



Ministry of
Justice

Victim Impact Statement

Case Identification

Regina v. Patrick Fox
(name of accused)

Court File #: 27178

Victim Desiree Capuano
(name of victim)

Crown Office Location: Vancouver

This form may be used to provide a description of the physical or emotional harm, property damage or economic loss suffered by you as the result of the commission of an offence, as well as a description of the impact of the offence on you. You may attach additional pages if you need more space.

Your statement must not include:

- any statement about the offence or the offender that is not relevant to the harm or loss you suffered;
- any unproven allegations;
- any comments about any offence for which the offender was not convicted;
- any complaint about any individual, other than the offender, who was involved in the investigation or prosecution of the offence; or
- except with the court's approval, an opinion or recommendation about the sentence.

You may present a detailed account of the impact the offence has had on your life. The following sections are examples of information you may wish to include in your statement. You are not required to include all of this information.

Emotional Impact

Describe how the offence has affected you emotionally. For example, think of

- your lifestyle and activities;
- your relationships with others such as your spouse, family and friends;
- your ability to work, attend school or study; and
- your feelings, emotions and reactions as they relate to the offence.

Attached



Victim Impact Statement

Physical Impact

Describe how the offence has affected you physically. For example, think of

- ongoing physical pain, discomfort, illness, scarring, disfigurement or physical limitation;
- hospitalization or surgery you have had because of the offence;
- treatment, physiotherapy or medication you have been prescribed;
- the need for any further treatment or the expectation that you will receive further treatment; and
- any permanent or long-term disability.

Psychological Distress

Economic Impact

Describe how the offence has affected you financially. For example, think of

- the value of any property that was lost or damaged and the cost of repairs or replacement;
- any financial loss due to missed time from work;
- the cost of any medical expenses, therapy or counselling; and
- any costs or losses that are not covered by insurance.

Please note that this is not an application for compensation or restitution.

Loss of Pima Community College - employment,
Pay increase of \$17,000 per year. Loss of
countless potential employment opportunities.

Fears for Security

Describe any fears you have for your security or that of your family and friends. For example, think of

- concerns with respect to contact with the offender; and
- concerns with respect to contact between the offender and members of your family or close friends.

I fear that Richard will kill me. That he will
try to completely erase my existence. I fear
he will harm anyone close to me, anyone who
has helped me, and anyone who has defended me.



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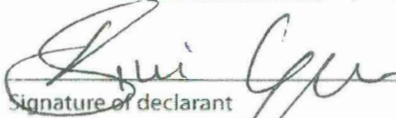
Drawing, Poem or Letter

You may use this space to draw a picture or write a poem or letter if it will help you express the impact that the offence has had on you.

☐ I would like to present my statement in court.

To the best of my knowledge, the information contained in this statement is true.

Dated this 11th day of September 2017 at Sahuarita, AZ (USA)


Signature of declarant

If you completed this statement on behalf of the victim, please indicate the reasons why you did so and the nature of your relationship with the victim:

Dated this _____ day of _____ 20____, at _____

Signature of declarant

Not Relevant

For as long as I can remember, my life has been affected by Richard Riess. That is a total of 17 years of living a life that he has had some amount of control over. Regardless of what happened in the beginning with Gabriel, the fact is that I lived for 9 years without my son. This was never a future I even considered possible. That affects someone. I cannot explain the pain, the emptiness, or the numbness that has to develop in order to continuing living each day. I would like to think that I did good things in the days I was away from him; earned a college degree, started down the path of a career, made friends, lived, and raised another child – a child who knew he had a brother from the day he was born. I never gave up on finding my son. Each time Richard would contact my mom and disappear, I would begin again exploring each avenue I could find; knowing that he was in one of two U.S. cities. Each time, I would speak with agencies who wanted to help and thought for sure they could. I would get my hopes up, I would think that maybe this time I would get someone to help me find Richard. But Richard had no associates, no friends, no family to ask, no social security number, no records. Time after time I would end up with the same answer: we can't help you, but maybe a lawyer could. I had no money for a lawyer, I barely had money for food. Instead I made every decision in my life dedicated to bettering myself and reuniting with Gabriel. I accepted that for the time being, I was at the mercy of Richard.

