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2 **GILLESPIE, SHIELDS & DURRANT**
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MICHAEL K. JEANES, CLERK
BY *J. Panicki* DEP.

FILED

11 AUG 24 PM 12:30

8
9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 **RICHARD RIESS,**

12 Petitioner,

13 v.

14 **DESIREE TOMLIN RIESS**
15 **nka DESIREE CAPUANO,**

16 Respondent.

No. FC 2011-093719

EMERGENCY *EX PARTE* PETITION
TEMPORARY ORDERS RE CUSTODY

[Accelerated Ruling Requested]

ASSIGNED TO THE HONORABLE
JOHN HANNAH

17 Respondent, DESIREE CAPUANO, through her counsel undersigned, pursuant to Rule 48(A)(1)
18 and (2), ARFLP, for her Emergency *Ex Parte* Petition for Temporary Orders Re Custody, avers and
19 alleges as follows:

20 1. Respondent/Mother is Desiree Capuano fka Desiree Tomlin Riess and currently lives at
21 20100 North 78th, #1080, Scottsdale, Arizona. Mother is currently employed by The Apollo Group in
22 Phoenix, Arizona.

23 2. Petitioner/Father is Richard Riess and is currently incarcerated at the Department of
24 Corrections in Eloy, Arizona.

25 3. The parties have one minor child in common, namely: Gabriel Thomas Phillip Riess,
26 age 10, whose date of birth is September 27, 2000.

1 4. This matter originated in the Superior Court of California, County of Los Angeles, Case
2 No. YD042145, when Petitioner filed a Petition for Dissolution of Marriage in the Superior Court of
3 California, County of Los Angeles, Case No. YD042145, December 21, 2001. See Exhibit "A"
4 attached hereto.
5

6 5. Petitioner also filed a Order to Show Cause for Child Custody, Visitation and
7 Permission to take Minor to Arizona for Christmas. See Exhibit "B" attached hereto.

8 6. On January 18, 2002, Respondent filed a Response to Dissolution of Marriage and a
9 Responsive Declaration to Order to Show Cause.. See Exhibits "C" and "D" attached hereto.
10

11 7. On February 21, 2002, the Court issued its Findings and Order After Hearing
12 (hereinafter "Order"). See Exhibit "E" attached hereto.

13 8. Pursuant to the California Order, page 2, paragraphs 2, 3 and 4, it states:

14 "The parties are awarded joint legal custody of Gabriel, born
15 September 27, 2000."

16 "The parties are awarded joint physical custody of Gabriel, each
17 party to have equal time with him."

18 "Gabriel shall spend alternating two week periods with each
19 parent."

20 9. Since entry of the California Order, Father has withheld and hid Gabriel from Mother for
21 the past nine years. Specifically, in October 2001, Mother moved to Arizona with Gabriel to stay with
22 her Mother. Father had made it very clear he had no interest in being a Father to Gabriel and even told
23 Mother he was mad at her for not letting the baby die when she went into premature labor. In fact, when
24 Mother was able to bring Gabriel home from the hospital, Father demanded that Mother research
25 adoption agencies to take Gabriel, but only ones who would give money for him.
26
27
28

1 10. In December 2001, Mother informed Father she wished to move to Florida with Gabriel.
2 Father did not object and in fact stated that he would be looking into possible employment for himself in
3 Florida. Father had made no attempt to have any visitation with Gabriel since October 2001.
4

5 11. Mother went to Tampa, Florida for one week to look for employment and a place to live
6 leaving Gabriel in Arizona with her Mother. While Mother was gone, Father learned that Mother had
7 reconnected with a former boyfriend who lived in Florida. Father, in retaliation, drove to Arizona,
8 removed Gabriel while Mother was in Florida and took him back to California where he obtained
9 temporary custody in having made false allegations of Mother abandoning Gabriel and in his
10 Declaration of Richard Riess in Support of Ex Parte Application and Order to Show Cause for Child
11 Custody, Visitation and for Permission to Take Minor to Arizona for Christmas. See Exhibit "F"
12 attached hereto.
13

14 12. Mother was devastated as she had never abandoned Gabriel which the Court recognized on
15 February 21, 2002, awarding the parties joint legal and physical custody and equal parenting time.
16

17 13. Mother was awarded the first two weeks of parenting time with Gabriel as she had not seen
18 him in over two months since Father removed him from Arizona.
19

20 14. However, after Mother returned Gabriel to Father when her two weeks was up, she lost all
21 contact with her son as Father hid his whereabouts and it was not until 2005 when Father contacted
22 Mother's mother in Arizona. Father brought Gabriel over to his grandmother's home a few times and
23 during one of the visits, Mother spoke to Gabriel on the phone. However, it was very upsetting to Gabriel.
24

25 15. Maternal grandmother was very cautious in her communication as she did not want Father
26 to stop contact with her and eventually learned that he had moved to Arizona with Gabriel. Maternal
27 grandmother was invited to Father's home for Gabriel's birthday, however when she showed up with
28 birthday presents, the house was vacant.

1 16. More than two years passed and in 2007, Father made contact with maternal grandmother in
2 Arizona, who once again was allowed gradual visits with Gabriel and learned that Father stayed out all
3 night at the bars while Gabriel was in the back seat of the car in the parking lot watching a portable DVD.
4 Father carried a gun when he went out to the bars and would line bullets up on the bar table while drinking.
5

6 17. In late 2007, Mother received a call from maternal grandmother saying Gabriel asked to
7 speak with her and told Mother she had given him her phone number in Florida. Gabriel called and they
8 spoke for an hour, and they both said how much they missed and loved each other. Gabriel asked if Mother
9 could come down and see him in Arizona. Three days later, Gabriel called Mother again and left a voice
10 message saying now was not a good time to decide to get involved in his life, that she had seven years of
11 chances and now it was too late.
12

13 18. Neither maternal grandmother or Mother heard from Gabriel again and in February 2008,
14 Mother moved back to Arizona and began her search for her son and Father's whereabouts.
15

16 19. In 2009, Mother learned that Father was in a federal detention facility in Arizona. Mother
17 immediately went to see Father in prison demanding to know where her son was, but he refused to tell her.
18 Despite Mother's efforts to locate Gabriel, it wasn't until February 13, 2011, that she received a five page
19 letter from Father apologizing to her for keeping Gabriel away from her wherein he states: ***"I really am***
20 ***sorry for causing so much misery, unhappiness, anger and whatever else I may have caused"*** and ***"I did***
21 ***have an active and significant part in pushing you away."*** Father let Mother know that he had explained
22 the situation to Gabriel as well and had provided him with her contact information. See Exhibit "G"
23 attached hereto.
24

25 20. Father also sent a letter to Gabriel on February 11, 2011, letting him know that he's made
26 ***"several mistakes the past ten years"*** and that he had been in touch with his mother and that she wants to
27
28

1 get to know him and that it has to be Gabriel's decision. Father tells Gabriel *"when I got custody of you I*
2 *did go out of my way to make it difficult for her."*

3 Father ends his letter to Gabriel saying *"But after my years of drug use and neglect and*
4 *being an irresponsible asshole you were able to forgive me so I ask that you try to forgive her as well."*

5 See Exhibit "H" attached hereto.
6

7 21. In March 2011, Mother had her first conversation with Gabriel. Mother learned that when
8 Father had been arrested here in Arizona in 2007 on theft and forgery charges. When the police came to
9 Father's home and arrested him, Gabriel went next door to a neighbor's home and called Liz Munoz, who
10 lives in Carson City, California, asking her to come and get him. Liz is a very close friend of Father's and
11 who Father claims he had given temporary power of attorney to.
12

13 22. In June 2011, Mother and Gabriel had two visits together. Gabriel expressed his desire to
14 come be with Mother and his half-brother, Sage, age 8.
15

16 23. On Sunday, August 7, 2011, Mother drove to California and with the help of the California
17 Police Department, removed Gabriel Liz's home and brought him back to Arizona to reside with her.

