

Statement of James PENDELTON

Statement Date: 2016/07/13

Statement Time: 13:18 hours

AM: Cpl. A. MOHAN (Reg. #48932)

JP: James PENDELTON

****UNCORRECTED** CONFIRM ALL DETAILS WITH INVESTIGATOR BEFORE TAKING ACTION ON THIS INFORMATION**

1. AM: This is Cpl. MOHAN. Reg. is 48932. Um, date today is July the 13th, 2016. Uh, time is 1:18 p.m. Currently at V01 . Um, taking an audio statement from James. Surname I spell Papa-Echo-November-Delta-Lima-Echo-Tango-Oscar-November. Um, with respect to Burnaby file number 2016-25379. James, if you could, um, tell me a little bit of history, um, how you and D-Desiree met, when you met, how you met, um, what's happened throughout the years or the time that you guys have been together, with Richard RIESS who is also known to us as Patrick FOX.
2. JP: (Inaudible).
3. AM: Um, just go into detail of everything from the beginning to where we are now and everything that's happened in between.
4. JP: Okay, uh, so I first met Desiree, uh, when I was working up at Phoeni-, in Phoenix at the Apollo Group and, uh, she, she also worked over there. Um, uh, while I was working there, uh, Patrick FOX actually sent an email, a mass email to many people at the company pretending to be Desiree, uh, including the Board of Directors of the company of what I presume is in an attempt to smear her name and get her fired, uh, claiming that she did drugs at work and that there was nothing they could do about it. Um, I know she had to go and talk to corporate security and HR and everything else. Uh, I'm not sure whether or not at that time he was hosting things on Go Daddy or not. Um, but I believe that at one point or another, he had been hosting his website on Go Daddy, uh, and the company had intervened to have Go Daddy take the website down here domestically in the United States, at which point he started hosting them from servers in his house...
5. AM: Okay.
6. JP: ...on Shaw Cable.
7. AM: I'm just gonna make notes when you're talking here.
8. JP: Yeah, no worries.
9. AM: Go ahead.
10. JP: Um, uh, and, uh, when the emails went out, uh, Desiree was mortified and in tears. Um, uh, uh, an obvious smear campaign and that's kinda when I first became aware of the, uh, Richard RIESS situation.
11. AM: Mm-hmm.
12. JP: Um, so he, uh, he had apparently created, um, false profiles of her on LinkedIn previously and other things. I started getting a little bit of background. I didn't fully appreciate his, uh, obsession. I don't know what word you would. His, his frightening level of obsession, I guess, would, uh, up to that point. Um,

- let me find (inaudible) here. Uh, I'll, I'll continue to talk while I sort through these. Hopefully it won't be too noisy.
13. AM: Sure.
14. JP: Um, but at that point, Desiree and I had been dating. Uh, we were trying to keep my name out of it from him, because he had attacked her previous relationships. Uh, Christopher LAUTNER as well as, uh, Michael CAPUANO, her...
15. AM: 'Kay.
16. JP: ...ex-husband, which he, uh, continues to create posts and all sorts of things about me and all of her exes, obviously a smear campaign on everyone there. Um, here is a fake Facebook account that he had created, pretending to be her.
17. AM: 'Kay.
18. JP: I've got a digital copy of that, too. I can make a note if you guys would like me to send you that digital copy of that one.
19. AM: Please.
20. JP: Alright, um, here is a fake Google Plus account that I, that he also created in her name. Uh, we have since contacted Google to have those. You can actually keep those.
21. AM: Oh, thank you.
22. JP: Um, that's the thing. I'm terrible with, uh, exact dates on things, so I'll...
23. AM: That's (inaudible).
24. JP: ...yeah, it'll be approximate, so, uh, Desiree and I date, dated through the, uh, through the spring and, uh, and the, the next year, uh, we were talking about having her move down here, uh, so, um, I, I took a job back **V01** about February of the following year.
25. AM: Okay. What year was that, sorry?
26. JP: Um, that was, uh, 2015 I moved down here with, with her.
27. AM: Okay.
28. JP: And we had met in 2014.
29. AM: Okay.
30. JP: And so, uh, we started dating the summer of 2014 I want to say. End of July timeframe, somewhere around there.
31. AM: Sure, perfect.
32. JP: Um, and, yeah, going into the fall, really, I mean I was, I was aware of the, he sent her tons of emails. Tons of nasty taunting emails through the whole situation. Uh, and I watched her afraid to even open her email. That's, that was a new experience for me. Someone terrified to even check email, but she was. Um, and, uh, the times, didn't even want to respond back to them because it was just taunting and nonsense, uh, but she had to because they've got a common son together. Um, so really that was, that was the extent of it, and the website

