

EXPLANATION FOR DAVID DESSLER'S SEVENTH ARREST

At hearings on Feb 26 and March 1, the Commonwealth's Attorney, Nate Green, gave an utterly implausible account for my arrest on Feb 18.

Local observers, tired of my case, are missing huge details such as this one: The charge for which I was arrested on Feb 18 was quietly dismissed on Feb 26 and replaced surreptitiously with a new charge for which I was arrested Feb 22—my fifth day in jail. On April 4, at my trial, the CAO will pretend that the charge I am being tried for is the charge that led to my arrest on Feb 18. In fact, it is not—it cannot be. Court records make this clear.

The manner of the arrest and the story that Green invented to cover up the true reasons for the arrest indicate the true reasons Green and McGlennon had for the arrest were to block my communication with President Rowe following the Feb 17 email I sent her and to discredit me with her if possible, AND the desire to make sure the president did not know these were their true reasons.

Had Green and McGlennon not arrested me, I could not establish these as their true reasons. The arrest is the strongest recommendation I could have wanted to be sent to President Rowe for the Feb 17 email.

Of course, someone other than me will have to point this out.

On Sunday, Feb 17, 2019, in the early morning, I finished a 5,277-word email with the subject line: “the expulsion of Alex Bailey and the imminent closing of the Dean of Students office.”

At the end I write:

As for me, I can honestly say at this moment in time--it is now 1:48am, Sunday, 2/17/19--**I have never been happier in my life.** I have no worries about my personal situation. For look at what I have done for the College of William & Mary. I did it alone. And I did it using only email.

First Poma and Love--now the Dean of Students Office. All swept under the rug.

Please know, I did it for the students.

David Dessler

When I finished, I felt I had done a good job. I knew that a few people would be quite unpleasantly surprised, and that everyone else would not believe it. Many would think I was more ill than ever.

But I was happy.

In the afternoon, I sent out information on my book manuscript. That email about Alex was the last one I needed to send. It was just a matter of time, I was thinking, until the information in it was discovered to be true.

I have always wanted to be teaching and doing research in interational relations. I have not wanted to spend 3 ½ years of my life in a pitched battle with people at the school who have been destroying student and faculty lives through policies of ostracism.

This is for me a fight now about only student rights, as the emails I sent on Jan 15, Feb 16, and Feb 17 made clear. Students are abused by arbitrary administrative power. They know that but they are powerless to stop it. It is tragically illustrated in the cases of Ian Smith-Christmas and Alex Bailey. I could not save Ian's life. I hope to save Alex's.

Thus, I have not stopped fighting. I am entirely alone. Faculty on campus are now aligned against me because they are either complicit in my illegal removal, embarrassed they did not help me fight that illegal removal, or embarrassed that they are not helping students. I know this sounds like it can't be true. Would anyone care to look at my documentation? Look carefully, for example, at the Feb 17 email.

This story is primarily one of faculty failure. I did not want the faculty to fail. In abandoning me and the students, they created enormous pressure on me to back down. They undermined me, and do today more than ever, by making my claims unbelievable.

But I finished my work. I got to the goal line without their help. See the Feb 17 email. That was all I needed to do. I was thinking: now I can get back to my book, while I wait for a proper response.

INITIAL EVIDENCE THAT MY FEB 17 WAS ON THE MARK AND I AM COMPETENT AND I AM EFFECTIVE: I WAS ARRESTED ON FEB 18 FOR THAT FEB 17 EMAIL

The very next day, in the morning, there was loud banging at the door. Two Richmond Police officers. One looked angry. He said they had a warrant from the William & Mary Police Dept.

"A warrant?" I said, stunned.

"You threatened a judge," the officer said, and he looked unhappy about it.

I was shocked. Not that it was false. The charges against me have always been false, and always completely false. This was my seventh arrest, too. Again, completely bogus. But two things were shocking:

- That's a serious charge to invent. Threatening a *judge*? Wow.
- The arrest, I knew, was obviously for the email sent the day before. And that was going to be a problem for those who ordered the arrest, I was thinking. I knew who it was. The problem for them is that this arrest would validate my email of the day before. Because there was no way to justify this illegal arrest in any way that would not make clear the truth.

That has indeed turned out to be the case.