18 24. Father has been incarcerated for the past four years, and is expected to be deported back to
19 Canada upon his release from the Department of Corrections in Eloy, Arizona. See Exhibit "I" attached
20 hereto.
21

22 25. Since Gabriel has been with Mother Arizona, Mother has accepted Father's collect
23 phone calls so he can speak with his Father. However, Mother is concerned because during their
24 telephone conversations, Father drills his son for details about Mother's life and requests Gabriel
25 gather information so he can build a case against her. Father tells Gabriel that when he gets out, "he's
26 going to fix this" and come take him back and Mother is going to go to jail.
27
28

1 26. Gabriel also speaks with Liz on the phone, but their conversations are usually in
2 Spanish.

3 27. Since returning to Arizona and being in Mother's care, Gabriel has adjusted to his home
4 life with Mother and his half-brother, and recently started school. Mother believes it is in the best
5 interest of Gabriel that she be awarded sole custody based on the foregoing and pursuant to A.R.S. 25-
6 403(A)(6) which clearly states:

8 "The Court shall determine custody, either originally or on petition
9 for modification, in accordance with the best interests of the child.
10 The court shall consider all relevant factors including *which parent*
11 *is more likely to allow the child frequent and meaningful*
continuing contact with the other parent."

12 28. Father's actions have not been in Gabriel's best interest as he has alienated both Mother
13 and Gabriel **the past ten years**. In fact, Father has done exactly what he accused Mother of in his
14 Declaration, (See Exhibit F, page 2, paragraph 5), which states:

15 "I am requesting custody ex parte because I am concerned that if I
16 do not have custody my wife will take our son and take him out of
17 the state."

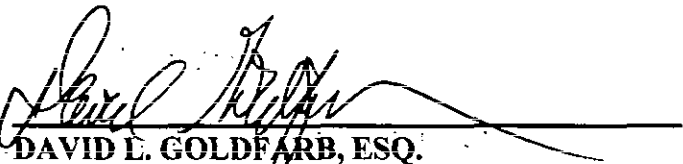
18 **WHEREFORE**, Mother respectfully requests that the Court issue an Order pursuant to Rule
19 48(A)(1) and (2), ARFLP;

20 A) Award Mother temporary sole custody of Gabriel Thomas Phillip Riess; and

21 B) For such other and further relief the Court deems just and proper.

22 **RESPECTFULLY SUBMITTED** this 23 day of August, 2011.

23 **GILLESPIE SHIELDS & DURRANT**

24
25
26
27 
28 **DAVID L. GOLDFARB, ESQ.**
ATTORNEY FOR RESPONDENT

V E R I F I C A T I O N

STATE OF ARIZONA

Maricopa County

ss.

DESIREE CAPUANO, being first duly sworn, deposes and says that she is the Respondent in the above-captioned domestic relations proceeding; that she has read the Emergency Petition for Temporary Order Re Custody and knows the contents thereof; that the statements made and allegations contained therein are true of her own knowledge, except as to those matters stated upon information and belief, and to such matters, she believes them to be true.

FURTHER AFFIANT SAYETH NAUGHT.


STEVEN THOMAS KENNEL

SUBSCRIBED AND SWORN TO before me this 3rd August, 2011, by Desiree Capuano.


Notary Public

My Commission Expires:

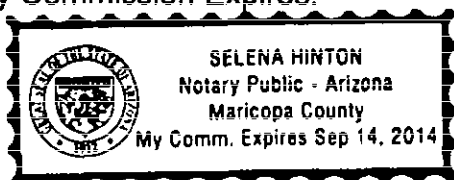


Exhibit “A”

ORIGINAL

1281

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print, address, telephone number, and e-mail)
B. Elaine Thompson, Esq. Bar # 75136
LAW OFFICES OF B. ELAINE THOMPSON
2276 Torrance Boulevard
Torrance, California 90501

TELEPHONE NO. (Area Code) **310-320-9742** FAX NO. (Area Code) **310-320-0102**

E-MAIL ADDRESS (Optional)

ATTORNEY FOR (Print) **RICHARD RIESS**

FILED

LOS ANGELES SUPERIOR COURT

DEC 21 2001

JOHN A. CLARKE, CLERK

BY 

DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **LOS ANGELES**STREET ADDRESS: **825 Maple Avenue**CITY ADDRESS: **825 Maple Avenue**CITY AND ZIP CODE: **Torrance, California 90503**COURT DISTRICT: **SOUTHWEST DISTRICT**

NAME OF

PETITIONER: **RICHARD RIESS**RESPONDENT: **DESIREE TOMLIN RIESS**

PETITION FOR

☒ Dissolution of Marriage☐ Legal Separation☐ Nullity of Marriage☐ AMENDED

CASE NUMBER:

YD042145

1. **RESIDENCE (Dissolution only)** ☒ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this Petition for Dissolution of Marriage.

2. **STATISTICAL FACTS**a. Date of marriage: **9/27/00**

c. Period between marriage and separation

b. Date of separation: **10/20/01**Years: **1**Months: **2**

3. **DECLARATION REGARDING MINOR CHILDREN** (include children of this relationship born prior to or during the marriage or adopted during the marriage):

a. ☐ There are no minor children.b. ☒ The minor children are:Child's nameBirth dateAgeSex**Gabriel****9/27/00****1****male**☐ Continued on Attachment 3b.

c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (Form MC-150) must be attached.

d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. ☒ Petitioner requests confirmation as separate property assets and debts the items listed

☐ In Attachment 4 ☒ below.Item

1) 1987 Porche automobile, CA license no. 25BK367

2) State Farm Life Insurance Policy

Confirm to

Petitioner

Petitioner

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

(Continued on reverse)

JAN 10 1990

JUDICIAL BRANCH OF THE STATE OF CALIFORNIA

DISS VS. DISS

CASE NUMBER

5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
 b. ☐ All such assets and debts have been disposed of by written agreement.
 c. ☒ All such assets and debts are listed ☐ in Attachment 5c ☒ below (specify):

- 1: 10,000 Shares of Vertical Inversion Systems, Inc.;
- 2: 1999 Chevy Tracker, license no.
- 3: Household furniture and furnishings;
- 4: Washington Mutual bank accounts;
- 5: Community Debts;
- 6: Other assets and debts not presently known.