I was 30 when Richard decided to make contact in an effort to reunite me with Gabriel. I felt like I was at the most perfect place in my life. I had made big, life changing decisions and had taken control. I was technical lead of the best team at work with a fast track to management, in a budding new relationship where I was happy for the first time, and now faced with what I had been working and waiting for, for so many years – the promise of reuniting with my son. I could not have been more ecstatic. That however, was very short lived. Soon the new beau was back to old habits and I became entrenched in the saga that would be the next 6 years of my life.

To have Richard Riess' undivided attention is to experience an invasion of crippling proportions, and he hit me right from the start. Emails, every couple hours...emails about custody court, documents being requested, emergency filed court appearances, visitation of our son, requests for money, berating me, and interspersed in there a smattering of incidentals about Gabriel. Many of these emails contained action items that now had to be incorporated into the daily thread of my life. Action items that often required me to make last minute travel plans to appear in custody court for a hearing on a weekday, or take time off work to draft court documents, ship belongings, send money, meet with attorneys. As the boyfriend continued to drift further away into bad

habits, his incidents were incorporated into the emails, the court filings, the phone calls until my entire life was consumed by Richard. A different manager was chosen at work and I was transferred to another team. I was heartbroken that I didn't seem able to salvage my relationship. I lived in constant fear that what little time I had with Gabriel would be taken away. I struggled to understand family law in a different state, how to draft and submit documents, and what requirements I had to that court vs Richard. I spent what time I did have with Gabriel trying to develop a relationship, trying to learn about each other and build some sort of mother/son bond with him, trying to not let Richards' words of hatred affect the time I had with him.

Every morning I woke up and every night I went to bed, having lived another day in my own private nightmare. Each day was broken down into the smallest measurement of time necessary for me to accomplish what was required. I lived an hour at a time because that was the furthest into the future I could look. Day after day, week after week, month after month it continued. Nothing made any sense. I felt like I was forever on the defense – defending who I was, my choices, my way of life, my home, my family, my job, the car I drove, my voting preference, my boyfriend who had long ago drifted away. Richard effectively took away all the joy in my life. I was exhausted, drained, miserable. All the while, I knew – without a doubt in my mind, that Richard had no right to be in the United States. He had no right to be living in my country while demanding compliance and seizing control of my life. As many times as I brought it up in custody court or called tip lines or other officials for help, nothing was ever done.

Unable to get out from under the yoke of Richard and unwilling to lose my child again, I made a final call to a tip line. Frustrated by lack of interest and out of options, I stood firm on this call and refused to be told "no". It was the first time anyone listened to me, the first time anyone did anything about it. What followed were a series of incidents between Richard and the United States government. The end result of those incidents was that he was forced to return to Canada.

In no way did I ever intend on making 2013 one of the worst years for Richard. I had been pushed to the limit and was trying to reclaim some part of my life for myself. That year, my 33rd was one of the happiest years of my life. I quit smoking cigarettes, excelled on the new team at work – making new friends, was a single mother to both my children, and we had our own place. I was in charge of every aspect of my life. There were no custody hearings, no custody documents to write, limited emails from Richard, no drama from the ex-boyfriend. It was just me and my boys...the three

musketees. We visited family, took vacations, went to a concert, spent time together, did school work, ate meals, watched movies. We had fun. It was everything I had worked for, everything I had dreamed of. I felt like I had finally made it through the storm. Somehow, I had survived and everything would be alright. Never did I imagine that everything I had been through up to this point in my life would be a drop in the bucket compared with what was to come.

