

PAUL M. WARNER, United States Attorney (#3389)
MARK K. VINCENT, Assistant United States Attorney (#5357)
JASON P. PERRY, Special Assistant United States Attorney (#8663)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111-1506
Telephone: (801) 524-5682
Facsimile: (801) 524-6924

FILED WITH

SEP 18 2002

UNITED STATES
MAGISTRATE JUDGE
SAMUEL ALBA

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ETSUKO TANIZAKI ALLRED
(DOB: 04/24/61) and
DAREN LEON ALLRED
(DOB: 09/13/58),
Defendants.

: A-02-169-M
:
: F E L O N Y
: C O M P L A I N T
:
: VIOLATION of 18 U.S.C. §
: 1204(a) [INTERNATIONAL
: PARENTAL KIDNAPPING
: (REMOVAL OF THE CHILD TO
: OUTSIDE THE UNITED STATES
: AND RETAINING THE CHILD
: OUTSIDE THE UNITED STATES];
: and 18 U.S.C. § 2 [AIDING &
: ABETTING].

Before a United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I

On or about November 28, 2001, in the Central Division of the District of Utah,

ETSUKO TANIZAKI ALLRED and DAREN LEON ALLRED,
the defendants herein, did knowingly and intentionally remove a
child, to wit: Michael K. Gulbraa (DOB: 12/18/1989); from the
United States with the intent to obstruct the lawful exercise of
parental rights of a custodial parent, Michael Charles Gulbraa,
and did aid, abet, counsel, command, induce or procure each other
in its commission; all in violation of Title 18, United States
Code, Sections 1204(a) and 2.

COUNT II

On or about November 28, 2001, in the Central Division of
the District of Utah,

ETSUKO TANIZAKI ALLRED and DAREN LEON ALLRED,
the defendants herein, did knowingly and intentionally remove a
child, to wit: Christopher R. Gulbraa (DOB: 12/18/1990); from the
United States with the intent to obstruct the lawful exercise of
parental rights of a custodial parent, Michael Charles Gulbraa,
and did aid, abet, counsel, command, induce or procure each other
in its commission; all in violation of Title 18, United States
Code, Sections 1204(a) and 2.

COUNT III

On or about November 28, 2001, through September 17, 2002,
in the Central Division of the District of Utah,

ETSUKO TANIZAKI ALLRED and DAREN LEON ALLRED,
the defendants herein, did knowingly and intentionally retain a

child, to wit: Michael K. Gulbraa (DOB: 12/18/1989); outside the United States with the intent to obstruct the lawful exercise of parental rights of a custodial parent, Michael Charles Gulbraa, and did aid, abet, counsel, command, induce or procure each other in its commission; all in violation of Title 18, United States Code, Sections 1204(a) and 2.

COUNT IV

On or about November 28, 2001, through September 17, 2002, in the Central Division of the District of Utah,

ETSUKO TANIZAKI ALLRED and DAREN LEON ALLRED, the defendants herein; did knowingly and intentionally retain a child, to wit: Christopher R. Gulbraa (DOB: 12/18/1990); outside the United States with the intent to obstruct the lawful exercise of parental rights of a custodial parent, Michael Charles Gulbraa, and did aid, abet, counsel, command, induce or procure each other in its commission; all in violation of Title 18, United States Code, Sections 1204(a) and 2.

This complaint is made on the basis of investigation consisting of the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent for the FBI for the past three and one-half years. I am currently assigned to the Violent Crimes/Drug Squad in Salt Lake City, Utah.

2. Prior to my employment with the FBI, I worked for approximately eight years in the mental health field as a childcare worker and mental health therapist.
3. On April 5, 2002, and several times since, I have interviewed Michael Charles Gulbraa of Salt Lake County, Utah. Mr. Gulbraa (a United States citizen) informed me that he and Etsuko Tanizaki (a United States Citizen)¹ had married² on August 30, 1985, in Salt Lake City, Utah. The family resided in Utah and Japan during the course of their marriage. There were two children born to this marriage union, namely Michael K. Gulbraa (DOB: 12/18/1989)³ and Christopher R. Gulbraa (DOB: 12/18/1990)⁴. Michael C. Gulbraa and Etsuko Tanizaki separated in 1994. The marriage ended in divorce on April 17, 1996, in Utah County, Utah,

¹ Tanizaki denounced her Japanese citizenship in October 1998 when she was Naturalized as a United States Citizen. See Attachment "A" (Tanizaki's U.S. Certificate of Naturalization and United States Oath of Allegiance).

