

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2019-250

State of New Hampshire

v.

Laura Williams

Appeal Pursuant to Rule 7 from Judgment
of the Sixth Circuit Court – District Division

BRIEF FOR THE DEFENDANT

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QUESTION PRESENTED

Whether the court erred by denying Williams's petitions to annul her convictions and the record of arrests and charges that did not result in convictions.

Issue preserved by petitions to annul, the motion to reconsider the denial of the petitions, and the court's rulings. AD 32-57; A26-A28.*

* Citations to the record are as follows:

"A" refers to the appendix filed with this brief, containing relevant pleadings;

"AD" refers to the supplement attached to the brief, containing the petitions and orders being appealed.

TEXT OF RELEVANT AUTHORITIES

651:5 Annulment of Criminal Records. –

I. Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare. The court may grant or deny an annulment without a hearing, unless a hearing is requested by the petitioner.

II. For an offense disposed of before January 1, 2019 and any offense not subject to paragraph II-a, any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record or court record, or both, at any time in accordance with the provisions of this section. Any person who was convicted of a criminal offense whose conviction was subsequently vacated by a court may petition for annulment of the arrest record or court record, or both, in accordance with the provisions of this section. Nothing in this paragraph shall limit the provisions of subparagraph XI(b).

II-a. (a) For an offense disposed of on or after January 1, 2019, any person whose arrest has resulted in a finding of not guilty on all charges that resulted from the arrest, or whose case was dismissed or not prosecuted, shall have the arrest record and court record annulled:

(1) Thirty days following the finding of dismissal if an appeal is not taken under RSA 606:10 or finding of not guilty; or

(2) Upon final determination of the appeal affirming the finding of dismissal if an appeal is taken under RSA 606:10.

(b) For an offense disposed of on or after January 1, 2019, any person who was convicted of a criminal offense whose conviction was subsequently vacated by a court shall have the arrest record and court record annulled. Nothing in this paragraph shall limit the provisions of subparagraph XI(b).

III. Except as provided in RSA 265-A:21 or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction, and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82, or RSA 265:82-a for a period of time as follows:

(a)(1) For a violation with a conviction date prior to January 1, 2019 or a violation with a conviction date on or after January 1, 2019 that was not the highest offense of conviction, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(2) For a violation with a conviction date on or after January 1, 2019 where the

violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, one year after the person has completed all the terms and conditions of the sentence. Upon completion of a petition by the person stating that the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(b)(1) For a class B misdemeanor with a conviction date prior to January 1, 2019 or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years.

(2) For a class B misdemeanor with a conviction date on or after January 1, 2019 where the class B misdemeanor was the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years after the person has completed all the terms and conditions of the sentence. Upon completion of a petition by the person stating that the class B misdemeanor is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(c) For a class A misdemeanor except as provided in subparagraphs (f) and (i), 3 years.

(d) For a class B felony except as provided in subparagraphs (g) and (i), 5 years.

(e) For a class A felony, except as provided in subparagraph (i), 10 years.

(f) For sexual assault under RSA 632-A:4, 10 years.

(g) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

(h) For any misdemeanor where the victim was, at the time of the offense, a family or household member or intimate partner as those terms are defined in RSA 173-B:1, 3 years.

(i) For a class A misdemeanor or felony offense under RSA 318-B:26, II, 2 years.

IV. If a petition for annulment is denied, no further petition shall be brought more frequently than every 3 years thereafter.

V. No petition shall be brought and no annulment granted in the case of any violent crime, of felony obstruction of justice crimes, or of any offense for which the petitioner was sentenced to an extended term of imprisonment under RSA

651:6.

VI. If a person has been convicted of more than one offense, no petition for annulment shall be brought and no annulment granted:

- (a) If annulment of any part of the record is barred under paragraph V; or
- (b) Until the time requirements under paragraphs III and IV for all offenses of record have been met.

VI-a. A conviction for an offense committed under the laws of another state which would not be considered an offense under New Hampshire law, shall not count as a conviction for the purpose of obtaining an annulment under this section.

VII. If, prior to disposition by the court of a petition for annulment, the petitioner is charged with an offense conviction for which would bar such annulment under paragraph V or VI(a) or would extend the time requirements under paragraphs III, IV and VI(b), the petition shall not be acted upon until the charge is disposed.

VIII. Any petition for annulment which does not meet the requirements of paragraphs III-VI shall be dismissed without a hearing.

IX. When a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests, or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with paragraph II. The department of safety shall charge the successful petitioner a fee of \$100 for researching and correcting the criminal history record accordingly, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with paragraph II. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition. The petitioner's request for a court filing fee waiver shall be submitted on a form supplied by the court.

X. Upon entry of an order of annulment:

- (a) The person whose record is annulled shall be treated in all respects as if he or she had never been arrested, convicted or sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed, and may be counted toward habitual offender status under RSA 259:39.
- (b) The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the arrest, conviction, and sentence, and shall notify the

state police criminal records unit, the prosecuting agency, and the arresting agency.

(c) The court records relating to an annulled arrest, conviction, or sentence shall be sealed and available only to the person whose record was annulled, his or her attorney, a court for sentencing pursuant to subparagraph (a), law enforcement personnel for legitimate law enforcement purposes, or as otherwise provided in this section.

(d) Upon payment of a fee not to exceed \$100 to the state police, and subject to the provisions of subparagraph XI(b), the state police criminal records unit shall remove the annulled criminal record and inform all appropriate state and federal agencies of the annulment, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with paragraph II. The state police shall grant the fee waiver request where the petitioner demonstrates indigency by including with the fee waiver request an affidavit listing the petitioner's monthly net income and that of his or her spouse, and the assets of the petitioner and his or her spouse. The fee waiver request form used shall be substantially similar to the forms for waiver of fees and costs in the superior courts.

(e) The arresting agency and the prosecuting agency shall clearly identify in their respective files and in their respective electronic records that the arrest or conviction and sentence have been annulled.