- was up and down and up and down. It was really being kinda used as a blackmail thing and trying to get her fired...
33. AM: Mmm.
34. JP: ...at the time. Um, over the summer of 2015, uh, when {GR} went to go and visit his father is really when things started to, to get bad. Um, jumping back, the, uh, the Patrick FOX identity.
35. AM: Yeah.
36. JP: Uh, Desiree assumed that that was just him messing with her for a long time.
37. AM: Okay.
38. JP: Uh, and it wasn't until, I think it was either the fall or winter break of that year...
39. AM: Okay.
40. JP: ...that he said he has no idea who Richard RIESS is. Richard RIESS is dead and that he has no ID under that name. At which point she said, um, yeah, your son can't visit you then and I need some identity.
41. AM: Yeah.
42. JP: Um, I've got emails from that. I don't know if you guys have all of the emails or not. There's quite a bit to sort through, honestly.
43. AM: No, no, no problem. Take your time.
44. JP: Um, but, yeah, so she, uh, she started insisting that he send her some ID, and he claimed he didn't have any ID, at which point he, uh, sent her a copy of his gun license under the name Patrick FOX and, uh, other documents that I think I sent to you. Um, so this is the email where he says he, uh, has attached his BCID and other documents. I only printed a couple of things, but.
45. AM: No that's fine. Do we have copies of this?
46. JP: I believe so, but you can...
47. AM: Okay.
48. JP: ...take that with you.
49. AM: Okay. If you don't mind.
50. JP: Absolutely, yeah. I know I sent you the BCID's, but I don't know if you guys had the original (inaudible).
51. AM: Okay. It probably went to Corporal WILCOTT, if anything.
52. JP: Yeah, definitely, but...
53. AM: Okay.
54. JP: ...definitely, I would definitely (inaudible).
55. AM: Thank you.
56. JP: Um, things are out of order here. Um, that's a, um, it's about that time that she started insisting on having, uh, having the ID so that,...

57. AM: Okay.
58. JP: ...in order to visit, so yeah, December of 2014.
59. AM: Okay, perfect.
60. JP: So winter break there. Um, he did ultimately send her a copy of his deportation paperwork under the name Richard RIESS and she acquiesced because ultimately she, despite everything he's done to her,...
61. AM: Yeah.
62. JP: ...for the good of their son, he really, she really wants their son to have that communication.
63. AM: Of course. Mm-hmm.
64. JP: Bonding, despite the (inaudible). She just wanted to make sure (inaudible). I mean if you guys had discovered his fake ID while his son was there, the custody paperwork is only under Richard RIESS,...
65. AM: Yeah.
66. JP: ...so he would have a minor that you guys didn't know what to do with and she was concerned that {GR} would be tied up in custody and...
67. AM: Exactly, okay.
68. JP: ...get lost in the system, so that, that's part of where that stemmed from. Um, in January timeframe, uh, he sent her some wonderful emails about wanting to, uh, hire someone to try to have sex with her and take intimate photos so that he could post on the website. And actually (inaudible) (inaudible). Um, here's a photo shopped image. He had a previously un photo shopped image. He actually had their son take a picture of her in her bath robe when they first got out of the shower and posted the picture of her in her bath robe up on the webpage, so that's the previous front page of the webpage.
69. AM: I think I'll see it in the file.
70. JP: Yeah, with all her vital statistics and my home address on there, so that, that one's from about July of last year. You can see his...
71. AM: Oh.
72. JP: ...lovely why surprised?
73. AM: Why surprised, yeah, I like that.
74. JP: Yeah. Yeah. Circling back to...
75. AM: Yeah.
76. JP: ...two things ago, there's the one where he actually sent his deportation paperwork to her.
77. AM: Oh (inaudible). Sending her everything isn't he.
78. JP: Yeah, he thinks he's untouchable. With that, she (inaudible) gave her (inaudible) there for that visit. Again, she really wants {GR} to see his father. He loves his father.
79. AM: Yeah. Can I have this as well?

80. JP: Yeah, absolutely.
81. AM: Yeah, okay, perfect.
82. JP: Yeah, no all of it. Um.
83. AM: So you've been with Desiree s-.
84. JP: About two years now.
85. AM: 2014, 2015, okay, so about two years.
86. JP: Yeah.
87. AM: Yeah.
88. JP: Our anniversary is actually coming up.
89. AM: Happy early anniversary.
90. JP: Thank you. I don't know if this is germane to your case, but there's another one from Patrick FOX saying please call him Richard.
91. AM: Yeah, I'll keep this on file. Yeah.
92. JP: This is one where, uh, so this, this is jumping forward to, that's April 2015. Mmm, kinda jumping all around (inaudible) some of these.
93. AM: That's fine, yeah.
94. JP: Um, here, here's when he said it's a specific weapon that he got for {GR}.
95. AM: And to answer your question, yes, I think that one was found.
96. JP: Okay.
97. AM: Yeah.
98. JP: Excellent.
99. AM: It was an old riffle.
100. JP: Yeah, he had a couple of World War II...
101. AM: Yeah.
102. JP: ...rifles (inaudible) that. Um, so going into the, the spring and summer, um,...
103. AM: Okay.
104. JP: ...she continued to receive, I mean these are literally one, one-hundredth of the emails.
105. AM: Gotcha.
106. JP: So she was receiving a ton of emails, uh, going into the summer. Um, uh, he returned around November or July 18th, 2015 over the summer. The summer, he sent her a number of taunting emails stating, you know, that he wasn't gonna return him and...
107. AM: Yeah.
108. JP: ...things like that. Ultimately, I believe he chose (inaudible). This is purely my conjecture.