Here is Green's explanation for my Feb 18 arrest:

- A Jan. 15 email I sent to College officials regarding a planned hunger strike had raised concerns that his mental health might be deteriorating
- I missed one or more appointments with my court-ordered psychiatrist
- I missed one or more appointments with my probation officer

In response to a statement I made in court, Green denied the arrest had anything to do with emails I sent to the College. He said the arrest was not ordered by anyone at the College but by Colonial Community Corrections, the authority overseeing my probation.

Green said in his final remarks to the judge on March 1 that he is unsure whether there is a "light at the end of the tunnel" regarding Dessler's continued emails to the College. He hopes, however, that Dessler stops emailing College officials.

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Green's handling of the charges makes sense only if his true concern is the email "the expulsion of Alex Bailey and the closing of the Dean of Students Office" on Feb 17, 2019. Green and McGlennon saw that email, decided they had to act immediately prevent communication between me and the "College officials" to whom it was addressed. However, they do not want those officials to know this was their true reason.

Their actions suggest those officials are being duped by Green and McGlennon and that they would take my side if they knew the truth. Those officials, I know, currently have good reason not to take me seriously. But that is because what they believe about me is false. Green and McGlennon know that. After all, if Green and McGlennon thought what these officials believe about me is true, they would not be trying to hide the truth of this arrest from them. And they would not have arrested me in the first place.

The arrest indicates that what I wrote in the Feb 17 email is true. If it were not, if it were fantasy or mental illness, Green and McGlennon would let me discredit myself with it. They would have it copied and circulated. The fact they struck without hesitation to shut me down indicates my message was on target and they feared me breaking through to certain College officials. There was evidence of panic in the arrest on Feb 18. It was not smooth. The reason for my arrest phone in on the morning of Feb 18 was one they could not later use if they were to pretend I was not arrested for the Feb 17 email. They did not take the time to think through this arrest and make sure the invented reason would work in the coverup. Once I was in custody, they spent several days inventing the new story of my arrest, meant to hide the true story. Unfortunately for them, this process of reinvention is in the court record. This was not mentioned in court, and no doubt, Green and McGlennon are counting on others not to notice or care about what that record indicates.

The record suggests that on Feb 18, Green and McGlennon decided, on the basis of their fear of me getting through to the College officials I wrote on Feb 17 with the message I sent them, to have me arrested to immediately cut me off from all further communication with the College. It further suggests that they struggled a bit to come up with an invented reason that would cover up the true reason, and that they wanted to use this arrest to try to further discredit me by building into the story an allegation of mental illness. This has been the theme of the arrest campaign since the first arrest three years earlier. Thus, we can conclude that Green and McGlennon are portraying me to the College officials they are misleading as mentally ill. The arrest would then bolster their case, not undermine it.

However, Green's and McGlennon's actions indicate this matter is an urgent priority for them. They apparently believe they cannot afford the College officials I addressed in my Feb 17 email to take me or what I said there seriously. Thus, it must be that the Feb 17 email is largely true and that I am credible. They would not have been worried by a truly "mentally ill" email.

The arrest and its subsequent portrayal make clear Green's and McGlennon's true motivations and goals. From the story of the arrest on Feb 18 and its justification by Green at the hearings on Feb 26 and March 1, we can conclude the following:

- the real reason for the arrest was the alarm Green and McGlennon felt when they saw my Feb 17 email about the Dean of Students office sent to certain College officials;
- the arrest had the goal of blocking all further communication with these College officials;
- the rationale for the arrest offered in court was false and was intended to hide the real motivation and also to defame me with the claim of mental illness;
- the idea was to keep the College officials I was attempting to contact in the dark and in particular to make sure they did not take me or that message seriously;
- these College officials are almost certainly being told by Green and McGlennon that I am a troublemaker who is mentally ill and I have no credible information about wrongdoing on campus;
- Green and McGlennon know the contents of my Feb 17 email to those officials about wrongdoing by the Dean of Students office to be true;
- Green and McGlennon believe I am highly functional and I am dedicated to the College, not mentally ill and a troublemaker.

Who were these College officials? They were the President of the College of William & Mary, Katherine Rowe, and two members of her staff in the Brafferton.

It is President Rowe that Green and McGlennon are misleading and trying to keep the truth from. Their behavior in this episode proves it. I could ask for no stronger endorsement of the Feb 17 email than the arrest of Feb 18.