I remember going about my day at the office; working with a project manager on their code release window - just a normal day, like any other - when the first shoe fell. A day when a project manager that I had great respect for, a wonderful woman who had left a rave review for me on LinkedIn, felt it necessary to question the content "I" had put on my own profile. I remember my palms beginning to sweat, my stomach in knots. I looked at my profile, but only saw the professional information I had posted. I asked her to forward me the link to see what she was seeing. I clicked on the link and as I started reading the information posted about me, I was overcome with rage. How dare someone do this, how dare anyone say these things about me, and on a professional forum no less. I immediately began damage control. I sent out a humiliating notification to every personal and professional connection to please disregard the content and ignore any request to "connect" with this page. Effectively calling attention to the link, information those that maybe hadn't seen it, ensuring every one of my contacts knew about it. I then called LinkedIn, filed a complaint, and within the week had it taken down. To be safe, I gave up my actual LinkedIn account as well.

The second shoe fell on a Friday. I had gotten off early and for some reason, had the boys with me. It was a rare moment for me to be able to show off my children at work. There weren't many people left as it was late in the day, but we started in my area. By the time we had said hello to everyone I knew, I was getting strange looks. I didn't understand why until I was home and got the phone call from a co-worker. Had I seen the email? Did I know about the website? I had to ask her to explain what she was saying multiple times. Complete and utter befuddlement was starting to make sense. The impact of what had just happened started to sink in. I went to the website, I looked at it. Shock was the first emotion. I sat looking at every aspect of my life, every deep dark secret, every part of everything I had ever been - laid bare, for everyone to see. But it wasn't just a collection of events. It wasn't an unemotional list of everything I had ever done or said in my entire life. Wrapped around everything I had ever said or done in my entire life was a story unlike anything I had ever experienced. It was distinctly Richard. It was like reading one of his emails to me, but more - he was also pretending

to be me. It was the same as the email my friend forwarded to me, an imitation of me. A dark, twisted interpretation of who I was.

The shock and disgust held me motionless for the first couple minutes but I would have to say that anger was the next emotion. That's what drove me to call the Phoenix police. I can't say I ever expected them to care, but I couldn't think of anything else to do. I was actually quite surprised when they filed a case; it didn't occur to me until later that they had to. I guess what came next kind of set the pattern to some degree for the next several months.

Naturally there was more damage control. Seemed like every time I turned around there was more. Emails had to be sent out, instructions and rules I had to follow, appearances in the HR office. For the first time though, there was a new aspect to the control that Richard had on my life. I was forced to be careful and cautious about anything that I said or wrote down. Every document, every email, every telephone call whether it was regarding custody matters or our son. Every word that came from me was uttered knowing that Richard would take it upon himself to make it available for the world to see - and not the way I intended it. Not with my personality, my disposition, my character. It would be twisted into something so disgusting that to truly think about it causes uncontrollable tremors in my body. I literally shake, in waves...so I didn't and I don't. I was fighting, in a very real sense, for my identity. I searched for some way to have the required interaction with him, without giving him fuel for the website. When it became clear that there was no way around communicating with him, I simply tried to minimize what I said and lock down any source of information he may use.

I asked Richard to stop; I begged and pleaded and told Richard to stop. His response was to post the phone calls, the emails, the requests or demands to the website - again wrapped in a story that made it seem like I was pretending to be upset. Like I had asked for this abuse and wanted it. I would sit at my desk and cry, scared, waiting for another call from HR, another notice that an email was sent, another person targeted. I would avoid awkward looks and refuse to respond to emails from strangers asking how I could be such a horrible person to do these awful things to Richard and why I didn't care about Gabriel, strangers who had no idea. I wanted to shout at everyone that they didn't understand, that this is not who I was. Somewhere through all of this, I found someone who was willing to stand by side, give me hope. I lived in fear that Richard would discover that, scared of what he would do to them if he found out, scared he would drive them away and take away that hope. No matter what he did though, I

tried not to let him change me. I tried to take the high road, not be dragged down into the trenches. Through all the accusations, the taunting, the insults and innuendos, I tried to keep my responses short and focused on Gabriel. When it became clear that the high road made no difference, I decided to try giving a little bit back, just a little bit, and only in email. Would it really hurt anything to laugh at his expense, just a little?