109. AM: Of course.
110. JP: I believe he chose to return him, because he didn't know where she was and she he returned his son in order to get her address.
111. AM: Okay.
112. JP: Uh, my, my belief is that he was using the phone that he had provided his son to GPS track him repeatedly, um, but, because of what I do, I would spot a tail. I would know if he was hiring a...
113. AM: Yeah.
114. JP: ...private detective.
115. AM: Exactly, yeah.
116. JP: Uh, I have not seen any evidence of this.
117. AM: No, okay.
118. JP: Um, I've kept my eyes peeled. I mean, maybe a private detective, yes, but with no evidence to go on, no forwarding address or anything else,...
119. AM: Yeah.
120. JP: ...I would've spotted a tail coming back from the airport.
121. AM: Okay, good.
122. JP: Um, so he, he claims to have hired private detectives. I don't put that past him. I'm sure he probably did I the past.
123. AM: Sure, okay.
124. JP: But, uh, uh, I have no evidence of that.
125. AM: Okay.
126. JP: I fully believe that he used his son's GPS from, his GPS on his phone to track us.
127. AM: Makes sense.
128. JP: And, and that's how he got that, um, I've got an email somewhere in here that, uh, he states that, uh, he, that {GR} didn't tell him and that he, uh, found the address and then he looked at public record to get my name and that's how he started harassing me.
129. AM: Gotcha, okay.
130. JP: So that, that's about July 18th is I believe where he started attacking me.
131. AM: Of what year, 2015?
132. JP: Yeah, 2015.
133. AM: Okay, so upon {GR}'s return from summer visit.
134. JP: Start.
135. AM: Uh, we've actually got that in a court document that he submitted, uh, he, where he claims that he actually, he didn't use the cell, cell phones, GPS, because he was petitioning the court to return the cell phone to his son and that,

- in fact, he had hired a private investigator to follow us. If he had hired a f-, private investigator, I assume the records would be on the server somewhere.
136. AM: Of course, yeah.
137. JP: Right. Um, uh, he sent me an email stating as such that he had, uh, used public record to find my name and address. For my name, he Googled me and then went through all of my social media accounts that were publically accessible. Actually let's see if I can find (inaudible). Um, I might jump around a little bit in these emails.
138. AM: That's fine.
139. JP: Um, let's see this one from July 19th at 10:05 a.m. Uh, he says also I can point out of course that I had considered that I could potentially raise the issue of PENDELTON publicly disclosing a clearance level. That in itself would likely result in him losing the clearance. Uh, however, since I have no issue with PENDELTON, he's not harming in any way. He's purely collateral to this matter and it would be against my morals to harm a person collaterally, uh, in order to adversely affect you. That is, of course, one of the fundamentals differences between you and I. Uh, you would not think twice about harming someone else. Case in point (inaudible). Uh, blah, blah, blah. Then, of course, he did publish all of my information on the website, so...
140. AM: Of course.
141. JP: ...consistency is not key here. Uh, saying, doing my duties as a patriotic citizen, but no one would (inaudible). (Inaudible). I don't know if that's from my (inaudible) and he did, either in a blog post or an email somewhere, uh, state that he had called DSS to make a complaint to try and have my clearance revoked.
142. AM: Really?
143. JP: Yeah.
144. AM: And where did that go?
145. JP: Um, I don't know. I didn't hear anything from that investigation, but my, uh,...
146. AM: But.
147. JP: ...my people are fully informed. I report everything to them constantly.
148. AM: Good, smart.
149. JP: I actually have to give them your card when we're done here.
150. AM: I'll give you a couple.
151. JP: 'Kay. I appreciate that.
152. AM: No worries. I got those two for sure.
153. JP: Yeah. Um, here's, his very super awesome, colorful email that Desiree, um, {GR} returned on the 18th.
154. AM: Oh, nice wording.
155. JP: Yeah. Good vocabulary. 'Kay. Um, there's one with, involving me and failed threats against my clearance. Jumping back to things from January 2015 and has a lot of interesting things in here where he states basically that he had,

- uh, given up his custody. Um, {GR}'s not being hurt at all by what I'm doing. He knew before I started executing the plan exactly what was going on, and he did. He talked to his son extensively about his plans and his plans to destroy his mom and...
156. AM: Okay.
157. JP: ...dad. I mean that's, in this country, at least I would think that that's child abuse.
158. AM: I think so, yeah.
159. JP: And psy-psychologically damaging. That's not okay. 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. Told him in May that I h-, I would be waving all of my parental rights in July. I told him why, if he had concerns about me, wouldn't he bring them to you.
160. AM: Okay.
161. JP: Yeah.
162. AM: He's just...
163. JP: Yeah.
164. AM: ...ranting, I guess, and going off.
165. JP: Right and this is one of the ones where he basically, I don't know if it's this one. He says he, uh, he gave up his rights because it was getting in the way of destroying her. His exact awesome movie villain wor-wording there. Yeah, as for love, he doesn't believe in love and he's never told his son he loves him.
166. AM: Okay.
167. JP: Yeah, (inaudible) necessarily (inaudible), but it's.
168. AM: But okay, sounds good.
169. JP: I don't know if any of that's useful or not, but.
170. AM: I'll hold onto it.
171. JP: It's character reference.
172. AM: (Inaudible).
173. JP: Mmm.
174. AM: Any other emails to you where he threatened you or your security clearance, or anything direct threats towards you?
175. JP: Yeah, I'm trying to find them in here. He's got a number of, uh, blog posts. Uh, as a thing,...
176. AM: Mm-hmm.
177. JP: ...uh, hold on, actually. Uh, he actually took out Google Ads. I don't have a date on these, uh, but if you look, you can see that the search was for Desiree CAPUANO and he actually took out a Google Ad directing the website and here's one in my name, so if you...
178. AM: Okay.

