

## **Vermont Attorney General's Office's Findings Regarding The Investigation of Reported Crimes Against Former Vermont State Representative, Kiah Morris and Her Family.**

### *Factual Investigation*

The following is a summary of the investigation conducted by Bennington Police Department and Vermont State Police of alleged crimes committed against former Vermont State Representative, Kiah Morris and her husband James Lawton:

1. In March of 2016, Mr. Lawton, Ms. Morris's husband, reportedly received an anonymous electronic message. According to Mr. Lawton, the message stated, in effect, that if he did not teach his wife her place, the writer would do it for him. Mr. Lawton said he initially dismissed the message and deleted it. Shortly thereafter he reported it to Bennington Police Chief, Paul Doucette. Mr. Lawton did not provide any screenshots or other evidence reflecting the message's contents or the sender's identity.
2. In August of 2016, Max Misch tagged Ms. Morris on Twitter in multiple messages with Green Mountain Goys. These messages were extremely racist in nature. One tweet said, "Sheeit, I be representin dem white muhfughuz of Bennington, gnome sayin?" Another was addressed to Eva McKend, an African American reporter for the Vermont television news station, WCAX. It asked, "Eva, if you're so proud to be black, why get a weave to look like a white woman?"
3. Around this time, other people were also directing racist tweets at Ms. Morris. For example, someone using the screenname Marcus Cicero2 sent her a picture of an African American at a laptop with the message "Kiah Morris hard at work destroying White Vermont." He also sent her a picture of Africa with the caption "This is what a safe space looks like," and the message "Why are you still in my country Sheboon?" ("Sheboon" is a derogatory term for an African American woman). Ms. Morris reportedly received a similar message from Infostormer, which stated, "Go back to Africa, it's the only place you'll ever be safe."
4. On August 22, 2016, Ms. Morris filed a complaint with the FBI in which she indicated she was being targeted by Max Misch and his associates.
5. On October 10, 2016, Bennington Police Department (BPD) officers were dispatched to the Morgan Street public cemetery near the residence of Ms. Morris and Mr. Lawton. Mr. Lawton had called BPD to report a vehicle picking up a male in the area. The officers did not locate anyone, but did find several neckties in the cemetery. Mr. Lawton reported to officers on the scene that he saw a male on his property and told him to leave. He also reported seeing another man in the cemetery. Officers did not see anyone in the cemetery.
6. A short time later, Mr. Lawton flagged down police officers and advised that the neckties spotted in the cemetery were his. He said that he saw a skinny male walking on the other side of Morgan Street. The male then crossed the street and walked onto Mr. Lawton's and Ms. Morris's property. Mr. Lawton asked him to leave and the male asked him if someone named "Corey" was home. Mr. Lawton told him there was no one there by that name and

that he needed to move along. While talking to this male, Mr. Lawton saw another unidentified male in the cemetery.

7. Mr. Lawton advised that after he heard about the police finding neckties in the cemetery, he checked his basement where he stored his own neckties and discovered them missing. Mr. Lawton advised he was missing about 100 neckties. No one in the house heard the break-in and nothing else was reported stolen.
8. In a follow-up interview of Ms. Morris and Mr. Lawton conducted by BPD on November 16, 2016, Ms. Morris said she remembered speaking to the owner of a local shop a few weeks prior to October 10 about having neckties in her basement. She did not think this person would have stolen the neckties, but that he might have had friends who would.
9. In the same interview, Ms. Morris **reported a second theft** and an act of vandalism. Specifically, she reported that also on October 10, someone had stolen a GPS device from her car and that some time after October 10, **someone had paintballed one** of her political signs.<sup>1</sup>
10. Also, in the same interview, Mr. Lawton told BPD that he thought that the burglary was a political statement and not just a random burglary. The basement was not dusted for fingerprints or swabbed for DNA nor was the neighborhood canvassed to see if anyone else had seen anything suspicious. According to Chief Doucette, this was not unusual for that sort of case. Ultimately, no suspects for the burglary or paintballing were ever located.
11. On October 11, 2016, **Ms. Morris called BPD to report** a suspicious vehicle in the public cemetery near her residence. Police responded but were unable to locate the vehicle.
12. On October 18, 2016, **Mr. Lawton called BPD to report** a suspicious vehicle that had dropped off people in the area of his residence. BPD responded and located two people on a trail near the residence. These individuals told the responding officer that they intended to camp in the area. No further action was taken.
13. On November 8, 2016, **Ms. Morris called BPD to report** that Max Misch stared at her twice for approximately 1-2 minutes at the polling station in Bennington while she was campaigning there on election day. She also **told BPD about the social media** attacks she had received from him. Finally, **she informed BPD that someone** had sent threatening mail to the Democratic Headquarters in Bennington.<sup>2</sup>
14. On December 1, 2016, a hearing was held on a Protection Order application filed by Ms. Morris against Max Misch in the civil division of the Superior Court for Bennington County. The application was based on the two tweets sent to Ms. Morris by Max Misch the