(f) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

XI. Nothing in this section shall affect any right:

(a) Of the person whose record has been annulled to appeal from the conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense; or (b) Of law enforcement officers to maintain arrest and conviction records and to communicate information regarding the annulled record of arrest or conviction to other law enforcement officers for legitimate investigative purposes or in defense of any civil suit arising out of the facts of the arrest, or to the police standards and training council solely for the purpose of assisting the council in determining the fitness of an individual to serve as a law enforcement officer, in any of which cases such information shall not be disclosed to any other person.

XII. [Repealed.]

XIII. As used in this section, "violent crime" means:

(a) Capital murder, first or second degree murder, manslaughter, or class A felony negligent homicide under RSA 630;

(b) First degree assault under RSA 631:1;

(c) Aggravated felonious sexual assault or felonious sexual assault under RSA

632-A;

(d) Kidnapping or criminal restraint under RSA 633;

(e) Class A felony arson under RSA 634:1;

(f) Robbery under RSA 636;

(g) Incest under RSA 639:2, III or endangering the welfare of a child by solicitation under RSA 639:3, III; or

(h) Any felonious offense involving child sexual abuse images under RSA 649-A. XIV. As used in this section, "crime of obstruction of justice" means:

(a) Tampering with witnesses or informants under RSA 641:5 or falsifying evidence under RSA 641:6; or

(b) Any felonious offense of obstructing governmental operations under RSA 642. XV. A petition for annulment of any record of arrest, conviction, and sentence authorized by this section may be brought in the supreme court with respect to any such record in the supreme court, provided that no record in the supreme court relating to an opinion published in the New Hampshire Reports may be annulled.

XVI. A journalist or reporter shall not be subject to civil or criminal penalties for publishing or broadcasting:

(a) That a person had a criminal record that has been annulled, including the content of that record.

(b) That a person has a criminal record, including the content of such record, without reporting that the record has been annulled, if the journalist or reporter does not have knowledge of the annulment.

XVII. No person or entity, whether public or private, shall be subject to civil or criminal penalties for not removing from public access or making corrections to a report or statement that a person has a criminal record, including the content of such record, if thereafter the criminal record was annulled. This provision shall apply to any report or statement, regardless of its format.

STATEMENT OF THE CASE AND FACTS

In August 2018, Laura Williams sought to annul some convictions and several arrests and charges that did not result in convictions. Accordingly, she filed petitions to annul in the Fourth Circuit Court – District Division (Laconia), in the Sixth Circuit Court – District Division (Hillsborough), and in the Tenth Circuit Court – District Division (Salem). A3-A25. The record contains no indication that the State opposed any of the petitions to annul.

By orders entered in October 2018, the Fourth Circuit Court granted Williams's petitions to annul. A3-A14. By orders entered in December 2018, the Tenth Circuit Court likewise granted Williams's petitions to annul. A15-A25. However, by orders entered later in December 2018, the Sixth Circuit Court in Hillsborough denied Williams's petitions. AD 35, 38, 42, 45, 49, 53-57. In this Supreme Court appeal, Williams contends that the Hillsborough court erred in denying the petitions.

The Hillsborough petitions arise out of four underlying criminal cases. First, Williams sought to annul, in case number 2007-CR-331, the record of arrest and charge with respect to two charges: one count each of simple assault (charge id 37009C) and breach of bail (charge id 37010C). AD 39-45. Both charges ultimately were resolved in 2007 by the prosecution's entry of a *nolle prosequi*. AD 40, 43.

Second, Williams sought to annul, in case number 2007-CR-224, a conviction for simple assault entered on a guilty plea. AD 46-49.¹ In October 2007, the court sentenced Williams to “good behavior for one year and a suspended fine.” AD 47. She completed that sentence a year later, in October 2008.

Third, Williams sought to annul, in case number 2007-CR-228, a conviction for disorderly conduct resolved via a guilty plea. AD 50-53. In May 2007, the court pronounced a sentence involving a partially-suspended fine. AD 51. Williams therefore completed that sentence upon payment of the imposed portion of the fine, and the expiration of the period of suspension.

Fourth, Williams sought to annul, in case number 2012-CR-867, two simple assault convictions (charge id’s 668921C and 668922C). AD 32-38. Both charges were resolved by a guilty plea in November 2012, with a sentence described as “suspended fine and good behavior for one year.” AD 33, 36. Williams completed that sentence in November 2013.

In denying the petitions, the annulment court relied on the same stated grounds: “the defendant has had subsequent

¹ The annulment petition describes the charge as “1st Degree Assault,” but this is a typographical error, as the statute cited is RSA 631:2-a, defining simple assault. AD 47.

convictions.”² AD 35, 38, 42, 45, 49, 53. Williams filed a motion to reconsider that the court likewise denied. A26-A28; AD 54-57. In its order on the reconsideration motion, the court explained, “[t]he subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012.” AD 54-57.

One conviction to which the court referred was for theft, and was resolved by a guilty plea in the Fourth Circuit Court (Laconia) in November 2012. A4. The other was for possession of drugs, and was resolved by a guilty plea in the Tenth Circuit Court (Salem) in June 2012. A20. In August 2018, at the same time she filed her Hillsborough petitions to annul, Williams filed petitions to annul both of those convictions. A4-A5; A20-A21. The Laconia court granted the petition with respect to the theft conviction in October 2018, A6, and the Salem court granted the petition with respect to the drug possession conviction on December 6, 2018. A22.

Thus, both convictions on which the Hillsborough court relied were themselves annulled before December 14, 2018, when the court first denied Williams’s petitions, and therefore of course also by April 2019, when the court denied the motion for reconsideration. AD 54-57.

² On one order, the court states the same ground in a different way: “defendant convicted of subsequent offenses.” AD 42.

SUMMARY OF THE ARGUMENT

The court erred in denying the petitions to annul, except with respect to the petition relating to Williams's May 2007 conviction. The court's order indicates adherence to the view that Williams's subsequent convictions make her ineligible to petition to annul earlier convictions and *nolle prossed* charges. In so reasoning, the court misinterprets RSA 651:5. That statute does not bar annulment of Williams's convictions, except for the May 2007 conviction. Thus, the court erred in refusing to decide whether, under RSA 651:5, I, the requested annulments "will assist in the petitioner's rehabilitation and will be consistent with the public welfare." The Court accordingly should remand for consideration of those questions.