² See Attachment "B" (Marriage License for Michael Charles Gulbraa and Etsuko Tanizaki).

³ See Attachment "C" (Michael K. Gulbraa's birth certificate).

⁴ See Attachment "D" (Christopher R. Gulbraa's U.S. Passport application).

USA.⁵ The divorce decree awarded Etsuko Tanizaki with "the full care, sole legal custody" of the two minor children, Michael K. and Christopher R. with the father, Michael C. Gulbraa being granted the minimum rights of visitation for the two minor children pursuant to Utah Code Annotated § 30-3-35; the advisory guidelines for visitation set forth in Utah Code Annotated § 30-3-33; and special circumstances for visitation set forth in Utah Code Annotated § 30-3-36(1)&(2). These visitation guidelines were augmented by provisions wherein Gulbraa could arrange for the two minor children to visit Gulbraa, who had moved to California, by unchaperoned airplane transportation on three occasions in 1996, four times in 1997, five times in 1998, five times in 1999, and a maximum of six times in any year thereafter. In September 1997 Gulbraa moved back to Utah.

4. Etsuko Tanizaki married Daren Leon Allred on May 3, 1997, in Utah.⁶ Gulbraa and Tanizaki's two children have resided with Tanizaki and Allred since the Allred

⁵ See Attachment "E" (Gulbraa and Tanizaki's Divorce Decree from Fourth Judicial District Court, Utah County, Utah, USA (Civil Case number 954400187)).

⁶ See Attachment "F" (Marriage License for Daren Leon Allred and Etsuko Tanizaki).

marriage. Specifically, the Allreds have lived at 1397 North Main Street, Farmington, Utah, USA, until November 28, 2001, wherein Tanizaki took the two boys, Michael K. and Christopher R., to Japan to reside. Allred had moved to Japan a few weeks prior (October 22, 2001).

5. It should be noted that Michael C. Gulbraa has remarried and continues to reside in South Jordan, Utah.
6. In June of 1999, as the result of an anonymous referral, the Utah Department of Children and Family Services (hereinafter "DCFS") initiated an investigation of Daren Leon Allred.⁷ The allegations indicated that Michael K. and Christopher R. Gulbraa were slapped by Daren Leon Allred which would result in bloody lips and cuts and that Allred would grab Michael and Christopher around the neck and choke them. It was also alleged that Allred would lock his son, Wesley Allred, in the garage or outside (during cold weather) as a form of punishment and that he would grab Wesley really hard to cause pain. The allegation also indicated that Allred would lock his daughter, Haley

⁷ See Attachment "G." (Utah DCFS Child Abuse/Neglect Report.)

Allred, in the unfinished basement and make her sleep in the basement as punishment.

7. In July 1999, DCFS reported that although Allred had used corporal punishment against Michael K. and Christopher R. Gulbraa, it did not rise to the level of physical abuse; therefore, the allegations of physical abuse by Allred against Michael and Christopher were determined to be unsubstantiated. The DCFS report also indicated that the allegation of abuse of Haley Allred was unsubstantiated. However, DCFS did determine that the allegations of abuse of Wesley Allred by Daren Leon Allred were substantiated. On December 26, 2000, Judge Diane W. Wilkins, Second Judicial District Juvenile Court (Farmington Department), Davis County, Utah, USA, reviewed the Wesley Allred matter and ordered that the finding of abuse against Wesley Allred by Daren Leon Allred be declared unsubstantiated.
8. On or about September 27, 1999, (after DCFS substantiated the allegation, but prior to the Court's finding being unsubstantiated and dismissed) Michael C. Gulbraa sought a custody modification from the Fourth Judicial District Court, Utah County, USA⁸, asking for

⁸ See Attachment "H." (Gulbraa Custody Modification Request court pleading.)

sole legal and physical custody of the boys. The State Court appointed a Guardian Ad Litem for Michael K. and Christopher R. Gulbraa to conduct a custody evaluation for the court. In February 2001, the Guardian's custody evaluation⁹ recommended joint legal custody of the boys with Michael K. and Christopher R. residing with Mr. and Mrs. Gulbraa. Tanizaki did not agree to the Guardian's recommended arrangement and requested a trial on the matter.