6. Petitioner requests:

- a. ☒ Dissolution of the marriage based on
 (1) ☒ irreconcilable differences, Fam. Code, § 2310(a)
 (2) ☐ incurable insanity, Fam. Code, § 2310(b)
 b. ☐ Legal separation of the parties based on
 (1) ☐ irreconcilable differences, Fam. Code, § 2310(a)
 (2) ☐ incurable insanity, Fam. Code, § 2310(b)
 c. ☐ Nullity of void marriage based on
 (1) ☐ incestuous marriage, Fam. Code, § 2200
 (2) ☐ bigamous marriage, Fam. Code, § 2201
 d. ☐ Nullity of voidable marriage based on
 (1) ☐ petitioner's age at time of marriage, Fam. Code, § 2210(a)
 (2) ☐ prior existing marriage, Fam. Code, § 2210(b)
 (3) ☐ unsound mind, Fam. Code, § 2210(c)
 (4) ☐ fraud, Fam. Code, § 2210(d)
 (5) ☐ force, Fam. Code, § 2210(e)
 (6) ☐ physical incapacity, Fam. Code, § 2210(f)

7. Petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- | | Petitioner | Respondent | Joint | Other |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | ☒ | ☐ | ☐ | ☐ |
| b. Physical custody of children to | ☒ | ☐ | ☐ | ☐ |
| c. Child visitation to be granted to | ☐ | ☒ | ☐ | ☐ |
| (1) ☒ Supervised for | ☐ | ☒ | ☐ | ☐ |
| (2) ☐ No visitation for | ☐ | ☐ | ☐ | ☐ |
| (3) ☐ Continued on Attachment 7(c)(3). | | | | |
| d. ☐ Determination of percentage of any children born to the Petitioner and Respondent prior to the marriage. | | | | |
| e. ☐ Spousal support payable to (wage assignment will be issued). | ☐ | ☐ | | |
| f. ☐ Attorney fees and costs payable by | ☐ | ☐ | | |
| g. ☐ Terminate the court's jurisdiction (ability) to award spousal support to respondent. | | | | |
| h. ☒ Property rights be determined. | | | | |
| i. ☐ Petitioner's former name be restored (specify): | | | | |
| j. ☐ Other (specify): | | | | |
| ☐ Continued on Attachment 7. | | | | |

8. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children. A wage assignment will be issued without further notice.

9. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

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

Date: December 20, 2001

RICHARD RYESS

(TYPE OR PRINT NAME)

Date: December 20, 2001

B. Elaine Thornton, Esq. Bar # 75136

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

WARNING: Please review your will, insurance policies, retirement benefit plans, credit cards, other credit accounts and credit reports, and other matters you may want to change in view of the dissolution or annulment of your marriage, or your legal separation. However, some changes may require the agreement of your spouse or a court order (see Fam. Code, §§ 201-230). Dissolution or annulment of your marriage may automatically change a disposition made by your will to your former spouse.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Please print full name and address)

TELEPHONE NO.

FOR COURT USE ONLY

310-320-9742

B. Elaine Thompson, Esq. Bar # 75136
 LAW OFFICES OF B. ELAINE THOMPSON
 2276 Torrance Boulevard
 Torrance, California 90501

ATTORNEY FOR OTHER: RICHARD RIESS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 825 Maple Avenue

SECOND ADDRESS: 825 Maple Avenue

CITY AND ZIP CODE: Torrance, California 90503

COURTHOUSE: SOUTHWEST DISTRICT

CASE NAME: RIESS V. RIESS

**DECLARATION UNDER UNIFORM CHILD CUSTODY
 JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

CASE NUMBER:

1. I am a party to this proceeding to determine custody of a child.
2. ☐ Declarant's present address is not disclosed. It is confidential under Family Code section 3409. The address of children presently residing with declarant is identified on this declaration as confidential.
3. (Number) ONE minor children are subject to this proceeding as follows:
 (Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Gabriel	Phoenix, Arizona	9/27/00	male
Period of residence	Address	Person child lived with (name and present address)	Relationship
12/01 - present	20707 Anza Ave., #204 Torrance, CA 90503 ☐ Confidential	Richard S. Riess 20707 Anza Ave., #204 Torrance, CA 90503	Father
10/01 - 12/01	1715 E. Sandra Terrace Phoenix, Arizona	Desiree Tomlin, no fixed present address/Tereza Goff, 1713 E. Sandra Terrace, AZ	Mother & Grandmother
4/01 - 10/01	20707 Anza Ave., #204 Torrance, CA 90503	Richard S. Riess, 20707 Anza Ave., #204, Torrance, CA 90503, Desiree Tomlin	Father & Mother
3/00 - 4/01	17239 N. 19th Avenue Phoenix, AZ	Richard S. Riess & Desiree Tomlin	Father & Mother

b. Child's name	Place of birth	Date of birth	Sex
☐ Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence	Address	Person child lived with (name and present address)	Relationship
- present	☐ Confidential		

- c. ☐ Additional children are listed on Attachment 3c. (Provide requested information for additional children on an attachment.)
 (Continued on reverse)

SHORT TITLE: RIESS vs. RIESS

CASE NUMBER:

4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

☒ No ☐ Yes (If yes, provide the following information:)

a. Name of each child: Gabriel

b. Capacity of declarant: ☐ party ☐ witness ☐ other (specify):

c. Court (specify name, state, location):

d. Court order or judgment (date):

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child subject to this proceeding, other than that stated in Item 4?

☒ No ☐ Yes (If yes, provide the following information:)

a. Name of each child: Gabriel

b. Nature of proceeding: ☐ dissolution or divorce ☐ guardianship ☐ adoption ☐ other (specify):

c. Court (specify name, state, location):

d. Status of proceeding:

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child subject to this proceeding?

☒ No ☐ Yes (If yes, provide the following information:)

a. Name and address of person	b. Name and address of person	c. Name and address of person
☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: December 20, 2001

RICHARD, S. RIESS

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

7. ☐ Number of pages attached after this page.

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

ORIGINAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

SHORT CASE TITLE **RIESS VS. RIESS**

CASE NUMBER

FAMILY AND PROBATE CASE COVER SHEET - CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO DISTRICT

This form is required in all new Family and Probate cases in the Los Angeles Superior Court.

This form is not required in Abandonment, Sole Custody & Emancipation cases.

Please file those cases at Children's Court.

I. Fill in the requested information and estimated length of hearing expected for this case:

MINOR CHILDREN INVOLVED? ☒ YES ☐ NO HOW MANY? 1 TIME ESTIMATE: 3 ☒ HOURS/ ☐ DAYS.

II. Select the correct district (3 steps):

1. Under Column 1 below, check the one type of action which best describes the nature of this case.

2. In Column 2 below, circle the reason for your choice of district that applies to the type of action you have checked.

Applicable Reasons for Choosing District (See Column 2 below)

1. May be filed in Central District.
2. District where one or more of the parties reside.
3. District where proposed ward/conservee resides.
4. Child is held within the district.
5. District where petitioner resides.
6. District where decedent resided.
7. Decedent resided out of state - held property in District.
8. Child resides or decedent parent's probate would be filed in district.

