

## Plight of a Parent – Aggravated Stalking

*Since when did gifts and Bible scripture become Malicious?*  
- Kirk Rainer, a dad of four children

On May 27<sup>th</sup> of this year, I was arrested in Charleston, SC – where I was working as an engineer for Boeing. The charges included: Violation of Probation (VOP) - violation of an injunction, and Aggravated Stalking. In the series of writings entitled “Plight of a Parent”, I continue with some details of the court process pertaining to Aggravated Stalking. As I begin for those unfamiliar with previous writings, the charge was first learned of on May 27<sup>th</sup> – at the time of my arrest.

As part of my ongoing learning (of domestic issues), aggravated stalking can either be a misdemeanor or felony; in Florida, it is a third degree felony. In that I already have an injunction against domestic violence (for the protection of my ex-wife and children), this felony can occur as described below:

Any person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, **maliciously**, and repeatedly follows, **harasses**, or cyber-stalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

I have purposely emboldened the two words, “maliciously” and “harasses” and the terms for discussion; but while I address these two words, I will also include the term “assault”. According to Florida law, the word “assault” is applied to any violation of an injunction or stalking – such as described above – or any act designated as malicious. General Family Law describes offers the following definition for a “simple assault”:

An attempt to commit a violent injury to another; or to commit an act that places another in apprehension of receiving violent injury

With the definition of simple assault and the understanding that “malicious” is similar – both terms being to hurt or to intend to hurt – I present a condensed version or summary of the evidence used by the courts in prosecuting this case:

1. Myspace.com account in which I post my writings (note, the site cannot be removed at this time, but has been made private since October 1<sup>st</sup> 2008 such that my children cannot learn of their father...the web site was set-up in 2005 – before the injunction was initiated)
2. Letter to my 18 year old son with an offer to help him in college (please see the copy that I have enclosed)

3. Personal checks sent to the all four children for their birthdays; these checks were immediately cashed (presumably by my ex-wife) with copies included as evidence
4. Selected letters from a collection that I have written to my children entitle “In a Word” [again, I have included one (1) letter as an example]
5. A computer and printer sent to my son for his graduation from high-school
6. A phone call placed to my ex-wife on or about May 16<sup>th</sup> alleging that I attempted to contact her.

To be practical, I have included only copies of the letter to my son and an example of the “In a Word” letters. Should conditions or circumstances lend, additional evidence will be included; but the purpose of these two documents is to suggest the tenor or essence of my letters...and actions as a father toward his children. As a precursor however, let me submit that my intention in these letters and actions has never been to hurt or the threaten my children or their mother; but on the contrary, these and others have been to express my love for children as any parents – and most parents – can do as normal expression or action without violating the law.

The injunction and the consequential case(s) have not been the result of actual violence or malicious behavior; but instead, the expressed, written and legalized forms that pervert normal parental behavior as malicious and potentially violent actions. The prime example of this perversion is the injunction – which is based on lie or perversion of the content of terms of visitation in Final Judgment of Divorce – as I detail in the previous writing, “Plight of a Parent – Injunction”.

Let me now address each of the six items of evidence beginning with the last item or #6. The alleged illegality of contact with my ex-wife was actually a return call made from my business phone: not knowing who was calling me (at my workplace) and assuming into to be work-related – or from a business or personal contact in Northeast Florida – I returned the call. In the affidavit (or my ex-wife’s testimony), I was described as having introduced myself by name and employer – which is customary etiquette. I did not know who called me – as the number was not identified – but was merely returning a call placed at my workplace. This #6 is entrapment whereby a deliberate action is taken to provoke or evoke a response – or breach of the injunction is this case; in other words, it is manufactured evidence... using my place of employment no less...which brings me to an example of the here-to-yet addressed term, “harass”.

Continuing with the evidence, item #5 is a gift – not an assault and not malicious – but only a graduation gift. Yes, I did “willfully and knowing” purchase the gift – but it was not nor could seriously be construed as malicious or any form of assault. To the

reader, please bear-in-mind that I did not violate the injunction: if you read the previous writing, “Plight of a Parent – VOP on Violating an Injunction”, you’ll know that the charge(s) pertaining to violation of the injunction were dismissed on September 30<sup>th</sup>. How could I commit aggravated stalking without violating a pre-existing injunction? In order for aggravated stalking to have occurred (as defined on page 1), I would not only have to have injunction against me, but I would also have to violate it...but I did not.

An example of item #4 is enclosed with this writing – and represents one of over 300 letters written about my children over the last five years; the collection of these letters, is called “In a Word”. Please read the letter – realizing of course that it is just a small of the collection; ask yourself this basic question: is the content suitable or normal for an alienated parent (or parent in general) to write to his child or children? Only in the perversion of the injunction can such content be construed as malicious and an assault.

I found it interesting that the personal checks or item #3 were cashed immediately – only to be used as evidence in this case. Oh, and the checks are not mentioned as part of the letters to the children; I guess that claiming the checks as malicious while cashing the check for money would seem like a conflict of interest. Whatever the motive, the children may have received these monies as birthday gifts and would – in no possible way – confuse money as malicious, an assault or a bribe. I think that the children know have a clearer grasp of the difference between an affectionate action and an assault – between the desire to help and the intention to hurt...

Moving along down the road to rational thinking, item #2 is a letter to my son offering to help him with college expenses. What parent who cares for their children does not want to help them with the education or career plans? Yes, I thought my eighteen year-old child was no longer bound to this injunction – but could access or accept assistance from his father. Failing to realize that an injunction is eternal, I now know that as long as the injunction exist, any contact or attempt to re-unite with my family is illegal! Before I turn to the last item, let me say that the tentative offer – or content of this letter – was exceptionally generous and would offer Matt the freedom to continue his relationship with his mother, siblings and any other family. I believe it would be cruel (or malicious) to deceive – or even threaten – a child to avert or avoid contact or a relationship with their parent. It seems many once-children of divorce share same this belief as adults.

Finally the World Wide Web or more specifically, item #1 or the Myspace.com account. As mentioned, this account was set-up before the injunction was enacted

(February 2006), and was done with the purpose of posting letters such as that for *In a Word*. The account was actually set-up by someone else – who was more proficient at that sort of thing. Generally, I don't think much of Myspace.com – its general content; yet, there is nothing on my account that could have been perceived or even exaggerated as malicious, violent, sexual or fitting the description of simple assault. Only in the context of an injunction would such material or content be stigmatized as simple assault.

As I reason through each of the six items, the most prevailing realization is that each and all would be normal behavior or conduct for a conventional parent. Letters, gifts, and other forms of communication and recognition are normal for most distant parents; but under the vise of an injunction, good intentions become cause for punishment. Oh, and as far as the injunction, please refer to the other enclosed writing “Plight of a Parent – Injunction” (November 2007).

In closing this next in a series of writings on the plight of a (non-custodial) parent, I leave you with the simple thought that the “items” listed (and described) represent common practice(s) for most of our society, families, parents and children. But when the laws set-up by the government to protect the abused are than abused; then the outcome is distortion – whereby the normal becomes malicious, the parental becomes criminal, and attempts to affirm your children are simple assault.

Postscript: if my children are never able to understand the nature of this distortion, how could I blame them – it (the nature) cannot be reasoned...

Attached:

- Letter to Matt – for college assistance, music program, etc.
- *In a Word – Letters from a Father to his Children*; “PLAYGROUNDS”