

<p>Benito P. Martinez, Esq. (SIN 153346)  <b>LAW OFFICES OF BONITA P. MARTINEZ</b>          10731 Freema Street, Suite 104, San Diego, CA 92131          TELEPHONE NO. 858-437-5827 FAX NO. 858-257-2662          E-MAIL ADDRESS bonitapmartinez@aol.com          ATTORNEY'S ID# Name: Benito Leo Acasio Millete and Judith Ibarreta Millete</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego</b>          STREET ADDRESS: 1100 Union Street          MAILING ADDRESS: Same as above          CITY AND ZIP CODE: San Diego, CA 92101          BRANCH NAME: Central Probate Division</p> <p>GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name)          [Redacted] Millete [Redacted] Millete and [Redacted] Millete</p> <p><input checked="" type="checkbox"/> <b>CONSENT OF PROPOSED GUARDIAN</b>  <input checked="" type="checkbox"/> <b>NOMINATION OF GUARDIAN</b>  <input checked="" type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b></p>	<p><small>FOR COURT USE ONLY</small></p> <p><b>ELECTRONICALLY FILED</b>          Superior Court of California,          County of San Diego</p> <p><b>12/06/2021 at 01:08:00 PM</b>          Clerk of the Superior Court          By Gabriela Cervantes, Deputy Clerk</p> <p>FILE NUMBER  <b>37-2021-00046444-PR-6P-CL</b></p>
--	--

**CONSENT OF PROPOSED GUARDIAN**

1. I consent to serve as guardian of the ☒ person ☐ estate of the minor  
 Date: 11/11/2021  
Benito Leo Acasio Millete and Judith Ibarreta Millete  
(TYPE OR PRINT NAME) *[Signature]*  
SIGNATURE OF PROPOSED GUARDIAN

**NOMINATION OF GUARDIAN**

2. I am ☒ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address)  
Benito and Judith Millete  
2413 Paseo Los Gatos, Chula Vista, CA 91914  
 as guardian of the ☒ person ☐ estate of the minor.

3. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address).  
 as guardian of the ☐ person ☐ estate of the minor.  
 Date: 11/30/2021  
Larry Ibarreta Millete *[Signature]*  
SIGNATURE  
(TYPE OR PRINT NAME)

**NOTICE:** The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

**CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE**

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor* filed on (date) 11/30/2021. I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE	NAME	SIGNATURE	RELATIONSHIP TO MINOR
11/30/2021	Larry Ibarreta Millete	<i>[Signature]</i>	Father
11/19/2021	Joel Ibarreta Millete	<i>[Signature]</i>	Paternal Uncle

☐ Continued on Attachment 4

1 Bonita P. Martinez, Esq. (SBN 153346)  
2 **LAW OFFICES OF BONITA P. MARTINEZ**  
3 10731 Trenea Street, Suite 104  
4 San Diego, California 92131  
5 Telephone: 858-437-5827  
6 Facsimile: 858-257-2662

7 Attorney for Petitioners,  
8 Benito Leo Acasio Millete and Judith Ibarreta Millete

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF SAN DIEGO**  
12

13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	IN THE MATTER OF THE GUARDIANSHIP OF: [REDACTED] MILLETE, [REDACTED] MILLETE AND [REDACTED] MILLETE  MINOR	CASE NO.: 37-2021-00046449-FR-GP-CTL  ATTACHMENT 9: NEED FOR GUARDIAN (BENITO LEO ACASIO MILLETE)
--	---	--

I, Benito Leo Acasio Millete (Paternal Grandfather/Petitioner), hereby declare that if  
called and sworn to testify would competently and knowledgeably testify as follows:

**STATEMENT OF FACTS**

May "Maya" Millete is our daughter-in-law and the mother of our three grandchildren.  
May has been missing since January 2021. Her whereabouts remain unknown.

Larry Millete is our son, and before he was arrested, Larry, his mother and I have been  
providing care for our three grandchildren.

Larry has not suspended communication with the maternal side of the family. In fact,  
even though May was missing, May's side of the family came to Larry's house and had a party  
on January 10, 2021. Again, on January 17, 2021, Maya's family came over. The maternal side

1 of the family did not communicate with us, not even offer to buy food for the children, or ask us  
2 if the kids need anything until now.

3 We have taken residency with our son to help raise our grandchildren since 2010. My  
4 wife and I have been there for all three grandchildren since birth up to the present time. My wife  
5 prepares them four or more meals a day. I help by driving them to school and all their after-  
6 school activities and some medical appointments.

