



CITY OF TAMPA

Pam Iorio, Mayor

POLICE DEPARTMENT

Jane Castor
Chief of Police

February 22, 2010

Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481

Re: Perjury Complaint

Dear Mr. Gillespie:

I have received the material you sent me relating to your perjury complaint against Ryan C. Rodems. After reviewing the material, it appears that the perjury involves the conflict between two statements; one of which is your own oral statement you recorded electronically, the other is the sworn written motion of Rodems in which he purports to quote your oral statement for the benefit of the court. Your original statement made during a telephone call to Rodems was:

“So listen you little, whatever, you raise anything you want, I will see you on the 25th and I will slam you against the wall like I did before.”

The significance of the 25th in this statement is that you and Rodems were scheduled to attend a hearing in Judge Nielsen’s chambers on that date. In purporting to quote your above statement in his motion to the court, Rodems wrote:

“At this point in the conversation, Plaintiff stated -- and this is an exact quote -- ‘I am going to slam you up against the wall in Judge Nielsen’s chambers.’”

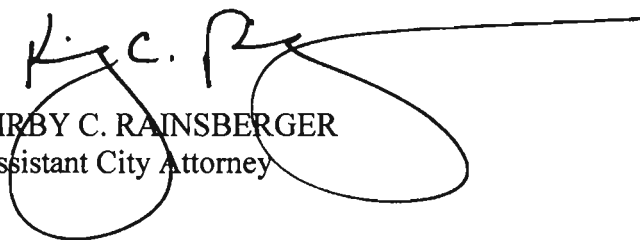
Clearly, the two statements are not identical. I think you will agree that the “slam you against the wall” portions of the respective statements are virtually the same. The difference in the statements lies in the fact that in the original you actually stated “I will see you on the 25th” and in Rodems’ rendition he wrote “in Judge Nielsen’s chambers.” Because you both knew that your meeting on the 25th would be in Judge Nielsen’s chambers, the difference in language is

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indisputable but not material, that is, it did not substantially change the meaning of the original statement. See the definition of "material matter" in Florida Statute Section 837.011(3)(2009). Additionally, Rodems informed the court in general terms of the portion of your conversation concerning whether you were speaking metaphorically or literally when you indicated you would slam him against the wall at the hearing. This fact further undercuts any finding that Rodems was intentionally misleading the court.

I'm not suggesting that Mr. Rodems was right or accurate in representing to the court as an "exact quote" language that clearly was not an exact quote. I'm only concluding that his misrepresentation does not, in my judgment, rise to the level of criminal perjury. No further action is contemplated by this agency at this time.

Sincerely,



KIRBY C. RAINSBERGER
Assistant City Attorney

KCR/jak