9. In June 2001, Gulbraa heard from a friend, Yuko Hanni, that Gulbraa's son, Michael K., had commented that he and Christopher R. were moving to Japan with Etsuko Tanizaki Allred and Daren Leon Allred and that Gulbraa wasn't supposed to know about it. Gulbraa sought and on October 19, 2001, was granted a Temporary Restraining Order by Judge Roger A. Livingston, Third Judicial District Court (Civil case #004901740DA), Salt Lake County, Utah, USA, prohibiting Tanizaki from taking the children out of the State of Utah. On or about October 19, 2001, Salt Lake County, Utah, USA, Deputy Constable Lawrence Hopper served Tanizaki with the Temporary Restraining Order. Also present during the service of the Order to Tanizaki was her husband,

⁹ See Attachment "I." (Custody Evaluation Report.)

Daren Leon Allred.

10. Mr. Gulbraa indicated to me that on October 22, 2001, Daren Leon Allred, Tanizaki's current husband moved to Japan in preparation for his wife and step-children to follow thereafter.
11. On November 27, 2001, Tanizaki appeared before Judge Michael K. Burton of the same court as Judge Livingston in an attempt to have the Temporary Restraining Order against her moving the children from Utah dissolved. At the conclusion of the hearing on the matter, Tanizaki's motion to dissolve the Temporary Restraining Order was taken under advisement by Judge Burton.
12. Mr. Gulbraa has complained to me that his ex-wife, Tanizaki, ignored the Utah State Court's Temporary Restraining Order dated October 19, 2001, which prohibited her from taking their children anywhere outside the State of Utah by moving herself, Michael K., and Christopher R. on or about November 28, 2001, to Japan in order to be with her current husband, Daren Leon Allred.
13. Judge Michael K. Burton indicated to me that even though the issue of dissolving the Temporary Restraining Order was taken under advisement on November 27, 2001, it was not dissolved. Judge Burton

indicated to me that because Tanizaki left prior to the temporary restraining order being dissolved, Tanizaki was "technically" in violation of the Temporary Restraining Order.

14. On December 11, 2001, Judge Michael K. Burton dissolved the Temporary Restraining Order and scheduled a bench trial for February 25, 2002.
15. In a letter dated January 27, 2002, Tanizaki wrote to Michael Gulbraa's mother, Arlene Peterson. In this letter, Tanizaki wrote, "... the trial is set for February 25th and 26th. I don't know if I am coming for the trial. They're trying to force me to bring the boys."
16. On February 5, 2002, Commissioner Michael S. Evans, Third Judicial District Court, Salt Lake County, Utah, USA, advised that the issue of Tanizaki violating the Temporary Restraining Order by removing the two minor children from Utah would be reserved as a trial issue. On February 5, 2002, Judge Michael K. Burton Ordered Tanizaki to return to Utah for the trial with the two minor children.¹⁰ The signed Order was executed on

¹⁰ See Attachment "J." (State Court Docket entry dated 02-05-02.)

February 28, 2002.¹¹

17. Tanizaki was not present at the trial on February 25 and 26, 2002. Judge Burton indicated to me that Tanizaki's failure to return to Utah was a violation of his Order.
18. On February 26, 2002, Judge Michael K. Burton found that there that there had been abuse in the family and there had not been meaningful visitation between the father (Michael C. Gulbraa) and the minor children (Michael K. and Christopher R. Gulbraa). Accordingly, Judge Burton Ordered that Tanizaki return to Utah with the two minor children for a hearing on March 27, 2002.¹² Judge Burton further ordered that the children be returned to Utah by summer. Judge Burton indicated to me that although this order is documented within the case docket, not all orders issued from Judge Burton's court are necessarily reduced to writing.
19. On March 27, 2002, Tanizaki failed to return to Utah with the children for the hearing. Judge Burton indicated to me that Tanizaki's failure to return for the hearing on March 27, 2002, was also a violation of

¹¹ See Attachment "K." (State Court Order.)

