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FEATURED

## Flathead Valley group wants nothing less than a felony conviction for Lenio

VINCE DEVLIN [vdevlin@missoulian.com](mailto:vdevlin@missoulian.com) Nov 10, 2015



TOMMY MARTINO photos, Missoulian

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Rabbi Francine Green Roston of Whitefish, right, and other members of the Love Lives Here in the Flathead Valley and Glacier Jewish Community-B'nai' Shalom address the media during a press conference at the Flathead County Courthouse in Kalispell on Monday morning. The groups attended the hearing for David Joseph Lenio, who threatened to kill schoolchildren and Jewish people.

KALISPELL – She was frightened, Rabbi Francine Green Roston said, when she learned that a Kalispell restaurant cook had allegedly threatened to execute area schoolchildren and Jewish people.

“When I read that someone wants to put two bullets in the head of a rabbi, I’m scared,” Roston said Monday morning outside the Flathead County Justice Center. “This isn’t New York City, where there are thousands of rabbis. This is the Flathead Valley, and there are only two of us.”

She also has children in public schools in Whitefish, where she lives, and Kalispell, and the alleged threats made by David Joseph Lenio to “shoot up a school” made them targets as well, Roston said.

“My family took this threat seriously,” Roston said. “The schools took it seriously. Law enforcement took it seriously.”

Now, she and others want Flathead County Attorney Ed Corrigan to press for a felony conviction that would keep Lenio from ever being able to legally own a gun.

Nine of them gathered outside the justice center Monday, including Maryland resident Jonathan Hutson, who in February unearthed hundreds of threats on social media that authorities have attributed to Lenio.

“He talks about the number of children he could kill,” Hutson has said, “says he bets he could score 30-plus ‘if I put my mind to it’ and says he’d ‘like to get enough to kill 100.’”

Now, the citizens say they are concerned the last remaining charge against Lenio – for felony intimidation – might be dropped, reduced to a misdemeanor or plea-bargained down to a deferred sentence that could lead to Lenio once again being able to legally arm himself.

“Imagine David Lenio reloaded, courtesy of the state of Montana,” Hutson said. “Seriously, that could happen.”

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**Prosecutors rarely**, if ever, publicly discuss plea negotiations before a proposed agreement is put before a judge, and there has been no indication what the county attorney's office might or might not be considering in Lenio's case.

Lenio's trial, scheduled to start Monday, was postponed until Jan. 19 after his attorney, Brent Getty, asked for a continuance last week.

Getty's motion said "the matter may be able to be resolved, without the need for a trial, as early as (this) week."

Getty, a public defender, attended the press conference organized by the Flathead Valley's Jewish community and Love Lives Here, a local human rights group.

"If the case goes to trial, I look forward to presenting the best defense, a very valid defense," said Getty, who has already successfully argued that another felony charge against Lenio, for criminal defamation, should be dropped because it was overbroad. "I want to make sure Mr. Lenio's right to trial is not being impacted by this proceeding."

Hutson said Getty served him with a subpoena after the press conference. The public defender wants copies of all Hutson's communications with Lenio and research that led to Hutson identifying Lenio as the alleged writer of the threats, and Hutson said he would comply.

"It's all part of the process," said Hutson, who praised Getty's work while reading from a prepared statement during the press conference.

"Lenio deserves the best defense, and the public defender is doing his job well," Hutson said. "I wish every county and every defendant had such a skilled defense attorney who zealously represents his client within the bounds of the law. Lenio's right to free speech must be defended. He has a right to spout unpopular and outrageous ideas. But he doesn't have a right to threaten school kids, Jewish leaders or any of our neighbors."

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**Initially held on \$500,000** bail for five months, Lenio – who apparently moved to Kalispell approximately 45 days before his arrest – was released on his own recognizance in July, and into the custody of his parents, who live in Grand Rapids, Michigan, without objection from the county attorney's office.

On Monday, Hutson questioned whether that would have happened were Lenio “not white and the son of an influential banker.”

“If David Lenio was Muslim, the prosecution would be coming down on him like a ton of bricks,” Hutson said.

Lenio, who was 28 at the time, was arrested after a day of snowboarding at Whitefish Mountain Resort, and a day after his roommate said Lenio retrieved ammunition and two rifles from a storage unit and moved them into the apartment.

Authorities also found a semi-automatic pistol and ammunition in the defendant's van, along with marijuana, a pipe and three jugs of urine. Kalispell Chief of Police Roger Nasset termed Lenio “a very real threat” at the time, adding, “I did not want children's blood on my hands because I didn't do everything I could.”

Court documents say Lenio told law enforcement he was trying to bring attention to certain social issues when he made the tweets.

“I'm within my protected First Amendment right to say stuff like that,” court documents say Lenio told an FBI agent after his arrest. “I'm going to tell you, I'm not dangerous. I'm not going to try anything stupid. I don't want to get shot, I don't want to kill anybody. I don't want to go to prison.”

A national organization, the Coalition to Stop Gun Violence, has started an online petition directed at Corrigan. It reads: “The Second Amendment was not ratified to vindicate the rights of men who threaten children and people of faith. Do not settle for any outcome that might allow David Joseph Lenio to own guns again.”

Hutson said the petition had gathered more than 2,500 signatures by Monday afternoon.



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