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<sup>1</sup> In a November 19, 2018, interview with police, Ms. Morris also indicated that her car received paint damage (presumably splatter from the paintball that struck one of her political signs) as a result of this incident.

<sup>2</sup> These materials did not reference Ms. Morris. They consisted of two racist cartoons (one anti-Semitic and one anti-Hispanic) and a Trump 2016 poster.

previous August and his conduct at the polling station on November 8, 2016. The court granted the order based solely on the contents of the two tweets. It found by a preponderance of the evidence that the tweets constituted stalking within the meaning of the civil anti-stalking statute (12 V.S.A. § 5131(6)) because they were threatening in nature and would place someone in substantial emotional distress.

15. The Superior Court issued a 1-year Protection Order against Mr. Misch.
16. On December 16, 2016, **Mr. Lawton reported to BPD** that he had found a milk crate tipped upside down (as someone would do to sit on it) on the stone wall across from his residence. He also reported that a neighbor had told him that he had seen Nazi symbols (swastikas) spray-painted on trees on the Morgan Street Trail near his residence. At this time, neither Mr. Lawton nor Ms. Morris had reported seeing the graffiti.
17. The BPD investigating officer later learned from Chief Doucette that he had received pictures of the vandalized trees and that the town was going to take care of the graffiti. The graffiti was later removed by the town. BPD did not obtain any information regarding the exact location of the vandalized trees nor the identity of the person(s) responsible. According to BPD, the distance from the Morris/Lawton residence to the official trailhead is approximately 0.4 miles. The closest trail to the residence is approximately 100 yards.
18. On December 28, 2016, **Mr. Lawton called BPD** to report that he found footprints in the public cemetery near his residence. He said he believed the footprints were those of Max Misch. He did not offer additional details in support of that belief.
19. On January 11, 2017, Kim Clark, who was Ms. Morris's child care provider, **reported to BPD that** on the previous afternoon she noticed a man in a car outside her home. The car stopped in the middle of the road with the passenger window open. She said she went outside to confront the driver and noticed either a camera or a phone in the driver's hand. She also reported that the man asked her if she was a psychologist, and she said she was not. He then drove away. No further action was taken.
20. On February 24, 2017, an FBI agent sent the following email to Ms. Morris: "We have just concluded our assessment of the situation, to include review of the Bennington Civil Division Court proceeding transcript from 12/1/16 resulting in the no stalking order of protection. The end result of our assessment was not to open an FBI case at this time. We appreciate you informing us of the situation."
21. On September 12, 2017, **Mr. Lawton called BPD to report** that there was a suspicious vehicle in the cemetery near his residence. BPD responded, and it turned out to be a student taking night photos in the cemetery.
22. On June 10, 2018, **Ms. Morris called BPD to report** that someone had gone through her car, although nothing was taken. According to BPD, several people in Bennington reported break-ins to their cars around this time. Following an investigation, BPD identified the

person responsible for the car break-ins and there is an active warrant for that person's arrest.