CHARGES FOR WHICH I WAS TRIED ON APRIL 4

Here are the charges related to the arrest on Feb 18. The original hearing date of March 19 was continued to April 4 because Samantha Bohannon, wife of my lawyer, Brent Bohannon, had a baby. The trial was Thursday, April 4, at 1pm. The elected CAO, Nate Green, presented the Commonwealth’s case. Brent defended me. The presiding judge, who refused a motion to recuse herself, was Colleen K. Killilea.

<input type="checkbox"/>	GC17000314-00	DESSLER, DAVID A	Jan 13, 2017	04/04/2019	01:00 PM	HARASSMENT BY COMPUTER
<input type="checkbox"/>	GC17000314-01	DESSLER, DAVID A	Aug 16, 2019	04/04/2019	01:00 PM	COMMUNITY BASED PROGRM VIOL
<input type="checkbox"/>	GC17000314-02	DESSLER, DAVID A	Feb 18, 2019	02/26/2019	09:31 AM	CCC CAPIAS
<input type="checkbox"/>	GC17000314-04	DESSLER, DAVID A	Feb 22, 2019	04/04/2019	01:00 PM	COMMUNITY BASED PROGRM VIOL
<input type="checkbox"/>	GC17000316-00	DESSLER, DAVID A		05/25/2017	01:00 PM	HARASSMENT BY COMPUTER

↑
arrest date

Feb 18: Police at door say William & Mary Police told them I had threatened a judge

Feb 22: CCC is concerned with deteriorating mental health as evidenced in Jan 15 email. Missed appointment with a therapist I was not required to see: Jan 16. Missed probation officer appointments? Unclear dates (fall?).

The charge that led to the arrest itself (-02) was dismissed at the first hearing on Feb 26 (below). It is written as a “CCC Capias,” but this arrest could not have been ordered by CCC. The arrest order came from the William & Mary Police Department. The crime was allegedly threatening a judge. CCC did not report that. Someone within the William & Mary community must have reported it. Richmond Police Department (Third Precinct) can confirm who made the call. In any case, note that the charge for the Feb 18 arrest has been dismissed.

The charge Green is saying I was arrested for on Feb 18 was entered into the system on Feb 22, four days later. It is -04. There was a -03, the judge said, but it was deleted from the system, and you can’t re-use a number that has been deleted. Take note. They apparently had some difficulty deciding on the story they introduced in court on Feb 26.

Green maintained in court that the reasons for arrest on Feb 18 are exactly those stated in the warrant on Feb 22. Then why was the original charge dismissed? Why was I served new papers? Why did the sheriff in the jail who gave me the papers say it was a “corrected warrant”? Why is the arrest date for this charge Feb 22?

Below the charge that led to my arrest on Feb 18, 2019. It has been dismissed. I was taken from the jail to the Courthouse on Feb 22, 2019 and served new papers—in effect, I was arrested again on this date. That charge is listed below the dismissed charge. There is no longer a charge in the system for my arrest on the day I was arrested: Feb 18, 2019.

FEBRUARY 18 ARREST: CHARGE DISMISSED

Charge Information			
Charge : CCC CAPIAS			
Code Section : 19.2-303.3		Case Type : Capias	
Offense Date : 01/12/2017		Arrest Date : 02/18/2019	
Amended Charge :		Amended Code :	
Hearing Information			
Date	Time	Result	Hearing Type
02/05/2019	08:00 AM	Continued	
02/22/2019	08:01 AM	Continued	
02/26/2019	09:31 AM	Finalized	Bond
Service/Process			
Disposition Information			
Final Disposition : Dismissed			
Continued Time : 00Month-00Days-00Hours		Continued Suspended Time : 00Month-00Days-00	

AT THE HEARING ON APRIL 4, I WILL BE TRIED ON A CHARGE FOR WHICH I WAS SERVED NEW PAPERS ON FEBRUARY 22. THIS IS THE NEW “ARREST DATE.” BUT I WAS NOT ARRESTED THAT DAY. IT WAS A FRIDAY. I WAS TAKEN FROM THE JAIL TO THE COURTHOUSE, SERVED WITH THE NEW WARRANT, AND THEN TAKEN BACK TO JAIL. I HAD BEEN IN JAIL SINCE MONDAY, FEBRUARY 18, THE DAY OF MY ARREST.

