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6
7 SUPERIOR COURT OF CALIFORNIA,
8 COUNTY OF SAN DIEGO
9 PROBATE DIVISION - CENTRAL
10

11 In the Matter of the Guardianship of:

) Case No.

) ATTACHMENT TO NO. 9 OF PETITION
FOR APPOINTMENT OF GUARDIAN OF
THE PERSON (FORM GC-210(P))

12
13 [REDACTED] MILLETE; [REDACTED]
14 MILLETE; AND [REDACTED]
15 MILLETE

16
17 MINOR
18

19 I, MARICRIS DROUAILLET ("Maternal Aunt"), hereby declare that if called and sworn
20 to testify would competently and knowledgeably testify as follows:

21 BACKGROUND & FAMILY HISTORY

22 1. The information contained herein is based on current facts and information. I
23 reserve the right to update and supplement this declaration.

24 2. Larry Millete (hereinafter "Larry") and May "Maya" Millete (hereinafter "Maya")
25 are the biological parents of [REDACTED] Millete (DOB: [REDACTED], Age 11), [REDACTED] Millete
26 (DOB: [REDACTED], Age 10), and [REDACTED] Millete (DOB: [REDACTED], Age 5)
27 (Collectively, the "Millete Children").
28

1 3. I am the Petitioner in the above-entitled matter and am seeking both a temporary
2 and ultimately, permanent guardianship of the Millete Children.

3 4. I am forty-eight (48) years old and reside in Morena Valley, California, together
4 with my husband and our two (2) children, ages 18 and 16. I am the sister to the children's
5 mother, Maya Millete, and the Maternal Aunt to the Millete Children.

6 5. The Millete Children reside in Chula Vista, California. From January 7, 2021 and
7 October 18, 2021, the Millete Children have resided exclusively with Larry and his parents,
8 Benito and Judith Millete ("Paternal Grandparents").

9 6. As of October 19, 2021, I am informed and believe that the Millete Children
10 continue to reside in the same Chula Vista residence with only the Paternal Grandparents as a
11 result of Larry's arrest and incarceration.

12 7. Over the course of the Millete Children's entire life, I have played an integral role
13 in their development and upbringing. Myself, my children, and our extended family, consisting
14 of many aunts, uncles, and cousins (collectively "Maternal Family") have a close bond and
15 relationship with the Millete Children. Our Maternal Family resides throughout Southern
16 California.

17 **MAYA'S DISAPPEARANCE & MURDER CHARGES FILED AGAINST LARRY & CRIMINAL**

18 **PROTECTIVE ORDERS ISSUED AGAINST LARRY PROTECTING THE CHILDREN**

19 8. On January 7, 2021, Maya disappeared from the Chula Vista family
20 residence she shared with Larry and the Millete Children. The Paternal Grandparents
21 were residing in the family residence until December 2020 when they moved out. Shortly
22 after Maya's disappearance they moved back into the residence.

23 9. On October 19, 2021, Larry was arrested on suspicion of the murder of
24 Maya (PC 187(a)) and possession of an assault weapon (PC30605(a)). On October 21, 2021,
25 Larry was arraigned on these charges and the Court ordered that he be held without bail,
26 pending a bail review hearing on November 4, 2021. (Ex. "1" Felony Complaint filed
27 10/18/2021 in People v. Millete)
28

1 10. Also on October 21, 2021, the San Diego Superior Court issued a Criminal
2 Protective Order ("CPO") prohibiting Larry, among other things, from having any
3 personal, electronic, telephonic, or written contact with the Millete Children. (Ex. "2"
4 10/21/21 CPO)

5 11. On October 27, 2021, the San Diego Superior Court revoked all of Larry's jail
6 telephone privileges except those related to his attorney pursuant to Court Order as a result of his
7 violations of the CPO. (Ex. "3" SDSC Minutes dated October 27, 2021.)

8 **THERE IS GOOD CAUSE TO GRANT TEMPORARY & PERMANENT GUARDIANSHIPS OF THE**
9 **MILLETE CHILDREN TO ME:**

10 12. Since Maya's disappearance, Larry and the Paternal Grandparents have failed,
11 and continue to fail, to care and provide for the Millete Children's emotional health, safety, and
12 welfare.

13 13. By contrast, it is in the Millete Children's best interests and there is good cause
14 demanding that I serve as the Temporary and, ultimately, permanent Guardian. I am willing and
15 able to provide them with a stable and loving environment. I am capable of providing them with
16 the psychological, therapeutic, and any other help that they need to process the absence of their
17 mother and now, the incarceration of their father.