23. On July 5, 2018, State Representative Jill Krowinski forwarded to the Vermont Attorney General's Office an undated posting to Ms. Morris's legislative Facebook account. The posting was from a Sarah Toscano and said, "Yet another reason you belong in a cell instead of in the legislature."
24. On July 27, 2018, Mr. Lawton called BPD to report that Max Misch was harassing Ms. Morris via Facebook and Twitter. By this time, the one-year Protective Order against Mr. Misch had expired. One of these tweets said, "You will never silence me. Every time you attend a political rally at the Four Corners or another local venue and I'm aware of the event, I will troll the hell out of you and the other subversives there. Maybe I'll bring a friend or three with me too." Another tweet said, "Stop pushing 'social justice' on your nearly entirely White constituency in Bennington, VT. Go back to Chicago if you want to engage in SJW bullshit. We will continue to fight against your efforts to make our town/state look more like your mongrel son."
25. The BPD officer responding to the call took a report of the incident. BPD took no further action on the basis that the messages did not constitute threats or other criminal acts against Ms. Morris.
26. Also, on July 27, 2018, Mr. Lawton reported that someone hacked into his computer and changed his screen name to "dead dead." The following day, Mr. Lawton and Ms. Morris brought their computers to Bennington Police Department and turned them over as evidence. The case was assigned to BPD Officer Michael Sharshon.
27. On July 30, 2018, Officer Sharshon contacted Vermont State Police (VSP) Detective Eric Jollymore, who is a forensic computer examiner assigned to the Vermont Internet Crimes Against Children (ICAC) Task Force at the Vermont Forensic Laboratory (VFL). Operated by the Department of Public Safety in Waterbury, Vermont, the VFL is the only forensic laboratory in the state.
28. BPD Officer Sharshon documented in his report the following: "I spoke with Eric Jollymore at ICAC, who advised me that a situation that [Mr.] Lawton encounter[ed] is possible, however it would require whoever did it to have an advanced degree of technical knowledge of computers. It was determined that the computers would not be forensically analyzed."
29. A few days later, Detective Matthew Raymond, who is an ICAC investigator who works at the Vermont Attorney General's Office, contacted VSP Detective Jollymore, who indicated that he had told Officer Sharshon "that VT-ICAC would conduct a computer exam if requested and that it was possible to obtain evidence from such a computer exam to advance the investigation."

30. The computers Mr. Lawton and Ms. Morris provided to BPD on July 28 were secured with passwords. On August 20, 2018, BPD Officer Sharshon obtained those passwords from Ms. Morris. (There appear to be different explanations for the delay in BPD obtaining the passwords. However, resolution of that issue is not necessary for determining whether prosecutable offenses occurred).
31. On August 22, 2018, Officer Sharshon transported the two computers to the Vermont Forensic Laboratory. VSP Detective Jollymore stopped working on other forensic examinations in order to immediately start the forensic examination of Mr. Lawton's computer — the one reported to have had "dead dead" replace Mr. Lawton's user name. That analysis continued for several weeks and revealed that the "dead dead" username on the computer was associated with a Microsoft Live Account and an Outlook account of an unknown user.
32. Around this same time, at the request of the Attorney General, Vermont State Police assumed primarily responsibility for investigating the alleged computer hacking incident reported by Mr. Lawton.
33. On September 19, 2018, Mr. Lawton called BPD to report that two suspicious people were sitting on the wall of the public cemetery near his residence. BPD responded, but did not locate anyone.
34. On September 20, 2018, Ms. Morris called BPD to report that unknown persons had been knocking on the door of her residence and then running away. BPD Officer Sharshon, who responded, located two juveniles whom he believed to be responsible. He told them to leave and discontinue their behavior. Officer Sharshon then spoke with Ms. Morris and Mr. Lawton about what had occurred. Mr. Lawton told the officer that this was not the first time this had happened and that it had left him and Ms. Morris at their wit's end. Mr. Lawton also told the officer that he and Ms. Morris would likely be staying in a hotel that night. Officer Sharshon told Mr. Lawton that he did not think this was necessary and that it appeared to be just a juvenile prank. Officer Sharshon forwarded the case to the Bennington State's Attorney's Office, but that office declined to file charges against the juveniles.
35. On September 21, 2018, a neighbor of Ms. Morris called BPD to report that some young males had banged on her windows and yelled at her. The responding officer, Amanda Knox, located two male juveniles in the nearby cemetery, but they fled before they could be apprehended.
36. On September 22, 2018, Officer Knox located a juvenile who admitted that he and several other juveniles had "ding-dong-ditched" the house of Ms. Morris's neighbor the previous night. He also said that on September 20, two juveniles had "ding-dong-ditched" Ms. Morris's house. He reported that these two juveniles did not know who lived there and that the house was targeted because they thought it would be funny. He also said that on September 21, 2018, he and six other juveniles returned to "ding-dong-ditch" Ms. Morris's

home again. However, no one was home, so they decided to “ding-dong-ditch” Ms. Morris’s neighbor’s house instead.