By winter of my 34th year, it was clear that Richard had an all-consuming hatred of me. I accepted that it was my pain that brought him joy. His happiness was determined by how much misery he could inflict upon me and there was nothing I could do about it. What still hadn't registered yet was that he actively thought of, pictured, or contemplated ending my existence. That he took pleasure in the thought of being the one responsible for terminating my life. This realization came that same winter and coincided with learning that he had firearms, a firearms license, and documentation for a new identity; documentation that could get him across the Canadian border. All of this came to light in the course of just a couple weeks.

In the months that followed, the tone of the emails from Richard became more aggressive. What started out as taunts soon turned to threats. He started making comments about destroying me; tearing me down, taking away everything I was working for or had ever worked for until I had nothing. He talked about taking away my future, telling me how he was going to devote his life to it. He was no longer satisfied with just hurting me, now he wanted to end me...all with the pretense of being legal of course. What started out as blind hatred now felt directed and I had no idea how far he would go to achieve his goal.

I again turned to officials, looking to the law to make him stop. It seemed to me, that no one should have to experience the kind of life I was being forced to live. No one should have to suffer under the thumb of a cruel monster the way I was being made to. I felt in my heart that there had to be some way I could make him stop. Each call that was made, each person I spoke to, each time I recounted my humiliation was with the hope that it would lead to the end of my misery. Some officials cared, some said they thought I caused it, some thought it was horrendous but in the end it all came down to one betraying fact: there was no law preventing Richard from inserting himself into every aspect of my life. It was clear, I was getting no protection.

There are many ways of dealing with a situation like this. Some quite unhealthy, none of them good, because these types of situations are not normal. I guess how you deal

with it depends on the kind of person you are. I personally refuse to give up my identity. I like who I am, I like the person that is me. I enjoy being me and I would not let him take it. I would not let fear cripple me either. I followed the last path available, that I had any control over – I told my story to the news.

My life has been a roller-coaster of dead-ends. Regardless of how much progress I thought I was making, the door was always shut until I stopped expecting. It was no different with the decision to go public. I never expected interest and I never expected outcomes. Yes, I did want to expose him. How else could I get him to stop? I knew that everything would end up on the website, but at least he had to stop pretending he was me. This was February of 2016, which meant that my life had already been laid bare before family, friends, associates, strangers, and the world for 2 years. I had no privacy, I had no secrets left to expose. Everyone who didn't know me, already thought the very worst possible things about me anyway. What else did I have to lose? Richard however, had secrets, dark secrets. I understand that as events unfolded and Richards secrets were exposed, he experienced backlash. I do not feel responsible for that. I refuse to.

Last year marked 26 years of knowing Richard. I know him, probably better than anyone besides Gabriel. When Richard asked the custody judge in California during our April hearing if our story had made it to Los Angeles yet, I knew he was going to leave Canada. I could tell in the tone of Gabriel's voice when he would get off the phone with his father. I guessed it in the tale he told Gabriel about moving to Toronto. He acknowledged he was planning on moving, that was all I needed. I knew it wasn't to Toronto. I told the RCMP but what could they do? I knew in April and May when he called my house from numbers inside the United States, one from Tucson Arizona, and left messages for Gabriel to call him on his mobile. I told the RCMP again, there still wasn't anything they could do. It was with panic when I told them one day that it was going to be too late. I wanted to yell loud enough that someone would hear me. I felt sick every day. All I could do was wait.