179. JP: ...search for James PENDELTON TUSCON, that has a Google Ad down at the bottom...
180. AM: Yeah.
181. JP: ...directing straight to that site.
182. AM: Your new neighbors (inaudible) very classy.
183. JP: Yeah.
184. AM: (Inaudible).
185. JP: Yeah and, and it's actually an ad. He paid for that. He paid for the ad. Yeah. Yeah.
186. AM: And this, what year was this (inaudible). Do you know?
187. JP: This is 2015, so.
188. AM: 2015.
189. JP: This was, um, July or shortly thereafter.
190. AM: This is also Google.
191. JP: Yeah.
192. AM: Google Ad.
193. JP: Ad.
194. AM: Which is paid for.
195. JP: Yeah.
196. AM: This is 2015.
197. JP: Yeah.
198. AM: Okay.
199. JP: And it was about, uh, the 18th. I don't know exactly what date he did it, but the 18th was when he posted my photos without my consent on the website.
200. AM: Okay.
201. JP: Uh, he posted my home address. My phone number.
202. AM: When was that?
203. JP: Uh, July 18th.
204. AM: July 18th...
205. JP: Yes.
206. AM: ...2015, we're still talkin'?
207. JP: Yeah.
208. AM: So Patrick FOX also known as Richard RIESS.
209. JP: AKA Richard RIESS.
210. AM: Yeah, so he posted your picture.

211. JP: Yes and at the same time, he actually, uh, went through my, all of my contacts that I had had on LinkedIn.
212. AM: Okay.
213. JP: Including my mother's profile.
214. AM: Okay.
215. JP: I have ch-ch-ch-ch. It's a red folder. One second.
216. AM: So it's, uh, picture as your home address?
217. JP: Yes. That's my picture, pictures of my home that I assume he got from (inaudible).
218. AM: Mm-hmm.
219. JP: Um.
220. AM: Anything else.
221. JP: Uh, pictures of me. Pictures of my home. My home address. My phone number. My Security Clearance Level. Uh, a copy of an old resume that he found.
222. AM: Security Clearance Level. Um, old resume, all to his website?
223. JP: Yeah, all to his harassment website. Um, here's an email from my mother where she went through her LinkedIn contacts and you can see Patrick FOX is a recent visitor in there.
224. AM: Now just for the sake of argument for the audio here, what's his website?
225. JP: Uh, DesireeCapuano.com and he also, uh, took out a website DesireeTomlin.com in the...
226. AM: Okay.
227. JP: ...event that she may have tried to go back to her maiden name.
228. AM: Perfect, excellent, thank you.
229. JP: I don't know if you guys have the trace routes. I think I sent them to you. I. Here is his domain registered in Burnaby Canada to Silver Onyx Development Corporation.
230. AM: Go Daddy yeah here.
231. JP: Mmm. Um, he was actually served with my injunction against harassment and Desiree's protection order, um, by the RCMP...
232. AM: Yeah.
233. JP: ...on the 31st of October, 2015.
234. AM: Yeah, okay.
235. JP: And November 19th, he registered the DesireeTomlin domain in Burnaby, Ca-Canada.
236. AM: (Inaudible).

237. JP: Uh and then here is a copy of (inaudible) registered to a Patrick FOX in California at Liz MUNOZ's address.
238. AM: (Inaudible) I yeah I saw that (inaudible).
239. JP: Yeah, yeah.
240. AM: It's amazing what you can find on the Internet, hey.
241. JP: It is, it's incredible.
242. AM: Like you can find everything about everything if you know what to do and how to do it.
243. JP: No, absolutely. No, you can definitely dig with a little bit of vacuum and skill, frighteningly so.
244. AM: Yes.
245. JP: Yeah, and disappearing from, from that is way harder if you have any public record of any type. I mean for, uh, we had discussed buying a different house so that he didn't have our address,...
246. AM: Okay.
247. JP: ...and, uh, ultimately we decided it's pointless. The amount of public records that would trace back to that.
248. AM: Yeah.
249. JP: You'd have to never, ever use that address ever. You'd have to do fake names. You'd have to.
250. AM: Exactly.
251. JP: I mean you'd be hiding and like being a criminal yourself.
252. AM: Exactly, yep.
253. JP: It's ridiculous.
254. AM: Exactly.
255. JP: Um, yeah, this is all just stuff. This is (inaudible) to Desiree's case.
256. AM: Okay.
257. JP: Uh, these are all visitation things. Um, uh, outside the (inaudible) meaningless. Uh, there will be no negotiating. Here's the threat against Desiree, and I don't know if you guys. I know you're interviewing for me, but you will soon be homeless with no money. Nobody believes anything you say anymore. Nobody's coming to your aid or defense. You will not be able to secure another job as long as the website exists and it's not going anywhere as long as you're alive. Your boyfriend has reached the point of being fed up. Uh, only his sense of decency towards {SC} keeps him from kicking you guys out, and this was from November of 2015.
258. AM: November. That's a while ago.
259. JP: Well it's just November of this last year, so.
260. AM: Yeah.

