

March 7, 2008

VIA FACSIMILE AND CERTIFIED MAIL

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Re: Mark Lunsford, his family and his attorneys

Gentlemen:

You have already been provided with cease and desist demands as well as demands for retractions on behalf of Mark Lunsford and his mother, Ruth Lunsford, to cease and desist your continuing malicious, slanderous and libelous attacks on these fine people. For whatever reason, you have chosen to either ignore those instructions or, in the alternative, now claim that your conduct is merely “opinion,” and/or a mere recitation of the opinions of your listeners. Both claims are without merit, and are mere excuses to continue your unlawful and intentionally abusive conduct.

The facts show that you absolutely did no investigation whatsoever into the bases of Mr. Lunsford’s claim before labeling Mr. Lunsford and his attorneys as a “fraud,” perpetuated by “ambulance chasers.” Even worse, once the facts were made known to the public, you intentionally refused to acknowledge them. Some of the pertinent facts are these:

- 1) The Florida Department of Law Enforcement (“FDLE”) instructed the Citrus County

Sheriff's Office to locate and arrest certain known sex offenders, including John Couey. That occurred months before Mr. Couey abducted, imprisoned, raped and then murdered 9 year old Jessica Lunsford;

- 2) While the FDLE confirms the foregoing, the Citrus County Sheriff's Office claims to never have received those instructions from FDLE;
- 3) Evidence shows that before Jessica's abduction, the Citrus County Sheriff's Office knew that there was a warrant for the arrest of John Couey;
- 4) Evidence shows that before Jessica's abduction, the Citrus County Sheriff's Office knew that John Couey had been staying at his sister's residence located almost directly in front of the residence from which Jessica was abducted. Therefore, had the Sheriff's Office complied with the instructions of FDLE, or, alternatively, had the Sheriff's Office appropriately acted upon the notice that it had regarding John Couey (irrespective of the directions from FDLE), Couey would not have been able to abduct, imprison, rape and murder Jessica;
- 5) We know that the day Jessica was abducted (while she was alive as specified below), the Sheriff's Office requested that Mark and his father accompany the Sheriff's deputies to the Sheriff's Office, after the deputies promised Mr. Lunsford that a "thorough, door-to-door search" would be conducted by the Sheriff's Office. The evidence shows that Mark Lunsford relied on the promises of the Citrus County Sheriff's Office to conduct a "thorough door-to-door search," and voluntarily went to the Sheriff's Office with his father;
- 6) We know that while at the Sheriff's Office, the deputies lied to Mark Lunsford by telling him that Jessica's blood had been found on the underwear of Mark's father, Archie Lunsford. After that lie was told, the deputies then sent Mark to confront his father, accusing his father of murdering Jessica. The point of all of this is that this is evidence to show that the Sheriff had already determined in his mind that Jessica was dead, and that Archie Lunsford was the murderer (the Sheriff was obviously wrong about that too). Therefore, the Sheriff was not conducting a legitimate "thorough door-to-door search" to find Jessica alive;
- 7) We have been approached by multiple volunteers who were specifically trained to search for missing people with specially trained canines who were told to "stand down" by the Citrus County Sheriff's Office the day that Jessica was abducted;
- 8) We know from the Sheriff's records that on days one and two (when Jessica was still alive as specified below), deputies went to the Couey residence not once, not twice, but at least three times. During those visits, the deputies specifically found extremely suspicious conduct at that residence, which is precisely why they kept

returning. Despite that suspicious conduct, the deputies failed to ask to search the inside of the residence;

- 9) Even more, these deputies did ask to search only the “perimeter” of the residence, precisely where Jessica would be found 3 weeks later, and she was not found by the “perimeter searches.” The reason she was not found by these perimeter searches, was because she was not yet dead;
- 10) You have repeatedly echoed the Sheriff’s claim that our allegation that Jessica was alive for a period of days after her abduction is based solely on the statements of John Couey. While Mr. Couey’s admissions certainly support all of the forensic evidence offered by law enforcement at the murder trial, your claim that our allegations are based totally on statements by John Couey is completely inaccurate, untrue, and has always been inaccurate and untrue. We base our conclusion that Jessica was alive for days in part on the Sheriff’s records as specified above, as well as the testimony of the Medical Examiner, who confirmed that Jessica had no food in her stomach or intestines at the time of her death, showing that she had not eaten for probably at least 24 hours, and as much as a few days before she was murdered;

You could not have known these facts when you began intentionally labeling Mr. Lunsford, his family and his attorneys as “fraud” and worse, because they were not known to anyone but Mr. Lunsford and his attorneys at that time. However, both Mr. Gelman and myself, as attorneys for Mr. Lunsford, immediately contacted multiple producers of the radio show and notified them of the fact that Mr. Clem was misinforming the public, and offered to provide relevant facts to Mr. Clem and the radio network, if they were interested in the facts. No return phone calls were ever made. This certainly shows a complete and willful disregard of the truth.

The malice of both Mr. Clem and Cox Radio as well as the radio stations airing his broadcasts is also proven by the deliberate misinformation about Mr. Lunsford and his actions on the night that Jessica was abducted. Mr. Clem, by and through Cox Radio and the participating radio stations, have represented to the public that while Jessica was being abducted, Mr. Lunsford was off “drinking in some biker bar,” or allegations to that effect.

The truth is that at the time of Jessica’s abduction, Mark Lunsford was working 60 to 80 hours per week to support his family. While Mr. Lunsford was working late, Jessica went to church, attended a group there, and came home. She had eaten dinner with Mr. Lunsford’s parents. After coming home from church, Jessica found Mr. Lunsford watching television on the family couch. It should be noted that Mr. Lunsford and Jessica lived at the residence with Mr. Lunsford’s parents, who were retired. Mark worked overtime, and helped pay bills incurred by his parents, Jessica and himself.