8 The maternal grandparents, Pablito and Naomi Tabalanza, filed a petition in May 2021  
9 seeking visitation with the grandchildren. Larry objected to the visitation because of Maricris and  
10 Richard's drunkenness, child neglect, and contaminating the family home with second-hand  
11 smoke, and the maternal grandparents' inability to communicate effectively in English, further,  
12 there are no bedrooms for our grandchildren to sleep at their house in Moreno Valley.

14 The grandchildren have been cared for, fed and loved by me and my wife Judith. We are  
15 the main caregivers while our son Larry and his wife are at work. We are happy and delighted  
16 that we can share life with them. My wife and I are seeking guardianship of our grandchildren:  
17 [REDACTED] and [REDACTED] Millete.

19 The maternal side of the family, including Maricris Drouaillet have not played an integral  
20 part of the children's lives since birth. They live over an hour away in Moreno Valley and in Los  
21 Angeles; and would only see them on some major holiday celebrations and birthdays. They did  
22 not come down to our residence to see the children at all. The maternal side of the family did not  
23 even give gifts or presents to the three grandchildren during birthdays and Christmases.

25 Our grandchildren are safe, secured, happy, and healthy living with us in their home,  
26 despite the situations in regards to their missing mother and their father who is in custody. Why  
27 disrupt this stability that the children have? They live in a nice clean home, are well fed and have  
28

1 their own rooms; something their maternal side of the family could not provide for them. They  
2 are enrolled in a decent and reputable school; excelling in their classes and have close friends  
3 that support them through these difficult times. They are busy with school activities and after  
4 school activities, playing with their friends. Martial Arts, Taekwondo, Jiu- Jitsu, kick boxing.  
5 They also have after school tutors and used to attend ballet. They have a busy week schedule and  
6 weekend schedule for their tournaments and after school activities.  
7

8 Petitioner Maricris and her husband have made public statements to consistently defame  
9 our son Larry, the children's father, on social and news media - creating a toxic environment for  
10 the children. They have published pictures of the grandchildren without permission from their  
11 parents to multiple social and news media, creating a safety issue for minors.  
12

13 Last Sunday, November 14, 2021, Maricris picked up the grandchildren from our place  
14 and they used a car that contained a large poster of their missing mother May. The grandchildren,  
15 specially [REDACTED] was upset when he saw his mother's picture posted on the car. Maricris was  
16 also not ready with a car seat for [REDACTED] to use, so we allowed her to borrow our car seat.  
17

18 We will continue to provide care, stability, love and support to our grandchildren and we  
19 respectfully request that the court will grant our petition for permanent guardianship.  
20

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.  
23

24 Dated: November 15, 2021

Benito Leo Acasio Millete  
Petitioner, Benito Leo Acasio Millete

Bonita P. Martinez, Esq. (SBN 153346)  
**LAW OFFICES OF BONITA P. MARTINEZ**  
10731 Treana Street, Suite 104  
San Diego, California 92131  
Telephone: 858-437-5827  
Facsimile: 858-257-2662

Attorney for Petitioners,  
Benito Leo Acasio Millete and Judith Ibarreta Millete

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

IN THE MATTER OF THE GUARDIANSHIP  
OF:

[REDACTED] MILLETE, [REDACTED] MILLETE  
AND [REDACTED] MILLETE

MINOR

CASE NO.: 37-2021-00046499-PR-GP-CTL

ATTACHMENT 9: NEED FOR GUARDIAN  
(JUDITH IBARRETA MILLETE)

I, Judith Ibarreta Millete (Paternal Grandmother/Petitioner), hereby declare that if called  
and sworn to testify would competently and knowledgeably testify as follows:

**STATEMENT OF FACTS**

Ever since the three children were born, my husband Benito and I took care of the  
children full-time. We did the laundry, housekeeping, cooking, shopping, guiding and kept our  
eyes opened for their safety, supervised and guided them. We also took care of them during  
outings, parties, taking them to school and extracurricular activities. Our son Larry would help  
when he is not at work. The children's mother, May, was busy at her job and did not spend a lot  
of time with the children. In fact, the grandchildren called us "Mama and Papa."

For over 11 years, these activities became our routine and our life.