261. JP: So that, that was going into December timeframe,...
262. AM: Yeah.
263. JP: ...and, uh, he's basically saying the website won't ever go anywhere. He will never take it down. We already knew, uh.
264. AM: Yes.
265. JP: Getting, getting back to the date, though, I'm jumping around. I apologize for that.
266. AM: No, no, that's fine.
267. JP: Um, so on the, uh, 20th of July 2015, uh, we came down and we filed a report with the Surrey Police Department.
268. AM: Okay.
269. JP: Uh, Detective "MONTROYA" had called me back and, uh, had a, had a talk with him.
270. AM: Uh-huh.
271. JP: Uh, he asked if RIESS had threatened me directly. Uh, at that time, RIESS had really not threatened me directly physical harm. Uh, he had made veiled threats against my clearance and my livelihood.
272. AM: Of course.
273. JP: But obviously a little concerning having my home address up there.
274. AM: Yes. I would agree, yep.
275. JP: You know.
276. AM: Totally.
277. JP: Yeah.
278. AM: Totally.
279. JP: Um, uh, REISS FOX is arrested and detained for criminal harassment towards Desiree, uh, due to the volume and content of the emails (inaudible) there previously.
280. AM: Yeah.
281. JP: 'Cause we know, um, uh ch-ch-ch-ch-ch. He was, at the time, calling the house phone and leaving messages, mocking Desiree. Uh, we've got the home answering messages if need be.
282. AM: Okay.
283. JP: Um, on the 21st, uh, he tried to call the house phone, uh, being unsuccessful reaching {GR} because we removed the phone...
284. AM: Oh, okay.
285. JP: ...from {GR}'s, uh, from {GR}'s possession.
286. AM: Okay, mm-hmm.
287. JP: 'Cause that was being used to violate our safety and security, obviously.

288. AM: Of course, yeah.
289. JP: Um, okay then, uh, the 21st is actually when he first put, uh, that I first always noticed that he's got copies of my resume, which he took from (inaudible) .com.
290. AM: Okay.
291. JP: It was just comments, derogatory comments aimed towards the RCMP.
292. AM: Yeah.
293. JP: About arresting him. My clearance, uh, he posted personal images, my home address, photo of my home, name, home phone number. Uh.
294. AM: July 18th, you said, right? For that one?
295. JP: Uh, that, that was July 21st was really the.
296. AM: Is the date when you noticed it?
297. JP: When I noticed the, the full extent of it. He, he...
298. AM: Oh, okay.
299. JP: ...just put my address on there as of the 18th.
300. AM: At the 18th, okay.
301. JP: And then the full content, I noticed, was up there on the 21st.
302. AM: July 18th to the 21st he went through there, okay, perfect.
303. JP: Yeah, and then, uh, the 23rd, Desiree and I came down here into the court in Surrey to obtain Injunction Against Harassment and Protection orders.
304. AM: Okay, so protection, so, so write that down, so Protection Order.
305. JP: For Desiree, and I have an Injunction Against Harassment.
306. AM: For Desiree, was on what date, sorry, you said?
307. JP: Uh, July 23rd.
308. AM: 23rd and that was with SPD here, right?
309. JP: Yeah.
310. AM: Oh, it's the Police Department here, okay.
311. JP: Yeah, the local courts and then we handed it off to them to s-,...
312. AM: Exactly.
313. JP: ...bring to you guys to serve to him.
314. AM: (Inaudible).
315. JP: Uh, they're active from the time they're served, so October 31st is when I was active.
316. AM: Okay.
317. JP: Um, so on the 26th in the course of Googling for my name is when I noticed the Google Ads.

318. AM: Explain to me then. How does one do, do that add for Google. Like what's the process of that?
319. JP: Um, s-, I, I haven't gone through it myself, but I believe...
320. AM: Okay.
321. JP: ...you pay money. It's like an advertising subscription service...
322. AM: Yeah.
323. JP: ...and so you throw key words in there and you can...
324. AM: Okay.
325. JP: ...target certain regions, so anyone in Sarita searching for James PENDELTON would've come up with my name and would've come to that...
326. AM: Gotcha, okay.
327. JP: ...website with the racist comments, home address, my photographs and things like that.
328. AM: Okay.
329. JP: And while some of the content may have been, uh, on websites which you can access,...
330. AM: Yeah.
331. JP: ...um, that doesn't mean that it's public domain. He assumes that anything on the web is public domain, but that's not how that actually works.
332. AM: Gotcha, okay.
333. JP: It's against the terms of service of the websites, etc., etc.
334. AM: Okay.
335. JP: Uh, but he did, and not to mention all of it was not put together in one place, so when you put it all together in one place,...
336. AM: Yeah.
337. JP: ...home address, photo, pictures of my home, phone number. That's when it starts becoming problematic as opposed to...
338. AM: Gotcha.
339. JP: ...the separate sites where nothing is put together.
340. AM: Gotcha, okay.
341. JP: Right.
342. AM: Perfect, I see what you're saying, okay.
343. JP: Um, contacted the Sarita PD on the, somewhere around July 31st.
344. AM: Okay.
345. JP: Um, Officer "MONTROYA" agreed to send the protection order, so the 31st is when they sent the protection order up to you guys.
346. AM: Yeah.

347. JP: Uh, {SC}, Desiree's youngest son on the 3rd of, uh, August. Googled for his name over the weekend and found that his name was linked directly to the harassment website by virtue of the fact that he had posted emails that were Google searchable.
348. AM: Okay.
349. JP: So {SC}, at that time, was 11 or 12.
350. AM: And how old is {SC} now?
351. JP: Uh, he's 13. He just turned 13.
352. AM: Okay. Do you know {SC}'s last name?
353. JP: CAPUANO.
354. AM: Oh, it is.
355. JP: Yeah.
356. AM: Okay, sounds good, okay. Uh, he's 12 to 13 years and he's Desiree's other son, right?
357. JP: Right.
358. AM: Okay.
359. JP: And his name was mentioned, at that point, um, in emails, linking him to the website.
360. AM: Oh website, yeah.
361. JP: But no other content other than his name linking him to the website.
362. AM: Mentioned to website and when did you notice that, sorry?
363. JP: Um, August 3rd.
364. AM: August 3rd.
365. JP: Yeah, I'll give you the timeline (inaudible).
366. AM: Sure, that's awesome, yeah, you can.
367. JP: That's (inaudible) just kinda walking through (inaudible).
368. AM: Yeah, no for sure.
369. JP: Um, t-t-t-t-t. Um, on the 14th, received a note from Desiree that Constable DUPONT in the RCMP had received Injunction Against Harassment and were looking to serve it. Uh, 15 received a call from Officer MONTROYA that he had been in contact with, uh, his domain provider, so, uh, I don't know if, people seem confused by, uh, the website versus the domain.
370. AM: Okay.
371. JP: They.
372. AM: Explain it to me.
373. JP: Okay.
374. AM: I am, I'm gonna pretend like I don't know anything.