The first thing that tipped me off was the lack of phone calls. Richard called Gabriel regularly, almost every day. He had since the custody hearing. It was the last week of May or so and the phone calls had stopped. That was a warning flag, but it was really June 6th when I knew something was wrong. That morning, I stood with my boyfriend and our attorneys, getting ready for the Order of Protection hearing in Tucson. They both said I should prepare myself for the possibility that Richard would show up in person. I thought they were crazy. There was no way Richard would risk being seen in

[Arizona, let alone at a courthouse. My attorney just nodded and said he had a feeling. When the hearing started I thought Richard was on the telephone, on hold. I didn't realize until the judge said that the defendant had not appeared yet. She also noted that there was no request from the defendant to appear telephonically. Richard was not at the hearing? Never planned to be on the phone? I looked right at my boyfriend, we both knew. As soon as the hearing concluded, I called the RCMP. I explained the situation and implored them to check on Richard. I was a bag of nerves. Was this it? Was this where he disappears and I live the rest of my life either running or waiting? Clearly this was all leading up to something. How many times had he told me his plans were meticulous, that he's had years to work on them, that I had no idea?]

I don't remember how many days later it was, it could have been one, it could have been five. I do know that I was ending my day at work, on my way out of the manufacturing facility when I learned what happened. I got out of the clock-out line, ducked behind some big pipes and took the call. I remember hearing that he was in Washington, his apartment empty and subleased, his clothes with him, on his way to the bus station, and then...the guns were missing. That's the one that did it. That's the one that made me fall to my knees. I had trouble breathing, I had trouble holding the phone, everything inside me started screaming. I heard her ask if I was ok, but I couldn't answer. I heard her say that he was in custody, he was caught, it was okay. It took a few minutes to breathe normal again. I knew immediately where the guns were. I knew the exact house. I had been to that house, I drank coffee with the owner, I had opposed Richard and taken my son away from that house; it was a six-hour drive from me. I counted backward in my head; June 6th to May 27th – ten days. That was it, that's how close it was. That seemed to be the thing I could think and it kept running through my head. He was so close.

There are a great many people I am thankful for. People that listened to my plight, people that wanted to help. Those who have helped me and never even knew me, good decent people. I owe them my life. Of that I am sure.

At the beginning of this, I said that I didn't remember a time before meeting Richard Riess. I know that I was somebody 27 years ago. I was young and innocent, and full of dreams, but I don't remember her. I don't remember who I was before the pain. I will never be able to undo the impact Richard has had on my life. The embarrassment of asking other people to check and read my email, because I am too terrified to wade through another one of his venomous attacks to find something relevant about Gabriel.

I can't get back the years I missed raising Gabriel or the years I missed raising Sage
because I was too busy trying to keep up with Richard's demands to parent him the way
he deserved. I will never be able to make that up to them. I will always know it felt,
shaking as I look at my home phone ringing for the twelfth time, knowing he was on the
other end, knowing he was in jail in Canada and not supposed to be calling me, but was
doing it anyway. I can't forget the moment I read his "Logistics" post. How I dropped
Crown Counsel's book like a snake with three heads. Stared at it without moving, willing
my stomach not to come up through my mouth. Unwilling to pick it back up. My brain
is burned with the image of what he had planned, the words he used "removing the
slugs from my body". I will always feel ignorant for not being able to comprehend just
how evil Richard is or how far he will go. I will always feel weak that I can't stop myself
from reacting to him, weak that I will live my life always waiting for the next shoe to
drop. I can never get back the lost opportunities or friends I couldn't make. I can never
get back the years my life that I had to give up.

What I can do is try to repair the relationships that have been damaged, including the
one with myself. I can forge ahead and pick up the strings of my life. I can let the fear
of Richard's release not consume my every thought. I can smile and laugh and sleep
through the night. I can enjoy every day I am given. I can choose not to think about my
future and what it will become, once this slight reprieve ends. I can be stronger than
each previous day. I can continue to hold out hope that one day I will be able to live a
life free and out of the reach of Richard Riess. A day that is my own, to live as I want,
without fear that he will take it away.