Charge Information			
Charge : COMMUNITY BASED PROGRM VIOL			
Code Section : 19.2-303.3		Case Type : Capias	
Offense Date : 01/12/2017		Arrest Date : 02/22/2019	
Amended Charge :		Amended Code :	
Hearing Information			
Date	Time	Result	Hearing Type
02/22/2019	08:00 AM	Continued	
02/26/2019	09:31 AM	Continued	Bond
03/01/2019	09:31 AM	Continued	
03/19/2019	01:00 PM	Continued	
04/04/2019	01:00 PM		
Service/Process			
Disposition Information			
Final Disposition :			

There are four problems with Green's account of the arrest.

PROBLEM #1 THE NOTION THAT CCC ORDERED MY ARREST IN INCONSISTENT WITH THE DISMISSAL OF THE FEB 18 CHARGE AND ITS REPLACEMENT WITH THE FEB 22 CHARGE. IT IS ALSO INCONSISTENT WITH WHAT THE ARRESTING OFFICERS REPORTED TO ME: THAT THE WILLIAM & MARY POLICE DEPARTMENT HAD CALLED THEM AND HAD A WARRANT FOR THE CHARGE OF ME "THREATENING A JUDGE." THIS CALL CAN BE VERIFIED WITH RPD THIRD PRECINCT. APPARENTLY, THIS WAS THE CHARGE THAT WAS DISMISSED.

Whatever I was charged with on Feb 18, it has been dismissed. I am being tried on an arrest warrant served on Feb 22. Nate Green did not address this discrepancy in his presentation. Indeed, if his account is correct (that the arrest was the result of growing concern among CCC officials about my mental health, starting Jan 15), the dismissal of the Feb 18 charge and its replacement with the Feb 22 charge makes no sense at all.

PROBLEM #2: THE LOGIC OF CCC'S APPROACH – CONCERN OVER MY MENTAL HEALTH CONDITION TRIGGERED BY THE JAN 15 EMAIL—MAKES NO SENSE

The email, printed in its entirety and analyzed below (see appendix), suggests I have a high degree of functionality in quite difficult conditions. The email is a policy proposal. It explains clearly, among other things, that a hunger strike is a principled, honorable form of civil disobedience. One of my unstated goals was to head off anyone who planned to depict such an act as "mentally ill."

What has been lost in this discussion is that I have a concrete aim: STUDENT RIGHTS. They are the focus of the Jan 15 email.

Why would CCC become concerned about my mental health in this email? If it was because the email outlined the possibility of hunger strike, the plan it proposed had two parts:

1. Part I: On January 31, I would make a proposal for a solution to the problem of making sure student rights are recognized, and I would deadline for a response to my proposal'
2. Part II: If no one responded to that proposal, I would begin a hunger strike on March 1 and not eat until there was a response to it.

If CCC held the rather primitive and uneducated view that might associate "hunger strike" with "mental illness," and they were watching me, they should have noticed this:

I never sent out the January 31 message. I never started the 4-week clock to a hunger strike. Why? I realized on Jan 21, when I learned John Poma had left campus, that I would not *need* a hunger strike. Conditions were improving.

Thus, CCC's concerns over my mental health condition, allegedly triggered by my Jan 15 email, do not make sense as an account of my arrest.

CCC further reported my not missing appointments with my court-ordered psychiatrist (Dr. Lou Duchin) and my probation officer (Jen MacArthur) as required. These claims are simply false.

In court, it was mentioned I missed an appointment with Dr. Donald Denton. That is true. But he is a pastor I

see voluntarily. The Commonwealth did not order these appointments and, if I miss one, that does not mean I have violated my probation. The missed appointment date was Jan 22, 2019.

As far as my mental outlook, my lawyer, Brent Bohannon, said in his opinion, my mental health was improving.

See also below (p. 11) the exchange with my probation officer, Jen MacArthur, in February 2019. I tell her on Feb 8, "Things are calming down at school and I'm doing well." She replies on the same day, "Glad to hear you are doing well."

There are no "missed appointments." On Feb 8, Jen suggests meeting day of Feb 13. She then writes on Feb 13 to say she has a conflict and suggests Feb 14.

Clearly, the Feb 13 scheduled appointment was not a "missed appointment"—Jen had conflict.

I reply on Feb 14 that I am sick and I suggest Feb 15. Again, this was not a "missed appointment"—I was sick.

Jen replies she is busy Feb 15, Feb 18 is a holiday, and sets the appointment for Feb 19.

She says, "Feel better!"