3. Fill in the information requested on page 2 in item III; complete item IV. Sign the certificate.

-1- Type of Action (Check only one)		-2- Applicable Reasons- See Above
Marriage/Child Support Matters		
☒ A5026	Regular Dissolution of Marriage	1., 2.
☐ A5028	Summary Dissolution of Marriage	1., 2.
☐ A5030	Nullity of Void or Voidable Marriage	1., 2.
☐ A5510	Legal Separation	1., 2.
☐ A5135	Foreign Support Order	1., 2.
☐ A5138	Foreign Custody Order	1., 2., 4.
☐ A5137	Reciprocal Enforcement of Support - Initiating Petition	1.
☐ A5139	Reciprocal Enforcement of Support - Registration of Foreign Support	1.
☐ A5122	Domestic Violence Restraining Order (Civil Harassment - use Civil Cover Sheet)	1., 2.
☐ A5500	Habes Corpus Petition - Child Custody	1., 4.
Other Family Cases		
☐ A5000	Determination of Parentage/Paternity (Non-governmental)	1., 4., 8.
☐ A5111	Approval of Minor's Contract (6751 Family Code)	1.
☐ A5130	Other Family Complaint or Petition (Specify):	1., 2., 4., 8.
Adoption Matters (Submit Central District Filings at Children's Court)		
☐ A5101	Agency Adoption	1., 5.
☐ A5102	Independent Adoption	1., 5.
☐ A5103	Adult Adoption	1., 5.
☐ A5104	Stepparent Adoption	1., 5.

-1- Type of Action (Check only one)	-2- Applicable Reasons- See Above
Decedent Estates	
☐ A6210 Petition for Probate of Will - Letters Testamentary	1, 5, 6, 7.
☐ A6211 Petition for Probate of Will - Letters of Administration	1, 5, 6, 7.
☐ A6212 Petition for Letters of Administration	1, 5, 6, 7.
☐ A6213 Petition for Letters of Special Administration	1, 5, 6, 7.
☐ A6214 Petition to Set Aside Small Estate (6602 Prob. Code)	1, 5, 6, 7.
☐ A6215 Spousal Property Petition	1, 5, 6, 7.
☐ A6216 Petition for Succession to Real Property	1, 5, 6, 7.
☐ A6217 Summary Probate (7000 Prob. Code)	1, 5, 6, 7.
☐ A6218 Petition re Real Property of Small Value (13200 Prob. Code)	1, 5, 6, 7.
Conservatorship/Guardianship/Trust Matters	
☐ A6220 Petition for Conservatorship of Person and Estate	1, 3, 5.
☐ A6221 Petition for Conservatorship of Person only	1, 3, 5.
☐ A6222 Petition for Conservatorship of Estate only	1, 3, 5.
☐ A6243 Petition for Conservatorship of Spouse who Lacks Capacity	1, 3, 5.
☐ A6233 Petition for Approval of Medical Treatment without Consent	1, 3, 5.
☐ A6240 Petition for Guardianship of Person and Estate	1, 3, 5.
☐ A6241 Petition for Guardianship of Person only	1, 3, 5.
☐ A6242 Petition for Guardianship of Estate only	1, 3, 5.
☐ A6234 Trust Proceedings Petition	1, 5.
Other Probate Court Matters	
☐ A6260 Petition for Compromise of Minor's Claim - no civil case filed (3500 Prob. Code)	1, 5.
☐ A6180 Petition to Establish Fact of Birth, Death or Marriage	1, 5.
☐ A6200 Other Probate Matter (Specify): _____	1, 2.

-3-

III. Choose the district: Enter the address of the party or decedent residence, property, or other circumstance you have circled in Column 2 as the proper reason for filing in the district you selected.

REASON: CHECK THE NUMBER YOU CIRCLED IN -2- WHICH APPLIES IN THIS CASE			ADDRESS:
☐ 1.	☒ 2.	☐ 3.	20707 Anza Avenue, #204
☐ 4.	☐ 5.	☐ 6.	
☐ 7.	☐ 8.		
CITY:	STATE:	ZIP CODE:	
Torrance,	CA	90503	

IV. Certificate/Declaration of Assignment: The undersigned hereby certifies and declares that the above entitled matter is properly filed for assignment to the SOUTHWEST District of the Los Angeles Superior Court under § 392 et seq., Code of Civil Procedure, 2300 et seq. of the Family Code, 2200 and 7000 et seq. of the Probate Code, and Rule 2(b), (c) and (d) of this court for the reason checked above. I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on December 20, 2001.
(date)


(SIGNATURE OF ATTORNEY/FILING PARTY)
B. ELAINE THOMPSON

Exhibit “B”

ORIGINAL

2/6/02

1285

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print, do not stamp, and do not write)
B. Elaine Thompson, Esq. Bar # 75136
LAW OFFICES OF B. ELAINE THOMPSON
2276 Torrance Boulevard
Torrance, California 90501

TELEPHONE NO: 310-320-9742

FAX NO: 310-320-0102

ATTORNEY FOR (Print) **RECHARD RIESS**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 825 Maple Avenue

MAILING ADDRESS: 825 Maple Avenue

CITY AND ZIP CODE: Torrance, California 90503

JUDICIAL DISTRICT: SOUTHWEST DISTRICT

PETITIONER/PLAINTIFF: **RECHARD RIESS**RESPONDENT/DEFENDANT: **DESIREE TOMLIN RIESS**

BY (Print name and title)

ORDER TO SHOW CAUSE FOR ☐ MODIFICATION☒ Child Custody ☒ Visitation ☐ Injunctive Order☐ Child Support ☐ Spousal Support ☒ Other (specify):☐ Attorney Fees and Costs **Permission to take minor to Arizona for Christmas**FILED
LOS ANGELES SUPERIOR COURT

DEC 21 2001

JOHNA CLARKE, CLERK

BY DEPUTY

CASE NUMBER:

YD042145

1. TO ~~show~~ **DESIREE TOMLIN RIESS**

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

a. Date: 02-06-02 Time: 8:30 am ☒ Dept: J ☐ Rm.:b. Address of court ☒ same as noted above ☐ other (specify):

3. IT IS FURTHER ORDERED that a completed Application for Order and Supporting Declaration, a blank Responsive Declaration, and the following documents shall be served with this order:

- a. (1) ☒ Completed Income and Expense Declaration and a blank Income and Expense Declaration
 (2) ☐ Completed Financial Statement (Simplified) and a blank Financial Statement (Simplified)
 (3) ☐ Completed Property Declaration and a blank Property Declaration
 (4) ☐ Police and authorities
 (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service shall be on or before (date):
 Any responsive declaration shall be served on or before (date):

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

d. ☐ Other (specify):

Date:

JUDGE OF THE SUPERIOR COURT

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

You do not have to pay any fee to file responsive declarations in response to this order to show cause (including a completed Income and Expense Declaration (form 1285.50) or Financial Statement (Simplified) (form 1285.52) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least ten court days before the hearing date.

PETITIONER/PLAINTIFF: RICHARD RIESS

CASE NUMBER

RESPONDENT/DEFENDANT: DESIREE TOMLIN RIESS

(THIS IS NOT AN ORDER)

☒ Petitioner ☐ Respondent ☐ Claimant requests the following orders be made:

1. ☒ CHILD CUSTODY ☐ To be ordered pending the hearing
- a. Child (name and age) b. Request custody to (name) c. ☐ Modify existing order
- Gabriel Riess 1 Petitioner, RICHARD RIESS (1) filed on (date):
(2) ordering (specify):

2. ☒ CHILD VISITATION ☐ To be ordered pending the hearing
- a. ☐ Reasonable d. ☐ Modify existing order
- b. ☒ Other (specify): MONITORED (1) filed on (date):
(2) ordering (specify):
- c. ☐ Petitioner ☐ Respondent shall not remove the minor child or children of the parties
(1) ☐ from the State of California. (2) ☐ other (specify):

3. ☐ CHILD SUPPORT (A Wage and Earnings Assignment Order will be issued.)
- a. Child (name and age) b. Monthly amount c. ☐ Modify existing order:
(if not by guideline) (1) filed on (date):
Gabriel Riess 1 \$ (2) ordering (specify):

4. ☐ SPOUSAL SUPPORT (A Wage and Earnings Assignment Order will be issued.)
- a. ☐ Amount requested (monthly): \$ c. ☐ Modify existing order:
b. ☐ Terminate existing order (1) filed on (date):
(2) ordering (specify):

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$ b. ☐ Costs: \$

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant are restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☐ and applicant will be notified at least five business days before any proposed extraordinary expenditures and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor children.
- c. ☐ Neither party shall incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

NOTE: TO OBTAIN DOMESTIC VIOLENCE (PERSONAL CONDUCT AND HARASSMENT) RESTRAINING ORDERS, YOU MUST USE THE FORMS APPLICATION AND DECLARATION FOR ORDER (DOMESTIC VIOLENCE PREVENTION) (FORM DV-100) AND ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS) (DOMESTIC VIOLENCE PREVENTION) (FORM DV-110).