I. THE COURT ERRED IN DENYING WILLIAMS'S PETITIONS TO ANNUL.

RSA 651:5 governs the annulment of criminal records. Paragraph I codifies the basic principles. As relevant here, that paragraph provides that:

Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare. . . .

RSA 651:5, I.

Several features of that paragraph warrant attention here. First, paragraphs V through VIII define circumstances that limit a court's power to annul. Second, the power to annul can reach not only convictions, but also records of arrest. Third, RSA 651:5 enacts timeliness provisions which constrain a court's power to annul.

Lastly, the statute makes annulment of eligible arrests and convictions discretionary, insofar as it directs courts to consider whether annulment will assist in the petitioner's rehabilitation and be consistent with the public welfare. See State v. Meister, 125 N.H. 435, 438 (1984) (statutory language "mandates the exercise of the trial court's discretion

in deciding whether to grant a petition for annulment”). In exercising that discretion, a court may not apply a principle leading to a “blanket prohibition” on a class of eligible annulment petitions. Id. at 438-39. Thus, “a trial court must decide each [eligible] case based on a careful review of its own unique facts.” Id. at 439.

Paragraphs II and II-a of the statute govern the annulment of arrests and court records of charges that did not result in conviction. Paragraph II applies here, as it governs offenses “disposed of before January 1, 2019.” Paragraph III governs the annulment of records of offenses that resulted in convictions. Paragraph IV bars, for a period of three years, any renewed annulment petition after a denial of a prior petition.

Section A below presents the argument that the Hillsborough court erred in finding Williams’s annulment petition, with respect to her convictions, untimely under paragraph III. Section B addresses the effect of RSA 651:5, VI on Williams’s petitions. Section C advances the argument that the court erred in denying her petition relating to arrests and charges that did not result in convictions.

The issues in the case raise questions of statutory interpretation, and this Court reviews such questions *de novo*. State v. Bobola, 168 N.H. 771, 773 (2016). When interpreting statutes, this Court looks first to the language of the statute and “ascribe[s] the plain and ordinary meaning to

the words used.” Id. The Court interprets “legislative intent from the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include.” Id.

However, it is a “fundamental principle that whenever possible, a statute will not be construed so as to lead to absurd consequences. As between a reasonable and unreasonable meaning of the language used, the reasonable meaning is to be adopted.” Bovaird v. Dep’t of Admin. Services, 166 N.H. 755, 763 (2014) (citations and quotation marks omitted). Moreover, the Court will construe all parts of a statute together and in the context of the overall statutory scheme, rather than in isolation. Bobola, 168 N.H. at 773. Finally, the Court construes provisions of the Criminal Code “according to the fair import of their terms and to promote justice.” State v. Skinner, 149 N.H. 102, 103 (2003) (citation omitted).

- A. The court erred in denying, as untimely under Paragraph III, Williams’s petitions to annul two of her convictions.

As noted above, RSA 651:5, III governs the annulment of records of offenses that resulted in convictions. That paragraph provides:

Except as provided in RSA 265-A:21 or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction, and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82, or RSA 265:82-a for a period of time as follows:

RSA 651:5, III. The statute proceeds, in sub-paragraphs (a) through (i), to define the relevant “period of time.”

Three features of the Paragraph III warrant mention. First, the statute entitles persons convicted of crimes to petition for annulment “of the record of arrest, conviction, and sentence.”

Second, the right to petition for annulment does not apply to certain crimes. These include crimes covered by RSA 265-A:21 (relating to annulment of certain driving while intoxicated convictions), RSA 651:5, V (relating to violent and certain other crimes), and RSA 651:5, VI (relating to annulment when a person has been convicted of more than one crime). The exclusions under RSA 265-A:21 and RSA 651:5, V do not apply in Williams’s case, as she was not seeking to annul convictions for the kinds of crimes covered by those paragraphs.

Third, paragraph III establishes two timing-related eligibility conditions. First, the petitioner must have “completed all the terms and conditions of the sentence.” Here, before petitioning for annulment, Williams completed all the terms and conditions of her sentences.

Second, the petitioner must thereafter have been “convicted of no other crime . . . for a period of time as follows: . . .” By its plain language, this provision permits the annulment of convictions only if the petitioner was not later convicted of any crime for the specified period of time. Paragraphs (a) through (i) define the “period of time” for different kinds of offenses. In general terms, the period for a violation-level offense is one year, RSA 651:5, III(a)(1), for a class B misdemeanor is two years, RSA 651:5, III(b)(1), and for a class A misdemeanor is three years. RSA 651:5, III(c).

In theory, an annulment statute’s waiting period provision could work in various ways. In one variation, the condition requires only that there be no later convictions within the specified period. In a second variation, the condition would require no later convictions at any time after the conviction sought to be annulled.

Some examples illustrate the difference. Suppose first that a defendant is convicted of a class A misdemeanor in the year 2000, and thereafter is convicted of another class A misdemeanor in 2004, after the three-year waiting period has

elapsed. Suppose further that, in the year 2010, the defendant petitions to annul both convictions.

Under an annulment statute that requires no further convictions within the stated waiting period, the defendant in 2010 is eligible to annul both convictions. Annulment of the 2000 conviction is proper because the defendant had no further convictions within the three-year waiting period. And because the defendant had no convictions in the three-year period after 2004, the defendant is also eligible to annul the 2004 conviction.

However, the result differs under the second variation. Under this variation, any later conviction, no matter how long the period between it and the prior conviction, disentitles a defendant to annulment of an earlier conviction. In the example given above, in 2010, the defendant could annul the 2004 conviction, because the defendant has no later conviction and because, by 2010, more than three years have passed since 2004. However, the defendant cannot annul, in 2010, the 2000 conviction, because it was followed by a later conviction – the 2004 conviction. The effect of this statutory structure is to require a defendant to annul prior convictions one-by-one, starting with the most recent and working backwards in time towards the earliest. The first variation, defined by the limited three-year look-forward period, would only require the defendant to annul convictions at separate

times in reverse chronological order if a later conviction is entered within the statutory look-forward period.

