

John Stemberger: CORRECTING THE TOP TEN FALSE RUMORS AND MISINFORMATION ABOUT RIFQA'S ATTORNEYS AND HER LEGAL CASE



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By John Stemberger

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It is highly unfortunate, but there are a handful of people who claim to be leading Rifqa advocates are spreading inaccurate, highly sensational and outright false information about matters surrounding Rifqa Bary, her attorneys and Rifqa's legal case. It is necessary to respond to these statements because the amount of ignorance, misinformation, and slander being spread is causing disunity and confusion among those people who really do truly love and support Rifqa and are looking for accurate information.

1) RIFQA'S DOES NOT NEED NEW LAWYERS AND SHE HAS SOME OF THE FINEST LAWYERS IN THE STATE OF OHIO REPRESENTING HER. Representing Rifqa are two legal experts, one in the area of dependency (which most lawyers have never even heard of) and one in criminal law. Kort Gatterdam is a board certified criminal defense lawyer who is well respected in the greater Columbus, Ohio Bar, partner in a major Ohio law firm and he has tried hundreds of cases before juries and judges. Angie Lloyd is a clinical law professor at Ohio State University with a long history as a child advocate and is one the state's leading experts in the area of dependency and child immigration. The legal strategy and plan agreed to by all lawyers involved in both Florida and Ohio from the beginning has been to get Rifqa declared a "Dependent" by the state and therefore in a situation where she would never have to be forced to return to her parents or her homeland Sri Lanka unless she wanted to. The dependency status also allows her to apply for a status where she would never be forced back to Sri Lanka where she would surely be killed in time by the Muslim extremists in that country. In Ohio, a minor does not have a right to an independent lawyer at all and the state usually simply appoints a Guardian Ad Litem to represent a minor child. However, through an amazing set of providential circumstances, Rifqa was able to secure two of the finest and most well suited lawyers in Ohio to represent her and not be forced to accept a court appointed lawyer who would have been young, brand new, inexperienced and pretty laid back.

2) IF A TRIAL WERE TO TAKE PLACE, RADICAL ISLAM'S INVOLVEMENT IN RIFQA'S STORY CAN ONLY BE ADMITTED INTO EVIDENCE IF THE COURT ALLOWS IT. PERIOD! A lawyer cannot introduce anything they want into evidence unless it is within the scope of the complaint and the judge allows it. If the judge does not want it in, it does not come into evidence. And that is what the court ruled in Ohio and no amount of shouting, disagreeing or acting rebellious in court like the Muslim lawyers have in this case is going to change the judge's ruling. Further, effective Legal Advocacy is not about being "Aggressive" and shouting loudly in court. There is a common myth that a good and "tough" lawyer will be aggressive and somehow "beat up" the other lawyers in courtroom. This is the thinking of the novice who watches too many lawyer shows on TV and have no idea how a court room or the rules of evidence actually work. A lawyer can be completely silent and win a case handedly while another argues loudly and persuasively and loses the case outright.

3) RIFQA DOES NOT NEED TO GO THROUGH AN ASYLUM PROCESS. Dependency is a highly specialized area of the law that most persons have never heard of and that even most lawyers have no idea about. No lawyer who understands dependency law agrees that seeking political Asylum in the US makes any sense. Those that have advocated for Asylum are either not lawyers and have no idea what the law says, or are simply ignorant about the dependency process. It is stunning to hear the arm chair commentators talk about what they think should happen legally when they are completely ignorant about what the law says or how courts, evidence or trials work. Rifqa's immigration status can be resolved as a Dependent of the State of Ohio without any Asylum claims.

4) JOHN STEMBERGER IS NOT WRITING A BOOK ON RIFQA'S STORY. One well-known blogger who attempts to give updates on Rifqa's situation and cleverly mixes facts with an assortment of fantasy and fiction, has recently written that she has inside information from "confidential sources" that I have a book deal brewing and that I am writing a book on Rifqa's story. This is totally wrong and I have no interest nor any intention on writing any book on Rifqa or on her case.

5) RIFQA DOES IN FACT NEED MORE FUNDS SENT TO HER TRUST ACCOUNT. Nationally recognized Evangelist Lou Engel sent out an e-mail requesting funds for Rifqa's Trust Fund to help pay for her legal defense as her attorneys costs are enormous. Days after this e-mail was sent out, an individual who actively attempts to give out updates and prayer requests on Rifqa's status, sent out a public email and Facebook message stating that did not Rifqa did not need money for any purpose and that she only needed "prayer". This was both a foolish and irresponsible statement and was in direct opposition to what Rifqa HERSELF wants! Rifqa wants and needs continued funding for both the costs associated

with defending her and money to live on when she is ultimately released. Donations are still needed and can be made online at

https://www.paypal.com/cgi-bin/webscr?cmd=_donations&business=94QKN3YEH888Q&lc=US&item_name=Rifqa%20Bary%20Trust%20Fund¤cy_code=USD&bn=PP%2dDonationsBF%3abtn_donateCC_LG%2egif%3aNonHosted

or mailed to Fathima Rifqa Bary Trust c/o Michael A. O'Quinn, Trustee, 28 West Central Boulevard, Fourth Floor, Orlando, Florida 32801. Checks or money orders should be made payable to "Fathima Rifqa Bary Trust."