(Continued on reverse)

PETITIONER/PLAINTIFF: RICHARD RIESS

CASE NUMBER

RESPONDENT/DEFENDANT: DESIREE TOMLIN RIESS

7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ Petitioner ☐ Respondent are given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):
- b. ☐ Petitioner ☐ Respondent are ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | Date | Amount of payment | Pay to |
|------|-------------------|--------|
|------|-------------------|--------|
8. ☐ I request that time for service of the Order to Show Cause and accompanying papers be shortened so that they may be served no less than (specify number) days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☒ OTHER RELIEF (specify): Permission to take minor out of state to spend Christmas with maternal grandmother in Arizona (December 24th to December 26th, 2001).
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify):
☒ contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: December 20, 2001

RICHARD RIESS

(TYPE OR PRINT NAME)

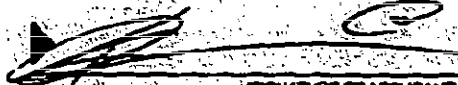

(SIGNATURE OF APPLICANT)

Exhibit “C”

Marita Nogueiras, Esq.
Law Offices of Marita Nogueiras
10535 Paramount Blvd., Ste. 202
Downey, CA 90241

TELEPHONE FOR PETITION: 562-927-2700 FAXED PETITION: 562-927-3550
E-MAIL ADDRESS: mcnogueiras@aol.com
ATTORNEY FOR RESPONDENT: Desiree Tomlin

FILED
LOS ANGELES SUPERIOR COURT

JAN 18 2002

JOHN A. CLARKE, CLERK
BY TAMARA RHODES, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 825 Maple Avenue
CITY AND ZIP CODE: Torrance, CA 90503
COURTROOM: Southwest District

PETITIONER: Richard Riess

RESPONDENT: Desiree Tomlin

RESPONSE ☐ and REQUEST FOR

☒ Dissolution of Marriage

☐ Legal Separation

☐ Annulment of Marriage

☐ AMENDED

CASE NUMBER

YD042145

BY FAX

1. RESIDENCE (Dissolution only) ☒ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of the Petition for Dissolution of Marriage.

2. STATISTICAL FACTS

a. Date of marriage: 8/27/00

b. Date of separation: 10/20/01

c. Period between marriage and separation

Years: 0

Months: 2

3. DECLARATION REGARDING MINOR CHILDREN (Include children of this relationship born prior to or during the marriage or adopted during the marriage)

a. ☐ There are no minor children.

b. ☒ The minor children are:

Child's name

Birth date

Age

Sex

Gabriel Riess

9/27/00

1

M

☐ Continued on Attachment 3a.

c. If there are minor children of the petitioner and respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form MC-150) must be attached.

d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

e. ☐ Respondent requests confirmation as separate property assets and debts the items listed

☒ in Attachment 4

☐ below

Continued to

**FILED BY
Fax & File**

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 18 percent.

(Continued on reverse)

1. NAME OF PETITIONER, first name of petitioner:

Riess V. Tomlin

CASE NUMBER:

YD042145

5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
 b. ☐ All such assets and debts have been disposed of by written agreement.
 c. ☐ All such assets and debts are listed ☐ in Attachment 5c ☐ below (specify):

6. ☐ Respondent contends that there is a reasonable possibility of reconciliation.

7. ☐ Respondent denies the grounds set forth in Item 8 of the petition.

8. Respondent responds:

a. ☒ Dissolution of the marriage based on

(1) ☒ Irreconcilable differences, Fam. Code, § 2310(a)

(2) ☐ Insurable interest, Fam. Code, § 2310(b)

b. ☐ Legal separation of the parties based on

(1) ☐ Irreconcilable differences, Fam. Code, § 2310(a)

(2) ☐ Insurable interest, Fam. Code, § 2310(b)

c. ☐ Nullity of void marriage based on

(1) ☐ Incestuous marriage, Fam. Code, § 2200

(2) ☐ Bigamous marriage, Fam. Code, § 2201

1. ☐ Nullity of voidable marriage based on

(1) ☐ respondent's age at time of marriage,

Fam. Code, § 2210(a)

(2) ☐ prior existing marriage,

Fam. Code, § 2210(b)

(3) ☐ unsound mind, Fam. Code, § 2210(c)

(4) ☐ fraud, Fam. Code, § 2210(d)

(5) ☐ force, Fam. Code, § 2210(e)

(6) ☐ physical incapacity, Fam. Code, § 2210(f)

9. Respondent requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

a. Legal custody of children to: Mother and Father jointly

b. Physical custody of children to: Mother, Doreen Tomlin

c. Child support is granted to: Father, Richard Riess

(1) ☐ Shared for to be determined

(2) ☐ No custody for

(3) ☒ Continued on Attachment 9c3.

d. ☐ Enforcement of payment of any children born to the Petitioner and Respondent prior to the marriage.

e. Spousal support payable to (page assignment will be issued)

f. Attorney fees and costs payable by: Petitioner

g. ☒ Visitation the court's jurisdiction (ability) to award spousal support to petitioner.

h. ☒ Property rights to be determined

i. ☒ Respondent's former name be restored (specify: Tomlin)

j. ☐ Other: None

☐ Continued on Attachment 9c

10. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children. A wage assignment will be issued without further notice.

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

Date: 1/11/02

Doreen Tomlin

(TYPE OR PRINT NAME)

Date: 1/11/02

Marita Rodriguez, Esq.

(TYPE OR PRINT NAME)

Doreen Tomlin
 (SIGNATURE OF RESPONDENT)

Marita Rodriguez
 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

The original response must be filed in the court with proof of service of a copy on petitioner.