The question then arises as to which structure the language of the New Hampshire statute creates. On this point, its language is clear. As already noted, the statute declares in pertinent part that, except as provided in paragraphs V and VI, “any person convicted of an offense may petition for annulment . . . when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime . . . for a period of time as follows. . . .” RSA 651:5, III (emphasis added). The phrase – “for a period of time” – plainly modifies the clause – “and has thereafter been convicted of no other crime.” If the statute aimed to establish a simple prohibition on the annulment of any conviction that was followed by a later, not-yet-annulled conviction, the sentence would have ended with the words “no other crime,” and would have omitted the underlined phrase.

It is no answer to this contention to argue that the statute somewhere had to enact the minimum waiting period for the various classes of crimes. The statute could have accomplished that task by ending the sentence with the words “no other crime,” and beginning the next sentence with the words: “The minimum waiting period for the various classes of crimes is as follows.”

It is therefore plain from the language of the statute that New Hampshire law does not make the entry of a subsequent conviction a bar to the annulment of a prior conviction if the later conviction came after the close of the specified look-forward period. In other words, New Hampshire law does not rigidly require a defendant always to annul convictions one at a time in reverse chronological order. Indeed, in State v. Baker, 164 N.H. 296 (2012), the Court confronted the case of a petitioner who sought, at the same time, to annul multiple prior convictions entered at different times. The Court ultimately remanded the case for individualized consideration of the petition, a result it would not have reached if the law required defendants to annul convictions one-by-one, in reverse chronological order. Id. at 297-300. Rather, New Hampshire law allows the annulment of an earlier conviction simultaneously or before the annulment of a later conviction, provided that the later conviction was not within the statutorily-specified look-forward period of the prior conviction.

An example illustrates the policy considerations that support the legislative choice. Suppose that a defendant was convicted in 1990 of a class B felony theft. Under RSA 651:5, III(d), the annulment waiting-period applicable in such cases is five years. Suppose further that in 2006, the defendant is convicted of a misdemeanor marijuana possession offense. In 2010, the defendant petitions to annul both convictions

after the waiting-period as to both has passed. Under RSA 651:5 as written by the legislature, the defendant is entitled to the annulment of both convictions, because there was no later conviction within the applicable statutory look-forward period. However, under an interpretation that rigidly requires annulment of convictions in reverse chronological order, the defendant can annul the 2006 marijuana conviction in 2010, but must then wait until that petition is granted before petitioning to annul the 1990 felony conviction. No good reason exists to require annulment petitions to proceed thus always in reverse chronological order.

It remains only to apply the plain language of the statute to Williams's rejected annulment petitions.³ Her record shows first a conviction for disorderly conduct entered in May 2007 in case number 2007-CR-228. AD 51. Her record shows next a conviction for simple assault entered in October 2007 in case number 2007-CR-224. AD 47. Her record then shows two simple assault convictions entered November 1, 2012, in case number 2012-CR-867. AD 33, 36.⁴ By the time

³ The brief addresses here only the petitions relating to convictions. RSA 651-5, III's waiting-period provisions apply only to convictions. In Section C below, the brief addresses her petitions seeking the annulment of records of arrests and charges that did not result in convictions.

⁴ It is true that, at the time of filing of her petition to annul, Williams also had on her record a November 8, 2012, conviction for theft in the Laconia court. However, as noted above, that conviction was annulled by an order of the Laconia court shortly before the Hillsborough court ruled. Moreover, the grant of annulment was called to the Hillsborough court's attention in the motion to reconsider, and thus was known to the court when, in April 2019, it denied that motion. Williams thus complied with the reverse-chronological-order principle with respect to that conviction.

the court ruled on Williams's petition to annul in 2018, Williams had complied with all the statutory conditions, except with respect to the May 2007 conviction. She had completed all the terms and conditions of all of the sentences. She had no non-annulled convictions within the look-forward periods applicable to the October 2007 conviction and the November 2012 conviction. The Hillsborough court thus erred in denying Williams's petitions as to those convictions. Only with respect to the May 2007 conviction had Williams not complied, as only with respect to that conviction did she have a subsequent conviction within the applicable statutory look-forward period.

B. RSA 651:5, VI does not disentitle Williams to the relief she claims.

RSA 651:5, VI provides that

If a person has been convicted of more than one offense, no petition for annulment shall be brought and no annulment granted:

- (a) If annulment of any part of the record is barred under paragraph V; or
- (b) Until the time requirements under paragraphs III and IV for all offenses have been met.

RSA 651:5, VI.

Several points bear emphasis about this part of the statute. First, it applies to persons "convicted of more than

one offense,” and sets out two circumstances in which such persons may not petition for annulment. In a general sense, Williams falls within the provision’s scope because she has been convicted of more than one offense.

Second, the provision establishes, under section (a), a special rule applicable to defendants who have a conviction covered by Paragraph V. That special rule does not apply to Williams, because she does not have a Paragraph V conviction.

Third, the provision bars petitions for annulment “until the time requirements under paragraphs III and IV for all offenses of record have been met.” Paragraph IV simply establishes a rule barring renewed petitions for annulment after the denial of an initial petition, until three years have passed since the initial petition’s denial. RSA 651:5, IV. That provision does not apply here because the annulment petitions here are Williams’s first. To the extent that the denials are upheld, she will not be able to re-petition for three years.

More pertinent, then, is the reference to Paragraph III. The only plausible interpretation is that a defendant cannot annul an earlier conviction until eligible to annul the conviction with the last-ending look-forward period. An example illustrates the interpretation. Recall the example of the defendant with a class B felony theft conviction in 1990, followed in 2006 with a class A misdemeanor conviction.

If the defendant petitions to annul the convictions in 2010, the petition is eligible to be granted as to both, because the defendant had no new convictions in the five years following 1990, and further has survived, without any new convictions, the three-year waiting period for the class A misdemeanor conviction before filing, in 2010, any petition to annul either conviction. Paragraph VI, properly interpreted, imposes no bar to the annulment petition. However, if the defendant had filed the petition to annul the 1990 conviction in 2007, after the 2006 conviction but before the expiration of the waiting period applicable to the 2006 conviction, the petition to annul even the 1990 conviction would have to be denied.