37. Officer Knox interviewed one of the juveniles who was suspected of “ding-dong-ditching” Ms. Morris’s home on September 20. He told the officer that he did not know who lived at the residence. He also said that the next night he returned to the area with several other juveniles. Upon discovering that no one was home at Ms. Morris’s residence, the juveniles decided to target her neighbor’s house.
38. Ms. Morris’s neighbor signed seven no trespass orders for her residence. All seven juveniles were eventually located by BPD and were served with the no trespass orders. The case was forwarded to the Bennington State’s Attorney’s Office for review, but that office declined to file charges.
39. On September 29, 2018, BPD responded to a report from Mr. Lawton of a loud all-terrain vehicle (ATV) in the area near the Morgan Street public cemetery. Police went to the residence of Mr. Lawton’s neighbor. That person ended up being arrested for disorderly conduct and noise in the nighttime. There was no evidence that this incident was related to Ms. Morris or her family.
40. On October 3, 2018, VSP Detective Henry Alberico and Detective Jollymore traveled to Bennington to conduct an in-person interview of Ms. Morris and Mr. Lawton,<sup>3</sup> who were accompanied by legal counsel. During the course of the interview, it was revealed that Mr. Lawton had recently purchased the laptop computer with the “dead dead” username from a local resident.
41. On October 10, 2018, Det. Alberico interviewed the person from whom Mr. Lawton had purchased the laptop. During the interview, Det. Alberico learned that this person’s 10-year-old son’s screenname when he played online video games on his Xbox was “dead dead” and this screenname, which was associated with his mother’s Microsoft cloud account, continued to be synced with Mr. Lawton’s laptop after he had purchased it.
42. It was this accidental synchronization that led the username on Mr. Lawton’s laptop to appear as “dead dead.” In other words, the VSP investigation established that the laptop incident did not involve any form of threat or unlawful activity.
43. Within a day or two of the October 10, 2018, interview, Vermont State Police informed Ms. Morris’s attorney of the outcome of the investigation.
44. On October 10, 2018, at 8:44 pm, a neighbor of Ms. Morris called BPD to report that people were drinking in the Morgan Street public cemetery. The individual who had been arrested on September 29 for disturbing the peace with a loud ATV (see above) was among these people. BPD reported that this individual was intoxicated and had yelled at Mr. Lawton

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<sup>3</sup> The interview had originally been scheduled for September 6, 2018 but had to be rescheduled because Mr. Lawton was experiencing health issues.

and the neighbor who had called the police. BPD spoke with the individual in question who said he was taking a shortcut through the cemetery. No further action was taken.

45. On October 10, 2018, at 8:53 pm, the same neighbor of Ms. Morris who had called BPD a few minutes earlier **called a second time to report** another suspicious person in the cemetery. BPD found no one in the cemetery. Mr. Lawton told BPD officers he had seen that person in the cemetery the day before at around 1:30 am.
46. On October 13, 2018, **Mr. Lawton called BPD to report** that as he was getting ready for bed, someone knocked at his door and then ran away. The responding officer encountered approximately six juveniles on Morgan Street. The officer had the juveniles identify themselves. They denied knowing anything about the incident.
47. On October 15, 2018, Officer Knox of BPD **responded to a report by Mr. Lawton** that gravestones in the Morgan Street public cemetery had been vandalized. On October 22, 2018, while Officer Knox was investigating the vandalism incident, she learned of the other incident of “ding-dong ditch” on October 13. Mr. Lawton told Officer Knox that he recognized the person responsible as one of neighborhood juveniles responsible for the incidents of “ding-dong-ditch” reported a few weeks earlier. Mr. Lawton reported that he saw this juvenile go to a neighbor’s house and knock on her door.
48. The juvenile identified by Mr. Lawton was interviewed by Officer Knox. He denied being responsible for the “ding-dong-ditching” that occurred on October 13, 2018. He said he knew who was responsible, but refused to identify that person. No charges were filed in relation to this incident.

### *Applicable Legal Standards*

The allegations reported by Ms. Morris and Mr. Lawton can be grouped into the following two categories: (1) Property Crimes (based on the alleged burglary, theft and vandalism); and (2) Online Harassment (based on statements made via social media).