6) THE RECENT MOTION FILED BY RIFQA'S PARENTS LAWYERS TO REVERSE THE DEPENDENCY AGREEMENT IS TOTALLY FRIVOLOUS AND NOT A MAJOR THREAT. The motion filed last week by the Bary parents lawyer and "Islamic Scholar" Omar Tarazi to undo the Dependency agreement previously made in Court is a complete sham and is likely not to have any effect at all on the court. The ridiculous motion also seeks to try and fire all of Rifqa's lawyers and her Guardian. The court is likely to dismiss it at the hearing without even serious consideration and there is a 95% chance this dismissal will occur. In the highly unlikely event the court grants the parents motion there is a chance a trial could take place but an even greater chance a settlement agreement would take place again because the Bary parents lawyers appears to be completely inexperienced and has never tried a case.

7) IT IS MORE IMPORTANT TO TAKE LEGAL ACTIONS THAT WILL ENSURE RIFQA'S SAFETY THAN IT IS TO TAKE ACTIONS WHICH EXPOSE RADICAL ISLAM. There are many people who want to see Rifqa undergo the risk involved with a full blown trial with the sole motive to expose radical Islam rather than to secure agreements which would guarantee that Rifqa will be safe. I am totally against radical Islam and want to see them exposed and want the power of Rifqa's story to be heard. But not at the expense of risking Rifqa's safety. It was I that submitted a 40 page brief on the Noor mosque to the Florida court and held a press conference to promote it and raised the concerns about the extremist elements in the Central Ohio Muslim community - information that many of these bloggers have subsequently used to make their case. I submitted it because I believed it was directly relevant for the Florida court to understand what has and continues to happen in Ohio. Had the case gone to trial in Florida, I would have worked to introduce these concerns and expert witnesses, including the direct issue of apostate killings, but would have been entirely reliant on the judge whether they would be admitted or not.

8) IN ANY LEGAL CASE, A SETTLEMENT WITH THE SAME RESULT IS ALWAYS BETTER THAN BEARING THE RISK OF A TRIAL WHERE THE ULTIMATE RESULT IS NOT IN YOUR HANDS BUT THE HANDS OF A JUDGE. An agreement properly recognized by the Court and which gives you the same result you would seek at a trial, is always a better option than a full blown trial. In a trial, the judge (no jury trial in this type case) would make the final decision. In a settlement agreement the parties have control over the terms. If for whatever reason the judge ruled against Rifqa at trial, or the delay caused Rifqa to age out of the Ohio foster care system at age 18 without being declared a Dependent, she could be immediately sent back to Sri Lanka. This is a risk that her legal counsel does not appear willing to take, but one which some other "friends" of Rifqa are foolishly advocating for because they do not understand the process.

9) THE BIBLE SAYS THAT "FAITH WITHOUT WORKS IS DEAD" AND RIFQA MAY END UP "DEAD" WITHOUT THE LEGAL "WORK" OF HER ATTORNEYS. Prayer for Rifqa is definitely needed--- no question about it. We all need to be crying out to God for Rifqa's safety and for His mercy and wisdom. But the Bible teaches that just prayer-- (ie faith) without works is dead. And no person in America has the ability to do any direct work or take action to save or rescue Rifqa except her two Ohio lawyers and the judge. NO ONE. Attorneys are an easy target but you will never appreciate them unless and until you need one to steer you in a complex case like this. Do not underestimate the importance of Rifqa's legal team or over spiritualize the matter thinking that prayer alone will save her. Rifqa needs both faith and works-- otherwise she may be dead someday. And further "prayer" does not involve making public and asinine statements on matters you know absolutely nothing about.

10) THANK RIFQA'S LAWYERS-- DON'T CRITICISM THEM. When and if Rifqa is freed and permanently safe in this country it will not be because of the bloggers who have mouthed off and the criticism of self appointed Rifqa advocates that have had no actual involvement in Rifqa's legal case. It will be primarily because of the sovereign grace and mercy of God AND the outstanding and continued work of Rifqa's legal team.

I cannot judge the motive of those who are spreading bad information and misguided opinions about Rifqa's lawyers and her case. They may be sincere, but they are sincerely wrong. I cannot fault a non lawyer for not understanding the law and the rules of evidence. But I can say that the non lawyer arm chair critics need to humble themselves and stop the arrogant and ignorant grandstanding. They need to stand down and let the professionals do their job.

Please help Rifqa by forwarding this statement widely to her supporters.

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