375. JP: Okay, so.
376. AM: Just for the audio here.
377. JP: Alright, so the, the domain is DesireeCapuano.com.
378. AM: Okay.
379. JP: And that domain is, uh, offers, is not what actually hosts the content.
380. AM: Okay.
381. JP: Um, that's what, it's a DNS result, so that domain name, it goes out to a domain name server so that that address resolves back to an IP address of a server, which...
382. AM: Yeah.
383. JP: ...hosts the content back up.
384. AM: Gotcha.
385. JP: So at the time, uh, he was hosting it from his home on servers, uh, on Shaw Cable.
386. AM: Shaw Cable, okay.
387. JP: Uh, in Burnaby and I actually, he actually has a blog post up there where he, uh, talks about the fact that he, uh, hosts it from his website there. It was in the trashcan, but, um, and we don't have to find that right this second.
388. AM: No, no, (inaudible).
389. JP: But, uh. But at that point. I'll continue going through the timeline here, so I'm not jumping around. Um, so I, I had contacted the abuse specialists at, uh, web.com also. Um, because Officer MONTROYA had mentioned to have them, understand that it was a concern in terms of service and it looked like it had been taken down for about...
390. AM: Yeah.
391. JP: ...a 24 hour period and then it came right back up.
392. AM: Okay.
393. JP: And I contacted them and they forwarded my email directly to Richard, who directly posted it back on the website, so my email saying this is abusive, he posted immediately back on the website with my email address as well.
394. AM: It's not a good thing.
395. JP: No, so web.com definitely screwed that one up pretty hard.
396. AM: Yes.
397. JP: Um, and, yeah, he states his hosting ser-, that's actually the one where he states his hosting services at home and so you can see James' attempts to get this site taken down. Followed by this. This says it's running on one of Richard's own servers in his own data center. That's him talking in the third person, 'cause in his blog, he pretends to be Desiree while he posts things.
398. AM: Oh, okay.

399. JP: Covering that up, yeah.
400. AM: Yes.
401. JP: So again.
402. AM: So yeah.
403. JP: He pretends to be Desiree...
404. AM: Okay.
405. JP: ...while posting things and that's, again, I highly, highly suggest, yeah.
406. AM: That you?
407. JP: Yeah. That'd be my email address and, uh, they also forwarded Detective MONTROYA's name in the email. Yeah.
408. AM: Okay.
409. JP: They've been pretty useless to work with, the web.com guys. Every time I complain to them, they just say that they have no legal culpability in this, so.
410. AM: Is that what they say?
411. JP: Yeah, it's like great job guys. Um, let's see where we're at, the 16th, uh, harassment website was back up and I called them, um, on the 6th of, uh, September,...
412. AM: Mm-hmm.
413. JP: ...uh, 2015. Uh, defamatory post RIESS-FOX while pretending to be CAPUANO lies in claims that I am a drug user and a criminal.
414. AM: Okay.
415. JP: Which is slander and false.
416. AM: Yeah.
417. JP: Accuses me of perjury for referring to Desiree as my tenant. She is my tenant. She actually does pay me rent.
418. AM: Oh.
419. JP: So that is valid.
420. AM: It's valid, in fact, yeah.
421. JP: Uh, uh RIESS-FOX, uh, posted the injunction against harassment and protection order to the website.
422. AM: I heard about that.
423. JP: Yeah, so that was special. Um, uh, let's see here. October 31st, the date that RIESS-FOX says the memorandum was actually served to him. I don't believe that to be the case; however, he, uh, obviously had copies of it before that because he posted them to the website before that.
424. AM: Mm-hmm.
425. JP: Um, (inaudible) November 16th, he opened a second website, DesireeTomlin.com, which was.

426. AM: That's the one you told me about, yeah. That's her maiden name.
427. JP: Mm-hmm.
428. AM: Yeah.
429. JP: Uh, December 16th we had another Injunction Against Harassment Protection Order hearing in which my mom actually testified as well.
430. AM: Good.
431. JP: Um, I believe you guys have the transcripts. If you don't they're right...
432. AM: Okay.
433. JP: ...across the street. We can grab them (inaudible) if you need them.
434. AM: Sure, okay.
435. JP: Um, in a blog post two days after the injunction, uh, hearing, he actually posted, uh, slanderous comments and claims to have contacted my prior supervisor, so pla-, previous places of business.
436. AM: Okay. Is that true?
437. JP: Uh.
438. AM: Do you know to?
439. JP: I have no confirmation.
440. AM: You haven't got a phone call back from any of the.
441. JP: I, no I, I, I asked my former HR people at a couple places and they said they...
442. AM: Yeah.
443. JP: ...don't remember, but there's lots of HR people, so maybe.
444. AM: Of course, yeah.
445. JP: So I, he had no reason for doing that if he did that.
446. AM: Gotcha, okay.
447. JP: But he claims to have done that and I'm...
448. AM: Okay.
449. JP: ...sure I've got that in a blog post here somewhere.
450. AM: Okay.
451. JP: Um, it was obviously directed at me. Uh, also some person calling himself Chris SWEENEY keeps going onto the website and posting (inaudible) I believe that's probably him pretending to be someone else.
452. AM: Exactly.
453. JP: 'Cause I've never worked with anyone by that name.
454. AM: Okay, good.


