

FILED
FAMILY COURT

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CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

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4 Attorney for Respondent; RONALD SHANE MODICA

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF SAN DIEGO

8 MICHELLE MODICA

9 Petitioner,

10 and.

11 RONALD SHANE MODICA

12 Respondent.

) Case No. D 495935

) DECLARATION OF RESPONDENT IN
SUPPORT OF MOTION TO MODIFY
CUSTODY AND VISITATION

14 I, RONALD SHANE MODICA, hereby declare as follows:

15
16 1. I am the respondent in the above referenced case. I have personal knowledge of the facts
17 contained in this declaration and if called upon would so testify.

18
19 Relocation

20 2. My son Avery has been in my primary care for most of his life. Along with Avery I have my
21 two other children residing with me along with my wife Lauren.

22 3. We have recently been given the opportunity thanks to my father to buy a home in Temecula.
23 Avery will be able to have his own room. There are excellent schools in the area.

24 4. This should not disrupt visitation with his mother who is rarely in town anyway. For reasons
25 mentioned below, I expect Avery's mother to have monitored visitation.
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28 Visitation Modification

1 5. It seems as the years go by Avery's mother slips more and more into stripping, pills, alcohol,
2 and performances she does online, pornography that she has brought into her home. There have
3 been pornographic shoots there and live WEB cam pornographic broadcasts from her house.

4 6. My son refuses to go to his mother's house. He fights me violently, and screams, yells, cries
5 and begs not to go. I feel like there is more going on there beyond the other outrageous actions
6 she has taken.

7 7. There are coffins in the living room and child block magnets on the refrigerator that spell out
8 white power. Michelle has recently tattooed a huge swastika on her stomach and tattooed her
9 whole forehead with the saying pray for us sinners. Her other son Elijah is Jewish, and she
10 thinks it's funny that she makes the Nazi salute.

11 8. Michelle has been traveling out of the Country to do photo shoots and stripping. She says she
12 plans to move to Australia and take my stepson Elijah with her. I am worried that she may take
13 Avery as well as she has threatened to do. I need protection for my son.

14 9. She has also been dating gang members, one of whom showed up at my doorstep in I suppose
15 a way to intimidate me. This is part of her mindset.

16 10. I believe that Michelle is mentally ill and should be in the care of a therapist which the court
17 ordered her to see, but she refuses to do so. She is supposed to take medication for bi-polar
18 disorder but she doesn't.

19 11. The on and off again routine has been that Michelle picks up Avery from my home in
20 Pacific Beach and takes him to her house in Leucadia, drops him off with a friend or whoever is
21 there, and leaves. She dances at a strip club in Garden Grove, and is not at home during the
22 evening with my son. I pick him up after school on Wednesday. He is often dirty, unfed, and

23 his school work is never done.
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1 his school work is never done.

2 12. Avery tells me him mommy and roommate Lindsay make him get them beer from the
3 refrigerator and force him to open it for them. It's hard for me to believe that a five year old
4 would make that up.


5
6 13. Michelle has changed her last name to her roommates to have a hotter porn site, as in sisters.
7 She uses our son's name as her stage name when she strips.

8 13. I am scared for my son's physical and mental safety as well as my families. My stepson has
9 been moved to 5 or 6 different schools in the last few years and I am afraid of her doing that to
10 Avery.

11
12 14. I have a stable family and own and run a business. My wife Lauren and I sit with our kids
13 every night and do homework and spend at least twenty minutes a night reading with them. We
14 live 3 miles away from Avery's school and there is lot's of love and friendship in our home.

15 15. It is not my intent here to remove Avery's mom from his life. I will gladly deal with the
16 transportation issues in order for her to see him. I will not, however, continue to expose him to
17 the kind of life Michelle desires and seeks full on, pornographic, party all the time.

18
19 I declare under penalty of perjury under the laws of the state of California that the
20 forgoing is true and correct and that this declaration is executed the 26th day of January, 2010.

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23 RONALD S. MODICA
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2009 MAR -5 A 9:22

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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF SAN DIEGO

8 MICHELLE MODICA
9 Petitioner,

10 V.

11 RONALD SHANE MODICA
12 Respondent.

) Case No. D 495935

) DECLARATION OF RONALD SHANE
MODICA

14 I, Ronald Shane Modica, hereby declare as follows:

15 1. I am the respondent in the above referenced matter. I have personal knowledge of the facts
16 contained in this declaration and if called on would so testify.

17 2. My son has been with me since the day he was born. It has been over a week since I
18 have spoken with him and every day just gets harder. Avery Shane is my best friend in the
19 world. This past week has been the toughest time I have ever endured in my life. My only
20 concern is to get my son back and to bring our family back together. My year old son Gauge
21 used to wake up Avery every morning. Now he looks in his bed for him and doesn't
22 understand where his big brother is. I just want my baby back.

23 3. Michelle has tried to make this hard and hold Avery over my head from the beginning. All
24 of the abuse that she claims is completely false and she knows that. She will lie and manipulate
25 to get what she wants. I have other children who have always been afraid of her, due to the
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1 verbal abuse she put them through.

2 4. I don't think Avery should have to deal with this. She doesn't spend any quality time with
3 him. She drops him off wherever she can so she can or work at the strip club, where she uses
4 the stage name of Avery. She also has a fetish website where she has nude photos and she also
5 uses the stage name Avery there too. (See attached) What kind of mother does that?
6

7 5. She's always telling me about getting high on drugs. I am tired of my son being subjected
8 to her lifestyle. She tells me everyday that she is taking him and moving to Long Beach so she
9 can attend mortuary school. I'm afraid that one day she is going to take off with him and I
10 won't be able to do anything about it.
11

12 6. I worry about my son. She brainwashes him and tells him to tell me things no three year old
13 should ever say, like "Mommy said suck my dick Daddy." It's not right and I hope the courts
14 can see through her, and think about the well being of my son. He needs to be where he is loved
15 and taken care of.
16

17 7. This is now the third time she has wrongfully accused me of domestic violence. I have
18 never touched her or threatened her in a mean or hurtful way. I have never said I was going to
19 kill her.
20

21 8. I know that she is ill and has been diagnosed as bi-polar. I can't tell you how many times
22 she has gone off her meds and have had episodes, some completely contrived others
23 hallucinations that have some connection to fact that puts her over the edge. (The date of the
24 alleged incident she was very late so I went into the police station and told them-I knew this
25 was coming and wanted to protect myself)

26 9. In any event, Michelle knows what kind of a father I am and knows that taking my son is the
27 meanest and most hurtful thing she could do to me, never mind how it affects our son.
28


03/18/2008

1 10. I need to see Avery or at least have contact with him. I would do anything including
2 exchanges at Hannah's house if that would assure the court that I am not risk harm to anyone.

3 11. At a minimum, I should have visitations with him if not overnight then some sort of
4 contact that the court feels he would be safe with me. Even Michelle's application shows that
5 Avery is safe with me and should be with me.
6

7 11. I am begging the court to let me see my son.

8 I declare under penalty of perjury under the laws of the state of California that the forgoing
9 is true and correct and that this declaration is executed the ⁰⁴ day of March, 2008.



RONALD SHANE MODICA



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