

Leroy E. Leubner, Jr.
43 Mary St.
Auburn, NY 13021-4854

November 11, 2005

New York State Attorney General Eliot Spitzer
The Capitol
Albany, NY 12224-0341

Dear Sir:

On September 16, 2004 I filed a formal complaint (per your personal instruction) with the Syracuse Regional Attorney General Thurlow concerning the massive amount of official misconduct involved in the "prosecution" of my son's murderer, Michelle Davis. Receiving no response, I filed a second letter with Mr. Thurlow on October 29, 2004, with similar results. I then contacted Senator Clinton's office that, after considerable effort, was told by your office that you would neither act on my complaint nor even officially acknowledge receipt of it. This aide was absolutely astounded by this response, stating "They won't even give me paper on this. They always give me paper!" As a result of this lack of intervention on your part, a confessed murderer was released after a mere five-year prison sentence on May 11, 2005.

I completely understand the complexity of the charges I made in my formal complaint but considering the stance your office has taken I believe they are well founded. Judges and prosecutors enjoy absolute immunity as part of their position, yet this theory is based on the assumption that they, as officers of the court, will obey the laws they have sworn to uphold and defend. This is clearly not the case with Judge Peter E Corning and District Attorney James Vargason who, in an effort to conceal the official misconduct Corning regularly employed in over twenty years of Cayuga County Family Court proceedings (and it's immediate impact on the instant offense), conspired to accept a fraudulent, unsupported and morally vile "Extreme Emotional Disturbance" plea bargain in the case of "New York v Michelle Davis". Citing "Rape Trauma Syndrome" as the evidence that supported Davis's incredible claim that my thirteen-year old autistic son Daniel had raped her the night she set fire to their home, Corning accepted this undeserved plea and sentenced this cold-blooded killer (originally indicted on Murder 1 charges) to a six-year prison term.

Even if one was to ignore my charges against Corning and Vargason, there is absolutely no doubt of the validity of the fraud charge I filed against Davis. "Special circumstance" plea bargains are contingent upon the burden of proof supplied by the defendant, and any plea bargain later shown to be fraudulent is legally void. The only "proof" offered by Davis in support of her "EED" plea was the "Rape Trauma Syndrome", yet this diagnosis is inadmissible if it's intent is to be evidence of rape. Davis did not offer any other explanation for her actions (although Vargason listed many he thought would suffice) and, therefore, did not deserve to retain her plea bargain.

The corruption and injustice of the Cayuga County Judicial System are long standing and well documented. I realize that properly addressing Danny's case will quite possibly open a huge "Pandora's Box" of improperly tried cases, and I unabashedly admit that I really don't care. The silence and inaction that has long been the status quo in this county is a large part of why my son is dead, and is the very reason why I am in this for the "long haul". There is no excuse for Corning's and Vargason's actions, nor is there any for allowing this injustice to persist.

I am a very co-operative person, and will gladly openly support any action you may take in this matter as long as the issues are properly addressed. As I previously stated in a letter to Mr. Thurlow, your inaction is tantamount to tacit approval of this situation, and has resulted in the release of a very dangerous confessed murderer (the fire that killed Danny was the fourth at Davis's residence).

Anything that she does while enjoying her undeserved freedom will directly reflect on Corning, Vargason and you. Please show the courage that you have repeatedly displayed and stand up for an absolutely innocent autistic boy, whose only "crimes" were to be born disabled and trust his mother. I believe this issue could be very advantageous for you in the long run, and show that you will address the burgeoning case for judicial reform. If you truly cannot find an avenue for your office to directly address my complaint, surely you can direct (and support) it to the "proper" authority. After all, judges and prosecutors are not "above the law", and a complaint from your office will certainly carry more weight than anything I can do. Finally, as a victim I have no standing in a criminal proceeding or complaint and, therefore, would have no reason to retain private counsel (as your office previously suggested).

Thank you very much for your time. I hope to hear from you (officially) soon. If you have any questions, feel free to call me or consult my website at www.justicefordanny.com.

Sincerely,

Leroy E Leubner, Jr.
Danny's dad