562-927-2700

Marita Nogueiras, Esq.
Law Offices of Marita Nogueiras
10535 Paramount Blvd., Ste. 202
Downey, CA 90241

Attorney for: Desiree Tonlin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 825 Maple Avenue

CITY AND STATE: Torrance, CA 90503

CITY AND STATE: Torrance, CA 90503

COURT DISTRICT: Southwest District

CASE NAME: RIESS V. TONLIN

**DECLARATION UNDER UNIFORM CHILD CUSTODY
JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

CASE NUMBER:

TD042:45

BY FAX

- I am a party to this proceeding to determine custody of a child.
- ☐ Declarant's present address is not disclosed. It is confidential under Family Code section 3409. The address of children presently residing with declarant is identified on this declaration as confidential.
- (Parent): ☐ Other children are subject to this proceeding as follows:

(Report the information requested below. The residence information must be given for the last FIVE years.)

a. Declarant		b. Child	
Gabriel Riess		Phoenix, Arizona	
Date of birth: 9/27/00		Sex: M	
Period of residence	Address	Persons with whom child resided (name and present address)	Relationship
12/01 - present	20707 Anza Ave., #204, Torrance, CA 90503	Richard Riess	Father
10/01 - 12/01	1715 E. Sandra Terrace, Phoenix, AZ	Desiree Tonlin and Teresa Goff	Mother and Grandmother
04/01 - 10/01	20707 Anza Ave., #204, Torrance, CA 90503	Richard Riess and Desiree Tonlin	Father and Mother
09/00 - 04/01	17239 N. 19th Ave., Phoenix, AZ	Richard Riess and Desiree Tonlin	Father and Mother

c. Child name		d. Child name	
☐ Declaration is confidential under Family Code section 3409. (If not, provide the address below.)		Date of birth	
Period of residence		Sex	
Address		Persons with whom child resided (name and present address)	
Relationship			
12/01 - present		☐ Confidential	

c. ☐ Additional children are listed on Attachment 3c. (Provide requested information for additional children on an attachment.) (Continued on reverse)

**DECLARATION UNDER UNIFORM CHILD
CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

Legal
Solutions
CA 915

Family Code, § 3409 et seq.
Probate Code, §§ 15100, 15102

SHORT TITLE: Riess v. Tomlin

CASE NUMBER:

YD042145

4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

☒ No ☐ Yes. (If yes, provide the following information.)

a. Name of each child: Gabriel Riess

b. Capacity of declarant: ☐ party ☐ witness ☐ other (specify):

c. Court (specify name, state, location):

d. Court order or judgment (date):

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child subject to this proceeding, other than that stated in Item 4?

☒ No ☐ Yes (If yes, provide the following information.)

a. Name of each child: Gabriel Riess

b. Nature of proceeding: ☐ dissolution or divorce ☐ guardianship ☐ adoption ☐ other (specify):

c. Court (specify name, state, location):

d. Status of proceeding:

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child subject to this proceeding?

☒ No ☐ Yes (If yes, provide the following information.)

a. Name and address of person	b. Name and address of person	c. Name and address of person
☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 1/11/02

Deviress Tomlin

(Print or print name)

Deviress Tomlin
(Signature of declarant)

7. ☐ Number of pages attached after this page:

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (Name, Title, Firm, Address, Phone, Fax, E-mail, and Address) Marita Nogueras, Esq. Law Offices of Marita Nogueras 10535 Paramount Blvd., Ste. 202 Downey, CA 90241 TEL: 562-527-2700 FAX: 562-927-3550 STENOGRAPHER: Desiree Tomlin SUPERVISOR OF COURT REPORTERS: Los Angeles STREET ADDRESS: 825 Maple Avenue MAILING ADDRESS: Same CITY AND STATE: Torrance, CA 90503 ZIP CODE: Southwest District PETITIONER: Richard Blass RESPONDENT: Desiree Tomlin OTHER PARTY:		FOR COURT USE ONLY
PROOF OF PERSONAL SERVICE		CASE NUMBER YD042145

- ☒ This is a proof of service of a temporary or permanent restraining order regarding personal conduct, stayaway, or residence exclusion. (This information is required for the Domestic Violence Restraining Order Registry.)
- I am over the age of 18, not a party to the action, and not a protected person listed in any of the orders.
- Person named Person: B. Elaine Thompson, Esq.
- I served copies of the following documents (specify): Responsive Declaration to Dissolution Request, Responsive Declaration to OSC re: Modification Custody, Respondent's Supplemental Declaration, Exhibits A through S, UCCJEA, Income and Expense Declaration, Property Declaration, Blank I/E Declaration, Blank Property Declaration
 by personally delivering copies to the person served as follows:
 a. Date: 1/18/02 b. Time:
 c. Address: 2276 Torrance Blvd.
 Torrance, CA 90501
 d. I am:
 a. ☐ not a registered California process server.
 b. ☐ a registered California process server.
 c. ☐ an employee or independent contractor of a registered California process server.
 d. ☐ exempt from registration under Bus. & Prof. Code section 22350(a).
 e. ☐ a California sheriff or marshal.
- My name, address, and telephone number, and, if applicable, county of registration and number (specify):
- ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

Marita Nogueras

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

Marita Nogueras

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

(See instructions on reverse)

PROOF OF PERSONAL SERVICE
(Family Law)

Legal Solutions
CA, PAIS

Date of Civil Proceedings: § 1011

Exhibit “D”

1285.40

ATTORNEY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE, AND FAX NO.) Marita Nogueiras, Esq. Law Offices of Marita Nogueiras 10535 Paramount Blvd., Ste. 202 Downey, CA 90241 TELEPHONE NO. 562-927-2700 FAX NO. 562-927-3550 ATTORNEY FOR PARTY Desiree Tomlin		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT JAN 18 2002 JOHN A. CLARKE, CLERK BY TAMARA RHODES, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS 825 Maple Avenue MAILING ADDRESS Same CITY AND ZIP CODE Torrance, CA 90503 JUDICIAL DISTRICT Southwest District		
PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Tomlin		
RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION		CASE NUMBER: YD042145
HEARING DATE: February 6, 2002	TIME: 8:30 a.m.	DEPARTMENT OR ROOM: J

BY FAX

1. ☒ **CHILD CUSTODY**
 - a. ☐ I consent to the order requested.
 - b. ☒ I do not consent to the order requested but I consent to the following order: Joint legal custody to **Richard Riess and Desiree Tomlin. Sole Physical Custody to mother, Desiree Tomlin.**
2. ☒ **CHILD VISITATION**
 - a. ☐ I consent to the order requested.
 - b. ☒ I do not consent to the order requested but I consent to the following order: Reasonable supervised visitation with father, **Richard Riess.**
3. ☒ **CHILD SUPPORT**
 - a. ☐ I consent to the order requested.
 - b. ☒ I consent to guideline support.
 - c. ☐ I do not consent to the order requested, but I consent to the following order:
 - (1) ☐ Guideline
 - (2) ☐ Other (specify):
4. ☒ **SPOUSAL SUPPORT**
 - a. ☐ I consent to the order requested.
 - b. ☒ I do not consent to the order requested.
 - c. ☒ I consent to the following order: Guideline Spousal Support
5. ☒ **ATTORNEY FEES AND COSTS**
 - a. ☐ I consent to the order requested.
 - b. ☒ I do not consent to the order requested.
 - c. ☒ I consent to the following order: Petitioner to pay for both his and Respondent's attorney fees and costs.

FILED
FILED

(Continued on reverse)

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER
RESPONDENT/DEFENDANT: Desiree Tomlin	YD042145

6. ☐ PROPERTY RESTRAINT

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested.
 c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested.
 c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF, AS REQUESTED IN ITEM 9 OF THE APPLICATION

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested.
 c. ☒ I consent to the following order: PETITIONER TO PAY FOR 1/2 OF ALL OUTSTANDING BILLS INCURRED FOR LABOR AND DELIVERY OF GABRIEL, TOTALING APPORXIMATLEY \$17,000.