18 *Larry's Failures to Provide For The Children's Emotional Support:*

19 14. The Maternal Family and I have played a significant role in the Millete Children's
20 lives. Our collective bond with the Millete Children is deep and has been forged over their entire
21 lifetimes. Since their birth, the Maternal Family, including my children and I have visited with
22 with the Millete Children on many weekends, camped together, celebrated holidays together, and
23 travelled together. We are a close-knit family who has provided emotional support for each
24 other and we have attended the Millete Children's extra-curricular activities and significant life
25 milestones and events.

26 15. Examples of our significant involvement with the Millete Children include, but
27 are not limited to, weekend barbeques, sleepovers with their cousins, and spending holidays and
28 vacations together.

1 16. Since Maya's disappearance on January 7, 2021, Larry has only allowed
2 contact between Maternal Family and the Millete Children on one (1) occasion, via
3 telephone.

4 17. Larry and Paternal Grandparents have refused requests for all other
5 communications and contact between the Millete Children, myself, and the entire Maternal
6 Family.

7 18. Larry's decision to cut off all contact with us, coincides with the day that Maya
8 went missing. This is not a coincidence.

9 *Our Efforts to Communicate & Visit With The Millete Children Since January 7, 2021*

10 19. Since January 7, 2021, myself and my extended family have attempted to
11 communicate with the Millete Children but Larry has refused to allow for any in person visits
12 and has only facilitated one (1) call.

13 20. As a result of Larry's decision to cut off (nearly) all communication, my parents
14 Pablito and Noemi Tabalanza ("Maternal Grandparents") filed a petition for grandparent
15 visitation on May 27, 2021, through the San Diego Superior Court South Bay Family Law
16 Division, case number: 21FL05040S.

17 21. Despite filing the petition in May 2021, Larry refused to cooperate with accepting
18 service of process for several months. Finally, the San Diego County Sheriff's Department was
19 able to personally serve him on August 2, 2021.

20 22. On September 15, 2021, Maternal Grandparents and Larry attended mediation
21 through Family Court Services. I understand they reached an agreement that the Millete
22 Children and Maternal Grandparents would enjoy weekly, in person, visitations from 12 p.m.
23 until 3 p.m. on Sundays.

24 23. However, despite agreeing to the visitation in mediation, it is clear Larry never
25 intended on facilitating visitation.

26 24. Specifically, since reaching such agreement, Larry has refused to allow any in
27 person visits between the Millete Children and the Maternal Grandparents culminating in an
28 October 8, 2021 email from his lawyer, Bonita Martinez ("Larry's Attorney"), indicating that

1 "[Larry] would like to wait for the signed order from the judge before visitation [with the Millete
2 Children] begins." (Ex. "4" Email from Larry's Attorney to G. Readdick dated 10/8/2021). The
3 hearing for Maternal Grandparent visitation is not set until December 17, 2021.

4 25. Given the long-standing emotional bond myself and the Maternal Family has
5 with the Millete Children, I believe Larry's decision to cut off all contact between the
6 Children and our family, has resulted in untold emotional trauma to the Millete Children.

7 26. This trauma, coupled with the absence of their mother for ten (10) months must
8 be very extremely difficult for the Children to process.

9 27. Finally, Larry has refused to provide our family and myself with any updates
10 concerning the Millete Children since January 7, 2021.

11 Paternal Grandparents' Failures to Provide For The Children's Emotional Support:

12 28. The Paternal Grandparents have failed, and continue to fail, to provide for the
13 Millete Children's emotional health and well-being.

14 29. On October 20, 2021, after Larry's arrest, my counsel wrote a letter to Larry's
15 Attorney requesting an update as to the whereabouts and well-being of the Millete Children as
16 well as requesting that visitation between the Paternal Grandparents and the Millete Children be
17 facilitated. (Ex. "5" Ltr to Larry's Attorney dated 10/20/2021) Larry's Attorney has never
18 responded to this communication.

19 30. Since Larry's arrest, I am informed and believe that the Millete Children are
20 currently being cared for by Paternal Grandparents.