1 In December 2020, we went to Texas to see our other son. A few days later, Maricris  
2 called my daughter-in-law Connie Millete to tell us to come back home to Chula Vista because  
3 we were needed to take care of the grandchildren. So we came back as soon as we could.  
4

5 May knows how well we care for the grandchildren because we loved and cared for May  
6 for 20 years as well. When we were residing in Hawaii, May and Larry met while still in high  
7 school. Since then, May was in our house almost everyday, eating our food and sleeping in the  
8 house. May's parents and family were not looking for her, nor called her even once. While  
9 residing with us, May had a serious vaginal bleeding and we rushed her to the hospital. She had a  
10 spontaneous abortion before she married Larry. May did not have any medical insurance so my  
11 son Joel paid for her hospital bills. After her discharge from the hospital, we brought her home  
12 and took care of her, fed her, until she married our son Larry.  
13

14 Later, we helped Larry and May to pay for their rent when they moved to San Diego.  
15 Again, when they needed our help in buying a house in San Diego, Benito bought the house  
16 under his own name because May and Larry would not qualify for the loan. And since about  
17 2020, Benito was bringing up food upstairs so that May could eat everyday, because May  
18 refused to go downstairs to eat with the children and the rest of the family until the day she left  
19 the house without saying goodbye to anybody.  
20

21 May and Larry both know we will support the children and take care of them. May just  
22 attended on her job. We the grandparents cooked and made sure the children ate properly and  
23 that they are safe and healthy.  
24

25 On or about July 2020, May moved out of the house, brought her clothes and stayed with  
26 her brother JR in an apartment in Paradise Hills. She left for about a month and left the children  
27 with us and Larry to take care of. She knows that we take good care of the children.  
28

1 Our happiness is being close and near our grandchildren. We watched them grow step-  
2 by-step, caring for them and loving them and also providing them of their needs.

3 We will continue to provide care, stability, love and support to our grandchildren and we  
4 respectfully request that the court will grant our petition for permanent guardianship.  
5

6 I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.  
8

9  
10 Dated: Nov. 18 2021

Judith I. Millete  
Petitioner, Judith Ibarreta Millete

Bonita P. Martinez, Esq. (SBN 153346)  
**LAW OFFICES OF BONITA P. MARTINEZ**  
10731 Treena Street, Suite 104  
San Diego, California 92131  
Telephone: 858-437-5827  
Facsimile: 858-257-2662

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**12/06/2021** at 01:08:00 PM  
Clerk of the Superior Court  
By Gabriela Cervantes, Deputy Clerk

Attorney for Petitioners,  
Benito Leo Acasio Millete and Judith Ibarreta Millete

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF SAN DIEGO**

IN THE MATTER OF THE GUARDIANSHIP  
OF:

██████████ MILLETE, ██████████ MILLETE  
AND ██████████ AN MILLETE  
MINOR

CASE NO.: 37-2021-00040499-PR-GP-CTL

DECLARATION OF RICKY F. LINCOLN

I, Ricky F. Lincoln (Paternal Great Uncle), hereby declare that if called and sworn to  
testify would competently and knowledgeably testify as follows:

**STATEMENT OF FACTS**

I am the three children's paternal great uncle, married to Catherine Ibarreta, (sister of  
Larry's Mother Judith Ibarreta Millete).

I am a retired U.S. Navy Deep Sea Salvage Diver in 1994. And also retired from the  
North Island Naval Munitions command in 2016. I have held a Secret Clearance for both military  
and civil service commands that involved explosives, munitions and nuclear weapons.

// //

// //

DECLARATION OF RICKY F. LINCOLN - 1



1 Benito Leo Acasio Millete and Judith Ibarreta Millete (paternal grandparents) have been,  
2 and at the present time, providing excellent loving care for [REDACTED] and [REDACTED] Millete  
3 since they were born. These children have never been left at a day care center or at any  
4 babysitters.  
5

6 I have known these paternal grandparents since 2006 and I have witnessed the loving  
7 attention and care that these children have received from their father and paternal grandparents.  
8 They are alert to the children's well-being, needs and safety.  
9

10 The children are very smart, well-raised, and are comfortable in their beautiful house in  
11 Chula Vista. Benito and Judith have provided quality time and upbringing for these kids all of  
12 their lives. The bonds between them are very strong and loving. To disrupt this would be a  
13 tragedy. The children are all in school and they have friends and playmates in Chula Vista.  
14

15 I truly believe with all my heart and spirit, that they would not receive all what they need  
16 from Maricris and the Tabalanza family. I know this because I have observed their interactions  
17 with the children. In fact, the children do not like the mother's side of the family. Lara do not  
18 feel comfortable with Maricris' husband because he drinks a lot of alcohol with Maricris and  
19 May.  
20

21 To say that [REDACTED], [REDACTED] and [REDACTED] safety and well-being is being compromised is a  
22 foolish statement and has no merit. And if you would have a conversation with the children, you  
23 would know that the accusations carry no weight.  
24

25 // //

26 // //

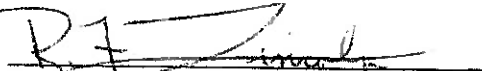
27 // //

28 // //

1 I pray that the children will remain with Benito and Judith Millete, for their best interest  
2 and safety.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct.  
5

6  
7 Dated: 12 Nov 2021

  
Ricky F. Lincoln