Mr. Lunsford watched television with Jessica and after she had a bowl of cereal, he ultimately put her to bed. After doing so, he told his parents that he was going to his girlfriend’s house. No one has even suggested that Mr. Lunsford’s parents were either inappropriate or unfit to care for Jessica.

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He left the Lunsford residence, went directly to his girlfriend's house and stayed there until approximately 5:30 a.m., when he got up and returned to the Lunsford residence to get ready for work. It was then that he discovered that Jessica was missing. All of this has been confirmed by law enforcement! Your complete and utter reckless disregard for the truth has misled the public into believing that Mr. Lunsford abandoned his daughter for a night of drinking in some bar, when that is simply untrue, and has always been untrue. There is absolutely no evidence to support Mr. Clem's slanderous mis-characterization of the truth.

In that regard, what evidence did Mr. Clem and/or any of the broadcasters of his show have contradicting these facts as I have specified them above? What investigation did Mr. Clem and/or any of the broadcasters of his show do before suggesting to the public that Mr. Lunsford abandoned his daughter for a night of drinking and partying? What witness have any of you spoken to who has represented to any of you that the facts of Mr. Lunsford's conduct of the night his daughter was abducted was anything other than what I have specified in this correspondence? What documentary evidence exists anywhere on earth that contradicts the facts that I have specified regarding Mr. Lunsford's conduct on the night Jessica was abducted?

Demand is hereby made for any and all information regarding each and every measure that was taken by Mr. Clem and/or the broadcasters of his show to determine the facts which will form the basis of Mr. Lunsford's claim against the Citrus County Sheriff's Office before Mr. Clem began (and throughout) his intentional and malicious attacks on Mr. Lunsford, his family, his attorneys, and the Jessica Marie Lunsford Foundation.

While I do not represent the Jessica Marie Lunsford Foundation, on behalf of Mr. Lunsford and his family, I would also request that you immediately provide us with any and all investigation that Mr. Clem and/or his broadcasters performed before claiming that Mr. Lunsford has made fraudulent use of the Foundation. I believe that neither Mr. Clem nor his broadcasters had any credible information nor did any of them conduct any investigation whatsoever before you collectively began claiming that Mr. Lunsford had improperly used the Foundation. Again, while I do not represent the Foundation, I do believe that this information will be entirely relevant to show the malicious and outrageous conduct of Mr. Clem and his broadcasters regarding Mr. Lunsford, his family and his attorneys.

Since that time, the radio network and Mr. Clem have begun to label his slander as "opinion." Under the facts, this is clearly a subterfuge and an excuse to continue the malicious attacks on Mr. Lunsford, his family and his attorneys. It should be noted that Mr. Lunsford's mother who has been referred to as a "white trash whore" is 75 years old, a 50 year member of the masonic lodge and has never been anything but an upstanding private citizen. She is certainly not a public figure, and Mr. Clem nor his broadcasters have any right nor basis to slander her so.

Another subterfuge now employed by Mr. Clem and Cox Radio is to claim to simply read comments of radio listeners over the air, which are not the opinions of Cox and/or Mr. Clem. However, this claim ignores the obvious fact that the opinions of Mr. Clem's listeners have been determined, shaped and formed by Mr. Clem and his broadcasters' intentional and malicious slandering of Mr.

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Lunsford, his attorneys and his family. Neither Mr. Clem nor Cox Radio can now hide behind the public opinion that Mr. Clem and Cox Radio intentionally and maliciously created.

It is inconceivable that Mr. Clem and/or Cox radio would label Mr. Lunsford's intended suit as "fraudulent," "baseless," "without merit" or the like, if they had bothered to even ask or perform any investigation whatsoever into the basis of the intended suit.

Please immediately remove the slanderous emails created as a result of the intentional and malicious conduct as specified above from the internet and immediately discontinue slandering and libeling Mr. Lunsford, his family and his attorneys.

You are also instructed to retract all of the foregoing misstatements of fact at the same time, frequency, degree of intensity, and duration in which the statements were initially made to the public through your broadcasts. You are also instructed to remove the offending clips from the internet site.

You are also instructed to copy this correspondence with the facts to each and every member of the public who has sent you emails criticizing Mr. Lunsford, as those emails are obviously products of your unlawful, intentional and malicious conduct.

Mr. Clem, Cox Radio and its broadcasters should be ashamed. Mark Lunsford has suffered the worst tragedy that any parent can imagine - the loss of a child. Despite your representations to the public to the contrary, in no way was Mr. Lunsford negligent in caring for his child. Rather than sink to (what would be understandable) alcoholism, drug addiction or other psychosis from this tragedy, he has instead made his life's work into protecting children from sex offenders in this country. He has actually been personally responsible for changing sex offender laws in 34 states. He currently continues his attempts to change the law, despite your slanderous and libelous conduct.

Your conduct has obviously deeply affected Mr. Lunsford on a personal level, but it has also already detrimentally affected his ability to lobby for changes in the law, all as a direct result as your unlawful conduct to now hide behind the 1st Amendment is inappropriate and unfair, as well as unlawful.

As you may know, Senator Michael Bennett has now authored a bill holding Mr. Lunsford up to additional public scorn and humiliation. Upon information and belief, that Bill is the product, at least in part, of your outrageous conduct.

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GOVERN YOURSELF ACCORDINGLY.

Sincerely,

Eric S. Block

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