In other words, paragraph VI restarts the annulment waiting period for defendants with multiple convictions. They cannot petition to annul any conviction if there remains, on their record, any conviction as to which the look-forward period has not yet elapsed. Thus, “[p]ersons convicted of two offenses may not bring any petition until the *longer* [look-forward] time period has been satisfied.” State v. Comeau, 142 N.H. 84, 86 (1997) (emphasis in original; citing RSA 651:5, VI(b)). In Bobola, the Court interpreted the statute accordingly and held that a defendant could not annul an earlier second-degree assault conviction when he also had, on his record, a not-yet-annulment-eligible DUI conviction. Bobola, 168 N.H. at 774-79.

On this interpretation, Paragraph VI enacts no bar to Williams's annulment petitions. At the time she petitioned in 2018, she had no conviction so recent that its look-forward period had not yet elapsed.

C. The court erred in denying Williams's petitions to annul the record of arrests and charges that did not result in convictions.

As already noted, RSA 651:5, II governs petitions to annul the record of arrests and charges that did not result in convictions. Skinner, 149 N.H. at 103. Here, one of Williams's rejected petitions sought annulment of the record of arrest and charge with respect to two charges in case number 2007-CR-331. In that case, Williams had faced one count each of simple assault and breach of bail, but both charges ultimately were resolved in 2007 by the prosecution's entry of a *nolle prosequi*. AD 40, 43.

The time periods codified in RSA 651:5, III have no application to efforts to annul charges not resulting in convictions. Rather, RSA 651:5, II, provides in pertinent part that "any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record or court record, or both, at any time in accordance with the provisions of this section. . . ." Under the terms of that paragraph, therefore,

Williams is eligible to annul the record in 2007-CR-331 at any time. Skinner, 149 N.H. at 103.

Paragraph VI, discussed above, likewise does not apply with respect to petitions seeking to annul records of cases that did not result in convictions. Id. at 103-04. Even if Paragraph VI did apply, for the reasons described in Section B above, Paragraph VI would here interpose no obstacle to Williams's annulment petition. The Hillsborough court therefore erred in denying this petition also.

D. Conclusion.

Williams does not, by this appeal, claim a right to the granting of her petitions to annul. Rather, she contends only that the Hillsborough court erred in denying her petitions on an improper basis. The court should rather have reached the question whether "the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare." RSA 651:5, I; see also Baker, 164 N.H. at 300 (mandating exercise of discretion in determination whether to annul eligible convictions). This Court must therefore remand for further proceedings in which the Hillsborough court takes up that question.

CONCLUSION

WHEREFORE, Ms. Williams respectfully requests that this Court vacate the denial of all petitions except that relating to her May 2007 conviction.

Undersigned counsel requests fifteen minutes of oral argument before a full panel.

The appealed decision is in writing and is appended to the brief.

This brief complies with the applicable word limitation and contains 4010 words.

Respectfully submitted,

/s/ Christopher M. Johnson

By _____
Christopher M. Johnson, #15149
Chief Appellate Defender
Appellate Defender Program
10 Ferry Street, Suite 202
Concord, NH 03301

CERTIFICATE OF SERVICE

I hereby certify that a copy of this brief is being timely provided to the Criminal Bureau of the New Hampshire Attorney General's office through the electronic filing system's electronic service.

/s/ Christopher M. Johnson

Christopher M. Johnson

DATED: September 26, 2019

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**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
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Hillsborough NH 03244

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<http://www.courts.state.nh.us>

December 17, 2018

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **444-2012-CR-00867**

Attached please find Petitions To Annul for the above referenced matter.

Nancy E. Ringland
Clerk of Court

(768)

C: Laura Williams; Antrim Police Department; Michael Beausoleil; Hillsborough County Attorney's Office; Department of Corrections

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name: 6th Circuit - District Division - Hillsborough

AUG 30 2018

Case Name: State of NH v. Laura Williams

Case Number: 444-2012-CR-00867
(if known)

Charge ID: 68922C

PETITION TO ANNUL RECORD

In accordance with RSA 651:5, the applicant requests that the Court annul the record of arrest and charge, and if applicable, conviction and sentence in the following matter:

PLEASE COMPLETE A SEPARATE FORM FOR EACH OFFENSE

APPLICANT'S INFORMATION			
Full Name: Laura Williams		Date of Birth: 09/23/1969	
Address: 16 Village Apartments Rd., Unit #5			
City/Town Belmont	State NH	Zip Code 03220	Telephone Number: (603) 481-1941
E-mail Address: (optional) laurawilliams9876@gmail.com			

CHARGE INFORMATION				
For the charge that you are seeking to annul, list the RSA (statute) violated, name of crime/offense, date of offense, date of conviction or other disposition, date all terms and conditions of the sentence were completed, and disposition (sentence) imposed by the Court:				
RSA Violated	Name of Crime/Offense	Date of Offense	Date of Conviction or Other Disposition	Date Sentence Completed
631:2-a	simple assault	02/06/2008	11/01/2012	11/01/2013
Description of Sentence or other Disposition: Guilty Plea - Suspended fine and good behavior for one year				

Case Name: State of NH v. Laura Williams

Case Number: 444-2012-CR-00867

PETITION TO ANNUL RECORD

APPLICANT'S CERTIFICATION (Select checkbox that applies)

☐ The applicant was not convicted of the above crime/offense, and seeks only annulment of any record of arrest and/or charge.

☒ The applicant was convicted of the above crime/offense, and seeks annulment of any record of arrest, the offense/charge, conviction and sentence, and the applicant represents to the Court that:

1. All the terms and conditions of the sentence listed above have been completed, including the payment of any fine, restitution or other cost, any probation period and any suspended sentence imposed by the Court.

2. The time requirements for an annulment under RSA 651:5, III have been met for the crime for which the applicant has been convicted.

