

1 In Re Marriage of SHEEN L.A.S.C. Case No. BD 534 282

2 DECLARATION OF BROOKE MUELLER

3 I, Brooke Mueller, declare as follows:

4 1. I am the Respondent in the above-entitled action.
5 I have firsthand, personal knowledge of the facts stated herein,
6 and if called as a witness, I could and would competently testify
7 thereto.

8 2. I submit this declaration in support of my *Ex*
9 *Parte* Application for Domestic Violence Temporary Restraining
10 Orders, Custody Order, and Related Orders against Petitioner,
11 Charlie Sheen. In summary, and as set forth more fully below,
12 Sunday February 27 at 8:45 p.m., Petitioner threatened, "I will
13 cut your head off, put it in a box and send it to your mom!" He
14 said, "If you are having this conversation taped, then consider
15 it done!" Last Wednesday, Petitioner threatened to stab my eye
16 with a pen knife, and spit on my feet. He also punched me in the
17 arm. On Saturday, Petitioner removed our children from my care
18 in violation of our custody orders. I have asked that he return
19 the children to me and he refuses. I am in great fear that he
20 will find me and attack me and I am in great fear for the
21 children's safety while in his care.

22 3. Petitioner and I have twin boys together, Max and
23 Bob, age 23 months, born March 14, 2009. We were married on May
24 30, 2008 and separated on December 25, 2009 after Petitioner was
25 arrested for violently attacking me and threatening to kill me
26 during a vacation in Aspen, Colorado. Since we separated in
27 2009, Petitioner rarely saw our children and only recently began
28 to show any interest in them.

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DATE [timestamp] 03/15/2011 09:27 Brooke Mueller word (01) 1/25/11 2 16 vvv

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2 4. On or about May 20, 2010, Petitioner and I entered
3 into a Stipulated Judgment of Dissolution. We agreed to hold
4 back the filing of the Judgment. On or about February 10, 2011,
5 Petitioner filed the Judgment a copy of which is attached hereto
6 and labeled Exhibit "A".

7 5. The Judgment awards primary physical custody of
8 the children to me subject to Respondent's visitation pursuant to
9 a timeshare schedule. See Exhibit "A", page 21, line 19 through
10 page 22, line 1. Based upon the physical violence and threats
11 which have occurred, as detailed hereinbelow, I request that the
12 Court modify the custody orders on an emergency basis and issue
13 orders protecting me and the children from Petitioner.

14 BASIS FOR RESTRAINING ORDERS WITHOUT NOTICE

15 6. Since our separation on December 25, 2009 until
16 approximately January 2011, Petitioner and I did not see or speak
17 to one another for the most part. During this period, Petitioner
18 did not seek any time under our Judgment with the children. He
19 also never called to check in with me regarding their health or
20 welfare. I was caring for them alone with the assistance of
21 nannies and my mother.

22 7. In January 2011, Petitioner and I began to speak
23 to one another amicably. He was not sober at that time, however,
24 our discussions were pleasant for the first time in a long time.
25 In early February, Petitioner stated that he was sober and that
26 he was going to continue to be sober. Petitioner asked to see
27 our children and I brought them to him. Petitioner then asked me
28 to stay in his house and stated that he would purchase a new home

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2025 14:46:12/0031/DEC 2011-02-27 Brooke 2 (TR.O) vpd (OC) 2/28/11 2:16 pm

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2 for me in the same neighborhood as our former family residence
3 (where Petitioner continues to reside). I believed that
4 Petitioner was changing his life for the better by attempting to
5 become sober. I also wanted a new home for the children and
6 myself in a secure gated community. I made a big mistake and
7 moved the children and myself temporarily in with the Petitioner.
8 Petitioner also has a porn star, "Bree Olson" and his girlfriend
9 "Natalie Kenly" living in his house.

10 8. Furthermore, I am very concerned that Petitioner
11 is currently insane. While I was residing with Petitioner and
12 until the incident last Wednesday, Petitioner made increasingly
13 erratic and threatening statements. One of Petitioner's most
14 shocking and frightening requests was that once he buys me a
15 house I give him back \$20,000 per month in cash from the child
16 support he pays me so he could have untraceable cash to "knock
17 off a few people" because "the people I hate violently are going
18 to get severely punished."

19 9. In the afternoon of Saturday, February 26, 2011,
20 while I was away from my residence, Petitioner's house manager,
21 Leo, came to my house and took our children with the nannies back
22 to Petitioner's residence.

23 10. The weekend of February 26, 2011, was the 4th
24 weekend of the month. Pursuant to our Stipulated Judgment,
25 Petitioner is to have custody on the 1st, 3rd and 5th weekends of
26 the month. However, Petitioner has not exercised any of his
27 custodial time in over a year. I asked Petitioner to return the
28 children to me and he refuses. He has refused to even let me see

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2 the children to check on their safety. I have no access to the
3 children. Petitioner lives in a gated community and I have no
4 way of retrieving the children.

