Court misconstrued and incorrectly applied the “directed at a specific person” element of the statutory definition of “harassment”, thereby finding evidence of prior harassment from statements published to the public?

The Municipal Court erred in applying the “directed at” requirement of the definition of harassment to include public statements, made by Mr. [REDACTED] in a public forum, to the general public, and not specifically to Ms. Capuano.

The statutory definition of “harassment”, under A.R.S. § 13-2921(E), provides, in relevant part “...‘harassment’ means conduct that is directed at a specific person...”.

When the conduct in question is speech, as it is in the current matter, that requires the speech to be made directly from the harasser to the person alleging harassment. Speech made to another party, or made generally to the public, which the person alleging harassment happens to overhear, but which was not directed at them, or specifically intended for them to hear, does not rise to the

level of harassment. *State v. Brown*, 85 P.3d 109, 112 207 Ariz. 231 (Ct. App. 2004), (The focus of the offense of harassment is on the contact between particularized people).

In *LaFaro v. Cahill*, 56 P.3d 56, 59 203 Ariz. 482 (Ct. App. 2002), the Court considered the “directed at” requirement of the statutory definition and held that speech made to other parties does not meet the “directed at” requirement, even if the Plaintiff happens to overhear it.

Although LaFaro may have overheard a segment of that conversation, Cahill's communication does not satisfy the statutory definition of harassment, which requires a harassing act to be 'directed at' the specific person complaining of harassment... While Cahill was talking about LaFaro and expressing his opinion of the recall effort, his comments were 'directed at' Martelli, not Lafaro.

Likewise, in the instant matter, the statements made about Ms. Capuano, by Mr. [REDACTED], were made in a public forum, and intended to be received by the public at large, not specifically by Ms. Capuano. Moreover, Ms. Capuano could not possibly have been subjected to the statements against her will because she would have to deliberately go to the website in order to read them.

There is not yet a published precedent in this jurisdiction dealing specifically with the question of whether statements published by a party on a public website *about* another party, but directed to the general public, not specifically *to* the other party, constitute harassment. However, this question has been directly addressed in other jurisdictions, and those courts have consistently held that

such statements, published on a website, do not meet the “directed at” requirement. *Chan v. Ellis*, 770 S.E.2d 851, 296 Ga. 838 (2015) (The publication of commentary directed only to the public generally does not amount to “contact”... That a communication is *about* a particular person does not mean necessarily that it is directed *to* that person).

Significantly, Ms. Capuano does not allege any harassment based on contact between Mr. [REDACTED] and herself.

3. Whether a finding of prior acts of harassment, to support the issuance of an order of protection, may be based on the *content* of statements published in a public forum?

Even in the event the Municipal Court did not err in its application of the “directed at” requirement, as discussed above, then the Municipal Court erred in considering the specific *content* of the published statements.

First, Ms. Capuano concedes that none of the content on the website suggested any threat of harm to her.

In *State v. Brown*, the Court held that the focus of harassment is on the *contact* between the parties, not on the *content* of the speech, *State v. Brown*, 85 P.3d 109, 112 207 Ariz. 231 (Ct. App. 2004) (The focus of the offense of harassment is

on the contact between particularized people, not on the character of the speech). Further, in *Organization for a Better Austin v. Keefe*, 402 U.S. 415, 29 L. Ed. 2d 1, 91 S. Ct. 1575 (1971), Petitioners had been actively distributing pamphlets, containing information and content about Respondent which would be harmful to his reputation and business affairs, near respondent's home and place of business. However, the Supreme Court held that Petitioner's public dissemination of the potentially harmful information about Respondent was protected under the First Amendment:

This Court has often recognized that the activity of peaceful pamphleteering is a form of communication protected by the First Amendment...The claim that the expressions were intended to exercise a coercive impact on respondent does not remove them from the reach of the First Amendment. Petitioners plainly intended to influence respondent's conduct by their activities; this is not fundamentally different from the function of a newspaper. Petitioners were engaged openly and vigorously in making the public aware of respondent's...practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability.

Although *Org. for a Better Austin* differs from the instant matter in the specific medium utilized to publish the information – there they used pamphlets, here Defendant used a website – the intent and purposes of the respective Petitioners remains the same: to peacefully inform the public of what Petitioners consider to be Respondents' offensive conduct.

While the current order of protection does not enjoin Mr. [REDACTED] from continuing to publish statements or information about Ms. Capuano, the mere existence of a domestic violence order of protection against him carries with it many collateral

consequences – thereby, effectively punishing Mr. [REDACTED] for merely exercising his right to free speech, under the First Amendment. *Savord v. Morton*, 330 P.3d 1013, 1016, 235 Ariz. 256 (Ct. App. 2014) (the issuance of an order of protection is a very serious matter... Once issued, an order of protection carries with it an array of "collateral legal and reputational consequences" that last beyond the order's expiration.)

4. Whether a Notice of Positive Brady Indicator may be issued when there is no finding that the Defendant poses a credible threat to the physical safety of the Plaintiff?

The Municipal Court erred in issuing a Notice of Positive Brady Indicator and prohibiting Mr. [REDACTED] from possessing or purchasing firearms, because there was no credible evidence presented to support a finding that Mr. [REDACTED] poses a credible threat to the physical safety of Ms. Capuano.

The Municipal Court's finding of prior acts of domestic violence were limited to acts of harassment. Moreover, the Municipal Court's finding of harassment was limited specifically to public speech – speech which was *not* directed at Ms. Capuano. And, according to Ms. Capuano's own testimony, her allegation that Mr. [REDACTED] told their son he would shoot her, was premised on an impossible condition – that there would be “no risk of jail time”. A threat which is based on a condition does not rise to the level of a “true threat”, *Watts v. United States*, 394

U.S. 705, 89 S. Ct. 1399, 22 L. Ed. 2d 664 (1969) – particularly when that condition could not possibly come about. Nevertheless, the Municipal Court did not consider that specific allegation credible and did not include it in its findings to support keeping the order of protection in place. Ms. Capuano further testified Mr. [REDACTED] never threatened her with harm, or actually harmed her.

In order to support a prohibition on the possession or purchasing of firearms, under A.R.S. § 13-3602(G)(4), there must be a finding that “the defendant is a credible threat to the physical safety of the plaintiff”. There is no evidence on the record to support such a finding. In *Mahar v. Acuna*, 287 P.3d 824, 230 Ariz. 530 (Ct. App. 2012), the Court addressed similar circumstances, where the record provided no evidence the Defendant was a credible threat to the physical safety of the Plaintiff. Given the lack of such evidence, the Court in *Mahar* ordered the Brady notice be vacated.

CONCLUSION

For the foregoing reasons, appellant requests the court vacate the Order of Protection and the Notice of Positive Brady Indicator.

Respectfully submitted this 8th day of February, 2016.

Patrick [REDACTED]

CERTIFICATE OF MAILING

I CERTIFY that I mailed a copy of this Memorandum to the Sahuarita Municipal Court.

Date: February 9, 2016

By: _____
Patrick [redacted], Appellant

Appendix A: Petition

Appendix B: Orders