3. Since completing the terms and conditions of the sentence imposed by the Court in these matters, the applicant has not thereafter been convicted of any other crime, except a motor vehicle offense classified as a violation, other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82 or RSA 265-82-a.

4. There are currently no charges pending against the applicant in any other Court, except:

5. None of the charges sought to be annulled involve a violent crime, a crime of obstruction of justice, or an offense for which an extended term of imprisonment under RSA 651:6 was imposed.

After considering the investigation report prepared by the Department of Corrections and any response filed by the State, the Court may make a decision on your Petition to Annul Record without a hearing. If you are requesting a hearing before a judge, please check the box. ☐

Date

8/22/18

Applicant's Signature

Laura A. Williams

Joshua Hilliard, Esq.
Name of Counsel

Counsel's Signature

58 Pleasant Street, Concord, NH 03301
Address

State of NH

County of Merrimack

This instrument was acknowledged before me on 8/22/18 by Laura Williams

My Commission Expires 4/19/2022

Affix Seal, if any

Michelle X Bacher
Signature of Notarial Officer / Title



Case Name: State of NH v. Lau Williams

Case Number: 444-2012-CR-00867

PETITION TO ANNUL RECORD

FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

The Court having found that notice of the forgoing petition was given in accordance with law, and having reviewed the investigative report of the Department of Corrections made in accordance with statute, finds that annulment of the applicant's record will assist in the applicant's rehabilitation and will be consistent with the public welfare and the requirements of law,

IT IS THEREFORE ORDERED AND CERTIFIED:

☐ That the record of the charge and disposition of dismissal, acquittal or *nolle prosequi* in the above referenced matter, together with any record of arrest or charge therein is hereby annulled. The applicant has shown that issuance of this order is warranted under the statute. The clerk shall issue an appropriate Certificate of Annulment.

☐ That the record of conviction and sentence in the above entitled case, together with any record of arrest or charge therein, is hereby annulled. The clerk shall issue an appropriate Certificate of Annulment.

☒ The Court DENIES the applicant's petition for the following reason(s):

the defendant has subsequent convictions to this

Date

11-28-14

Signature of Judge

Edward B. Tenney

Printed Name of Judge

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name: 6th Circuit - District Division - Hillsborough

Case Name: State of NH v. Laura Williams

Case Number: 444-2012-CR-00867
(if known)

Charge ID: 689221C

AUG 30 2018

PETITION TO ANNUL RECORD

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Address: 16 Village Apartments Rd., Unit #5			
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For the charge that you are seeking to annul, list the RSA (statute) violated, name of crime/offense, date of offense, date of conviction or other disposition, date all terms and conditions of the sentence were completed, and disposition (sentence) imposed by the Court:				
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631:2-a	simple assault	02/06/2008	11/01/2012	11/01/2013
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Date

8/22/18

Applicant's Signature

Laura A. Williams

Joshua Hilliard, Esq.
Name of Counsel

Counsel's Signature

[Signature]

58 Pleasant Street, Concord, NH 03301
Address

State of NH County of Merrimack

This instrument was acknowledged before me on 8/22/18 by Laura A. Williams

My Commission Expires 4/19/2022
Affix Seal, if any

Signature of Notarial Officer / Title

Joshua Hilliard



Case Name: State of NH v. Lau Williams

Case Number: 444-2012-CR-00867

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FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

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☒ The Court DENIES the applicant's petition for the following reason(s):

The defendant has subsequent convictions

Date

11-28-19

Signature of Judge

Printed Name of Judge

Hon. Edward B. Tenney

**THE STATE OF NEW HAMPSHIRE
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December 17, 2018

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

— Case Name: **State v. Laura Williams**
Case Number: **444-2007-CR-00331**

Attached please find Petitions To Annul regarding the above referenced matter.

Nancy E. Ringland
Clerk of Court

(768)

C: Laura Williams; Michelle Dandeneau; Thomas J. Chesnard, ESQ; NH Department of Corrections

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name: 6th Circuit - District Division - Hillsborough

AUG 30 2018

Case Name: State of NH v. Laura Williams

Case Number: 07-331-37010C
(if known)

Charge ID: _____

PETITION TO ANNUL RECORD

In accordance with RSA 651:5, the applicant requests that the Court annul the record of arrest and charge, and if applicable, conviction and sentence in the following matter:

PLEASE COMPLETE A SEPARATE FORM FOR EACH OFFENSE

APPLICANT'S INFORMATION			
Full Name: Laura Williams		Date of Birth: 09/23/1969	
Address: 16 Village Apartments Rd., Unit #5			
City/Town Belmont	State NH	Zip Code 03220	Telephone Number: (603) 481-1941
E-mail Address: (optional) laurawilliams9876@gmail.com			

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RSA Violated	Name of Crime/Offense	Date of Offense	Date of Conviction or Other Disposition	Date Sentence Completed
597:7-A	Breach of Bail Cond	04/09/2007	10/01/2007	
Description of Sentence or other Disposition: Nolle Prosequi				

15

Case Name: State of NH v. Laura Williams

Case Number: 07-331-37010C

PETITION TO ANNUL RECORD

APPLICANT'S CERTIFICATION (Select checkbox that applies)

- ☒ The applicant was not convicted of the above crime/offense, and seeks only annulment of any record of arrest and/or charge.
- ☐ The applicant was convicted of the above crime/offense, and seeks annulment of any record of arrest, the offense/charge, conviction and sentence, and the applicant represents to the Court that:
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 3. Since completing the terms and conditions of the sentence imposed by the Court in these matters, the applicant has not thereafter been convicted of any other crime, except a motor vehicle offense classified as a violation, other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82 or RSA 265:82-a.
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8/22/18
Date

