

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

March 11, 2010

VIA EXPRESS MAIL

Mr. Kirby Rainsberger, Police Legal Advisor
Tampa Police Department
One Police Center
411 N. Franklin Street
Tampa, Florida 33602

RE: perjury complaint

Dear Mr. Rainsberger:

Thank you for your letter dated February 22, 2010. You succinctly framed the issues in this difficult matter and I appreciate your effort. You established that Mr. Rodems was not right or accurate in representing to the court as an “exact quote” language that clearly was not an exact quote. You also concluded that his misrepresentation does not, in your judgment, rise to the level of criminal perjury. However current Florida case law supports a finding of criminal perjury against Mr. Rodems.

As you suggested, I considered the definition of “material matter” in Florida Statutes section 837.011(3)(2009). According to the statute "Material matter" means any subject, regardless of its admissibility under the rules of evidence, which could affect the course or outcome of the proceeding. Whether a matter is material in a given factual situation is a question of law.

Placing the name of Judge Nielsen into an “exact quote” attributed to me “could affect the course or outcome of the proceeding” because of the personal nature of one’s name, especially the name of the presiding judge. In this case it has affected the proceedings.

You wrote that we “both knew that your meeting on the 25th would be in Judge Nielsen’s chambers.” This is not true. I am not a lawyer and assumed the hearing would be held in open court. There was only one prior hearing in this case and I attended it telephonically from Ocala. Therefore I did not know the hearing would be “in Judge Nielsen’s chambers.” As to my “exact quote” - I said “like I did before” - which refers to the September 25th telephonic hearing where I prevailed. So there is no significance to the 25th in my statement because that portion of the quote is not in question or material.

The following Florida case law supports a finding of perjury against Mr. Rodems because it meets the definition of “material matter” in section 837.011(3) Florida Statutes (2009).

1. Materiality is not element of crime of perjury, but rather is a threshold issue that the court must determine prior to trial, as with any other preliminary matter. State v. Ellis, 723 So.2d 187 (1998), rehearing denied.

2. Misrepresentations which tend to bolster credibility of a witness, whether successful or not, are regarded as "material" for purposes of supporting a perjury conviction. *Kline v. State*, App. 1 Dist, 444 So.2d 1102 (1984), petition for review denied 451 So.2d 849
3. Misrepresentations which tend to bolster the credibility of witness, whether they are successful or not, have that potential and are regarded as "material" for purposes of perjury conviction. *Soller v. State*, App. 5 Dist., 666 So.2d 992 (1996).
4. Representation is "material" under perjury statute if it has mere potential to affect resolution of main or secondary issue before court. *Soller v. State*, App. 5 Dist., 666 So.2d 992 (1996).

I learned on February 24, 2010 that Mr. Rodems repeated his perjury in a letter dated December 28, 2009 to Pedro F. Bajo, Chair of the 13th Circuit JNC, and attached a copy of his verified pleading to the letter as "Exhibit 4". (copy enclosed). Mr. Rodems did this to bolster his credibility like in the lawsuit. This is what Mr. Rodems wrote on page 2:

"[Mr. Gillespie] Threatened to "slam" me "against the wall;" as a result, I requested that a bailiff be present at all hearings. (Exhibit "4"). As a precaution, I also scheduled Mr. Gillespie's deposition in a building requiring visitors to pass through a metal detector;"

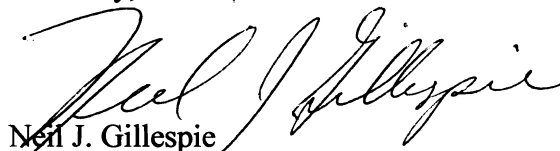
Clearly Mr. Rodems is referring to an actual assault, not a metaphor. Mr. Rodems has perjured himself to Mr. Bajo, the JNC, and ultimately the Governor.

Mr. Rodems' letter is part of the JNC file that was sent to Mr. Robert R. Wheeler, General Counsel to the Executive Office of the Governor. Since the letter may be considered by the Governor in evaluating Mr. Rodems for appointment as judge, I believe this matter now concerns the business and citizens of the State of Florida.

I can appreciate the backlash that could occur if you were to forward a charge of perjury against Mr. Rodems to the state attorney for prosecution. The Tampa legal community very close nit. And I am painfully aware of the repercussions of challenging wrongdoing by this law firm. Perhaps this matter should be referred to an outside authority.

Thank you again for your attention to this very difficult matter.

Sincerely,



Neil J. Gillespie

cc: Mr. Robert R. Wheeler, General Counsel, Executive Office of the Governor
Mr. Pedro F. Bajo, Jr., Chair, Thirteenth Judicial Circuit JNC
The Honorable James M. Barton, II, Circuit Court Judge, Thirteenth Judicial Circuit