

Editor's Note: Below is the text of an affidavit released today (Sept. 21, 2006) by Leesburg Police, about a threatening e-mail that Melinda Duckett said was sent during the summer by her estranged husband Joshua Duckett. Police said the the e-mail actually was sent by Melinda to herself. The Orlando Sentinel has blocked out three words in the affidavit that violate our standards for acceptable language. We also have removed the e-mail addresses, because one violates the same standards.

LPD Case Number: 06-07-0462

County/Circuit Court, Criminal Division  
In and for  
County of Lake

State of Florida  
Offense Against Intellectual Property  
Perjury in an Official Proceeding

Vs

DUCKETT, Melinda Marie  
O/F; 8-14-85

#### AFFIDAVIT OF PROBABLE CAUSE

Before me, a Notary Public, personally appeared Detective Sergeant Gary Barrett, who being duly sworn, says:

That the events set forth occurred in Lake County, Florida. That your Affiant has reason to believe Probable Cause exists for the defendant's arrest, based on the following facts:

On July 4th, 2006, Officer Eddy, Leesburg Police Department met with the defendant, identified as Melinda M. Duckett, Asian female, 8-14-85, AT THE Leesburg Police Department, relative to a threats complaint (LPD Case Number 06-07-0462). The defendant reported that she had received a threatening e-mail, for her estranged husband, Joshua Duckett, white male, 5-15-85. In the e-mail, reportedly sent by Mr. Duckett, it stated that he would hunt her and their child and kill them both. It also stated that she be put through torture. The e-mail ended with a statement that if she shared the contents of the e-mail with anyone, that he would go to her apartment one night and hurt her. The defendant provided a sworn, written statement relative to the incident and provided a copy of the e-mail. The defendant indicated that she desired prosecution. Procedures were also explained to the defendant for obtaining an Injunction for Protection.

On July 5th, 2006, the defendant entered a petition for an injunction against domestic violence against Mr. Duckett. As part of the petition process, the defendant, under oath, in an official court proceeding, stated that she had received the threatening e-mail from Mr. Duckett. The defendant was placed under oath by Kathy Clements, a Clerk of the Courts, Lake County, Florida. A hearing was set for July 12th, 2006, at 10:00 am, before the Honorable Judge Mark Nacke.

On July 12th, 2006, the defendant was present at the hearing with legal counsel. The respondent, Mr. Duckett, was also present with legal counsel. Based on previous statement, under oath, during the petition process, the temporary injunction was issued, with modifications. The modifications were that the defendant retain custody of the child, with the respondent, Mr. Duckett, have no contact with the child. An additional hearing was later scheduled for August 4th, 2006, again before the Honorable Judge Mark Nacke. Court records reveal that the attorneys requested a continuance.

On August 27th, 2006, the defendant reported her child being removed from her residence, by an unknown person (LPD Case Number 06-08-3735). During the investigation, the defendant re-iterated the information concerning the threatening e-mail and stated that Mr. Duckett had abducted her son. During the course of the subsequent investigation, it was discovered that the defendant had actually created the e-mail herself, on Mr. Duckett's "My Space" account, sending the e-mail to her e-mail address, to give the appearance that Mr. Duckett had sent the e-mail. Two witnesses were interviewed that stated they were informed that the defendant had created the e-mail herself. They both stated that they were informed by others, who had spoken to the defendant, who volunteered the information to them. Researching the "My Space" information and accounts revealed IP addresses concerning the e-mail. The login-in IP address associated with the e-mail was identified as 71.52.126.135, on July 3rd, 2006, at 7:59 pm.

The e-mail was sent to the defendant at 8:15 pm, the same date. There were also two e-mails sent to Mr. Duckett, from My Space, confirming changing his e-mail address from [REDACTED], to [REDACTED], then to [REDACTED]. Further investigation revealed the aforementioned IP address as a Sprint DSL IP address. An investigative subpoena was prepared by the Office of the State Attorney and sent to Sprint DSL, concerning the subscriber information for the IP log-in at the times concerned. The response from Sprint DSL revealed that the IP address was assigned to the defendant, Melinda Duckett. The investigation also revealed that Mr. Duckett's account username had been changed to first name: [REDACTED] last name: "[REDACTED]" from the city of [REDACTED].

Therefore, based on the aforementioned facts, your Affiant has reason to believe that the defendant did:

Commit the offense of Offense Against Intellectual Property, by willfully, knowingly and without authorization, enter into Mr. Duckett's "My Space" account, via a computer and computer network, to modify data, the username, profile and e-mail address of Mr. Duckett and to create and send a fictitious threatening e-mail, giving the appearance that said e-mail was generated by Mr. Duckett.

Commit the offense of Perjury in an Official Proceeding by, based on the fictitious e-mail, she knew to be fictitious, swearing an affidavit, under oath, petitioning the court for an injunction for protection against domestic violence, which was given as evidence in the court proceeding, before the Honorable Judge Mark Nacke, on July 12th, 2006, which resulted in an injunction being issued against Mr. Duckett.

Detective Sergeant Gary Barrett, Affiant

LPD Case Number: 06-07-0462