Laura Williams
Applicant's Signature

Joshua Hilliard, Esq.
Name of Counsel

[Signature]
Counsel's Signature

58 Pleasant Street, Concord, NH 03301
Address

State of NH, County of Merrimack

This instrument was acknowledged before me on 8/22/18 by Laura Williams

My Commission Expires 4/19/2022
Affix Seal, if any

Michael Bachus
Signature of Notarial Officer / Title



Case Name: State of NH v. Laura Williams

Case Number: 07-331-37010C

PETITION TO ANNUL RECORD

FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

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☒ The Court DENIES the applicant's petition for the following reason(s):

defendant convicted of subsequent offenses

Date

12-18-18

Signature of Judge

Printed Name of Judge

Edward B. Tenney

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

AUG 30 2018

Court Name: 6th Circuit - District Division - Hillsborough

Case Name: State of NH v. Laura Williams

Case Number: 07-331-37009C
(if known)

Charge ID: _____

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For the charge that you are seeking to annul, list the RSA (statute) violated, name of crime/offense, date of offense, date of conviction or other disposition, date all terms and conditions of the sentence were completed, and disposition (sentence) imposed by the Court:				
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631:2-A	Simple Assault	04/09/2007	10/01/2007	
Description of Sentence or other Disposition: Nolle Prosequi				

Case Name: State of NH v. Laura Williams

Case Number: 07-331-37009C

PETITION TO ANNUL RECORD

APPLICANT'S CERTIFICATION (Select checkbox that applies)

☒ The applicant was not convicted of the above crime/offense, and seeks only annulment of any record of arrest and/or charge.

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Date

8/22/18

Applicant's Signature

Laura A. Williams

Joshua Hilliard, Esq.

Name of Counsel

Counsel's Signature

58 Pleasant Street, Concord, NH 03301

Address

State of NH, County of Merrimack

This instrument was acknowledged before me on 8/22/18 by Laura Williams

My Commission Expires 4/19/2022

Affix Seal, if any

Michael R. Bachelder
Signature of Notarial Officer / Title



Case Name: State of NH v. Laura Williams

Case Number: 07-331-37009C

PETITION TO ANNUL RECORD

FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

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☒ The Court DENIES the applicant's petition for the following reason(s):

The defendant lacked subsequent conviction

Date

12-18-14

Signature of Judge

Printed Name of Judge

Edward B. Tenney

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

6th Circuit - District Division - Hillsborough
15 Antrim Road Box #3
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December 17, 2018

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **444-2007-CR-00224**

Attached please find Petition To Annul for the above referenced matter.

Nancy E. Ringland
Clerk of Court

(768)

C: Laura Williams; Michelle Dandeneau; Thomas J. Chesnard, ESQ; NH Department of Corrections

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

AUG 30 2018

Court Name: 6th Circuit - District Division - Hillsborough

Case Name: State of NH v. Laura Williams

Case Number: 07-224-32006C
(if known)

Charge ID: _____

PETITION TO ANNUL RECORD

In accordance with RSA 651:5, the applicant requests that the Court annul the record of arrest and charge, and if applicable, conviction and sentence in the following matter:

PLEASE COMPLETE A SEPARATE FORM FOR EACH OFFENSE

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Full Name: Laura Williams		Date of Birth: 09/23/1969	
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City/Town Belmont	State NH	Zip Code 03220	Telephone Number: (603) 481-1941
E-mail Address: (optional) laurawilliams9876@gmail.com			

CHARGE INFORMATION				
For the charge that you are seeking to annul, list the RSA (statute) violated, name of crime/offense, date of offense, date of conviction or other disposition, date all terms and conditions of the sentence were completed, and disposition (sentence) imposed by the Court:				
RSA Violated	Name of Crime/Offense	Date of Offense	Date of Conviction or Other Disposition	Date Sentence Completed
631:2-A	1st Degree Assault	04/09/2007	10/01/2007	10/01/2008
Description of Sentence or other Disposition: Guilty Plea - Good behavior for one year and a suspended fine.				

Case Name: State of NH v. Laura Williams

Case Number: 07-224-32006C

PETITION TO ANNUL RECORD

APPLICANT'S CERTIFICATION (Select checkbox that applies)

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Date 8/22/18

Laura Williams
Applicant's Signature

Joshua Hilliard, Esq.
Name of Counsel

[Signature]
Counsel's Signature

58 Pleasant Street, Concord, NH 03301
Address

State of NH County of Merrimack

This instrument was acknowledged before me on 8/22/18 by Laura Williams

My Commission Expires 4/19/2022
Affix Seal, if any

Michelle L. Bachus
Signature of Notarial Officer / Title



Case Name: State of NH v. Laura Williams

Case Number: 07-224-32006C

PETITION TO ANNUL RECORD

FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

The Court having found that notice of the forgoing petition was given in accordance with law, and having reviewed the investigative report of the Department of Corrections made in accordance with statute, finds that annulment of the applicant's record will assist in the applicant's rehabilitation and will be consistent with the public welfare and the requirements of law.

IT IS THEREFORE ORDERED AND CERTIFIED:

☐ That the record of the charge and disposition of dismissal, acquittal or *nolle prosequi* in the above referenced matter, together with any record of arrest or charge therein is hereby annulled. The applicant has shown that issuance of this order is warranted under the statute. The clerk shall issue an appropriate Certificate of Annulment.

That the record of conviction and sentence in the above entitled case, together with any record of arrest or charge therein, is hereby annulled. The clerk shall issue an appropriate Certificate of Annulment.

☒ The Court DENIES the applicant's petition for the following reason(s):

The defendant has had subsequent convictions

Date

12-18-18

Signature of Judge

Printed Name of Judge

Edward B. Tenney

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

6th Circuit - District Division - Hillsborough
15 Antrim Road Box #3
Hillsborough NH 03244

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

December 17, 2018

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **445-2007-CR-00228**

Attached please find Petition To Annul for the above referenced matter.