5 11. On Sunday, February 27, 2011, I called Petitioner
6 to find out why he was keeping the children from me. He told me
7 I was never going to see our children again. When I asked him
8 why he would take our children away from me, their mother, he
9 became very angry that I was insisting he return the children to
10 me and threatened, "I will cut your head off, put it in a box and
11 send it to your mom!" He said, "If you are having this
12 conversation taped, then consider it done!"

13 12. In addition, last week Petitioner insisted that I
14 travel with Petitioner and his two girlfriends (a porn star and
15 a person he calls his "girlfriend") to the Bahamas. I did not
16 want to go; however, I was afraid I would enrage Petitioner if I
17 did not go. The day before we left, I woke up to Petitioner
18 destroying belongings in the bathroom. He was in a rage because
19 he could not find his checkbook. He then took the house phone
20 and chucked it from the second floor window and threw it into the
21 pool. I did not want to anger Petitioner because I wanted a new
22 home for the boys and I was trying my best to continue to keep
23 Petitioner happy so that we had a better relationship for the
24 benefit of the boys and their financial security.

25 13. On the way to the Bahamas, Petitioner was in a
26 pretty good mood. However, he randomly told everyone on the
27 plane that he hated his ex-wife, Denise Richards, violently and
28 he was going to have her hair shaved off.

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2 14. While in the Bahamas, I saw Petitioner drink
3 alcohol. I know that there are reports that he "tested clean"
4 with an online media company, however, I personally witnessed him
5 drinking alcohol as recently as last week.

6 15. While in the Bahamas, on Wednesday, February 23,
7 2011, Petitioner and I had an argument which turned violent.
8 Petitioner began following me around the house shining a
9 flashlight in my eyes so I could not see. I asked him why he was
10 doing this to me and he yelled, "I'm untouchable! I'm Charlie
11 Sheen! I'm more famous than Obama!" Randomly during his rant,
12 he told me I was not our children's mother--just a host for his
13 kids. Petitioner became increasingly furious with me and began
14 yelling, "You are the most ugly person in the world! I really,
15 really hate you!" and he punched me in the arm. He was holding
16 a pen knife and told me he was going to stick it in my eye.
17 During his tirade against me, Petitioner also spit on my feet.
18 Fortunately, I was able to immediately return to Los Angeles.

19 16. On Thursday, February 24, 2011, Petitioner called
20 into "The Alex Jones Show" and launched into a threatening
21 tirade. Petitioner said, "Where there were 4 there are now 3.
22 Goodbye, Brooke. Good luck in your travels...you're going to
23 need it. Badly."

24 17. I have not been perfect and I have struggled with
25 my own sobriety issues over the past year and a half. Petitioner
26 has not supported my recovery and rehabilitation in any way. He
27 mocks my recovery efforts. In fact, Petitioner states he
28 believes Alcoholics Anonymous and similar groups are all "hokey

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2 crap." He asked me last week, "Where are you? Back with all your
3 sober fools?" I have been living with a sober companion for over
4 the past year. However, soon after I committed to temporarily
5 moving in with Petitioner, he kicked my sober companion out of
6 his home saying that I did not need it. Petitioner refused to
7 permit me any access to support I needed and I temporarily fell
8 off the wagon last week in conjunction with Petitioner's
9 girlfriend. Immediately upon returning to Los Angeles, I again
10 sought assistance to maintain my sobriety. I am currently in
11 day treatment. I can take care of the children during my 4 hour
12 day break and every evening. I will have a sober companion with
13 me at all times. My mother is flying in to Los Angeles from
14 Aspen this week to assist me in taking care of the children along
15 with nannies. My mother has helped take care of the children
16 since they were born, they are bonded to her and she is
17 intimately familiar with them and their schedules.

18 18. Again, since we separated I have been the only
19 parent caring for our children. I have met challenges along the
20 way. However, I have always kept our children safe. They have
21 thrived under my supervision and loving care. In fact, in early
22 February of this year, Petitioner stated to me when he saw the
23 children (after months of not having seen them) "These kids are
24 amazing! You have done such a great job raising them! You are
25 a great mom!" He also stated, "I commend you on how much work it
26 is taking care of them." In a text message from Petitioner to me
27 on February 19, 2011 he calls me "MOM OF THE YEAR." A true and
28 / / /

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2 correct copy of the text message is attached hereto as Exhibit
3 "B" and incorporated herein by this reference.