455. JP: Um, um, December 19th or the 26th, I don't remember which one it was, in a post he titled, no I would not feel harassed. He claims to cross the border regularly into Blaine, Washington.
456. AM: Okay.
457. JP: Um, he, on the 20th, decided to have an objective review of my resume where he posted my resume again and goes through my resume and.
458. AM: And criticize stuff.
459. JP: And criticizes things. Yeah, and the wonderful thing is all of these are online in his blog and some of those things, when looking for evidence and prosecuting,...
460. AM: Yeah.
461. JP: ...he telegraphs his punches. He really does.
462. AM: Exactly, yeah.
463. JP: So if you guys need to know what his defense is gonna be,...
464. AM: It's all there, right.
465. JP: ...it's, it's there.
466. AM: Okay.
467. JP: He monologues like a villain.
468. AM: Okay.
469. JP: Um, the blog posts, there's a whole bunch of blog posts against me.
470. AM: We, we could sit here, yeah.
471. JP: Yeah, and we could sit here...
472. AM: Okay.
473. JP: ...for forever, but...
474. AM: Okay.
475. JP: ...basically, uh, that, that leads us up to there. Uh, he did not show up for his court date on June 7th. That's when we suspected that.
476. AM: (Inaudible) here?
477. JP: Um, it's actually at the superior court here.
478. AM: Okay.
479. JP: Uh, so he pr-, he, uh, appealed the protection orders here...
480. AM: Okay.
481. JP: ...and went to the superior court.
482. AM: Okay.
483. JP: He did not show the, Desiree's protection order was upheld by the superior court and my, uh, injunction was upheld at superior court.

484. AM: Good, okay.
485. JP: So we're good on that. We're gonna have to renew, 'cause they're only good for one year.
486. AM: One year, makes sense, okay.
487. JP: But, um, tried to contact the ice facility, they, they...
488. AM: Okay.
489. JP: ...were not particularly communicative, but you guys were definitely on the ball and handled things pretty well from there.
490. AM: Yeah, of course. Um, on the website at all, has he ever threatened to harm you, to kill you? Anything of that sort that you've, that you've...
491. JP: No.
492. AM: ...located?
493. JP: His.
494. AM: It's just threats like this?
495. JP: Hi-, i-, his, his attacks are mostly, um, meant to be, uh, destroying my reputation, slanderous. Uh, he claims to have called my previous employers. He claims to have called DSS, which is, uh, Defense Security Services, well not...
496. AM: Yeah.
497. JP: ...DSS, the D, the DOD, so I would call it the DOD.
498. AM: Okay.
499. JP: Uh, and, uh, try and interfere with my ability to hold a clearance. Uh, things of that nature. Um, but by virtue of the fact that he has told Desiree that he can't be held responsible if someone is upset and breaks into the house and harms everyone in the house.
500. AM: Okay. We'll talk about that after, yeah.
501. JP: Yeah, so direct physical threats against me, no, but I wouldn't put it past me, as I already said that he would hire someone to take intimate photos of Desiree.
502. AM: Exactly.
503. JP: Um, that's the thing as well. He actually has started attacking, uh, the youngest (inaudible) on the website now.
504. AM: (Inaudible) {SC} you were talking about.
505. JP: {SC} CAPUANO, yes.
506. AM: Do you have the (inaudible) of, of {SC} there?
507. JP: Yeah, yeah. This is an email that, uh, Desiree actually sent to the police down here.
508. AM: Oh, there's actually videos, eh?
509. JP: Yeah, he's actually got a video of {SC} when he was younger that I think he took off of {SC}'s dad's website. Um, I'm not sure in here, but here you can just see the blog posts.

510. AM: (Inaudible). Um, have you met Patrick FOX, Richard RIESS at all...
511. JP: In person?
512. AM: ...yourself?
513. JP: No. I have not. My only interactions with him have been through the courts.
514. AM: Okay.
515. JP: There's a picture of {SC}. He actually has his own photo gallery on the website now.
516. AM: And there's more pictures of him on that photo gallery, okay.
517. JP: Yeah, there's actually a picture of {SC} in his underwear on that website.
518. AM: Okay.
519. JP: And he was a younger kid at that point.
520. AM: Yeah.
521. JP: But he's pretty upset about it as a 13-year-old.
522. AM: Oh, oh, of course. Of course he'd be. Uh, this is the ex-wife, or sorry the ex-husband...
523. JP: Yeah, mm-hmm.
524. AM: ...of uh Desiree.
525. JP: Yeah, so there's Desiree.
526. AM: Yeah.
527. JP: There's me.
528. AM: Yeah.
529. JP: Ex-boyfriend.
530. AM: Uh-huh.
531. JP: Son. Uh, ex-husband.
532. AM: Yeah.
533. JP: Um, pictures of her old house.
534. AM: Okay.
535. JP: Bathroom, home. Uh, vacation that she went on, so San Diego.
536. AM: Okay and that (inaudible) child {SC}, okay.
537. JP: And then that post where he actually has, has some choice words.
538. AM: Has some talking about her.
539. JP: And a link to his Facebook. He also has a photo of my mother and a link to her Facebook on there.
540. AM: Does he mention anything about your mother on there?
541. JP: Uh, he, he does mention things about my mother in there.