Surely all can agree that I am keeping to the legal requirement to see my probation officer once a month. This was the February appointment. I was arrested on Feb 18 and therefore did not make it. But there were no missed appointments at any time with Jen MacArthur before this arrest. There were appointments that were moved, postponed, changed. But at all times my probation officer approved of all arrangements and I was never non-compliant.

PROBLEM #3: This account cannot explain the timing of the arrest.

Why did CCC order my arrest on Feb 18? If CCC was worried about my mental health condition because I had threatened a hunger strike, and if missed appointments were a concern, it might have made sense for them to arrest me after they learned I had missed my appointment with Dr. Denton on Jan 22. I was not required to see Dr. Denton, but at least the arrest would have made sense.

Once Jan 31 passed and I did not send out the proposal that would have led to the hunger strike ultimatum, the CCC's concern for my mental health should have declined. I missed no appointments, and if they had contacted my probation officer just before the arrest, she would have said she was glad things were going better for me at school (Feb 8) and that we were meeting on Feb 19. If pressed, she would have mentioned that I had the flu one day, which caused us to move an appointment. She might have added, the only reason that appointment ended up being on a day I was sick was that she herself had to move it because of a conflict. She would have reassured CCC that everything was on track.

The account of the arrest Nate Green gave in court CANNOT POSSIBLY explain the timing of the arrest.

This is no surprise, of course, since the account does not make sense—it is not a coherent or realistic depiction of possible motives for my arrest.

PROBLEM #4:

This account cannot explain why the CAO asked for (a) a ban on my emailing the entirety of the W&M community and (b) a ban on my travel to any part of campus, including buildings leased by the College, such as the College Bookstore on Duke of Gloucester Street.

The one email cited by the CAO was not threatening. It was, one could argue, reassuring, giving two weeks' notice of an action that might be taken with a four-week deadline, after which a hunger strike would begin. And then the two-weeks' notice was never sent and there was no talk of a hunger strike.

I had not sent many emails, either. Only three mass emails were sent after Jan 15:

Jan 27 important update regarding your security -- attention Police Chief Deb Cheesebro, Jen MacArthur

Feb 16 progress report: the administrators who threatened the lives of faculty members have been chased away

Feb 17 the expulsion of Alex Bailey '18 - imminent closing of Dean of Students Office

None of these were threatening. None indicated a mental health difficulty (if it had, you can be sure that it would have been noted by those arresting me). The emails did not violate any agreement I had with the College and did not violate the terms of my bond.

On Feb 26, Green ordered me to be evaluated by a specialist at Colonial Behavioral Health to determine whether I am a threat to others or myself. My lawyer, Brent Bohannon, pointed out that I have never been considered a threat. In the three cases in 2016 and 2017 where I was charged with “harassment by computer,” it was subsequently determined that the emails I sent contained no threats at all. There is no record of me sending a threatening email.

On March 1, 2019, the report was submitted. Here is coverage from the Flat Hat:

The completed evaluation was presented to Bohannon and Green at 9:30 a.m. March 1. In the evaluation, Dessler's screener reported that he was a “highly intelligent” individual and is not believed to be a risk to himself or others.

Moving forward, Green said he is unsure whether there is a “light at the end of the tunnel” regarding Dessler's continued emails to the College. He hopes, however, that Dessler stops emailing College officials — a stipulation the pretrial supervision agreement now enforces, and that the former professor will have to follow if he hopes to avoid further arrests.

The CAO's focus, his main concern, in the bond hearing was to get me to “stop emailing College officials.” The bans indicate he is concerned to stop all communication with people at the College. This concern does not follow from the logic given for my arrest.

CORRESPONDENCE WITH PROBATION OFFICER – FEB 2019

----- Message -----

From: Macarthur, Jennifer L. - DJS <Jennifer.Macarthur@richmondgov.com>
Date: Thu, Feb 14, 2019 at 2:01 PM
Subject: RE: FW: next week
To: David Dessler <dadessler@gmail.com>

Hi David,

I am out of the office most of tomorrow and Monday is a holiday. Please plan to report Tuesday, February 19, at 2:30pm.

Feel better!

Jen

From: David Dessler [mailto:dadessler@gmail.com]
Sent: Thursday, February 14, 2019 12:25 PM
To: Macarthur, Jennifer L. - DJS
Subject: Re: FW: next week

Hi Jen,

I have been sick with a flu-like illness. I was totally wiped out yesterday. I did not expect any improvement, but oddly I do feel better this morning. I believe I could meet you as soon as tomorrow. Thanks.