#### I. Property Crimes

1. **October 2016, Burglary.** This incident involves an alleged Burglary of an Occupied Dwelling in violation of 13 V.S.A. § 1201(c)(3) based on someone entering Ms. Morris’s basement and stealing Mr. Lawton’s neckties. This incident is not subject to prosecution because there was no physical evidence (e.g., fingerprints, DNA, reported possession or sale of the missing neckties) or eyewitness evidence that would provide a basis for identifying the suspect(s). As noted above, the basement of Ms. Morris’s residence was not dusted for fingerprints or swabbed for DNA nor was the neighborhood canvassed to see if anyone else had seen anything suspicious. As noted by BPD Chief Doucette, this was not unusual for such cases.

2. **October 2016, GPS Theft.** This incident involves alleged Petit Larceny in violation of 13 V.S.A. § 2502. BPD first learned of this allegation during its November 16, 2016, interview of Ms. Morris regarding the basement burglary. This incident is likewise not subject to prosecution at this time due to lack of evidence that could identify the person(s) responsible.
3. **October 2016, Paintballing of Political Sign and Car.** This incident involves alleged Unlawful Mischief in violation of 13 V.S.A. § 3071. BPD first learned of this allegation during its November 16, 2016, interview of Ms. Morris regarding the basement burglary. This incident is likewise not subject to prosecution at this time due to lack of evidence that could identify the person(s) responsible.
4. **December 2016, Report of Nazi Symbols on Morgan Street Trail.** This incident involves alleged Unlawful Mischief in violation of 13 V.S.A. § 3071. It is based on the spray painting of graffiti (swastikas) on trees on the Morgan Street Trail. The graffiti contained no threat or messages indicating that it was directed toward any particular individuals. Moreover, the graffiti was located on trees at least 100 yards from the Morris/Lawton residence. This incident is not subject to prosecution at this time because there is no physical or eyewitness evidence that would provide a basis for identifying the suspect(s).

## II. Online Harassment

Regarding the online communications directed against Ms. Morris by Max Misch and others, there are three potential charges that could be filed under Vermont law. These are:

1. Disturbing the Peace by Use of the Telephone or Other Electronic Communications in Violation of 13 V.S.A. § 1027(a);
2. Criminal Threatening in violation of 13 V.S.A. § 1702(a); and
3. Stalking in violation of 13 V.S.A. § 1062.

Each of these statutes can potentially be violated based on the communication of threats. However, in order to establish that a person violated any of these statutes by conveying threatening communications, the State would have to demonstrate that these communications were not protected by the First Amendment to the United States Constitution and Article 13 of the Vermont Constitution (collectively, “First Amendment”).

Because of the free speech protections afforded under the First Amendment, “content-based restrictions on speech have been permitted as a general matter, only when confined to the few ‘historic and traditional categories [of expression] long familiar to the bar.’” *U.S. v. Alvarez*, 567 U.S. 709, 717 (2012)(alteration in original)(internal quotations and citation omitted). One of these exceptions is when a communication contains a “true ‘threat.’” *Watts v. United States*, 394

U.S. 705, 708 (1969). In *Watts*, the U.S. Supreme Court examined whether an individual expressing opposition to the Vietnam war had violated a federal statute making it a crime to threaten to kill or harm the president. The defendant was convicted for stating, at a public event in Washington, D.C., “If ever they make me carry a rifle, the first person I want to get in my sights is L.B.J. [Lyndon Baines Johnson]”). *Id.* at 705-706.

The Supreme Court reversed the conviction on free speech grounds. The Court pointed out that “a threat must be distinguished from ... constitutionally protected speech,” such as “political hyperbole,” to ensure that “debate on public issues” is “uninhibited, robust, and wide open,” which “may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* at 707-708 (quotations and citation omitted). The *Watts* Court did not, however, specifically define what statements would constitute “true threats” not entitled to First Amendment protections.

The Court took up the issue once again in *Virginia v. Black*, 538 U.S. 343 (2003), which involved the interpretation of a state law prohibiting cross-burning. The Court found the statute unconstitutionally overbroad because it presumed any instance of cross-burning might constitute a true threat. The Court referred to true threats as “those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual.” The Court explained that “[i]ntimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.” *Id.* The Court also explained that a speaker “need not actually intend to carry out the threat.” *Id.* at 360. In the case at hand, the Court found the Virginia statute too broad in some respects because it could criminalize cross-burning in all contexts, including public demonstrations or portrayals in plays or motion pictures. *Id.* at 365-366.