Nancy E. Ringland
Clerk of Court

(768)

C: Laura Williams; Thomas Cavanaugh; Michael Beausoleil; Hillsborough County Attorney's Office;
Department of Corrections

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

AUG 30 2018

Court Name: 6th Circuit - District Division - Hillsborough

Case Name: State of NH v. Laura Williams

Case Number: 445-2007-CR-228
(if known)

Charge ID: _____

PETITION TO ANNUL RECORD

In accordance with RSA 651:5, the applicant requests that the Court annul the record of arrest and charge, and if applicable, conviction and sentence in the following matter:

PLEASE COMPLETE A SEPARATE FORM FOR EACH OFFENSE

APPLICANT'S INFORMATION			
Full Name: Laura Williams		Date of Birth: 09/23/1969	
Address: 16 Village Apartments Rd., Unit #5			
City/Town Belmont	State NH	Zip Code 03220	Telephone Number: (603) 481-1941
E-mail Address: (optional) laurawilliams9876@gmail.com			

CHARGE INFORMATION				
For the charge that you are seeking to annul, list the RSA (statute) violated, name of crime/offense, date of offense, date of conviction or other disposition, date all terms and conditions of the sentence were completed, and disposition (sentence) imposed by the Court:				
RSA Violated	Name of Crime/Offense	Date of Offense	Date of Conviction or Other Disposition	Date Sentence Completed
644:2	Disorderly conduct	04/09/2007	05/21/2007	05/21/2007
Description of Sentence or other Disposition: Guilty Plea - partial suspended fine				

Case Name: State of NH v. Laura Williams

Case Number: 445-2007-CR-228

PETITION TO ANNUL RECORD

APPLICANT'S CERTIFICATION (Select checkbox that applies)

☐ The applicant was not convicted of the above crime/offense, and seeks only annulment of any record of arrest and/or charge.

☒ The applicant was convicted of the above crime/offense, and seeks annulment of any record of arrest, the offense/charge, conviction and sentence, and the applicant represents to the Court that:

1. All the terms and conditions of the sentence listed above have been completed, including the payment of any fine, restitution or other cost, any probation period and any suspended sentence imposed by the Court.

2. The time requirements for an annulment under RSA 651:5, III have been met for the crime for which the applicant has been convicted.

3. Since completing the terms and conditions of the sentence imposed by the Court in these matters, the applicant has not thereafter been convicted of any other crime, except a motor vehicle offense classified as a violation, other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82 or RSA 265-82-a.

4. There are currently no charges pending against the applicant in any other Court, except:

5. None of the charges sought to be annulled involve a violent crime, a crime of obstruction of justice, or an offense for which an extended term of imprisonment under RSA 651:6 was imposed.

After considering the investigation report prepared by the Department of Corrections and any response filed by the State, the Court may make a decision on your Petition to Annul Record without a hearing. If you are requesting a hearing before a judge, please check the box. ☐

8/22/18
Date

Laura Williams
Applicant's Signature

Joshua Hilliard, Esq.
Name of Counsel

[Signature]
Counsel's Signature

58 Pleasant Street, Concord, NH 03301
Address

State of NH

County of Merrimack

This instrument was acknowledged before me on August 1, 2018 by Laura Williams

My Commission Expires - 4/19/2022
Affix Seal, if any

Joshua Hilliard
Signature of Notarial Officer / Title



Case Name: State of NH v. Laura Williams

Case Number: 445-2007-CR-228

PETITION TO ANNUL RECORD

FOR COURT USE ONLY:

ON THE PETITION TO ANNUL RECORD OF ARREST OR CONVICTION AND SENTENCE

The Court having found that notice of the forgoing petition was given in accordance with law, and having reviewed the investigative report of the Department of Corrections made in accordance with statute, finds that annulment of the applicant's record will assist in the applicant's rehabilitation and will be consistent with the public welfare and the requirements of law,

IT IS THEREFORE ORDERED AND CERTIFIED:

☐ That the record of the charge and disposition of dismissal, acquittal or *nolle prosequi* in the above referenced matter, together with any record of arrest or charge therein is hereby annulled. The applicant has shown that issuance of this order is warranted under the statute. The clerk shall issue an appropriate Certificate of Annulment.

That the record of conviction and sentence in the above entitled case, together with any record of arrest or charge therein, is hereby annulled. The clerk shall issue an appropriate Certificate of Annulment.

☒ The Court DENIES the applicant's petition for the following reason(s):

The defendant has subsequent convictions

Date 11-28-19

Signature of Judge

Edward B. Tenney

Print Name of Judge

APR 03 2019

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

6th Circuit - District Division - Hillsborough
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April 01, 2019

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **444-2007-CR-00224**

Please be advised that Judge E.B. Tenney has rendered the following decision regarding the above matter: "Motion to reconsider is denied. The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012."

Nancy E. Ringland
Clerk of Court

(444025)

C: Laura Williams; Michelle Dandeneau; Thomas J. Chesnard, ESQ; NH-DMV; NH Department of Corrections; NH Criminal Records Division

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April 01, 2019

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **445-2007-CR-00228**

Please be advised that E.B. Tenney has rendered the following decision regarding the above matter:
"Motion for reconsideration is denied. The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012."

Nancy E. Ringland
Clerk of Court

(444025)

C: Laura Williams; Thomas Cavanaugh; Michael Beausoleil; Hillsborough County Attorney's Office;
Department of Corrections; NH-DMV; NH Criminal Records Division

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April 01, 2019

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **444-2007-CR-00331**

Please be advised that E.B. Tenney has rendered the following decision regarding the above matter: "Motion for reconsideration is denied. The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012."

Nancy E. Ringland
Clerk of Court

(444025)

C: Laura Williams; George Philibotte, JR; Michelle Dandeneau; Thomas J. Chesnard, ESQ; NH-DMV; NH Department of Corrections; NH Criminal Records Division

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NH CIRCUIT COURT**

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April 01, 2019

**JOSHUA SCOTT HILLIARD, ESQ
MAGGIOTTO BELOBROW FEENEY & FRAAS PLLC
58 PLEASANT STREET
CONCORD NH 03301**

Case Name: **State v. Laura Williams**
Case Number: **444-2012-CR-00867**

Please be advised that E.B. Tenney has rendered the following decision regarding the above matter:
"Motion for reconsideration is denied. The subsequent offenses of drug possession and theft are not
minor offenses and both occurred as recently as 2012."

Nancy E. Ringland
Clerk of Court

(444025)

C: Laura Williams; Antrim Police Department; Michael Beausoleil; Hillsborough County Attorney's
Office; Department of Corrections; NH-DMV; NH Criminal Records Division

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