4 19. In the past two weeks, Petitioner has made various
5 bizarre, disturbing and violent statements to the media in the
6 past week which cause me great fear for the safety of our
7 children while in his care as he does not appear mentally stable.
8 Petitioner statements include:

9 a. On his drug and alcohol issues, "I have a
10 disease? Bullshit! I cured it...with my mind."

11 b. Referring to Alcoholics Anonymous as a
12 "bootleg cult" with a 5% success rate, Petitioner stated his
13 success rate was 100% and, "Newsflash. I am special and I will
14 never be one of you."

15 c. Petitioner is an actor on the hit series 'Two
16 and A Half Men.' Referring to the creator of Two and A Half Men,
17 Chuck Lorre, Petitioner told TMZ.com, "I violently hate Chaim
18 Levine. He's a stupid, stupid little man and a pussy punk that
19 I'd never want to be like. ... That's me being polite." "You can
20 tell him one thing. I own him." Petitioner also challenged Mr.
21 Lorre to a fight in an octagon.

22 d. Petitioner also wrote about Mr. Lorre in a
23 letter to TMZ.com, which read, in part, "I wish him nothing but
24 pain in his silly travels especially if they wind up in my
25 octagon. Clearly I have defeated this earthworm with my words -
26 imagine what I would have done with my fire breathing fists."

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2 e. Petitioner also sent me a text message
3 stating to me "I must execute mark b like the stoopid jew pig
4 that he is ..." Petitioner was referencing his manager "Mark
5 Berg".

6 A true and correct copy of the foregoing news articles and
7 text message quoting Petitioner are attached hereto and
8 incorporated herein as Exhibit "C".

9 PETITIONER'S HISTORY OF DOMESTIC VIOLENCE TOWARDS ME

10 20. On December 25, 2009, Petitioner attacked me with
11 a knife and threatened to kill me. Petitioner became enraged
12 after I told him I wanted a divorce. He pinned me down on the
13 bed and held one hand around my throat while using his other hand
14 to hold a knife to my throat. I was terrified and believed
15 Petitioner was going to kill me. Petitioner threatened, "You
16 better be in fear. If you tell anybody, I'll kill you."

17 21. After several hours of these threats, I managed to
18 escape from Petitioner and I called 911. Petitioner was arrested
19 for domestic violence, including second-degree assault and
20 menacing against me. Petitioner was formally charged with felony
21 menacing, third-degree assault and criminal mischief, although he
22 eventually pled guilty to misdemeanor assault as part of a plea
23 bargain that included dismissal of the other charges.

24 22. Prior to the December 25, 2009 incident,
25 Petitioner had been physically violent toward me on other
26 occasions. For example, in October 2009, Petitioner knocked me
27 to the floor causing me to hit my head on the corner of a couch.
28 I was knocked unconscious and required medical attention,

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2 including a cat scan. There were two witnesses present during
3 this incident. I will bring photos of my injury and Petitioner's
4 written apology to me to the hearing.

5 23. In approximately early 2010, Petitioner stated to
6 me "I should have killed you when I had the chance!"

7 24. Despite Petitioner's previous violence towards me,
8 I have always tried to stay cordial with Petitioner and protect
9 him and his reputation. He is unlikely to change and I believe
10 poses a very real threat to both my safety and the safety of our
11 children. Now that Petitioner claims he is sober and his
12 behavior has become very hateful, vindictive and violent, I
13 believe his rage is the result of an intense mental issue, rather
14 than simply a reaction to substance abuse.

15 25. Our Stipulated Judgment includes a provision that
16 states, "Brooke agrees to not disclose to any media sources
17 personal information relating to Charlie's sexual affairs.
18 Charlie agrees to not disclose to any media sources personal
19 information relating to Brooke's alleged drug usage." See
20 Exhibit "A", page 37, lines 24-28.

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2 26. The children and I reside in Los Angeles,
3 California. I am currently securing a residence for myself and
4 the children which I request remain confidential. I am afraid to
5 return to my Los Feliz house for fear that Petitioner will come
6 after me. I request that the Court grant the personal
7 restraining orders requested and modify the terms relating to
8 custody in the Paternity Judgment.

9
10 I declare, under penalty of perjury, under the laws of the
11 State of California, that the foregoing is true and correct.

12 Executed February 28, 2011 at Los Angeles, California.

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16 BROOKE MUELLER

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AT&T 3G

1:02 PM

57%

Mess... (8)

Charles-2

Edit

visit I was with u guys
right now

Feb 19, 2011 1:35 PM

MOM OF THE YEAR.

please call me

Call u in 10

need to speak now. I
must execute mark b
like the stoopid jew pig
that he is and I must do it
in the next 10 seconds.
if u want him gone for
ever, call me now.

Feb 19, 2011 1:46 PM

Just tried calling u