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DESPINA ASVESTA,

Petitioner,

v.

Case No. C-07-05535 JF

GEORGE PETROUTSAS,

Respondent.

AFFIDAVIT OF DESPINA ASVESTA

I, Despina Asvesta, hereby depose and say as follows:

1. I am over the age of eighteen (18), I am competent to be a witness, and I have personal knowledge of the facts and matters stated in this Affidavit.
2. I am the mother of the minor child, A.G. P. born in 2005.
3. A.G.P. is currently in the United States for the Father's parenting time pursuant to the Court's Access Order and Extended Access Order.
4. My parenting time is scheduled to begin on May 1, 2010.
5. On April 19, 2010, the Court issued its Order Determining Habitual Residence of Minor Child, concluding that the United States is A.G.P.'s habitual residence and therefore denying my Hague Convention petition.

6. The Court further ordered that “[t]he Access Order shall remain in effect for sixty (60) days in order to permit [me] to seek relief in the Santa Cruz superior court, and to permit an orderly transition with respect to [A.G.P.’s] legal status.”

7. Because the Order Determining Habitual Residence has extended the Access Order for sixty (60) days, I understand that my parenting time scheduled to begin on May 1, 2010 under the Access Order will still go forward, but will be for a more limited duration, ending sixty (60) days from the entry of the Order Determining Habitual Residence, which is June 19, 2010.

8. I fully understand that I must comply with the Court’s Order Determining Habitual Residence, which means that I must return A.G.P. to the United States no later than June 19, 2010.

9. I understand that I will be in violation of this Court’s Order Determining Habitual Residence if I do not return A.G.P. to the United States by June 19, 2010.

10. I do not intend to violate this Court’s Order Determining Habitual Residence. I will return A.G.P. to the United States no later than July 19, 2010 as required by this Court.

11. I further hereby waive any entitlement I may have in Greece to keep A.G.P. in Greece beyond June 19, 2010. I further hereby waive any challenge to this Court’s Orders in any court in Greece.

12. Without waiving my attorney-client privilege as to any other aspect of my case, I believe it is important for the Court to know that my attorneys in this case have fully explained to me that I will face extremely severe legal consequences if I do not return A.G.P. to the United States by June 19, 2010. My attorneys have explained that if I fail to return A.G.P., (which I will not fail to do), I would be in violation not only of this Court’s Order Determining Habitual Residence and face a finding of contempt and all associated penalties, but that I would also have violated the International Parental Kidnapping Crime Act and the Parental Kidnapping Prevention Act, and that

I could face possible extradition from Greece to the United States to face very serious criminal charges against me in the United States that would likely result in incarceration.

13. Also without waiving my attorney-client privilege as to any other aspect of my case, my attorneys have explained that if I fail to return A.G.P. to the United States by June 19, 2010, Mr. Petroutsas may report the wrongful retention to the National Center for Missing and Exploited Children, and that red INTERPOL notices will be issued for me and that yellow INTERPOL and notices will be issued for A.G.P., which will result in my arrest and likely extradition to the United States to face very serious criminal charges and incarceration.

14. I will not violate this Court's Order Determining Habitual Residence. I will return A.G.P. to the United States no later than July 19, 2010 as required by this Court.

15. There are no reasonable grounds to believe that I will violate this Court's Order Determining Habitual Residence. First, this matter has been before this Court for nearly three years, and I have never violated any order of this Court. Second, the Access Order has been in place for over two years, and I have always returned A.G.P. as scheduled. Third, there are remedies available to me in the state courts in the United States to resolve all issues of custody of A.G.P., and my credibility and ability to pursue those remedies in the United States would be severely and negatively impacted if I failed to return A.G.P. as ordered.

16. In addition to the legal bases explained in Paragraph 15 in support of my intention to return A.G.P. to the United States as ordered, as a mother I do not want to put my son in any dangerous or stressful situation. I believe that the provision of the Court's Order Determining Habitual Residence providing for a final summer visit to Greece for A.G.P. before he makes the transition to residing in the United States pending any final United States custody order is necessary and appropriate in order to permit an orderly transition with respect to A.G.P.'s legal status.

17. I believe it is appropriate and in A.G.P.'s best interest to keep the Access Order in place for an additional sixty (60) days as ordered in the Court's Order Determining Habitual Residence.

I HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE OF THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.



Despina Asvesta

Dated: April 29, 2010