21 31. On October 22, 2021, my counsel, called Paternal Grandparents directly
22 requesting they voluntarily facilitate visitation with Maternal Grandparents pursuant to their
23 son's prior agreement. In response, the Paternal Grandparents refused to facilitate any visitation
24 and directed my counsel to speak with Larry's Attorney. (Ex. "6" Ltr to Benito Millete dated
25 10/22/2021)

26 32. On October 25, 2021, my counsel, wrote another letter to Larry's Attorney
27 confirming that no visitation or communications occurred during the weekend of October 25,
28

1 2021, and requested communication forthwith. (Ex. "7" Ltr to Larry's Attorney of 10/25/2021)

2 To date, no response has been received from Larry's Attorney.

3 33. Finally, the Paternal Grandparents have failed to provide any update on the
4 Millete Children's well-being, education, or activities despite the absence of their mother and the
5 incarceration of their father.

6 34. Thus, just like Larry, I believe Paternal Grandparents are acting without the
7 Millete Children's best interests in mind and the same continues to cause untold emotional
8 trauma to the Children.

9 Paternal Grandparents' Failure To Supervise & Facilitation of Larry's Violations of The
10 Criminal Protective Order:

11 35. The Paternal Grandparents have recently demonstrated that they are
12 incapable of protecting the Millete Children because they have allowed Larry to
13 emotionally abuse them in violation of the CPO issued on October 21, 2021.

14 36. As noted above, on October 21, 2021, a CPO was issued prohibiting all contact
15 between Larry and the Millete Children.

16 37. However, Larry and the Paternal Grandparents have either conspired together to
17 violate such an order, or the Paternal Grandparents have failed to adequately supervise the
18 Millete Children, both of which have resulted in gross violations of the CPO.

19 38. Specifically, on October 27, 2021, I attended a criminal court hearing related to
20 Larry's egregious violations of the CPO.

21 39. I have come to learn that in direct violation of the CPO, starting on or
22 around October 19, 2021, when Larry was arrested, Larry made over 129 phone calls to
23 Paternal Grandparents and/or the Millete Children resulting in at least nine (9) hours of
24 communications directed toward the Children. I am informed and believe that these phone
25 calls took place at all hours of the day, with one taking place as late as 1:00 a.m. when the
26 Children should be sleeping.

1 40. Larry's violations of the CPO are extraordinary. More importantly, the
2 **Paternal Grandparents' lack of supervision and/or facilitation of the same is stunning and**
3 **calls into question their ability to make sound decisions on behalf of the Children.**

4 41. **Sadly, just as alarming is the substance of Larry's calls to the Children.**

5 42. From my attendance at the hearing, I understand the jail phone call recordings
6 reflect that Larry asked the older children to read him the news headlines about his criminal case,
7 instructed the older Children watch the movie "Shot Caller," which is Rated-R, and spoke poorly
8 about our side of the family.

9 43. I have reviewed the movie Shot Caller and in short, the movie's premise is about
10 a man sent to jail/prison and concerns extremely violent prison gangs. The idea that Larry is
11 now encouraging the Millete Children (ages 11 and 10) to watch such a disturbing film,
12 particularly under the current circumstances, is incomprehensible and emotionally abusive.

13 44. While I do not know the extent to which Paternal Grandparents were aware of
14 Larry's every statement to the Children, the fact that they conspired with Larry to violate the
15 CPO and/or failed to supervise the communications from Larry to the Children in violation of
16 such CPO is unacceptable and must be stopped. It is a stunning error in their judgment that at no
17 point did Larry's parents interrupt the calls or threaten to disconnect as a result of Larry's
18 comments to the Children.

19 45. The Children are in an extremely fragile emotional state. Larry is preying upon
20 their young minds and utilizing his parents to directly violate Court orders. Enough is enough.
21 Larry's actions must be stopped.

22 46. As a result of Larry's actions and the Paternal Grandparents' willingness to
23 facilitate Larry's communication with the Children in violation of the CPO, on October 27, 2021,
24 the Criminal Court revoked all of Larry's jail phone privileges allowing him only to contact his
25 attorney only (see Ex. "3" Minute order of 10/27/2021).

26 47. Based upon these actions, I am concerned that Larry's parents' loyalty to
27 their son is clouding their judgment. Paternal Grandparents are clearly unwilling or
28 unable to protect the Children and ensure their emotional health. I question whether the

1 Children's emotional health has been considered at all for the past nine (9) months. With
2 each day that passes, the Children appear to be enduring more and more trauma with no
3 help in sight.

4 MY PLAN FOR THE MILLETE CHILDREN'S EMOTIONAL HEALTH, EDUCATION, & LIVING

5 ACCOMMODATIONS

6 Plans for Mental Health Treatment:

7 48. Due to the lack of communication between our family and the Children, we have
8 no personal knowledge whether the Children have received any psychological counseling or
9 therapy.

10 49. We also are completely unaware of what Larry and his parents have been telling
11 the Children as to why their mother, and now their father, are not with them.

