

November 27, 2013

RI Superior Court
Associate Superior Court Justice
Jeffrey A. Lanphear
250 Benefit Street
Providence, RI 02903

Dear Judge Lanphear,

I have been informed by Ms. Carole McLaughlin, Special Assistant to the Rhode Island Attorney General's office that you would like my input on the John Leidecker appeal case. Ms. McGlaughlin has informed me that Mr. John Leidecker's attorney, Mr. Robert Mann, has asked through a motion, which was filed on August 27th, 2013 to dismiss the appeal case.

This criminal case is based on Mr. Leidecker, a high ranking official of the Rhode Island National Education Association (NEARI) impersonating, harassing and cyber stalking me when I was an elected member of the RI House of Representatives, during the 2010 elections.

As you know, Mr. Leidecker was charged by the Bristol Police under Rhode Island Law 11-52-4.2 and found guilty in a RI District Court case that was presided over and decided by RI District Court Judge Stephen M. Isherwood, during the summer and fall of 2011.

As I understand it, District Court Judge Elaine T. Bucci initially granted a search warrant to the Bristol Police that allowed Mr. Leidecker's computer to be confiscated and reviewed by the Bristol and RI State Police, based on dubious e-mails that were sent to my official state e-mail address. The e-mail evidence that was discovered on Mr. Leidecker's personal or NEARI computer(s) was subsequently presented as evidence in the District Court trial and served as the basis of his guilty conviction, along with his admittance to authoring all of the e-mails.

Mr. Mann asked that Judge Isherwood dismiss the case and that request was denied by Judge Isherwood and Mr. Leidecker was found guilty. Now, Mr. Mann is asking you to dismiss the appeal of the guilty verdict in Superior Court.

Not being an attorney or spending any time in a court room prior to this case, I do not profess to know the working of the court room. I do know that I have seen Mr. Mann defend many convicted criminals during the years, through news accounts and witnessed his professional ability, particularly procedural and technical legal techniques in this case firsthand and have great respect for his abilities in defending his clients.

I also know that I did nothing in this case, but go to the local police with some e-mails I received. These messages and actions made me believe someone was impersonating me and misrepresenting my policy positions. I also did not know at the time, the scope or totality of the communications or the depravity of the author and the messages and actions made me fear for my and my family's safety, which is why I went to the police.

The Bristol Police only asked me for one thing and that was if they were to proceed and found the author of the e-mails and subsequently charged that person, was I willing to go forward and testify, no matter where or to whom that author might be. As they said...often it is a person who may be close to the victim who perpetrates this kind of crime, from an anonymous, cowardly darkness of the computer cyber stalking world. I agreed to that request. As it turned out, it was not a friend or family member.

Mr. Leidecker admitted to authoring these e-mails in his testimony in the District Court case and through his attorney's admission of the same. They present as a defense, Mr. Leidecker's "constitutional right to free speech", as the basis for the motion to dismiss.

I spent close to three hours meeting with Ms. McLaughlin and Mr. Ron Gendron, Assistant Attorney General / Chief of the Attorney Generals White Collar Crime and Public Corruption Division, reviewing the case, the law, Mr. Mann's request and your interest in my position. I have read the motion, considered all the pertinent facts and analyzed the situation from my perspective as the victim.

Judge Lanphear, I believe it would be unfortunate if you were to dismiss this case, based on the defenses general argument of free speech. The message you would send to all Rhode Islanders, elected officials, stake holders in the electoral process and the school children of this state would encourage, rather than punish these types of intimidating and illegal actions.

Mr. Leidecker's sole purpose in messaging me and installing signs near my home was to harass and intimidate me and cause me severe emotional distress.

As a former lawmaker, I fully understand that the cyber world is new and expanding frontier for law making, law enforcement and the courts. I also believe that Mr. Leidecker's actions are what are important here, not what he said, but how he said it and delivered his message. His efforts were to stalk, intimidate and cause me to fear for my safety and that of my family. He knows it and I know it. I also believe the law, 11-52-4.2, as currently written covers Mr. Leidecker's criminal actions.

Otherwise, he would have used his right to "free speech" and acted like a man and said what he had to say publicly, and not hidden like a coward behind the cloak and dagger cyber world.

The fact that I was an elected official does not mean someone can stab me, kill me or harass me; they have no "constitutional rights to do so and those actions are not protected under our rights to free speech".

The defense appealed the District Court guilty verdict and wanted to be heard in Superior Court. In fact, Judge Isherwood's original and initial reaction was to "file" the case upon finding Mr. Leidecker guilty, however, Mr. Mann objected and wanted his client to be found guilty specifically, so the case could be appealed and based on that request, the Judge changed his ruling to a full guilty verdict. Personally, I would have been happy if the whole affair ended at that point with a filing, but the defense insisted on appealing a guilty verdict.

My position is Mr. Leidecker wanted his day in Superior Court, to appeal the District Court guilty verdict he requested, through a fair and impartial trial in Superior Court. I say, let them have it.

Lastly, I would point out that the Motion to Dismiss is deficient, based on the misspelling of my last name, which ends in an e and not an i. Not such an insignificant point, given the defendant's propensity to do so by creating an e-mail account, which misspelled my name that exact same way, in his effort to harass me.

Judge Lanphear, thank you for allowing me the opportunity to provide input into the appeal case at this juncture.

Respectfully,

Douglas W. Gablinske

CC: RI Attorney General Peter Kilmartin
RI Special Assistant Carole McLaughlin
RI Assistant Attorney General Ron Gendron