¹² See Attachment "J." (State Court Docket entry dated 02-26-02.)

the Court's Order. As a result, Judge Burton Ordered sole legal and physical custody of the two children to Gulbraa.¹³

20. On or about April 3, 2002, the United States State Department confirmed that Tanizaki and Allred were living in Japan with Michael K. and Christopher R. Gulbraa. The last known address for the Allred's is:

2-14-7 Hatta-Cho,
Setoru Kasugai #602,
Aichi-Ken,
Kasugai-Shi 486,
Japan
Telephone 011-81-568-56-0289.

21. In July 2002, I telephoned Tanizaki at her residence in Japan and informed her that I was investigating this matter as an international parental kidnapping and pursuing a federal arrest warrant for her and Daren Leon Allred. Tanizaki was also advised that if she agreed to return to Utah with the children and comply with previous court orders, no federal criminal charges would be sought.

22. Following this conversation, I received a telephone call from Thomas Flippen. Flippen identified himself

¹³ See Attachment "J." (State Court Docket entry dated 03-27-02.)

as an attorney representing Tanizaki and advised the following:

- Any further communications to Tanizaki should be directed through Flippen.
- That this writer could get an arrest warrant for Tanizaki, but because the country of Japan does not recognize parental kidnapping as a crime, there would be no way that Japan would ever extradite Tanizaki to the United States.

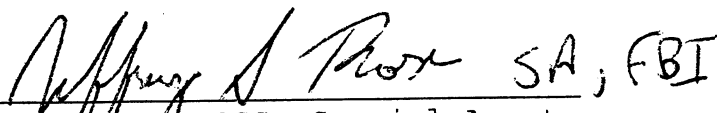
23. On September 11, 2002, the Second Judicial District Court, Davis County, Utah, USA, issued arrest warrants for Tanizaki (Criminal case #021701534)¹⁴ and Allred (Criminal case #021701535)¹⁵ (two counts each (one regarding Michael K. and one regarding Christopher R.)) for Custodial Interference Across State Line in violation of Utah Code Annotated § 76-5-303.
24. Utah State Law (Utah Code Ann. § 62A-4a-201) provides in part that, "Parents have a natural, legal, and moral right, as well as duty, to care for their children. The right of a fit, competent parent to raise his child

¹⁴ See Attachment "L." (Second Judicial District Court criminal documents (Information, Affidavit & Arrest Warrant) for Tanizaki.)

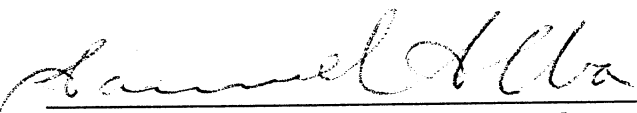
¹⁵ See Attachment "M." (Second Judicial District Court criminal documents (Information, Affidavit & Arrest Warrant) for Allred.)

has long been protected by the laws and Constitution of this state and of the United States." The taking of Michael K. and Christopher R. Gulbraa from the United States by their mother, Tanizaki, in defiance of a Utah State Court order has obstructed the lawful exercise of their father's, Michael Charles Gulbraa, parental rights.

DATED this 18 day of SEPTEMBER, 2002.

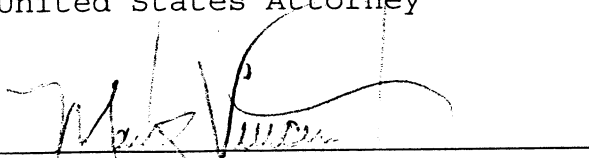

JEFFREY S. ROSS, Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 18th day of SEPTEMBER, 2002.


SAMUEL ALBA, Magistrate Judge
United States District Court

APPROVED:

PAUL M. WARNER
United States Attorney


MARK K. VINCENT
Assistant United States Attorney