9. ☒ SUPPORTING INFORMATION

- ☒ contained in the attached declaration.

NOTE: TO RESPOND TO A REQUEST FOR DOMESTIC VIOLENCE (PERSONAL CONDUCT AND HARASSMENT) RESTRAINING ORDERS REQUESTED IN THE APPLICATION AND DECLARATION FOR ORDER (DOMESTIC VIOLENCE PREVENTION) (FORM DV-100), YOU MUST USE THE RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE (DOMESTIC VIOLENCE PROTECTION) (DV-120).

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

Date: 1/11/02

Desiree Tomlin
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

Exhibit “E”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name)

Address:

TELEPHONE NO.:

310-320-9742

FOR COURT USE ONLY

B. Elaine Thompson, Esq. Bar # 75136
 LAW OFFICES OF B. ELAINE THOMPSON
 2276 Torrance Boulevard
 Torrance, California 90501
 ATTORNEY FOR (Name): RICHARD RIESS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 825 Maple Avenue

MAILING ADDRESS: 825 Maple Avenue

CITY AND ZIP CODE: Torrance, California 90503

BRANCH NAME: SOUTHWEST DISTRICT

PETITIONER/PLAINTIFF: RICHARD RIESS

RESPONDENT/DEFENDANT: DESIREE TOMLIN RIESS

CLAIMANT:

FILED
 LOS ANGELES SUPERIOR COURT

FEB 21 2002

JOHN A. CLARKE, CLERK

K. Smith
 BY K. SMITH, DEPUTY

FINDINGS AND ORDER AFTER HEARING
 (Family Law - Domestic Violence Prevention - Uniform Parentage)

CASE NUMBER:

YD042145

1. This proceeding was heard

on (date): 2/6/02

at (time): 8:30 a.m. In Dept.: J

Room:

by Judge (name): Commissioner Glenda Veasey

☒ Temporary Judge☒ Petitioner/plaintiff present☒ Respondent/defendant present☐ Claimant present☒ Attorney present (name): B. Elaine Thompson, Esq.☒ Attorney present (name): Marita Nogueiras, Esq.☐ Attorney present (name):

On the order to show cause or motion filed (date):

by (name):

2. THE COURT ORDERS

3. Custody and visitation:

☒ As attached☐ Not applicable

4. Child support:

☐ As attached☒ Not applicable

5. Spousal-Family support:

☐ As attached☒ Not applicable

6. Property orders:

☒ As attached☐ Not applicable

7. Domestic Violence Miscellaneous Orders

☐ As attached☒ Not applicable

8. Other orders:

☒ As attached☐ Not applicable9. ☐ Attorney fees (specify amount): \$☐ payable as child support☐ payable as spousal support

Payable to (name and address):

Payable ☐ forthwith ☐ other (specify):

10. All other issues are reserved until further order of court.

Date:

FEB 21 2002

Approved as conforming to court order.

NATURE OF ATTORNEY FOR ☐ PETITIONER/PLAINTIFF ☒ RESPONDENT/DEFENDANT

Marita Nogueiras, Esq.

(Continued)

Page 1 of 3

1. Both parties are ordered to complete Parents Without Conflict or the equivalent.
2. The parties are awarded joint legal custody of Gabriel, born September 27, 2000.
3. The parties are awarded joint physical custody of Gabriel, each party to have equal time with him.
4. Gabriel shall spend alternating two week periods with each parent. The transfer shall occur on Sunday with the exception that Respondent shall begin her time with Gabriel Friday, February 8, 2002. Gabriel shall be returned to Petitioner Sunday February 24, 2002. The transfer of the minor, Gabriel, shall occur on Sundays every two weeks thereafter.
5. The receiving parent is to provide the transportation. If transportation is by airplane, the transfer of the minor shall occur at the airport. If transportation is by car, the exchange shall occur at the local McDonalds. In California, the exchange shall occur at the local McDonalds at the corner of 190th Street and Hawthorne Boulevard in Torrance, California.
6. If the minor requires cross-country transportation for the purposes of custody exchanges, the transportation must be by airplane.



I certify that this is a true and correct copy
of the original Findings & ORDER on
file in this office consisting of 3 pages.

FEB 18 2009

JOHN A. CLARKE, Executive Officer/Clerk of
the Superior Court of California, County of Los Angeles.

By: Varia Dine, Deputy

D. LIPPI

Exhibit “F”

1 B. Elaine Thompson, Esq.
2 2276 Torrance Boulevard
3 Torrance, California 90501
4 (310) 320-9742.

FILED
LOS ANGELES SUPERIOR COURT

DEC 21 2001

JOHN A. CLARKE, CLERK

BY W DEPUTY

5 Bar # 75136

6 Attorney for Petitioner,
7 RICHARD RIESS

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES
11

YB042145

12 In re the Marriage of:)

Case No.

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Respondent: DESIREE TOMLIN
RIESS.

I, RICHARD RIESS, declare:

1. I am the Petitioner in the above captioned matter.
2. The facts set forth herein are personally known to me and I have firsthand knowledge of the same. If called upon to testify I could and would testify thereto under oath.

1 3. Our son, Gabriel Riess, born September 27, 2000, is
2 presently living with me. I have always been an
3 involved parent. I have a very close and loving
4 relationship with my son. He is comfortable with me
5 and seems to have adjusted nicely to his mother
6 leaving. I am fully capable of caring for him. I own
7 my own company, which gives me a lot of flexibility and
8 allows me to care for our son as a single parent. I am
9 still living in the apartment that we lived in as a
10 family. The home is set up for a child.
11

12 4. In October, 2001, Respondent left for Phoenix, Arizona
13 taking Gabriel with her; she was staying at her
14 mother's home. Respondent then left Arizona leaving
15 our son with her mother and went to Florida to be with
16 a former boyfriend. My understanding is that
17 Respondent does not have a fixed residence in Florida
18 or a place for our son to live. (I picked our son up
19 from Arizona and brought him back to California to live
20 with me.)
21

22 5. I am requesting custody because I am the more
23 responsible parent. I will raise our son - not leave
24 ~~her~~ ^{him} with someone else to raise while I party. I am
25 requesting custody ex parte because I am concerned that
26 if I do not have custody my wife will take our son and
27

1 again take him out of state. I do not believe that at
2 this point in her life she is capable of responsibly
3 parenting our child.

4 6. Additionally, I am requesting the Respondent's
5 visitation be monitored.

6 7. Respondent has a history of drug use and has been
7 arrested on several occasions. A copy of the most
8 recent criminal docket is attached hereto as Exhibit
9 "A". Respondent was pregnant at the time of the
10 arrest. Although Respondent cleaned up for the majority
11 of her pregnancy, she started using again after she
12 went to Arizona.

13 8. Respondent is irresponsible in the care of our child -
14 for example, she would only bathe our son one time in a
15 week. She had no fixed sleeping schedule for our son
16 and fed him a bottle, not meals.

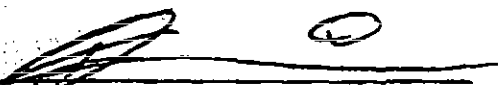
17 9. I am afraid if Respondent has custody our son will not
18 get the proper care and attention he needs.

