

Rodriguez Is Warned but Avoids Jail Time

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[Francisco Rodriguez](#), the Mets' highly paid closer, violated an order of protection by sending his girlfriend 56 text messages in the last four weeks, prosecutors said on Tuesday in Queens Criminal Court.

Rodriguez has been free on bail after his arrest on misdemeanor assault charges for a reported attack on the woman's father and he could have been jailed for sending the text messages. Instead, Judge Robert Raciti issued a stern warning.

Looking at Rodriguez, Raciti said, "If there are any future text messages or communications, I will remand you." Rodriguez, who remained silent in court, will face additional charges of criminal contempt because of the text messages. The initial charges stem from an incident Aug. 11, when the pitcher was in an altercation with Carlos Pena, the father of his girlfriend, Daian, after a game at [Citi Field](#). The incident took place just outside a room where the families of the players had gathered.

Rodriguez, 28, tore a ligament in the thumb of his pitching hand during the incident and the Mets have said that they will not pay him while he recovers and that they will no longer guarantee his contract, which runs through 2011. The players union is contesting those actions.

As for the text messages, Scott Kessler, an assistant district attorney, said they included such words as, "I understand that I perhaps made the biggest mistake of my life but I love you."

Another message said, "Your parents are manipulating you like a marionette." Yet another said, "I don't want to have problems with you."

Some of the messages apparently involved child-care issues about the two children he has with Pena. Rodriguez's lawyer, Christopher Booth, told the judge that Rodriguez's texts were not threatening. "There are no threats, there are no

menacing comments,” said Booth, who added that he has warned his client not to send more text messages.

“He now has a good understanding of the situation,” Booth added.

Booth had earlier told the judge that Rodriguez was “unsophisticated” when it came to the American court system and did not understand that the order of protection covered text messages as well as face-to-face contact.

As Booth spoke, Rodriguez, dressed in a polo shirt and jeans, stood with his hands behind him at the defense table. When it was Kessler’s turn to address the judge, three court officers stepped into position behind Rodriguez. One unclipped a pair of handcuffs from her belt as if she were ready to slap them on Rodriguez.

Kessler characterized Rodriguez’s text messages as increasingly hostile after initial attempts at reconciliation.

One message, written in the grammatical shorthand common to text messaging, indicates Rodriguez’s frustration with trying to reconcile with Pena. “Thank you for sinking me turning your back, take good care of my children,” it reads in part.

For a half hour before Raciti took the bench at 9:30 a.m., Rodriguez sat alone on a bench at the back of the courtroom, looking forlorn as a courtroom sketch artist busily drew his image.

As people filed in to the courtroom, hardly anyone took notice of Rodriguez, except for a court officer, who motioned for Rodriguez to remove a pair of sunglasses from the top of his head.

When the hearing was over, Rodriguez remained silent as Booth escorted him to a car a block away. As cameras clicked, Booth relished the day’s victory. “We successfully kept him out of there,” he said, referring to a stint in jail. With that, he got into the car and drove Rodriguez away.

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