12 50. I firmly believe the Children are in desperate need of therapy and appropriate
13 mental health treatment. As such, I have begun researching psychologists and therapists in both
14 in San Diego and Riverside Counties to begin trauma therapy for the Children as soon as
15 possible.

16 51. In the event a temporary guardianship is granted, I will arrange for the Children to
17 be placed on my health insurance with Kaiser Permanente and will immediately schedule them to
18 begin any and all therapeutic services that are recommended by the experts associated with the
19 Children ("Mental Health Professionals").

20 52. I pledge to follow any and all recommendations made by the Mental Health
21 Professionals as well as any Court orders in this case associated with the same.

22 53. Once the Children are evaluated concerning their mental health treatment plan
23 and emotional status, I desire to receive recommendations related to the Children's best interests
24 in what they need emotionally, psychologically, educationally, etc....

25 Education & Ultimate Relocation of The Children:

26 54. I have no information on the Children's educational progress since January 2021.
27 Clearly, this needs to be explored and I plan to consult with the Children's teachers and Mental
28 Health Professionals on their needs/recommendations.

1 55. Nevertheless, if I am granted temporary guardianship of the Children, it is my
2 desire to ultimately relocate to Riverside County to my home in Moreno Valley that I share with
3 my husband, Richard, and our children. I have an 18-year-old daughter and a 16-year-old son
4 who the Millete Children have known for their whole lives.

5 56. When such a relocation is appropriate, I do not know. However, for the Court's
6 information, we reside in a 3-bedroom 3-bath 1800 square foot home. The Children would be
7 able to share a bedroom while we work on renovating our living room to accommodate the
8 Millete Children. If the permanent guardianship is granted, we intend on moving to a larger
9 residence in the same area.

10 57. I have no idea whether such a relocation is in the Children's best interests given
11 that I have not spoken with them. They have been through so much and I understand their
12 education is extraordinarily important. I plan to consult with the Children's educators and
13 Mental Health Professionals to determine what will be the least traumatic to the Children.

14 58. If relocation is appropriate, I intend to enroll the Children at Rainbow Ridge
15 Elementary. The school is approximately one block from our home and within walking distance.

16 59. I recognize that it will be an adjustment to uproot the Children from their friends
17 and community in Chula Vista. Prior to Maya's disappearance, the Children spent a
18 considerable amount of time in my home and in Moreno Valley. They also have many cousins
19 to help with their adjustment.

20 60. Given the circumstances, it may also be beneficial to put some distance between
21 the Children and the media frenzy in San Diego County that has ensued as a result of the
22 circumstances alleged to have occurred between Larry and Maya.

23 61. My husband Richard and I are committed to caring for the Children not just
24 through this traumatic period. We are committed to them for life and will provide them with the
25 same love and support that we give our own Children.

26 ///

27 ///

28 ///

CONCLUSION:

62. The circumstances in this matter are heartbreaking for my family, the Millete Children and Larry's Family. The Children have to deal with the absence and likely death of their mother as well as the loss of their father, likely until the criminal matter is concluded.

63. Nevertheless, this is not about the Tabalanza Family versus the Millete Family. It is about ensuring that the Millete Children have overwhelming love and support from both sets of families. I will focus all of my attention on the Children's emotional, psychological and educational needs to ensure they are supported. I will also provide information, updates, and facilitate age-appropriate communications and emotionally safe visitation, as appropriate, for the Children. There will be a challenge to ensure that the visitations are safe for the Children and I will rely on the experts to assist with these decisions.

64. I cannot stress enough that I will support the Children's relationship with Larry's family. I recognize that his parents also love their grandchildren. However, Larry's family is in an impossible position.

65. I believe that it will take a village to care for these Children and to make up for the catastrophic loss of their mother. While I will do all that I can to bridge the gap with Larry's family, I question whether Larry's family is capable of providing the Children with the sort of emotional/psychological help they need at this time. Thus, my request for this Guardianship.

66. Based on the above, I ask that the following Orders be entered:

- a. I be appointed as Temporary Guardian of the Persons [REDACTED] Millete, [REDACTED] Millete, and [REDACTED] Millete;
- b. Letters issue appointing me Guardian of the Persons [REDACTED] Millete, [REDACTED] Millete, and [REDACTED] Millete; and
- c. Any and all other orders the Court deems in the best interests of the Children.

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

Dated: Nov 2, 2021


Maricris Drouaillet (Nov 2, 2021 08:43 PDT)
MARICRIS DROUAILLET (Petitioner)