David

Macarthur, Jennifer L. - DJS wrote on 2/11/2019 9:42 AM:

Good Morning,

I have a conflict on Wednesday. Are you able to come in Thursday at 2pm instead?

Jen

From: Macarthur, Jennifer L. - DJS
Sent: Friday, February 8, 2019 10:50 AM
To: 'David Dessler'

Hi David,

Let's plan on Wednesday, February 13 at 2pm.

Glad to hear you are doing well.

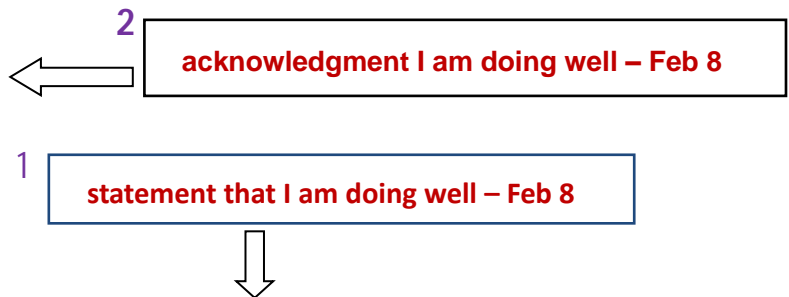
Jen

From: David Dessler [mailto:dadessler@gmail.com]
Sent: Friday, February 8, 2019 10:36 AM
To: Macarthur, Jennifer L. - DJS
Subject: next week

Jen,

I can see you next week if you'd like. Things are calming down at school and I'm doing well. Let me know what your preferences are.

David



CONCLUSION

The CAO's explanation for why I was arrested cannot be the truth.

The manner of the arrest and the story that Green invented to cover up the true reason indicates the true reasons Green and McGlennon had for the arrest was indeed the Feb 17 email AND the desire to make sure the president did not suspect that this was the reason for the arrest.

1. An email I sent on Feb 17 was addressed to a College official Green and McGlennon do not want me contacting, namely, the president, Katherine Rowe (see ** below);
2. it had been preceded on Feb 16 by an email indicating my aim to get through to President Rowe, and indicating the need for help from others to get through (see * below);
3. the Feb 17 email contains information that, if investigated by President Rowe, Green and McGlennon believe, would undoubtedly lead to the closing of the Dean of Students office, at least as it currently operates, and a large number of people would face the loss of their jobs and worse (see ** below);
4. Green and McGlennon greatly fear me getting through to the president. Their aim is to throttle my ability to communicate with the president and destroy my reputation with her. The arrest was meant to serve both purposes.
 - a. This suggests that Green and McGlennon know the contents of the Feb 17 email are correct and
 - b. They further believe President Rowe would act against them, as well as employees of the Dean of Students office, if she were to learn this truth.
 - c. It must be that Green and McGlennon know, currently, President Rowe
 - i. does not believe what I said in the email is true;
 - ii. does not consider me credible;
 - d. It must also be that Green and McGlennon know
 - i. what I said is true (if it were fantasy, they would let me discredit myself with Rowe);
 - ii. President Rowe would probably or even likely be able to see that if I have a fair shot to present myself, my arguments, and my evidence.

* In the Feb 16 email, I said,

"Here is the main task: to get the information I have gathered over the past three years to President Rowe. I also face certain developments that are threats to my life. Those are secondary. I absolutely MUST get the information I have to the president of the College of William & Mary."

** In the Feb 17 email, I wrote:

"Deans Sikes, Gilbert, Thomas: The president's office is copied in here. They will see that I have evidence they will want to investigate. I would strongly recommend you immediately cease all operations to sweep students under the rug. Please know that Poma, Love, and Reveley are gone. You have no cover. The information I have will lead to decisive action being taken against your office, I believe, and you will only make things worse if you do not stop hurting students NOW. I don't know when President Rowe will arrive there. Could be some time. Don't think you are safe."

This alternative account explains why Nate Green's account has the four problems it does, and it reveals they are just what you would expect if my explanation is correct:

1. First, Green's account leaves unexplained the replacement of the Feb 18 charge with the Feb 22 charge.
2. Second, the thinking of CCC that Green claims led to the decision to make the arrest does not make sense.
3. Third, Green's fabrication leaves entirely unexplained the timing of the arrest.
4. Fourth, it does not and cannot justify the terms of bond imposed: bans on communication and travel to campus.

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