The Vermont Supreme Court has similarly noted that “[t]rue threats’ are ‘those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.’” *State v. Tracy*, 2015 VT 111, ¶ 35, 200 Vt. 216 (citing *Black*, 538 U.S. at 359). Whether speech constitutes a true threat or some other form of speech (*e.g.*, hyperbole or artistic expression) is evaluated objectively, “that is ‘whether an ordinary, reasonable’ person ‘familiar with the context of the communication would interpret it as a threat of injury.’” *State v. Noll*, 2018 VT 106, ¶ 37 (citation omitted).

No Vermont court has specifically considered whether communications like those sent to Ms. Morris could be construed as “true threats.” However, cases from other jurisdictions are helpful in understanding the application of the true threats doctrine to communications containing offensive and even threatening language. For example, in *State v. Locke*, 307 P.3d 771 (Wash. 2013), the court considered emails containing threats that had been made against Christine Gregoire, who at the time was governor of Washington. In one email to the governor, the defendant identified the city in which he resided as “Gregoiremustdie” and said he wanted her to witness a family member being “raped and murdered by a sexual predator.” *Id.* at 774. In another email, sent a few minutes later, the defendant said, “You should be burned at the stake like any heretic.” *Id.* The court concluded that these emails did not contain “true threats.” *Id.* Regarding the first email, the court explained that “[a]lthough crude and upsetting, this is more in the nature of hyperbolic

political speech, predicting threatening consequences from the State's policies." *Id.* at 777. Regarding the second email, the court noted that "the passive and impersonal phrasing of this sort of statement would at best reach only the margins of a true threat; viewed in isolation, we cannot deem it unprotected speech." *Id.*

In *U.S. v. Bagdasarian*, 652 F.3d 1113, 1115 (9th Cir. 2011), the defendant was convicted of two counts of threatening to kill and inflict harm upon a major candidate for the office of president of the United States, after he posted to an online public message board the following messages: "Re: Obama fk the niggars, he will have a 50 cal in the head soon," and "shoot the nig country fkd for another 4 years+, what nig has done ANYTHING RIGHT? ? ? ? long term? ? ? ? never in history, except sambos." The U.S. Court of Appeals for the Ninth Circuit reversed the defendant's conviction on that basis that these messages did not constitute a "true threat" because the "evidence [was] not sufficient to support a conclusion that a reasonable person who read the postings within or without the relevant context would have understood either to mean that [the defendant] threatened to injure or kill the Presidential candidate." *Id.* at 1119.

Finally, in *People v. Orr*, the Criminal Court of the City of New York examined a case where the defendant communicated to the mother of his child the following messages: "I can have you handled," "Go kill yourself bitch," and "You're not worth the air to take the jump bitch." *People v. Orr*, 15 N.Y.S. 3d 713, 2015 slip op. 50568(U), at \*1, (N.Y. Crim. Ct. filed April 22, 2015). The court concluded that the phrase "I can have you handled" was not a true threat because it was "subject to a variety of interpretations." *Id.* at \*5. The court concluded that the other two phrases were not true threats because although there were "clearly efforts to insult and degrade the complainant," they were "not threats, in that they [did] not warn the recipient of any sort of future harm." *Id.*

In this case, the online communications that were sent to Ms. Morris by Max Misch and others were clearly racist and extremely offensive. However, the First Amendment does not make speech sanctionable merely because its content is objectionable. The question here is whether the messages, in context, were communicating a serious expression of an intent to harm Ms. Morris or her family. The fact that a number of messages were directed at her role as an elected official raises the issue of whether they were intended to express political opposition through the use of hyperbole and insult, as noted in the case law above.<sup>4</sup> Therefore, there appears to be insufficient evidence to pursue criminal charges under Vermont law.

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<sup>4</sup> The communication that arguably comes closest to a "true threat" is the anonymous electronic message sent to Mr. Lawton in March of 2016 in which he is told that if he did not put Ms. Morris in place, the author of the message would do it for him (see ¶ 1 above). However, without knowing the context of this message, it is not possible to ascertain whether it rises to the level of a true threat. In any event, the author of this message remains unknown.