

## **Plight of a Parent – VOP on Violating an Injunction**

*Neither the Probation Office nor the Sheriff's Office provide any information (or evidence) on the charge of VOP...and eventually, neither could the Prosecutor...*

- 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 the VOP. As I begin for those unfamiliar with previous writings, the VOP was first learned of on October 2007 through a follow-up conversation with my probation officer in St. Augustine, Florida. Neither the probation officer nor the sheriff’s department could provide any details – or indication for that matter – of evidence pertaining to the VOP. On September 30<sup>th</sup> the case went before the county court judge of St. Johns County; whereby the Prosecution dismissed the charge with the verbal admission that there was no evidence or “no information”.

At the time of my arrest, I had been sentenced to one (1) year of probation (beginning in June 2007) on one (1) count of violating the injunction; the charge had to do with attending a ball game in September 2006 at a St. Johns County school where two of my four children played in the marching band. The intention was to see my children play in the band before they graduated – which was knowingly in violation of injunction (initiated in February 2006) which forbids any contact with my children. To understand the nature of the injunction, please refer one of the series of writing enclosed in this package entitled “Plight of a Parent – Injunction”.

Less than four months into my probation for violation of the injunction, I learned of the alleged violation of probation (VOP) – violation of injunction; still, I was aware that I had done nothing to violate the injunction and therefore, was not aware of how I could have violated probation. As a matter of paying child support, I continued to work up to the time of my arrest in May 2008 – while knowing of the risks of being arrested/extradited to Florida. After a brief stay in the North Charleston detention center, I was transported to St. Johns County on June 3<sup>rd</sup>. What followed on the next four months – specific to this charge – is described below; and includes a pre-trial on July 10<sup>th</sup>, a continuance on August 14<sup>th</sup>, and a final appearance on September 30<sup>th</sup>.

On July 10<sup>th</sup>, the Prosecution presented the case to include the evidence: the event of my attending the ball game in September of 2006 – which occurred roughly

eight (8) months before my probation began. Pointing-out this chronological error to the judge, I was convinced that the court had no substantial evidence while being mystified as to how I could have been charged with a crime without evidence. The judge replied that “Mr. Rainer appears to be right” and then proceeded in granting a continuance to the Prosecution for the expressed reason of acquiring substantial evidence. At this moment came my biggest fear in that I am acutely aware of how evidence can be manufactured by such parties. For some description of this craftiness, please refer again to the enclosed writing, “Plight of a Parent – Injunction”.

Several days following this court appearance, I was ordered to Booking on a “round-trip” for an add-on charge of VOP: Violation of Probation – aggravated stalking. After being finger-printed, I noticed that the paperwork was dated July 14<sup>th</sup> 2007; however, the basis for the violation, aggravated stalking, was alleged to have occurred between April and May of 2008. While the erroneous date of the paperwork was obviously a typo or an oversight in the expediency of the court, it never-the-less was a technical error that loosely could suggest that the court is not only in the business of prosecuting but is also capable of prognostication. Though this add-on was never addressed again by the court, it serves as a prime example of how the court can err; and keeping this particular matter in mind, I will continue with the “Plight of a Parent” series.

On August 14<sup>th</sup> I was shackled and transported to the courthouse. While waiting to be ushered into the courtroom, I received paperwork indicating that my court appearance had been continued because I was “not brought in the court room”. At this moment came a vivid example of the abuse of power by the court; that is, the power to postpone or delay a scheduled court appearance on the false statement that I was not present – the paradox of this false statement being that I cannot be in the courtroom until I am ushered in under guard as is court procedure. From some later discussion with my fellow inmates, the simple truth is that the court lied; for indeed, I was in the courtroom, shackled, guarded and waiting to be ushered in as is standard procedure.

On September 30<sup>th</sup> came my final appearance and, as already described, the Prosecution dismissed the charge while verbalizing no evidence or “no information”. Almost if not a year after the VOP, I was exonerated while knowing all along that I had not committed a violation during those months of my probation. I was delighted that the Prosecution had not manufactured evidence; at the same time and since that time, I have learned much – however simple and unprofessional the learning.

I have learned that the court operates on expediency; that is, what the benefits the court in terms of time and finances. Take for instance the length of my case – to include two (2) continuations covering a period of four (4) months! On July 14<sup>th</sup>, the Prosecution had no substantial evidence – “no information”; on August 14<sup>th</sup>, the court still had no evidence....and on September 30<sup>th</sup>...

Every inmate is aware that the “County” receives subsidies from the Federal government for each detainee; and, as the Texas congressman Ron Paul says, “Anything that the government subsidizes, you get more of”. Why be expeditious or be conscience of time, when the financial gains are so abundant? Expediency over expeditiousness is the *name-of-the-game*; translated to my case, four (4) months of incarceration, errors and abuse-of-power to confirm no evidence, “no information”.

With four (4) months of incarceration came the loss of my job, further child support arrearage, and the inability to pay child support and support myself at this time. I now must deal with the possibility of further arrest – and violation of probation – because of this arrearage among other losses during and following the four (4) months. Taking comfort in the fact that other men share this Catch-22, whereby incarceration and other loss of freedom and privilege, than leads only to the further degradation of one’s ability as a debtor...not a true dad...but rather a non-custodial or something of the sort.

Employment is essential and, realizing that, I am aggressively working toward gainful employment while 60 percent of my net income is garnisheed for the care of my children. Besides this learning, I have long realized that my value to children has been reduced to that a debtor – and nothing more! What a travesty, that with so many children living in single-parent and foster homes, the fathers who earnestly want to parent are often powerless as a non-custodial and even less as an alleged risk to their children. Why should the courts think that a man should be angry under such circumstances and therefore require anger management or a mental evaluation; why should the man relegate himself to not giving-a-damn – so that his anger is then suitable, compliant, or tolerable? With what freedom that remains, he must make a choice every day hedging his hope on the one who holds the future.

I imagine that some day I will see my children – as adults – God willing. At that time, at least one of the four would have had the injunction nullified so that it is legal to be a family again. If time and opportunity permits, I will instruct them on what I have learned and this idea of expediency. Especially for the boys in order that they know or be aware of the law, I will tell them from experience of the three (4) R’s of the courts:

Re-elections, Retainers, and Retirement – all of which add-up to expediency. With all the formalities, procedures and processes of the courts, Reasoning is just not part of my experience...of one of the R's.

I have completed this next writing with much thought, pray and preparation. The purpose is not to provoke the courts or authorities but is sincerely intended to convey the truth and to archive this information in preparation for a book – posthumously for my children. There is nothing impulsive or curt in the intent notwithstanding the condition that sometimes such information – however brief and casual – can be very poignant.

On October 10<sup>th</sup>, 2000 I was in court for our divorce and, after a litany of claims of abuse applied toward me and members of my family, my wife blurted-out at the climax of the dialogue, “He does not make me happy!” At the moment and since then, I have maintained that she was the telling the truth in that regard: I did not – and can not – make her happy. Leaving the court, I was subsequently sentenced to unsupervised visitation on every Thursday evening, every other weekend and alternating holidays. As much as I loathed that agreement at that time, I would welcome it now – even as my ex-wife is still not happy.

I have learned much while incarcerated in St. Johns County. An article in the local paper, *The St. Augustine Register*, included a brief quote from the incumbent judge who had won re-election: “I am just glad to have a job”, it read. So too will I be glad when I have another job – as it is the only tangible means of being a parent.