

6205 Cane Creek Drive
Anniston, AL 36206

July 28, 2009

Office of the State Attorney, R.J. Larizza
St. Johns County Judicial Center
4010 Lewis Speedway, Room 252
St. Augustine, FL 32084

Subject: Final Letter on Criminal Record Status

Reference:

1. Order of Probation, "Order Withholding Adjudication", Case 08001111CF
2. Case #P108-53 (or 08001111CF), Florida Statute 784.048, Aggravated Stalking
3. Case #06-3307MM, Florida Statute 903.047, VOP (Violation of Pretrial)

Thank you for replying to my earlier letter, and for providing the Order of Probation. Though I was aware of the court's decision (or indecision) regarding a verdict for Case 08001111CF (#P108-53), a formal document is beneficial.

As the defendant in this case, I am continually confounded as to how one can not be adjudicated for a charge, yet still be deemed a felon, convicted or otherwise found guilty. The late-developing discovery of the general outcome of this case – that public documents and records designate by status as "guilty" – has been the obstacle preventing me from returning to work as an engineer. Without the ability to resume my role in this capacity, I cannot afford to pay my child support in full.

In this dilemma of not being guilty (yet viewed as guilty by the general public) is equally confounding to others...to include some in the legal profession. Basically, you are either guilty or non-guilty. Apparently there is a *halfway point*...; but in effect, I am guilty and thus must contend with both a sentence and the obstacle to re-employment. Yes; I plead to a verdict of withholding guilt...and for the sake of my children.

In the "experience" that has now extended over eight years, I have become increasingly educated in the system of justice ranging from the unilateral divorce to the criminalization of parents. In twenty two years of marriage and post-marriage, no substantial evidence has been provided to the courts to warrant cause for such criminality; indeed, the restraining orders, the divorce and the prevailing alienation from my children has been predicated on pretense and the handy-work of the legal system. To be more specific, the combination of pretense and the "system" has:

- Issued restraining orders that have (and are) violated in principle by the so-called victim. Furthermore, the Injunction (February 2006) is predicated on a lie – or in other words – is a false claim to the Divorce Decree of Gwinnett County, GA.
- Issued a warrant without cause (reference #06-3307MM, November 2007) as neither Probation Plus nor the Sheriff's Dept. had any information as to cause...and the Prosecution failed to disclose any substantive evidence thereafter.

Now I discover that I am actually guilty of the charge, but more than that, I am further educated in the apparent fact that guilt can be found without a verdict as such – but by the mere authority of the legal system. A system that does more than determine guilt; but as well, creates guilt through pretense and the handy-work of the legal system...

Howard Kirk Rainer

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6205 Cane Creek Drive
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July 29, 2009

Subject: An Open Letter to Prospective Employers

Reference: Criminal Background Check
Enclosed: Copy of Order of Probation (page 9 only), Case 08001111CF,
St. Johns County, FL; "...withheld adjudication"

At the aim of being forthright, I am providing this letter as an explanation to the likely status that your organization will obtain through a Criminal Background Check.

The public records (i.e. background checks) have consistently indicated my guilt or conviction of the charge 08001111CF for Aggravated Stalking, Florida Statute 784.048. In opposition to this public record is a copy of the Order of Probation that indicates "the adjudication of guilt is hereby withheld".

As your policies may not consider the court records (but only the criminal background check), I am compelled still to ask that you consider the court's decision – however confusing the matter may seem, and however confounding the concept of charged but not guilty as a court's decision compared with the public records that indicate guilt. I must also inform you that, while I am not guilty, the court has sentenced me to five years probation that began in October, 2008.

About Aggravated Stalking, Florida Statute 784.048

While "stalking" is accepted as a violent crime (public perception), the charge pertaining to my case involved my attempt to contact my children who live in St. Johns County. Contact was not physical in nature; that is, I was never in Florida – but living in South Carolina. The charge was due to an outstanding injunction that prevents me (their biological father) from having any contact with them. It should be noted that I was not convicted of actually violating the injunction in this case – even though this form of aggravated stalking is predicated on an outstanding injunction (this substitution of a misdemeanor for a felony is equally confusing...)

In actuality, the attempt to contact my children involved letters, monies for their birthdays, and a graduation gift for my oldest. These attempts were framed in the context of malicious behavior – even though public perception (and standards) would view each as normal behavior, legal action, and even duties of families.

In these attempts – and all prior efforts to exercise my duties as a parent – I have never deliberately put my children at risk; moreover, I have attempted to help beyond the lofty child support imputed and enforced as a consequence of unilateral divorce. In general – and on the critical matter of domestic or any other violence – I have never been convicted of a violent crime on substantive or concrete evidence, but only attempts to visit or contact my children as sanctioned in the divorce decree.

Howard Kirk Rainer