542. AM: Yeah.
543. JP: Yeah. Yeah, so she testified against him.
544. AM: Good, good, okay. Do you mind if I keep that as well?
545. JP: No, please.
546. AM: Okay.
547. JP: Please, absolutely.
548. AM: I don't think I have anything else.
549. JP: Um.
550. AM: Just a lot of, lot of, uh, b-, we're talking thousands and thousands of emails, hey, since 2014 to where we are now?
551. JP: Yeah, he, he pretty much stopped the emails after he was, uh, arrested for Criminal Harassment. Just the ones here and there, but...
552. AM: Yeah.
553. JP: ...every time he sends an email, he can't resist threatening her.
554. AM: Of course.
555. JP: And lots of, lots of blog posts.
556. AM: Blogs. Since he's been in custody, have you guys heard from him?
557. JP: No, we have not.
558. AM: Okay.
559. JP: Uh, however, while he was in custody, uh, he was in contact with Liz MUNOZ.
560. AM: We heard about that, yeah.
561. JP: And Liz M-, yeah.
562. AM: We talked to her.
563. JP: Yeah.
564. AM: Yeah, we interviewed her there, um, just a couple days ago in LA.
565. JP: Yeah, I.
566. AM: Okay.
567. JP: I've heard good things from {GR} about her.
568. AM: Yeah.
569. JP: Um, my concern is that she believes all the lies that he says.
570. AM: Mm-hmm.
571. JP: And so she doesn't want to regurgitate his lies...
572. AM: Yeah.

573. JP: ...and accept them as reality. Uh, his own blog posts, you can see he's unstable. He contradicts himself constantly. In one blog post he's a US citizen and the next he's a Canadian.
574. AM: Yeah. I guess you're mentioned again, eh.
575. JP: Yeah and these are just some examples. I assume you guys have access to the websites.
576. AM: We do...
577. JP: So.
578. AM: ...uh, yeah, of course we do. I'll keep these and...
579. JP: Yeah.
580. AM: ...we can print anything else off you want,...
581. JP: Yeah.
582. AM: ...right, so.
583. JP: I just.
584. AM: There's a picture of you.
585. JP: Thanks.
586. AM: Okay.
587. JP: This is review of my resume as I mentioned.
588. AM: Oh, I don't have to take it to read it then.
589. JP: Yeah, yeah, that'll be awesome. Um, and then this is just the, uh, my new job and home where he mentions me and a picture of me and the house.
590. AM: Okay. (Inaudible).
591. JP: I know that his intent is to go after Desiree.
592. AM: Yeah.
593. JP: But I don't know what he will do to me...
594. AM: Yeah, and.
595. JP: ...to get what he wants from Desiree.
596. AM: Yeah.
597. JP: You know, I mean.
598. AM: And we don't know either, right.
599. JP: No.
600. AM: Yeah.
601. JP: No, exactly. I mean he's unstable. Oh, here's a, this one is just interesting because it goes to the fact that he surveys and goes after data, so...
602. AM: Okay.

603. JP: ...anyone that goes to his website, he knows. Uh, that's actually how she lost her job, the, lost the job she was applying for recently.
604. AM: Okay.
605. JP: She had applied for a job and then someone Googled for it and went there. He looked at the domain and then started writing blog posts, negative blog posts about the company...
606. AM: To.
607. JP: ...while pretending to be her and then here's one before that where she is looking for jobs and he basically saw traffic from Green Valley Hospital and then went and looked for job postings, saw the Green Valley Hospital had job postings and then started going after that, so I know these are not necessarily specific to me, but...
608. AM: Of course, but.
609. JP: ...it goes to his character...
610. AM: Yeah.
611. 
- 612.
- 613.
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- 618.
- 619.
- 620.
621. JP: Um. Yeah. Here's one when she was moving down here where, uh, he's trying to figure out whether or not she's going to work for Carrington College, because he went and he saw similar job postings on there. Desiree told him her job is none of his business.
622. AM: Perfect.
623. JP: I mean he really does throw a wide drag net. He looks for any information. Um, over Christmas this last year,...
624. AM: Mm-hmm.
625. JP: ... {GR} mentioned to him that Desiree's parents had come down and, uh, he immediately went and posted a picture, an old picture of her with her family, calling it a white trash Christmas, saying that they were here in Sarita. I mean he texted everyone around her to try and alienate her and he's...

626. AM: That's crazy.
627. JP: ...starting to attack me and my family as well,...
628. AM: Yeah.
629. JP: ...which, yeah. Um, after this recent escapade, he's, uh, he's a significant threat on the radar, having brought firearms and then tried to enter a fourth time.
630. AM: Of course and that's why...
631. JP: Um. I.
632. AM: ...that's why we're here today, right.
633. JP: Yeah, no I, I'm cutting off all communications within my house. His child is not allowed to talk to him.
634. AM: Good.
635. JP: Because I can't, I cannot take that personal risk.
636. AM: No, no, no.
637. JP: It's too scary.
638. AM: Yeah.
639. JP: I mean it's, its legitimately terrifying.
640. AM: Oh, I think so. Oh, I think so, for sure.
641. JP: Yeah.
642. AM: So. I think I'll end it here.
643. JP: Okay.
644. AM: I think we got everything we want and then, uh,...
645. JP: Excellent.
646. AM: ...current time is 14:04 and that will be the end of the statement.
647. JP: Okay.

:mr