19 10. I am respectfully requesting that the court grant me
20 primary legal and physical custody of our son with
21 Respondent to have monitored visitation. I do not
22 believe that someone under the influence of drugs can
23 properly care for a baby. Our son is now quite active
24 and must be closely watched.
25
26
27

1 11. I do want Respondent and her family to have a
2 relationship with our son. I am requesting that I be
3 allowed to take Gabriel to his maternal grandmother's
4 in Arizona for Christmas. I would like to be in
5 Arizona with our son December 24, 2001 through December
6 26, 2001.

7 I declare under penalty of perjury that the foregoing is
8 true and correct.
9

10
11 DATED: December 20, 2001


RICHARD RIESS

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Exhibit “G”

2-13-11

Dear Terence:

I have started this letter 5 or 6 times now. The first thing I wish to say is I sent a letter to Gabriel on 2-11-10 with your contact information. Therein, I emphasized that it must be his decision whether or not to contact you. I told him it is my own wish that he does but I will not influence him either way. I also included a letter for Liz (the friend taking care of him) making it clear that I would not tolerate any interference on her part.

Then, on Saturday (2-12-11) morning I called Gabriel and told him I had spoken to you. He didn't say much. Obviously, he was caught off guard.

Unfortunately, I cannot say whether or not I think he'll contact you. I honestly don't know. I would like to believe that he will but I can't say.

You have to realize that both you and Teresa have always had the means to contact or locate both me and Gabriel (through gabrielriess.com or richardriess.com). And, after we moved here in January, 2006 I was in contact with Teresa. I made no effort to keep our presence from her or you. I never prohibited her from visiting Gabriel. All I told her is that I think it's best that I be present for those visits. After that she stopped calling. Months later we ran into her at a Denny's one time. Gabriel pointed her out. She never came

even to say hello. Then, in 2009 you established contact that one time but not again. Based on all of this I can understand how he might form the belief that you had made a conscious choice to move on.

But I'm not being critical of you. I'm just trying to explain how I believe he might see the situation. I had considered all of this when writing the letter to him and explained that we all make mistakes and decisions that are regret. I have more than my share of shameful memories over the last 10 years. I also made it clear that I did have an active and significant part in pushing you away. Alright, I admit that I was an evil bastard (at times, anyway), and that I used the discrepancy in our respective financial positions to tilt the situation in my favor. And yes, I told him this, I don't keep any secrets from him and I try to present things to him in as objective a manner as possible.

So, that said - now the part I've been having difficulty with which has been the cause of the secrets:

As you may recall, in 2000-2001 I didn't want children. I wanted you to be happy and you

wanted to proceed with the pregnancy, so I supported your decision. Unfortunately, that led to resentment and animosity, as I realized I had to give up a lot of other things that I wasn't prepared to give up (freedom, sports cars, motorcycles, travel, etc). I eventually convinced myself that you were just using me for money (though, years later I realized how incredibly ludicrous that belief was).

As you also may recall I wasn't religious at the time (I was atheist). However, there was one night in March (I think) of 2000 when we were somewhere you were and I was driving from LA to Phoenix. I asked God to take care of you and prayed that (believe it or not) you would become pregnant so that it may convince you to quit the drugs and erratic behavior. You had been missing for a couple of weeks at that point. Shortly thereafter I heard you were in the hospital in El Monte. But, of course, being atheist, I quickly forgot about that night driving to Phoenix.

Well, there are many, many things I've never told you about myself or my life before I met you. One of those things is that when I'm not atheist I'm Jewish. And I haven't been atheist since about 2005. Anyway, my religious beliefs

aside, once I got past the resentment I had to realize that I was blessed with an amazing child. And that I would always be indebted to you for that. It's unfortunate that I spent so many years being angry about my situation rather than appreciating what I had.

And so, you know how people always say if they could go back and change things in their lives they would do it all over again. Well, I'm far too realistic to say anything like that. Truth is there are a great many things I would change. But not for the world would I change having met you; deciding to have Gabriel; marrying you; deciding to raise Gabriel; and now contacting you and telling you all of this. Other than those and my career choices I would probably have done everything else differently.

But I'm not going to wallow in self pity, about how I've made a mess of things. That would be vile. And vile is not my style.

And it's not because I'm in custody that I'm saying all of this. I've wanted to mention these things over the years but the combination of pride and the fact that you were remarried and had a life going on kept me from doing so. It just happens that I recently asked my investigator

to try to locate you and he provided your address and telephone number. I then had a friend do a search of your address and send me information on the company. From the listings it looks like a nice place. So, as you can see, locating someone is not that hard. Anyway, I don't want you to think I'm stalking you or anything. I just wanted to know what it was walking into before I contacted you.

And finally, for the record, I wish to say, I really am sorry for causing so much misery, unhappiness, anger, and whatever else it may have caused.

I do not necessarily expect a response to this letter. I just wanted to finally say what I know should have been said many years ago - some of which should have been said before we separated.

And if you've gotten this far I thank you for listening.

Sincerely,

Richard

Exhibit “H”

2-11-11

Dear Gabriel:

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

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

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

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

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

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

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

Devine Capuano

20100 N. 78th Pl #1080

Scottsdale, AZ 85255

And her number is:

480-284-7731 (home)

480-455-2086 (mobile)

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

I'll talk to you soon.

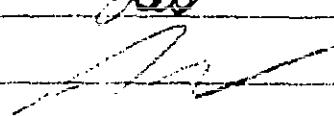
Dad


Exhibit “I”

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

JUDGE PRO TEM JAMES T. BLOMO

CLERK OF THE COURT
L. Talbo
Deputy

STATE OF ARIZONA

JEFFREY R DUVENDACK
ADENA J ASTROWSKY

v.

RICHARD RIESS (002)

RICHARD RIESS
3250 W LOWER BUCKEYE
P624615
PHOENIX AZ 85009
JEREMY L. BOGART

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

1:34 p.m.

State's Attorney:	Adena Astrowsky
Advisory Counsel:	Jeremy Bogart
Defendant:	Present
Court Reporter:	Renee Mobley

This is the time set for Evidentiary Hearing re: Non-Bondable Status under A.R.S. §13-3961.

State's case:

Detective Matthew Arndt is sworn and testifies.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

LET THE RECORD REFLECT the witness makes an in-court identification of the Defendant.

The witness is excused.

Detective Adam Geremiah is sworn and testifies.

Exhibits 1-2 are marked for identification.

Exhibit 1 is offered and received in evidence.

LET THE RECORD REFLECT the witness makes an in-court identification of the Defendant.

Exhibit 2 is offered and received in evidence.

The witness is excused.

State rests.

Defendant rests.

Closing arguments.

The Court finds that there is proof evident or presumption great that the crime(s) of Forgery a class 4 felony was/were committed and the defendant committed those crime(s).

The Court further finds that there is probable cause to believe that the defendant has entered or remained in the United States illegally.

Therefore, pursuant to Article 2, Section 22 of the Arizona State Constitution and A.R.S. §13-3961,

IT IS ORDERED that the defendant continue be held non-bondable.

IT IS ORDERED affirming the Final Trial Management Conference on 12/20/2010 at 8:45 a.m. before Judge Thumma and Trial on 01/05/2011 at 8:00 a.m. before the Master Calendar Assignment Judge.

Last Day Remains: 02/04/2011

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-121755-002 DT

11/22/2010

IT IS ORDERED permanently releasing exhibits 1 through 2 to counsel for plaintiff.

ISSUED: Exhibit Release Form

2:00 p.m. Matter concludes.