

## CONVERSION

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MICHAEL K. JEANES  
Clerk of the Superior Court  
By sheila ponicki, Deputy  
Date 08/24/2011 Time 12:32:29

Description	Amount
CASE# FC2011-093719	
IV-D N	
DIVORCE W/CHILD 601	321.00
TOTAL AMOUNT	321.00
Receipt# 21591750	

### IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MARICOPA

**RICHARD RIESS,**

Petitioner,

v.

**DESIREE TOMLIN RIESS**  
**nka DESIREE CAPUANO,**

Respondent.

No. FC 2011-093719

**PETITION FOR DISSOLUTION OF A  
NON-COVENANT MARRIAGE WITH  
CHILD**

Respondent, DESIREE TOMLIN RIESS, nka DESIREE CAPUANO, for her Petition for Dissolution of a Non-Covenant Marriage (With Child) alleges as follows:

1. Petitioner/Husband/Father is Richard Riess, whose date of birth is November 24, 1973. Husband is incarcerated at the Department of Corrections in Eloy, Arizona.

2. Respondent/Wife/Mother is Desiree Tomlin Riess, nka Desiree Capuano, whose date of birth is October 1, 1980. Wife lives at 20100 North 78<sup>th</sup>, #1080, Scottsdale, Arizona and is currently employed by The Apollo Group in Phoenix, Arizona.

3. The parties were married in August 2000, in Las Vegas, Nevada. The marriage is a non-covenant marriage. Since said date the parties have been and are now Husband and Wife.

4. The parties' marriage is irretrievably broken and there is no reasonable prospect of reconciliation based upon irreconcilable differences.

5. The conciliation provisions either do not apply or have not been met.

6. There is one minor children common to the parties' marriage, namely: Gabriel Thomas Phillip Riess, age 10, whose date of birth is September 27, 2000.

7. Wife is not now pregnant.

1 8. The following information is provided concerning child custody pursuant to A.R.S. § 25-  
2 314:

3 A. The name and present address of the children involved in this proceeding is:

4 Gabriel Thomas Phillip Riess  
5 20100 North 78<sup>th</sup>, #1080  
6 Scottsdale, Arizona 85255

7 B. For the past five (5) years, the minor child has resided:

8 Gabriel Thomas Phillip Riess  
9 20100 North 78<sup>th</sup>, #1080  
10 Scottsdale, Arizona 85255  
11 From August 7, 2011 to present

12 Gabriel Thomas Phillip Riess  
13 406½ East Lincoln Drive  
14 Carson City, California 90745  
15 From November 2007 to August 7, 2011\*

16 \*Gabriel had been living with a person named "Liz Munoz" at the above address since Father has been  
17 incarcerated. Mother recently learned of Gabriel's whereabouts and is concurrently filing an Emergency  
18 Petition for Temporary Order Re Custody.

19 C. Respondent has participated as a party in litigation concerning the custody of the minor  
20 child which originated in the Superior Court of California, County of Los Angeles, Case No. YD042145.

21 D. Respondent has information regarding the custody concerning the child awarded in the  
22 pending in the Superior Court of California, County of Los Angeles, Case No. YD042145.

23 E. Respondent does not know of any person not a party to this proceeding who has physical  
24 custody of the child or claims to have custody or visitation rights with respect to the child.

25 9. It is in the best interest of the minor child that Mother be awarded sole custody.

26 10. Wife is entitled to receive child support from Husband each month based upon the  
27 Arizona guidelines amount, payable through the Support Payment Clearinghouse via a wage assignment.

28 11. There is no community, joint and common assets and property and no certain joint,  
common and community obligations and indebtedness which the Court should equitably divide and  
allocate.

12. The parties have accumulated certain separate property, which should be confirmed as  
each parties' respective sole and separate property.

1           13.     Neither party is entitled to spousal maintenance pursuant to A.R. S. §25-319.

2           14.     The parties each are able to pay their own respective attorney's fees, and should be  
3 ordered to do so unless Husband contests this matter or takes an unreasonable position which needlessly  
4 prolongs the proceedings.

5           **WHEREFORE, Wife** requests the following relief:

6           A.     That this court enter a Decree of Dissolution of Marriage and restore the parties to the status  
7 of single persons;

8           B.     That this court enter a Preliminary Injunction against both Wife and Husband in  
9 accordance with A.R.S. §25-315(A).

10          C.     That the Court reaffirm to each party their premarital and sole and separate property and  
11 debt;

12          D.     That neither party be awarded spousal maintenance pursuant to A.R.S. § 25-319, as  
13 applicable;

14          E.     That this Court award Mother sole custody of the minor child, Gabriel Thomas Phillip  
15 Riess;

16          F.     That Father be ordered to pay Mother child support each month in an amount consistent  
17 with the State Supreme Court Guidelines, payable through the Support Payment Clearinghouse via wage  
18 assignment. Support should continue until the child turns eighteen (18) years of age, becomes  
19 emancipated, or dies. If the child turns eighteen (18) years of age while attending high school or a  
20 certified high school equivalency program, Father should continue to pay child support during the period  
21 in which the child is actually attending high school or the equivalency program, but in no event past the  
22 age of nineteen (19) years.

23          G.     That Mother be ordered to maintain the medical, dental and vision insurance policy on  
24 behalf of the minor child and that the parties be responsible for any and all out-of-pocket, uninsured  
25 expenses incurred for the child's medical, dental, orthodontic, optical, psychological, psychiatric or other  
26 counseling costs not covered by insurance be paid by the parties 50/50. The parent incurring the  
27 expenses shall submit a request for reimbursement of uninsured medical expenses, which shall include,  
28 at a minimum, the invoice and proof of payment, within three (3) months of the date of treatment. The  
other parent shall then provide such reimbursement within forty-five (45) days of presentation.

1 H. That if Husband contests this matter or takes an unreasonable position which needlessly  
2 expands these proceedings, Husband be ordered to pay some or all of Wife's attorney's fees in  
3 accordance with A.R.S. §25-324, otherwise each party to pay his/her own attorneys' fees and costs.

4 I. For such other and further relief as the Court deems equitable under the circumstances.

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

6 **GILLESPIE SHIELDS & DURRANT**

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10 **DAVID L. GOLDFARB, ESQ.**  
11 **ATTORNEY FOR RESPONDENT**  
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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 Petition for Dissolution of a Non-Covenant Marriage 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*  
STEVEN THOMAS KENNEL

SUBSCRIBED AND SWORN TO before me this 23<sup>rd</sup> August, 2011, by Desiree Capuano.

*[Signature]*  
Notary Public

My Commission Expires:

