

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2019-0250

The State of New Hampshire

v.

Laura Williams

APPEAL PURSUANT TO RULE 7 FROM A JUDGMENT OF THE
6TH CIRCUIT COURT—DISTRICT DIVISION—HILLSBOROUGH

BRIEF FOR THE STATE OF NEW HAMPSHIRE

THE STATE OF NEW HAMPSHIRE

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ISSUE PRESENTED

Whether the trial court properly denied the defendant's petitions to annul where she had been arrested for and/or convicted of numerous offenses between 2007 and 2015; had committed and/or been convicted of most of them during the good-behavior period on a sentence for a prior conviction and/or the conviction-free time requirement for annulling it; had not annulled any of her convictions before she filed the petitions, and had at least one conviction on her record that was still ineligible for annulment when the court denied her untimely motion for reconsideration.

STATEMENT OF THE CASE AND FACTS

This appeal concerns the propriety of the defendant, Laura Williams's, efforts to annul the records of her numerous charges and convictions that occurred over a period of several years. Given the language and operation of RSA 651:5 (Supp. 2018), the annulment statute, the analysis is technical and requires consideration of the nature and timing of all the charges and convictions, which follows. The larger issues, however, concern the meaning of the statute itself, and whether the legislature intended for it to allow a person with numerous charges and convictions that occurred over several years to annul them all by starting with the most recent and working backward, with each new annulment making the next annulment possible.

A. The defendant's criminal history.

On December 15, 2006, the defendant was charged with class A misdemeanor driving with a suspended registration (Concord District Court¹ case number 429-2007-CR-00191). ASB 59.² On January 17, 2007, she pled guilty and the court sentenced her to a fine of \$1,200,³ suspended

¹ In 2011, the court was renamed the 6th Circuit Court–District Division–Concord.

² “ADB” refers to the separately bound appendix to the defendant's brief.

“ASB” refers to the attached appendix to the State's brief.

“DB” refers to the defendant's brief and the attached addendum.

³ The State ran the defendant's criminal record, which shows the amount of the fine, before the conviction was annulled. It also provided defense counsel with the record. However, it does not intend to file the record, which contains a great deal of confidential information about the defendant unless she objects to the State's factual assertions.

for one year on the condition of good behavior. ASB 59. The conviction was then recorded as a class B misdemeanor. *See* RSA 625:9 (2016).

Less than three months later, on April 9, 2007, the defendant was charged with attempted class A felony first degree assault (Henniker District Court⁴ case number 444-2007-CR-00224), ASB 39-41, 50-51, and class B misdemeanor disorderly conduct (Hillsborough District Court case number 445-2007-CR-00228), ASB 42-43, 50-51. A month later, on May 8, 2007, she was charged with attempted class B misdemeanor attempted simple assault and class A misdemeanor contempt of a bail order (Henniker District Court case number 444-2007-CR-00331). ASB 44, 55-56.

On May 21, 2007, the defendant pled guilty to the disorderly conduct charge in Hillsborough case number 445-2007-CR-00228, and the court sentenced her to a fine of \$30. ASB 43. On October 1, 2007, the defendant pled guilty to a reduced charge of violation simple assault in Henniker case number 444-2007-CR-00224, and the court sentenced her to a fine of \$1,000, suspended for one year on the condition of good behavior. ASB 50-51. The same day, the State entered *nolle prosequis* on both charges in Henniker case number 444-2007-CR-00331. ASB 45.

Four months later, on February 6, 2008, the defendant was charged with two counts of class A misdemeanor simple assault (Henniker-Hillsborough District Court case number 444-2012-CR-00867). ASB 47. On February 18, 2008, the State obtained a warrant to arrest her, but was unable to locate her. ASB 52-54.

⁴ In 2007 or 2008, the Henniker and Hillsborough district courts were merged and named the Henniker-Hillsborough District Court, and in 2011, that court was renamed the 6th Circuit Court–District Division–Hillsborough.

Over four years later, on June 18, 2012, the defendant was charged with two counts of simple assault (Salem tracking number TNH020123050), ADB 16, 23, and one class A misdemeanor count of possession of controlled drugs (10th Circuit Court–District Division–Salem case number 12-1888), ADB 20. She was also arrested on the warrant in Hillsborough case number 444-2012-CR-00867. ASB 52. On June 26, she pled guilty to the Salem possession charge, and the court sentenced her to a term of 90 days, suspended for two years on the condition of good behavior, and a fine. ADB 20. The State did not file the Salem simple assault charges. ADB 16, 23.

On July 3, 2012, the Hillsborough court released the defendant on bail in case number 444-2012-CR-00867. ASB 47. Two months later, on September 7, 2012, she was charged with theft by unauthorized taking, ADB 4, and criminal trespass, ADB 8 (4th Circuit Court–District Division–Laconia case number 450-2012-CR-02968). On November 1, 2012, the defendant pled guilty to both simple assault charges in Hillsborough case number 444-2012-R-00867. On the first conviction, the court sentenced her to a fine of \$1,200, suspended for one year on the condition of good behavior. On the second conviction, the court sentenced her to a fine of \$1,200, suspended for a consecutive one year on the condition of good behavior. ASB 48. Both convictions were then recorded as class B misdemeanors. *See* RSA 625:9.

On November 8, 2012, the defendant pled guilty to the theft charge in Laconia case number 450-2012-CR-02968, and the court sentenced her to a fine that was suspended for one year on the condition of good behavior.

ADB 4. On December 17, 2012, the court dismissed the criminal trespass charge in the same case. ADB 8.

On June 20, 2015, the defendant was charged with class B misdemeanor displaying a false registration or inspection sticker (4th Circuit Court–District Division–Laconia case number 450-2015-CR-01906). On August 13, she pled guilty and the court sentenced her to a fine. ADB 12. *See* ASB 62-63 (chart of all the charges and their dispositions).

B. The petitions to annul, the courts’ orders, the motion for reconsideration, and the court’s order denying it.

In August 2018, the defendant filed RSA 651:5 (Supp. 2018) petitions to annul her convictions and her arrest and court records for charges that did not result in convictions in the 6th Circuit Court–District Division–Hillsborough (the Hillsborough court), DB 33-38, 40-45, 47-49, 51-53; the 4th Circuit Court–District Division–Laconia (the Laconia court), ADB 4-6, 8-10, 12-14; the 10th Circuit Court–District Division–Salem (the Salem court), ADB 16-18, 20-25, and the 6th Circuit Court–District Division–Concord (the Concord court), ADB 27; ASB 59-61. On each petition to annul a conviction, she certified that:

1. All the terms and conditions of the sentence ... ha[d] been completed
2. The time requirements for an annulment under RSA 651:5, III ha[d] been met for the crime for which the applicant ha[d] been convicted.
3. Since completing the terms and conditions of the sentence imposed by the Court in these matters, the applicant ha[d] not thereafter been convicted of any other crime, except a motor vehicle offense classified as a violation

4. There [were] currently no charges pending against the applicant in any other court

5. None of the charges sought to be annulled involved a violent crime

DB 34, 37, 48, 52; ADB 5, 13, 21, 24; ASB 60. The defendant did not request a hearing on any of her petitions. DB 34, 37, 41, 44, 48, 52; ADB 5, 9, 13, 17, 21, 24; ASB 60.

On October 22, 2018, the Laconia court granted the defendant's petitions, and the clerk issued the orders on October 26, 2018. ADB 3-14. On October 31, the Merrimack County Department of Corrections filed an annulment investigation report in Hillsborough case numbers 444-2007-CR-00224 and 444-2007-CR-00331 that stated the defendant appeared to be in compliance with the requirements for annulment. ASB 41, 45. On November 5, the Concord court granted the defendant's petition. ASB 58. On November 14, the Hillsborough County Department of Corrections filed an annulment investigation report in Hillsborough case numbers 444-2012-CF-00867 and 445-2007-CR-00228 that stated the defendant did not appear to be in compliance with the requirements for annulment because her 2012 drug and theft convictions occurred after the convictions she sought to annul. ASB 43, 48, 57.

On November 28, 2018, the Hillsborough court (*Tenney, J.*) denied the defendant's petitions because she "had subsequent convictions." DB 35, 38, 42, 45, 49, 52, 53. On December 6, the Salem court granted her petitions. ADB 15-25. On December 17, the Hillsborough clerk issued the orders denying her petitions. DB 32, 39, 46, 50. On December 18, the Salem clerk issued the orders granting her petitions. ADB 15, 19.

On January 4, 2019, the defendant filed an untimely motion for reconsideration in the Hillsborough court. ADB 26-28; ASB 41, 43, 45, 48. She first noted that RSA 651:5, I, “states ‘except as provided in paragraph V-VIII, the record ... of any person may be annulled by the sentencing court ... if in the opinion of the court the annulment will assist in the petitioner’s rehabilitation and will be consistent with the public welfare.’” ADB 26 (ellipses in original). She then argued that “[p]aragraphs V-VIII do not bar annulments for ... ‘subsequent convictions’ unless one ... was for a ‘violent crime, of felony obstruction of justice crime’ or any crime for which an extended term of imprisonment was imposed (RSA 651:5, V); or if the time requirements for filing an annulment petition set forth in the statute had not been met, (RSA 651:5, VI),” and “none of those circumstances appl[ied] here.” ADB 26.

The defendant next stated that she had “filed Petitions to Annul other minor offenses in Salem, Concord, and Laconia,” that the Laconia and Salem courts had granted the petitions, and that the Concord court had not yet ruled on the petition. She then argued that “[t]he circumstances in [her] life ha[d] changed from engaging in minor offenses due to substance abuse, to striving to become a contributing member of society,” and that “[a]nnuling these minor offenses w[ould] assist in her rehabilitation, by assisting her in obtaining employment, housing, and moving forward without the stigma of criminal convictions.” ADB 27.

The defendant also argued that although RSA 651:5, I, gave the court discretion to deny her petitions, its “orders [were] devoid of any explanation [of] how the fact that [she had] subsequent minor convictions” supported a finding that annulment “would ... *not* assist [her] rehabilitation

and would be inconsistent with the public welfare.” ADB 27-28. She last argued that “[i]f the legislature [had] wanted to bar annulment for any petitioner who had a subsequent conviction, it could have done so, but it [had] not.” ADB 28. She then requested that the court either “[r]econsider its denial of her Petitions” or “hold a hearing” ADB 28.

On April 1, 2019, the court held: “Motion to reconsider is denied. The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012.” DB 54 (quotation omitted). This appeal followed.

SUMMARY OF THE ARGUMENT

This Court should not consider the defendant's appellate arguments because she did not preserve them in the trial court and she has not invoked the plain error rule on appeal. Even if this Court considers her arguments under its plain error rule, she cannot meet the strict standard for several reasons. First, her arguments are factually unsound because the trial court did not deny her petitions as untimely or fail to consider whether annulling her records would assist in her rehabilitation and be consistent with the public welfare. Instead, it considered all the relevant criteria and found that annulling her records would be inconsistent with the public welfare, a finding she has neither acknowledged nor challenged on appeal.

Second, even if the trial court denied the defendant's petitions as untimely, it did not err in doing so because the plain language of RSA 651:5, III prohibited her from filing a petition to annul a conviction until she had met its time requirements for that conviction, the plain language of RSA 651:5, VI prohibited her from filing any petitions until she had met those time requirements for all her convictions, and she had not met the conviction-free time requirement for her May 2007 conviction or her November 2012 conviction. Third, the trial court did not err in denying her petitions to annul the records of her arrests and charges that did not result in convictions because they were part of the same case as her October 1, 2007 conviction and the State dropped them as part of a plea agreement. Fourth, even if the trial court erred, the errors could not have been plain because the issues raised are of first impression and turn upon interpretations of RSA 651:5 that this Court has never adopted.

ARGUMENT

THE DEFENDANT DID NOT PRESERVE HER APPELLATE ARGUMENTS IN THE TRIAL COURT; SHE HAS NOT INVOKED THE PLAIN ERROR RULE ON APPEAL; AND SHE CANNOT MEET THAT STRICT STANDARD BECAUSE THERE WAS NO ERROR AND EVEN IF THERE WAS, IT WAS NOT PLAIN.

The defendant argues that the Hillsborough “court erred in denying the petitions to annul, except with respect to the [one] relating to [her] May 2007 conviction,” because it “misinterpret[ed] RSA 651:5” and “refuse[d] to decide whether, under RSA 651:5, I, the requested annulments ‘will assist in [her] rehabilitation and will be consistent with the public welfare.’” DB 14. She then argues that “[t]his Court must therefore remand for further proceedings in which the ... court takes up that question.” DB 16.

A. This Court should not address the substance of the defendant’s arguments because she did not preserve them in the trial court and has not invoked the plain error rule on appeal.

The defendant alleges that her appellate issues were “preserved by petitions to annul, the motion to reconsider, the denial of the petitions, and the court’s rulings.” DB 5. That claim lacks merit for several reasons.

First, the defendant did not make any statutory construction arguments in her petitions, so they could not have preserved any such arguments. Second, she has not explained how the trial court’s rulings on the petitions could have preserved arguments she had never made in them. Therefore, neither the defendant’s petitions nor the trial court’s orders denying them preserved her statutory construction arguments.

Third, although the defendant did make some statutory construction arguments in her motion for reconsideration, it was untimely because she did not file it until 18 days after the date of the clerk’s written notices of the orders denying her petitions. ASB 41, 43, 45, 48. *See N.H. R. Crim. P. 43(a)* (“A motion for reconsideration ... shall be filed within ten days of the date on the clerk’s written notice of the order.”). Thus, her “arguments are not properly before [this Court] because, to the extent that [she] raised them before [the trial court at all], she did so, for the first time, in an untimely motion for reconsideration, which is insufficient to preserve them for [this Court’s] review.” *Appeal of Brown*, 171 N.H. 468, 470 (2018). Therefore, this Court should “decline to address them substantively.” *Id.*; *see also In re Sweatt & Sweatt*, 170 N.H. 414, 424 (2017) (“because the respondent did not raise [his] arguments in the trial court or in a timely motion for reconsideration, they are not preserved for our review, and we decline to address them”).

Fourth, even if an untimely motion for reconsideration could satisfy this Court’s preservation requirement, “[t]he trial court must have had the opportunity to consider any issues asserted by the defendant on appeal ... to satisfy [that] requirement” *State v. Mouser*, 168 N.H. 19, 27 (2015); *see also N.H. R. Crim. P. 43(a)* (same). Here, a comparison of the arguments the defendant has made on appeal with those she made in her motion for reconsideration demonstrates that they are fundamentally different.

In Section A of the defendant’s brief, she first states that the court denied her petitions “as untimely under [RSA 651:5,] III” DB 17. She then argues that it erred in doing so with respect to her petitions to annul her October 2007 and November 2012 convictions, DB 24, because

“paragraph III establishes two timing-related eligibility conditions”—“the petitioner must have ‘completed all the terms and conditions of the sentence’ and ‘must thereafter have been ‘convicted of no other crime’ ... for the specified period of time,” DB 19, and “[b]y the time the court ruled ..., [she] had complied with all the statutory conditions, except with respect to the May 2007 conviction,” DB 23-24.

In Section B of the brief, the defendant argues that “RSA 651:5, VI does not disentitle [her] to the relief she claims” because it “restarts the annulment waiting period for defendants with multiple convictions,” DB 26, “[t]hey 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,” DB 26, and when “she petitioned in 2018, she had no conviction so recent that its look-forward period had not yet elapsed,” DB 27.

In Section C of the brief, the defendant argues that “RSA 651:5, II governs petitions to annul the record of arrests and charges that did not result in convictions,” DB 27, that “[t]he time periods codified in RSA 651:5, III have no application to efforts to annul [them],” DB 27, that RSA 651:5, VI “likewise does not apply,” DB 28, and that “[e]ven if [it] did apply, for the reasons described in Section B ..., [it] would here interpose no obstacle,” DB 28.

By contrast, in the trial court, the defendant never mentioned paragraph II or paragraph III. Instead, she first quoted a portion of paragraph I, and then argued that “[p]aragraphs V-VIII do not bar annulments for ... ‘*subsequent convictions*’ unless one” meets the criteria under RSA 651:5, V, or of “if the *time requirements for filing an annulment petition* set forth in the statute have not been met.” ADB 26 (emphasis

added) (citing RSA 651:5, VI). The defendant also never argued that the court had failed to consider whether annulments would assist in her rehabilitation and be consistent with the public welfare. Instead, she argued only that it had failed to explain how annulments of her “subsequent minor convictions” would “*not* assist [her] rehabilitation and would be inconsistent with the public welfare.” DB 27-28. Therefore, the defendant’s appellate arguments are not preserved because she never gave the trial court the opportunity to consider them.

Furthermore, the defendant’s arguments that the trial court found her petitions “untimely under Paragraph III,” DB 16-17, and that it never “reached the question [of] whether ‘the annulment will assist in [her] rehabilitation and will be consistent with the public welfare,’” DB 28 (quoting RSA 651:5, I), are factually unsound because the court never said it was denying her petitions as untimely. Instead, it first said it was denying them because she had “subsequent convictions.” DB 35, 38, 42, 45, 49, 52, 53. Then, after she argued in her motion for reconsideration that “[a]nnulling [her] minor offenses w[ould] assist in her rehabilitation,” and that “the Court’s orders [were] devoid of any explanation [of] how” doing so “would ... *not* assist [her] rehabilitation and would be inconsistent with the public welfare,” ADB 27-28, the court denied the motion and explicitly stated that the “subsequent offenses of drug possession and theft [were] not minor offenses and both occurred as recently as 2012,” DB 54-57.

Thus, there is no reasonable basis to conclude that the trial court denied the petitions as untimely or that it failed to consider whether granting them would assist in the defendant’s rehabilitation or be consistent with the public welfare. Instead, the only reasonable interpretation of the

court's reconsideration order is that it found that annulling the convictions and offenses would not be consistent with the public welfare because the defendant had committed serious crimes as recently as 2012, and was either failing to recognize, or deliberately downplaying, their significance. The defendant has not challenged that finding on appeal, which waives her right to do so. *See State v. Ayer*, 150 N.H. 14, 34 (2003); *State v. Blackmer*, 149 N.H. 47, 49 (2003).

Moreover, the defendant has not invoked this Court's plain-error rule on appeal. Therefore, for all the foregoing reasons, this Court should decline to address the substance of her arguments. *See State v. Brum*, 155 N.H. 408, 417 (2007) (declining to consider Brum's argument because he did not preserve it in the trial court or invoke the plain error rule on appeal).

B. Even if this Court considers the defendant's arguments under its plain error rule, she cannot meet that strict standard because there was no error, and even if there was, it was not plain.

[This Court will] apply the [plain error] rule sparingly, its use limited to those circumstances in which a miscarriage of justice would otherwise result. To reverse a trial court decision under the plain error rule: (1) there must be an error; (2) the error must be plain; (3) the error must affect substantial rights; and (4) the error must seriously affect the fairness, integrity or public reputation of judicial proceedings.

State v. Pennock, 168 N.H. 294, 310 (2015) (quotations omitted). "[T]he defendant bears the burden under the plain error test." *State v. Cooper*, 168 N.H. 161, 168 (2015). Here, the defendant cannot meet that strict standard because there was no error and even if there was, it was not plain.

- i. **Even if the court denied the defendant’s petitions as untimely, it did not err because RSA 651:5, III prohibited her from filing a petition until its time requirements had been met, RSA 651:5, VI prohibited her from doing so “[u]ntil the time requirements ... for all offenses ha[d] been met,” and she had not met the conviction-free time requirement for her May 2007 conviction or her November 2012 conviction.**

The issues the defendant has briefed “raise questions of statutory interpretation...” DB 16. “The interpretation of a statute is a question of law, which [this Court] will review *de novo*.” *State v. Lantagne*, 165 N.H. 774, 777 (2013).

When examining the language of the statute, [this Court will] construe [it] according to its plain and ordinary meaning. [This Court will] interpret 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. [This Court will] construe the Criminal Code “according to the fair import of [its] terms and to promote justice.” RSA 625:3 [(2016)].

Id. (citations omitted). Here, a review of the plain language of the relevant portions of RSA 651:5 demonstrates that the defendant’s petitions to annul her convictions were untimely brought.

“RSA 651:5 sets forth both procedural prerequisites and categorical bars to obtaining annulments.” *State v. Bobola*, 168 N.H. 771, 773 (2016) (quotation omitted). Paragraph I provides:

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 (emphasis added). The plain language of that paragraph makes it clear that a sentencing court has the authority to annul a person's records only if the petition was timely brought. Therefore, the question is whether the defendant's petitions were timely brought. The answer is no.

Paragraphs III-VI set forth the time requirements that apply to petitions to annul convictions. Paragraph III provides, in relevant part:

Except as provided 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 ... for a period of time as follows:

(a)(1) For a violation with a conviction date prior to January 1, 2019 ... one year....

...

(b)(1) For a class B misdemeanor with a conviction date prior to January 1, 2019 ... 2 years.

...

(c) For a class A misdemeanor ... 3 years.

RSA 651:5, III. The plain language of the first paragraph makes it clear that a person may not file a petition for annulment unless and until she has met the applicable requirements.

The defendant acknowledges that “[i]n theory, an annulment statute’s waiting period provision could work in various ways,” that “[i]n one variation, the condition requires only that there be no later convictions within the specified period,” and that “[i]n a second variation, the condition would require no later convictions at any time after the conviction sought to be annulled.” DB 19. She next argues that “[t]he first variation ... 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.” DB 20-21. She then argues that the plain language of RSA 651:5, III makes clear that “[t]he phrase—‘for a period of time’—plainly modifies the clause—‘and has thereafter been convicted of no other crime,’” DB 21, so it is “plain ... 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” or “rigidly require a defendant always to annul convictions one at a time in reverse chronological order,” DB 22.

It should first be noted that the New Hampshire Judicial Branch petition to annul record form requires an applicant to certify that “[s]ince completing the terms and conditions of the sentence ..., 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.” DB 34. However, it does not say that a defendant must not be convicted of any other crime within the time requirements set forth in RSA 651:5, III. Therefore, it appears that the Judicial Branch has interpreted paragraph III as making the subsequent entry of any applicable conviction a bar to the annulment.

It should also be noted that the defendant's reliance on this Court's opinion in *State v. Baker*, 164 N.H. 296 (2012), in support of her arguments is misplaced. She argues that in *Baker*, this "Court confronted the case of a petitioner who sought, at the same time, to annul multiple prior convictions entered at different times," and that it "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." DB 22 (citing *Baker*, 164 N.H. at 297-300). However, in *Baker*, this Court said that Baker was also appealing "the trial court's denial of his petitions to annul the records of ... two 2004 arrests," and that it was reversing the decision because the State did not object to it doing so and "it appear[ed] that inclusion of these two 'arrests' on the defendant's record was the result of mistake." *Baker*, 164 N.H. at 300. This Court then said:

The trial court stated that based upon the 2004 arrests, in part, it was not persuaded that annulling the defendant's convictions was consistent with the public welfare. Because we are unable to determine on the record before us how the trial court would have ruled had it not considered the 2004 arrests, we vacate its decision and remand for further proceedings.

Id. Therefore, the opinion does not support the defendant's arguments concerning the meaning of paragraph III.

In any event, nothing in the plain language of the statute supports the defendant's argument that the court erred in denying her petitions to annul her October 2007 and November 2012 convictions because "[b]y the time [it] ruled on [her] petition[s] to annul in 2018, ...[s]he *had no non-annulled*

convictions within the look-forward periods applicable to [them].” DB 23-24 (emphasis added). In fact, the plain language of RSA 651:5, III belies that claim because it explicitly states that a person “*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.*” (Emphasis added.) Therefore, it is clear that a petition to annul a conviction is untimely brought if the petitioner files it before she has met both time requirements.

As demonstrated in § A of the statement of facts, above, when the defendant applied to annul all her convictions in August 2018, her public record included convictions with the following time requirements:

Court	Conviction date	Sentence end date	Annulment conviction-free period end date
Concord	01-17-2007	01-17-2008	01-17-2010
Hillsborough	05-21-2007	05-21-2007	05-21-2009
Henniker	10-01-2007	10-01-2008	10-01-2010
Salem	06-26-2012	06-26-2014	06-26-2017
Hillsborough	11-01-2012	11-01-2013	11-01-2015
Hillsborough	11-01-2012	11-01-2014	11-01-2016
Laconia	11-08-2012	11-08-2013	11-08-2014 or 2015 ⁵
Laconia	08-13-2015	08-13-2015	08-13-2017

The defendant’s May 21, 2007 Hillsborough conviction violated the conviction-free time requirement for her January 17, 2007 Concord

⁵ The State has included alternative dates because it was unable to determine whether the conviction was for a class B misdemeanor or a violation.

conviction. Her October 1, 2007 Henniker conviction violated the conviction-free time requirement for her May 21, 2007 Hillsborough conviction. Her two November 1, 2012 Hillsborough convictions, her November 8, 2012 Laconia conviction, and her August 13, 2015 Laconia conviction all violated the conviction-free time requirement for her June 26, 2012 Salem conviction. Her August 13, 2015 Laconia conviction may have also violated the conviction-free time requirement for her November 8, 2012 Laconia conviction. Her November 8, 2012 and August 13, 2015 Laconia convictions also violated the conviction-free time requirements for both her November 1, 2012 Hillsborough convictions. Thus, when the defendant filed her petitions to annul in August 2018, she had numerous convictions that did not meet the conviction-free time requirement under paragraph III, including her May 21, 2007 and November 1, 2012 Hillsborough convictions. Therefore, her petitions to annul those convictions were in fact untimely brought.

Furthermore, paragraph III does not say “and has thereafter been convicted of no other crime [*that has not been annulled by a court*] for a period of time as follows.” It is clear the legislature would have added that language if it intended to allow defendants to annul subsequent convictions that violated the conviction-free requirement and thereby eliminate their application because it used the phrase “that has not been annulled by a court” in RSA 651:5, X(f). This Court will therefore not interpret paragraph III in that manner because doing so would require it to “consider what the legislature might have said” and “add language that the legislature did not see fit to include.” *Lantagne*, 165 N.H. 777.

Moreover, RSA 651:5, VI, provides:

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.

(Emphasis added.)

The defendant argues that the “special rule applicable to defendants who have a conviction covered by Paragraph V ... does not apply to [her], because she does not have a Paragraph V conviction.” DB 25. However, paragraph V does not use the word conviction. Instead, it provides, in relevant part: “No petition shall be brought and no annulment granted in the *case* of any violent crime” RSA 651:5, V (emphasis added). RSA 651:5, VIII then provides that the term “violent crime” includes “First degree assault under RSA 631:1” This Court has held that “[t]he plain meaning of ‘case,’ in this context, is the matters of fact or conditions involved in a suit: a suit or action in law or equity.” *Bobola*, 168 N.H. at 777 (quotation omitted).

Here, the defendant was never convicted of first degree assault. However, in April 2007, she was charged with attempted class A felony first degree assault in Hillsborough case number 444-2007-CR-00224. The State then amended the complaint to the violation offense of simple assault by mutual combat, the defendant pled guilty to that offense, and in doing so admitted that she “did knowingly ... strike [the victim] with a baseball bat

in mutual combat.” ASB 50. Therefore, it would be reasonable to conclude that the “case” involved “first degree assault.”

In any event, nothing in the plain language of paragraph VI supports the defendant’s arguments that “[t]he only plausible interpretation of [the reference to paragraph III in paragraph VI(b)] is that a defendant cannot annul an earlier conviction until eligible to annul the conviction with the last-ending look-forward period,” DB 25, and that “paragraph VI restarts the annulment waiting period for defendants with multiple convictions,” DB 26. Instead, the only plausible interpretation of that language is that a defendant with multiple convictions cannot bring, and a court cannot grant, any petition for annulment unless and until the defendant has met both time requirements under paragraph III “for all offenses of record.”

The defendant concedes that “with respect to the May 2007 conviction,” she “had ... not complied” with the conviction-free time requirement because she still had “a subsequent conviction within the applicable statutory look forward period.” DB 24. In fact, as demonstrated above, she had not met that requirement for several of her convictions, including those that the Concord, Salem, and Laconia courts annulled after she “brought” her Hillsborough petitions. Therefore, the fact that those courts later erroneously annulled those convictions is not a basis to find that the Hillsborough court erred in denying her petitions. The defendant should, in other words, not be permitted to serially annul her subsequent convictions and thereby clear up her violations of the conviction-free time requirements for her prior convictions so she can then annul them.

It should also be noted that “although RSA 651:5, X(a) provides that the *person* whose record is annulled shall be treated in all respects as if he

had never been arrested, convicted or sentenced, it does not enshroud the record itself with a cloak of secrecy.” *Grafton County Attorney’s Office v. Canner*, 169 N.H. 319, 325 (2016). Instead, “prior convictions remain a historical reality and can be considered in limited circumstances.” *Wolfgram v. New Hampshire Dept. of Safety*, 169 N.H. 32, 39 (2016). Thus, “the records of arresting and prosecuting agencies remain subject to disclosure under the Right to Know law.” *Canner*, 169 N.H. at 414. They also remain available to “law enforcement personnel for legitimate law enforcement purposes” RSA 651:5, X(c). In other words, they remain “offenses of record” even after they are annulled. Therefore, because RSA 651:5, III, does not say “offenses of *public* record” or “offenses of record *that have not been annulled*,” this Court should interpret it as meaning all “offenses of record,” including those that have been annulled.

It should further be noted that although in *Bobola*, this Court “held that the defendant could not annul an earlier second-degree assault conviction when he also had, on his record, a not-yet-annulment eligible DUI conviction,” DB 26 (citing *Bobola*, 168 N.H. at 774-79), this Court never considered whether the fact that Bobola had been convicted of the DUI offense during the conviction-free time requirement for his assault conviction made it ineligible for annulment. Instead, this Court considered whether the three-year annulment waiting period for a class B misdemeanor conviction under RSA 651:5, III or the ten-year waiting period for a DUI conviction under RSA 265-A:21 applied to the DUI conviction and concluded that the ten-year waiting period applied, and that paragraph III incorporated it, so Bobola could not annul either conviction until he had

satisfied the ten-year waiting period. *Id.* at 774-776. The defendant's reliance on that opinion is therefore misplaced.

Moreover, even if the fact that the defendant had a conviction that was ineligible for annulment did not make her other convictions ineligible for annulment, the court did not unsustainably exercise its discretion in finding that annulment of them would not be consistent with the public welfare.

In deciding whether annulment is consistent with the public welfare, the trial court should weigh the factors in favor of annulment, such as evidence of the defendant's exemplary conduct and character since his last conviction, against the public interest in keeping h[er] convictions a matter of public record. Thus, in exercising its discretion, the court may consider such factors as the number and circumstances of the convictions at issue, the defendant's age at the time of each conviction, the time span of the convictions, and the particular manner in which annulment would aid the defendant's rehabilitation—for example, by allowing h[er] to obtain a professional license or to pursue a calling otherwise prohibited to those convicted of a crime.

Baker, 164 N.H. at 300 (internal citation and parentheticals omitted).

Here, the defendant was 37 years old when her Concord conviction was entered. Her May 21, 2007 Hillsborough conviction was then entered during the good-conduct sentencing period and the conviction-free annulment period on that conviction. Her October 1, 2007 Henniker conviction was entered during the conviction-free annulment period on her May 21, 2007 Hillsborough conviction. Her October 1, 2012 Hillsborough convictions were entered during the good-conduct sentencing period and the conviction-free annulment period on her Salem conviction, and they

would have been entered during the good-conduct sentencing period and the conviction-free annulment period on the October 1, 2007 Henniker conviction and the conviction-free annulment period on her May 21, 2007 Hillsborough conviction if the State had been able to locate her in 2008.

The defendant's November 8, 2012 Laconia conviction was entered during the good-conduct sentencing period and the conviction-free annulment period on her November 1, 2012 Hillsborough convictions, and her August 13, 2015 Laconia conviction may have been entered during the conviction-free annulment period on her November 8, 2012 Laconia conviction. The conviction-free annulment period on her August 13, 2015 Laconia conviction then expired on August 13, 2017 when she was almost 48 years old. Therefore, her record makes clear that her criminal conduct spanned almost a decade, that she engaged in all of it while an adult, that she engaged in some of it while under good-conduct conditions, and that she had been conviction free for only three years when she filed her petitions.

Furthermore, the defendant has never argued that annulling her convictions would be consistent with the public welfare. Instead, in the trial court, she merely asserted that "[a]nnulling [her] *minor* offenses w[ould] assist her in rehabilitation by assisting her in obtaining employment, housing, and moving forward without the stigma of criminal convictions." ADB 27 (emphasis added). There is, therefore, no basis to find that the trial court erred in finding that her convictions were not eligible for annulment or that annulling them would be inconsistent with the public welfare. To the contrary, her record of serial criminal activity, including hitting someone on the head with a baseball bat, amply supported those determinations.

- ii. **The trial court also did not err in denying the defendant's petitions to annul the record of her arrests and charges that did not result in convictions because they were part of the same case as her October 1, 2007 conviction and the State dropped them as part of a plea agreement.**

RSA 651:5, II governs petitions to annul the record of arrests and charges that did not result in convictions. It provides, in relevant part:

For an offense disposed of before January 1, 2019 ..., 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....

The defendant argues that the trial court erred in denying her petitions to annul the records of her arrests and charges in Hillsborough case number 444-2007-CR-00331 because “[t]he time periods codified in RSA 651:5, III have no application to efforts to annul charges not resulting in convictions,” DB 27, “Paragraph VI ... likewise does not apply,” and “[e]ven if [it] did apply, for the reasons described in Section B [of her brief, it] would here interpose no obstacle to [her] annulment petition,” DB 28.

The State does not dispute that the time requirements in paragraph III do not apply to petitions brought pursuant to paragraph II. It also does not dispute that paragraph VI generally does not apply to petitions brought pursuant to paragraph II because this Court has held that it “applies only to individuals seeking to annul convictions.” *State v. Skinner*, 149 N.H. 102, 104 (2003). However, when a charge that does not result in a conviction arises from the “same ‘case’” as one that does, *Bobola*, 168 N.H. at 777, a defendant cannot seek to annul the charge that did not result in a conviction

until “the time requirement of RSA 651:5 III is satisfied regarding the charge on which [s]he was convicted,” *id.* at 778. “The fact that, administratively, the charges were assigned separate docket numbers does not, standing alone, mean that [they] were separate cases.” *Id.* at 778. Instead, charges are part of the “same case” if they are part of “the matters of fact or conditions involved in a suit” *Id.* at 777 (quotation omitted).

Here, the record demonstrates that the charges in Henniker case numbers 444-2007-CR-00331 and 444-2007-CR-00224 were all part of the same case. On October 1, 2007, the defendant pled guilty to the April 9, 2007 reduced charge of simple assault by mutual combat in Henniker case number 444-2007-CR-00224, and the State entered *nolle prosequis* on her May 8, 2007 attempted simple assault and contempt of a bail order charges in Henniker case number 444-2007-CR-00331. Thus, the only reasonable conclusion is that she had violated the good conduct condition on her bail on the April 9, 2007 charge by committing the May 8, 2007 assault, and that the State dropped the May 8, 2007 charges in exchange for her guilty plea on the April 9, 2007 charge. Thus, the charges were all part of the same “case” because the May 8, 2007 charges were part of the matter of fact or conditions involved in the October 1, 2007 conviction. Therefore, the defendant could not seek to annul the May 8, 2007 charges until the time requirements of RSA 651:5, III were satisfied regarding her October 1, 2007 conviction, and pursuant to RSA 651:5, VI, she could not petition to annul it until she had satisfied the requirements to annul all her convictions.

Even if the charges were not part of the same “case,” it is clear that the State entered the *nolle prosequis* on the May 8, 2007 charges as part of a plea agreement. In *Commonwealth v. D.M.*, 695 A.2d 770 (Pa. 1997), the

Pennsylvania Supreme Court held that the expungement of records of an arrest that was followed by a *nolle prosequi* was a matter of discretion, and subject to the balancing test it had adopted in *Commonwealth v. Wexler*, 431 A.2d 877 (Pa. 1981), which is very similar to the balancing test this Court adopted in *Baker*. See *D.M.*, 695 A.2d at 772-73; *Wexler*, 431 A.2d at 879 (balancing “the individual’s right to be free from the harm attendant to maintenance of the arrest record against the Commonwealth’s interest in preserving such records”). The Superior Court then held:

When the defendant pleads guilty and the Commonwealth agrees to dismiss charges as part of the plea agreement, a defendant is normally not entitled to expungement of the dropped charges under the *Wexler* factors. In such a scenario, ... the action of dropping the charges is viewed as a contractual arrangement negotiated as part of the plea bargain. ... Thus, if expungement were permitted ..., there would not be an accurate record of the agreement reached by the defendant and the Commonwealth. Furthermore, [i]n the absence of an agreement as to expungement, Appellant stands to receive more than [s]he bargained for in the plea agreement if the dismissed charges are later expunged.

Commonwealth v. Joiner, 68 A.3d 341, 344-45 (P.A. Super. Ct. 2013) (quotations and citations omitted). Therefore, for all the foregoing reasons, the trial court also did not err in denying the defendant’s petitions to annul the May 8, 2007 charges the State dropped in exchange for her plea on the April 9, 2007 charge.

- iii. **Even if the trial court erred, the error was not plain because the issues raised are of first impression and turn upon interpretations of RSA 651:5 that this Court has never adopted.**

“When the law is not clear at the time of trial and remains unsettled at the time of appeal, a decision by the trial court cannot be plain error. ‘Plain’ as used in the plain error rule is synonymous with clear or, equivalently, obvious.” *Pennock*, 168 N.H. at 310 (quotations, citations, and parentheticals omitted). An error cannot be plain if “the case is one of first impression,” *id.* at 310, or if the defendant’s argument “turns upon an interpretation of [a statute] that [this Court] has never adopted,” *Depanphilis v. Maravelias*, No. 2017-0139, order at 3 (N.H. July 28, 2017) (non-precedential).

Here, the issues the defendant has briefed are of first impression and her arguments concerning them turn upon interpretations of RSA 651:5 that this Court has never adopted. Therefore, any error by the trial court could not have been plain.

CONCLUSION

For the foregoing reasons, the State respectfully requests that this Honorable Court affirm the judgment below.

The State requests a fifteen-minute oral argument.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

Gordon J. MacDonald

Attorney General

January 15, 2020

/s/ Susan P. McGinnis

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CERTIFICATE OF COMPLIANCE

I, Susan P. McGinnis, hereby certify that pursuant to New Hampshire Supreme Court Rule 16(11), this brief contains approximately 7,678 words, which is less than the total permitted by the rule. Counsel has relied on the word count of the computer program used to prepare this brief.

January 15, 2020

/s/ Susan P. McGinnis

CERTIFICATE OF SERVICE

I, Susan P. McGinnis, hereby certify that a copy of the State's brief will be served on Christopher M. Johnson, Chief Appellate Defender, counsel for the defendant, through the New Hampshire Supreme Court's electronic filing system.

January 15, 2020

/s/ Susan P. McGinnis

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CASE SUMMARY

CASE NO. 444-2007-CR-00224

State v. Laura Williams

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Location: **6th Circuit - District Division - Hillsborough**
 Filed on: **04/19/2007**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Henniker					
1. Simple Assault	631:2-A	VIOL	04/09/2007	Case Status:	12/17/2018 Closed
ChargeID: 32006C	ACN: 007025J070032006001				
Filed As: Attempt	629:1	FELA	4/19/2007		
Arrest:					

PARTY INFORMATION

		<i>Attorneys</i>
Defendant	Williams, Laura	Hilliard, Joshua Scott, ESQ
	<i>16 Village Apartments Road Unit 5</i>	<i>Retained</i>
	<i>Belmont, NH 03220</i>	<i>603-225-5152(W)</i>
	<i>White Female Height 5' 6" Weight 125</i>	
	<i>DOB: 09/23/1969 Age: 37</i>	
Arresting Agency	Dandeneau, Michelle	
	<i>Henniker Police Department</i>	
	<i>340 Western Ave.</i>	
	<i>Henniker, NH 03242</i>	
	Moir, Michelle	
	<i>Henniker Police Department</i>	
	<i>340 Western Ave.</i>	
	<i>Henniker, NH 03242</i>	
	<i>Removed: 09/17/2018</i>	
	<i>Inactive Brought Forward</i>	
Prosecutor	Chesnard, Thomas J., ESQ	
	<i>Merrimack County Attorney's Office</i>	
	<i>4 Court St</i>	
	<i>Concord, NH 03301-4306</i>	
	Hooper, Ashlie L., ESQ	
	<i>Merrimack County Attorney's Office</i>	
	<i>4 Court St</i>	
	<i>Concord, NH 03301-4306</i>	
	<i>Removed: 09/17/2018</i>	
	<i>Inactive Brought Forward</i>	
Office of Cost Containment Rep.	Office Of Cost Containment	
	<i>State House Annex</i>	
	<i>25 Capitol Street</i>	
	<i>Room 400</i>	
	<i>Concord, NH 03301</i>	
	<i>Removed: 09/17/2018</i>	
	<i>Inactive Brought Forward</i>	
Other	NH Criminal Records Division	
	<i>Attn: Fay Green</i>	
	<i>33 Hazen Drive</i>	
	<i>Concord, NH 03305</i>	
	NH Department of Corrections	
	<i>314 North State Street</i>	
	<i>Concord, NH 03301</i>	
	NH-DMV	

CASE SUMMARY**CASE NO. 444-2007-CR-00224**23 Hazen Drive
Concord, NH 03305

DATE	EVENTS & ORDERS OF THE COURT	INDEX
05/24/2007	Arraignment on Complaint	
05/24/2007	Plea 1. Attempt No Plea	
05/31/2007	Appearance Party: Public Defender Jacobstein, Rebecca A., ESQ	
05/31/2007	Motion for Discovery Party: Public Defender Jacobstein, Rebecca A., ESQ	
06/14/2007	Probable Cause Hearing	
06/14/2007	Amended Plea 1. Attempt Not Guilty	
10/01/2007	Trial 10/01/2007 <i>Reset by Court to 10/01/2007</i>	
10/01/2007	Acknowledgement and Waiver of Rights	
10/01/2007	Amended Plea 1. Simple Assault Guilty	
10/01/2007	Disposition (Judicial Officer: Scheffy, Brackett L) 1. Simple Assault Finding of Guilty	
10/01/2007	Sentence 1. Simple Assault Sentenced Fees Fines: \$1,200.00 Historical Data Suspended/Deferred Fines: \$1,200.00 Condition - Adult: 1. Good Behavior for One Year, 10/01/2007, Active 10/01/2007	
04/28/2008	Violation of Court Order Party: Office of Cost Containment Rep. Office Of Cost Containment \$831.88 Due	
09/04/2008	Returned Mail Party: Defendant Williams, Laura 11/18/08 NOH - "not deliverable as addressed" (both certified and regular copy)	
11/18/2008	Payment of Costs of Representation (Judicial Officer: Scheffy, Brackett L) <i>defendant's noh sent both certified and regular mail</i>	
11/18/2008	Order (Judicial Officer: Scheffy, Brackett L) <i>Def has no present ability to pay . Review hearing to be scheduled in appx 4 months by separate scheduling notice.</i>	
04/30/2009	Payment of Costs of Representation	
04/30/2009	Order (Judicial Officer: Scheffy, Brackett L) <i>Defendant has no present ability to pay. She is on SSDR and anticipates being disabled</i>	

CASE SUMMARY

CASE NO. 444-2007-CR-00224

another two years.

04/30/2009	Other <i>Order given in-hand to defendant and mailed to OCC.</i>	
08/30/2018	Petition to Annul Record <i>Charges: 1</i>	<i>Index #1</i>
12/14/2018	Denied (Judicial Officer: Tenney, Edward B, II) <i>def has had subsequent convictions</i>	
08/30/2018	Financial Affidavit	<i>Index #2</i>
08/30/2018	Motion to Waive Filing Fee	<i>Index #3</i>
09/11/2018	Granted (Judicial Officer: Tenney, Edward B, II)	
09/17/2018	Order of Notice Petition to Annul Record	<i>Index #4</i>
10/31/2018	Annulment Investigation <i>def appears to be in compliance, MCDOC</i>	<i>Index #5</i>
01/04/2019	Motion to Reconsider	<i>Index #6</i>
03/12/2019	Denied (Judicial Officer: Tenney, Edward B, II) <i>the subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012,</i>	

TARGET DATE	TIME STANDARDS
DATE	FINANCIAL INFORMATION

	Defendant Williams, Laura Total Charges Total Payments and Credits Balance Due as of 11/4/2019	0.00 0.00 0.00
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CASE SUMMARY

CASE NO. 445-2007-CR-00228

State v. Laura Williams

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Location: 6th Circuit - District Division - Hillsborough

Filed on: 05/10/2007

Case Number History:

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Deering					
1. Disorderly Conduct	644:2	MISDB04/09/2007		Case Status:	12/17/2018 Closed
ChargeID: 34878C ACN: 007025J070034878001					
Arrest:					

Statistical Closures

05/21/2007 Case Closed

PARTY INFORMATION

Defendant	Williams, Laura 16 Village Apartments Road Unit 5 Belmont, NH 03220 White Female Height 5' 6" Weight 125 DOB: 09/23/1969 Age: 37	<i>Attorneys</i> Hilliard, Joshua Scott, ESQ <i>Retained</i> 603-225-5152(W)
Arresting Agency	Cavanaugh, Thomas Deering Police Department 762 Deering Center Road Deering, NH 03244	
Prosecutor	Beausoleil, Michael Regional Prosecutor PO Box 596 Antrim, NH 03440 Hillsborough County Attorney's Office 300 Chestnut Street Manchester, NH 03101	
Other	Department of Corrections Department of Corrections Probation and Parole 60 Rogers Street Manchester, NH 03103 NH Criminal Records Division Attn: Fay Green 33 Hazen Drive Concord, NH 03305 NH-DMV 23 Hazen Drive Concord, NH 03305	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
05/10/2007	Arrest Warrant Party: Arresting Agency Cavanaugh, Thomas	
05/21/2007	Arraignment on Complaint	
05/21/2007	Disposition (Judicial Officer: Barry, Thomas T) 1. Disorderly Conduct Finding of Guilty	

CASE SUMMARY

CASE NO. 445-2007-CR-00228

05/21/2007	Plea 1. Disorderly Conduct Guilty	
05/21/2007	Sentence (Judicial Officer: Barry, Thomas T) 1. Disorderly Conduct Sentenced Fees Fines: \$30.00	
08/30/2018	Petition to Annul Record Party: Attorney Hilliard, Joshua Scott, ESQ	<i>Index #1</i>
11/28/2018	Denied (Judicial Officer: Tenney, Edward B, II)	
08/30/2018	Financial Affidavit	<i>Index #2</i>
08/30/2018	Motion to Waive Filing Fee	<i>Index #3</i>
09/11/2018	Granted (Judicial Officer: Tenney, Edward B, II)	
09/17/2018	Order of Notice Petition to Annul Record	<i>Index #4</i>
11/14/2018	Annulment Investigation <i>def does NOT appear to be in compliance, HCDOC</i>	<i>Index #5</i>
01/04/2019	Motion to Reconsider	<i>Index #6</i>
03/12/2019	Denied (Judicial Officer: Tenney, Edward B, II) <i>The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012.</i>	

TARGET DATE	TIME STANDARDS
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DATE	FINANCIAL INFORMATION
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Defendant Williams, Laura	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 11/4/2019	0.00

CASE SUMMARY

CASE NO. 444-2007-CR-00331

State v. Laura Williams

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§
§

Location: 6th Circuit - District Division - Hillsborough
 Filed on: 06/01/2007

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Henniker					
1. Attempt	629:1		MISDB05/08/2007	Case Status:	12/18/2018 Closed
ChargeID: 37009C ACN: 007025J070037009001					
Arrest:					
2. Contempt of Bail Order	597:7-a		MISDA05/08/2007		
ChargeID: 37010C ACN: 007025J070037010002					
Arrest:					
Bonds					
Cash	\$400.00				
5/24/2007	Posted				
10/1/2007	Discharged				
Counts: 1, 2					

PARTY INFORMATION

Defendant	Williams, Laura 16 Village Apartments Road Unit 5 Belmont, NH 03220 White Female Height 5' 6" Weight 125 DOB: 09/23/1969 Age: 37	<i>Attorneys</i> Hilliard, Joshua Scott, ESQ <i>Retained</i> 603-225-5152(W)
Arresting Agency	Dandeneau, Michelle Henniker Police Department 340 Western Ave. Henniker, NH 03242 Moir, Michelle Henniker Police Department 340 Western Ave. Henniker, NH 03242 Removed: 09/17/2018 Inactive Brought Forward	
Prosecutor	Chesnard, Thomas J., ESQ Merrimack County Attorney's Office 4 Court St Concord, NH 03301-4306 Hooper, Ashlie L., ESQ Merrimack County Attorney's Office 4 Court St Concord, NH 03301-4306 Removed: 09/17/2018 Inactive Brought Forward	
Other	NH Criminal Records Division Attn: Fay Green 33 Hazen Drive Concord, NH 03305 NH Department of Corrections 314 North State Street Concord, NH 03301 NH-DMV	

CASE SUMMARY

CASE NO. 444-2007-CR-00331

23 Hazen Drive
Concord, NH 03305

Surety **Philibotte, George, JR**
31 Tucker Mill Road
New Boston, NH 03070
DOB: 09/12/1947

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/14/2007	Arraignment on Complaint	
06/14/2007	Financial Affidavit	
06/14/2007	Assignment of Counsel	
06/22/2007	Appearance Party: Public Defender Jacobstein, Rebecca A., ESQ	
06/22/2007	Motion for Discovery Party: Public Defender Jacobstein, Rebecca A., ESQ	
06/28/2007	Appearance Party: Prosecutor Hooper, Ashlie L., ESQ	
10/01/2007	Trial 10/01/2007 <i>Reset by Court to 10/01/2007</i>	
10/01/2007	Disposition 1. Attempt Nolle Prossed 2. Contempt of Bail Order Nolle Prossed	
08/30/2018	Petition to Annul Record <i>Charges: 1</i>	<i>Index #1</i>
12/18/2018	Denied (Judicial Officer: Tenney, Edward B, II) <i>def has had subsequent convictions</i>	
08/30/2018	Petition to Annul Record <i>Charges: 2</i>	<i>Index #2</i>
12/14/2018	Denied (Judicial Officer: Tenney, Edward B, II) <i>def has subsequent convictions</i>	
08/30/2018	Financial Affidavit	<i>Index #3</i>
08/30/2018	Motion to Waive Filing Fee	<i>Index #4</i>
09/11/2018	Granted (Judicial Officer: Tenney, Edward B, II)	
09/17/2018	Order of Notice Petition to Annul Record	<i>Index #5</i>
10/31/2018	Annulment Investigation <i>def appears to be in compliance, MCDOC</i>	<i>Index #6</i>
01/04/2019	Motion to Reconsider	<i>Index #7</i>
03/12/2019	Denied (Judicial Officer: Tenney, Edward B, II) <i>The subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012.</i>	

CASE SUMMARY
CASE NO. 444-2007-CR-00331

DATE	FINANCIAL INFORMATION
	Defendant Williams, Laura
	Total Charges 0.00
	Total Payments and Credits 0.00
	Balance Due as of 11/4/2019 0.00
	Defendant Williams, Laura
	Criminal Cash Bail Balance as of 11/4/2019 0.00

CASE SUMMARY

CASE NO. 444-2012-CR-00867

State v. Laura Williams

§
§
§
§

Location: **6th Circuit - District Division - Hillsborough**
 Filed on: **06/28/2012**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Antrim					
1. Simple Assault	631:2-A	MISDA	02/06/2008	Case Status:	12/17/2018 Closed
ChargeID: 668921C ACN: 007025J080668921001					
Arrest:					
2. Simple Assault	631:2-A	MISDA	02/06/2008		
ChargeID: 668922C ACN: 007025J080668922002					
Arrest:					

PARTY INFORMATION

Defendant	Williams, Laura 16 Village Apartments Road Unit 5 Belmont, NH 03220 White Female Height 5' 3" Weight 135 DOB: 09/23/1969 Age: 42 DL: NH 09WSL69231	<i>Attorneys</i> Hilliard, Joshua Scott, ESQ <i>Retained</i> 603-225-5152(W)
Arresting Agency	Antrim Police Department P.O. Box 506 Antrim, NH 03440	
Prosecutor	Beausoleil, Michael Regional Prosecutor PO Box 596 Antrim, NH 03440 Hillsborough County Attorney's Office 300 Chestnut Street Manchester, NH 03101	
Other	Department of Corrections Department of Corrections Probation and Parole 60 Rogers Street Manchester, NH 03103 NH Criminal Records Division Attn: Fay Green 33 Hazen Drive Concord, NH 03305 NH-DMV 23 Hazen Drive Concord, NH 03305	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/28/2012	Arrest Warrant	Index #1
06/28/2012	Supp. Affidavit for Arrest Warrant	Index #2
07/03/2012	Bond 1000 PR For app. 7/19/12	Index #3
07/19/2012	Arraignment on Complaint	

CASE SUMMARY

CASE NO. 444-2012-CR-00867

07/19/2012	Complaint As Accepted For Filing	
09/06/2012	Email-Address Notification or Change Party: Defendant Williams, Laura	<i>Index #4</i>
11/01/2012	CANCELED Trial	
11/01/2012	Plea 1. Simple Assault Guilty 2. Simple Assault Guilty	
11/01/2012	Disposition 1. Simple Assault Finding of Guilty 2. Simple Assault Finding of Guilty	
11/01/2012	Sentence 1. Simple Assault Sentenced Fees Fines: \$1,200.00 Suspended Fines: \$1,200.00 Condition - Adult: 1. Good Behavior for One Year, fines susp. upon GB consecutive to other charge, 11/01/2012, Active 11/01/2012	
11/01/2012	Sentence 2. Simple Assault Sentenced Fees Fines: \$1,200.00 Suspended Fines: \$1,200.00 Condition - Adult: 1. Good Behavior for One Year, fines susp. upon GB consecutive to other charge, 11/01/2012, Active 11/01/2012	
11/01/2012	Acknowledgement and Waiver of Rights	<i>Index #5</i>
08/30/2018	Petition to Annul Record <i>Charges: 1</i>	<i>Index #6</i>
11/28/2018	Denied (Judicial Officer: Tenney, Edward B, II) <i>def has subsequent convictions</i>	
08/30/2018	Petition to Annul Record <i>Charges: 2</i>	<i>Index #7</i>
11/28/2018	Denied (Judicial Officer: Tenney, Edward B, II) <i>def has subsequent convictions</i>	
08/30/2018	Financial Affidavit	<i>Index #8</i>
08/30/2018	Motion to Waive Filing Fee	<i>Index #9</i>
09/11/2018	Granted (Judicial Officer: Tenney, Edward B, II)	
09/17/2018	Order of Notice Petition to Annul Record	<i>Index #10</i>
11/14/2018	Annulment Investigation <i>def does NOT appear to be in compliance, HCDOC</i>	<i>Index #11</i>
01/04/2019	Motion to Reconsider	<i>Index #12</i>

CASE SUMMARY
CASE NO. 444-2012-CR-00867

03/12/2019	Denied (Judicial Officer: Tenney, Edward B, II) <i>the subsequent offenses of drug possession and theft are not minor offenses and both occurred as recently as 2012.</i>	Index #13
09/19/2019	Request Copies	

TARGET DATE

TIME STANDARDS

DATE

FINANCIAL INFORMATION

Defendant Williams, Laura	
----------------------------------	--

Total Charges	40.00
---------------	-------

Total Payments and Credits	40.00
----------------------------	-------

Balance Due as of 11/4/2019	0.00
------------------------------------	-------------

Docket # 07-CR-224 (3200650) FN #

The State of New Hampshire

COMPLAINT

☐ DOMESTIC VIOLENCE RELATED

☒ VIOLATION

☒ CLASS A MISDEMEANOR
☐ CLASS B

☒ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT

AT 8:30 O'CLOCK IN THE AM/PM ON MAY 24 YR. 07
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE HENNIKER..... COURT, COUNTY OF MERRIMACK.....

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME WILLIAMS..... LAURA..... A.....
Last Name First Name MI

245 NORTH RD. DEERING, NH 03244.....
Address State Zip

DOB 09/23/09. OP. LIC.# NH 09VSL69231.....

WRITE OUT:
☐ M ☐ W ☐ 5 ☐ 10 ☐ 16 ☐ 1 ☐ 12 ☐ 13
Sex Race Height Weight

BROWN
Color of Hair

BROWN
Color of Eyes

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT.

AT WEARE RD. HENNIKER, NH.....
(Location)

ON THE 09..... DAY OF April..... YR. 07.. at 5:30 AM

on/at in said county and state, did commit the offense of.....

Simple assault - mutual combat
COMMIT FIRST DEGREE ASSAULT..... contrary to RSA 629:4.....

and the laws of New Hampshire for which the defendant should be held to

answer in that the defendant did.....

PHYSICAL CONTACT WITH.....

THE PURPOSE TO COMMIT THE CRIME OF SIMPLE ASSAULT IN THAT WITH

PURPOSELY SWINGING A BASEBALL BAT AT THE HEAD OF ANOTHER TO

HIT JESSICA CASELEY, WHICH UNDER THE CIRCUMSTANCES AS SHE

BEHEIVED THEM TO BE, CONSTITUTED A SUBSTANTIAL STEP TOWARD

THE COMMISSION OF SAID CRIME. THE AFORESAID OFFENSE

CONSTITUTES A CLASS A FELONY, TO USE, STRUCK

Jessica Caseley with a baseball bat

against the peace and dignity of the State in mutual combat

SERVED IN HAND

Patrolman MICHELLE L. MOIR, HENNIKER POLICE DEPARTMENT

Complainant

Personally appeared the above named complainant and made oath that the

above complaint by him/her subscribed is, in his/her belief, true.

DATE 4/10/07 C.E.B.

Justice of the Peace

COURT COPY

AOC 103A-045 7/00

Docket #

CARL E. BOGGS, Jr. Justice of the Peace
My Commission Expires June 25, 2008

TRIAL SCHEDULED

Continued from to at 930
Continued from to 10/1/07 at by

TRIAL HELD

Bail: ☐ PR\$ ☐ Cash\$ ☐ Surety\$ ☐ Committed
☐ Defendant advised of constitutional rights. ☐ Waived counsel.
☐ Appearance of for defendant
☐ Assignment of for defendant

Not Pressed by date

PLEA: ☐ Guilty ☒ Not Guilty ☐ Nolo Contendere ☐ No Plea☐ Change Plea To: ☐ Nolo ☒ Guilty☐ Not Guilty ☒ Negotiated Plea dateFINDING: ☒ Guilty ☐ Not Guilty ☐ Dismissed

SENTENCE:

☒ Fine of \$ 1000 amt. suspended \$ 1000 PA \$ ☐ PA Susp.☐ Commitment to House of Correction for days months☐ Suspended days months☐ Commitment suspended upon payment of \$ fine☐ Commitment suspended (see conditions below)☐ Commitment to mandatory 10 consecutive 24-hour periods: 3 at the House of Correction; 7 at the multiple DWI offender intervention detention center.☐ Commitment to consecutive 24-hour periods (mandatory not less than 30) at the House of Correction. Defendant shall complete at own expense a 28-day treatment program before license privileges may be restored.☐ Conditional Discharge after months ☐ Unconditional Discharge☐ Ordered ☐ Recommended Defendant's license (rights) to operate motor vehicle be ☐ suspended ☐ revoked for a period of days months years.☐ Defendant placed on Probation for☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding.☐ Defendant failed to appear ☐ Bail forfeited \$☐ Bench warrant to issue New Bail \$☐ Bail to be determined by Bail Commissioner \$☐ Bail Set By Court PR/CASH/SURETY☐ APPEAL: ☐ Bail \$ ☐ Committed☐ PROBABLE CAUSE: ☐ Bail \$ ☐ Committed☐ Hearing Waived

10/1/07

7

OCT 01 2007

BRACKETT L. SCHEFFY

MERRIMACK COUNTY

HENNIKER/HILLSSESSION COURT

ARREST WARRANT

04-23-0A
12-0-AR

TO THE SHERIFF OF ANY COUNTY IN THIS STATE OR DEPUTY, OR ANY POLICE OFFICER WITHIN THE STATE:

WHEREAS, the Complainant, **Sergeant Matthew L Elliott** of
Antrim Police Department in the County of ~~Merrimack~~ Hillsboroughhas exhibited to me, William A Proctor
a Justice/Justice of the Peace in the County of ~~Merrimack~~ Hillsborough,
his/her complaint upon oath against the Defendant,**LAURA A WILLIAMS**, of **246 NORTH DEERING, NH 03244**,in the County of Hillsborough
for the crime(s) of:**631:2-A SIMPLE ASSAULT**WE COMMAND YOU to take the Defendant, if found to be in your precinct, and bring him/her
before the HENNIKER/HILLSSESSION COURTDated the 18th day of February, 2008William A Proctor
Justice/Justice of the Peace
WILLIAM A. PROCTOR, Justice of the Peace
My Commission Expires September 22, 2013**RETURN**

STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

I have arrested the defendant and now have him/her before the Court as commanded.

6-18-12 Off Brian Lopez Paradise
Date Name of Officer Title of Officer

Ref: 08-8-WA

Antrim Police Department Incident #: 08-8-WA
Offense: SIMPLE ASSAULT

Supporting Affidavit For Request To Issue Arrest Warrant

INSTRUCTION: A person seeking an arrest warrant shall appear personally before any justice or justices of the peace, and shall give an affidavit in the form hereinafter prescribed. The affidavit shall contain facts, information and circumstances upon which such person relies to establish probable cause for the issuance of the warrant, and the affidavit may be supplemented by oral statements, under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of any oral statements under oath supplementing the affidavit or arrange for transcript to be made of such oral statements.

PROBABLE CAUSE IS DEFINED AS: "An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent (person) to believe, in a criminal case, that the accused person had committed the crime charged."

State of New Hampshire

HILLSBOROUGH COUNTY

HENNIKER DISTRICT COURT-HILLSBOROUGH SESSION

Date: 2/18/08

I, Sergeant Matthew L Elliott, being duly sworn, herewith make application for the issuance of an Arrest warrant against the defendant:

Defendant's Name: **Laura A. Williams** DOB: 09/23/69

Address: 246 North Road Deering, NH 03244

I have information that a crime or offense has been committed by the defendant as follows: *(describe source, facts indicating reliability and credibility of source, and nature of information; if based in personal knowledge, so state):*

At approximately 1224hrs on 02/06/08, Sherrie Buckley reported to me that she had been assaulted at Redneck's Bar located at 76 Main Street in Antrim. She said the assault happened at approximately 0100hrs at the end of the night. She said she believed she was assaulted by a woman named "Laura".

Buckley indicated she her friend Melissa Cassidy were engaged in a conversation with "Laura" about men buying drinks for them and "Laura" apparently became envious of this. Buckley and Cassidy did not know "Laura" and had never met her before. Buckley and Cassidy sensed a confrontation with "Laura" so they attempted to leave. Buckley suggested that "Laura" had "too much to drink".

Cassidy was then confronted by "Laura" and Buckley stepped in between them to break up a potential physical altercation. This caused Laura to punch Cassidy in the face. Buckley was able to get the two separated and she yelled for Cassidy to leave. Cassidy then made for the door followed by Buckley. Buckley then heard footsteps running up behind her and she turned only to see "Laura" running at her. "Laura" then punched Buckley in the left side of her face.

Buckley said she observed "Laura" hanging out with her friend Natasha Taylor. I spoke with Natasha Taylor who identified "Laura" as Laura Williams. Natasha said that she stopped being friends with Laura that night because of her behavior. She said Laura is notorious for having too much to drink and getting in fights. She said that neither Buckley or Cassidy did anything to provoke or entice Laura into a fight. She said the girls did not fight back and just attempted to leave the bar but was chased by Laura.

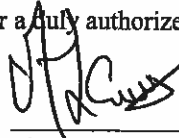
Ref: 08-8-WA

Antrim Police Department Incident #: 08-8-WA - Affidavit Continued

Based upon the foregoing information, there is probable cause to believe that the defendant did commit the crime or offense as stated above.

The elements of simple assault being, *knowingly + cause unprivileged physical contact + to another*

Wherefore, I request the issuance of an arrest warrant and an order for a duly authorized officer to take the defendant and bring him/her before the court having jurisdiction.


Signature of Applicant

On this date the above-named Sergeant Matthew L Elliott personally appeared before me and made oath that the foregoing affidavit is true

And I, William A Prokop have personally examined the complaint against the aforesaid defendant and any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude there ☒ is ☐ is not sufficient probable cause for the issuance of the Arrest Warrant sought. Therefore, the application is ☒ granted ☐ denied and the arrest warrant ☒ is ☐ is not issued.


Justice of the Peace PROKOP SA Justice of the Peace
My Commission Expires September 22, 2009

Docket # 07-CR-331 (37009C)⁵⁵ TN #

The State of New Hampshire
COMPLAINT

Docket #

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION

☐ CLASS A MISDEMEANOR
☒ CLASS B

☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT

AT 8:00 O'CLOCK IN THE AM/PM ON 6/14 YR. 2007
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE HENNIKER COURT, COUNTY OF MERRIMACK.

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME WILLIAMS LAURA
Last Name First Name MI

246 NORTH RD. DEERING, NH 03044
Address State Zip

DOB 09/23/69 OP. LIC.# NH 0249L00237

WRITE OUT:
Sex Male Race White Height 5'10" Weight 175 Color of Hair Brown Color of Eyes Brown

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT.

AT 334 FORD RD. HENNIKER, NH (Location) A.M.

ON THE 08 DAY OF May YR. 07 at 4:00 P.M.

on/at in said county and state, did commit the offense of ATTEMPTED

COMMIT SIMPLE ASSAULT contrary to RSA 629:1

and the laws of New Hampshire for which the defendant should be held to
answer, in that the defendant did

KNOWINGLY ATTEMPTED TO CAUSE UNWARRANTED PHYSICAL CONTACT
WITH ANOTHER, TO WIT, JESSICA CASELEY BY PREVENTING THE SAID
CASELEY FROM CLOSING HER VEHICLE DOOR AND ATTEMPTING TO KISS
HER, THE AFORESAID OFFENSE CONSTITUTING A CLASS "B"
MISDEMEANOR.

against the peace and dignity of the State.

☒ SERVED IN HAND

Off. Michelle Y. M. #359
Petitioner MICHELLE L. MORRIS, HENNIKER POLICE DEPARTMENT
Complainant Dept.

Personally appeared the above named complainant and made oath that the
above complaint by him/her subscribed is, in his/her belief, true.

DATE 5-10-07 Helen Mada Justice of the Peace

TRIAL SCHEDULED

10/11/07

Continued from to at by
Continued from to at by

TRIAL HELD

Bail: ☐ PR\$ ☐ Cash\$ ☐ Surety\$ ☐ Committed
☐ Defendant advised of constitutional rights ☐ Waived counsel.
☐ Appearance of for defendant
☐ Assignment of for defendantNot Pressed by MCS VEL FIA date 10/11/07PLEA: ☐ Guilty ☒ Not Guilty ☐ Nolo Contendere ☐ No Plea☐ Change Plea To: ☐ Nolo ☐ Guilty☐ Not Guilty ☐ Negotiated Plea dateFINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed

SENTENCE:

☐ Fine of \$ amt. suspended \$ PA \$ ☐ PA Susp.☐ Commitment to House of Correction for days months☐ Suspended days months☐ Commitment suspended upon payment of \$ fine☐ Commitment suspended (see conditions below)☐ Commitment to mandatory 10 consecutive 24-hour periods: 3 at the House of Correction; 7 at the multiple DWI offender intervention detention center.☐ Commitment to consecutive 24-hour periods (mandatory not less than 30) at the House of Correction. Defendant shall complete at own expense a 28-day treatment program before license privileges may be restored.☐ Conditional Discharge after months ☐ Unconditional Discharge☐ Ordered ☐ Recommended Defendant's license (rights) to operate motor vehicle be ☐ suspended ☐ revoked for a period of days months years.☐ Defendant placed on Probation for☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding.☐ Defendant failed to appear ☐ Bail forfeited \$☐ Bench warrant to issue New Bail \$☐ Bail to be determined by Bail Commissioner \$☐ Bail Set By Court. PR/CASH/SURETY☐ APPEAL: ☐ Bail \$ ☐ Committed☐ PROBABLE CAUSE: ☐ Bail \$ ☐ Committed☐ Hearing Waived

ANNULMENT REPORT
6th Circuit – District Division - Hillsboro

Docket #: 445-2012-CR-00867 (Charge IDs: 68922C & 689221C); 445-2007-CR-00228

NAME: Laura WILLIAMS

DOB: 09/23/1969

ADDRESS: 16 Village Apartments Road, Unit #5, Belmont, NH 03220


COMPLIANCE WITH NH RSA 651:5: ☐ Yes, the defendant appears to be in compliance.

☒ No, the defendant does not appear to be in compliance.

EXPLANATION: Denied - defendant has a possession of drugs conviction on 6/26/12 out of Salem DC and a Theft by Unauthorized Taking conviction on 11/8/12 out of Laconia DC which are both after the convictions attempted to be annulled.

RECOMMENDATION TO ANNUL: ☐ Yes ☒ No

DATE: 02/25/19


Clay LeGault
Chief Probation/Parole Officer
NH Department of Corrections
Manchester District Office
60 Rogers Street
Manchester, NH 03103
(603) 656-6694
Clayton.legault@doc.nh.gov

RECEIVED
2019 FEB 28 P 3:12

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

6th Circuit - District Division - Concord
32 Clinton Street
Concord NH 03301

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

CERTIFICATE OF ANNULMENT

**Laura Williams
16 Village Apartments Road
Unit #5
Belmont NH 03220**

Case Name: **State v. Laura Williams**
Case Number: **429-2007-CR-00191**

DOB: September 23, 1969

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Suspension of Registration		19116C	261:178	December 15, 2006

The Court having found that annulment of the defendant's record will assist in the defendant's rehabilitation and will be consistent with the public welfare and the requirements of law,

IT IS THEREFORE CERTIFIED

November 05, 2018 The record of conviction and sentence in this matter, together with any record of arrest or charge therein, is hereby annulled.

11.5.18
Date

Theresa A. McCafferty
Theresa A. McCafferty, Clerk of Court

**NOTICE TO DEFENDANT
DO NOT LOSE THIS CERTIFICATE
IT CANNOT BE REPLACED**

(429445)

C: ☐ Prosecutor Concord City Prosecutor
☒ Defense Atty Joshua Scott Hilliard, ESQ
☒ DMV
☒ Concord Police Department
☐ Attorney General
☐ Sentence Review

☐ Defendant
☒ Dept. of Safety - Criminal Records
☒ Dept. of Corrections
☒ Other County Attorney
☐ District Division #

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

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

Court Name: 6th Circuit - District Division - Concord

Case Name: State of NH v. Laura Williams

Case Number: 429-2007-CR-191
(if known)

Charge ID: 19116C

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
261:178	Suspens of regist of veh	12/15/2006	01/17/2007	01/17/2008
Description of Sentence or other Disposition: Guilty Plea - Good behavior for one year and a suspended fine <i>finding of guilty</i>				
RECEIVED				

CONCORD DISTRICT DIVISION

Case Name: State of NH v. Laura WilliamsCase Number: 07-191-19116C

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 Williams

Joshua Hilliard, Esq.

Name of Counsel

Counsel's Signature

58 Pleasant Street, Concord, NH 03301

Address

State of NH, County of MerrimackThis instrument was acknowledged before me on 8/22/18 by RECEIVEDMy Commission Expires 4/19/2022
Affix Seal, if any

Signature of Notarial Officer / Title

Michael L. Bachelder

CONCORD DISTRICT DIVISION



Case Name: State v. Laura Williams
 Case Number: 429-2007-CR-191
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):

Date

11/5/18

Signature of Judge

M K Spath

M K Spath

Printed Name of Judge

Offense date/court	Charged offense	Disposition and/or Sentence Date	Disposition type	Sentence	Sentence end date
12-15-2006 Concord-0191	operating after A misdemeanor	01-17-2007	plea B misdemeanor	\$1,200, susp. 1 year good behavior	01-17-2008
04-09-2007 Henniker-0224	attempted 1st degree assault A felony	10-01-2007	plea to simple assault violation	\$1,000, susp. 1 year good behavior	10-01-2008
04-09-2007 Hillsborough-0228	disorderly conduct B misdemeanor	05-21-2007	plea	\$30	05-21-2007
05-08-2007 Henniker-0331	attempted simple assault B misdemeanor	10-01-2007	<i>nolle prosequi</i>		
02-06-2008 Hills./Henn.-0867	contempt of bail A misdemeanor	10-01-2007	<i>nolle prosequi</i>		
	simple assault A misdemeanor	02-18-2008 06-18-2012 07-03-2012 11-01-2012	warrant issued arrested released on bail plea B misdemeanor	\$1,200, susp. 1 year good behavior	11-02-2013
	simple assault A misdemeanor	02-18-2008 06-18-2012 07-03-2012 11-01-2012	warrant issued arrested released on bail plea B misdemeanor	\$1,200, susp. consecutive 1 year good behavior	11-02-2014

Offense date/court	Charged offense	Disposition and/or Sentence Date	Disposition offense or type	Sentence	Sentence end date
06-18-2012 Salem-123050	simple assault unknown		never filed		
	simple assault unknown		never filed		
06-18-2012 Salem-1888	possession drugs A misdemeanor	06-26-2012	plea	90 days, susp. 2 years good behavior	06-26-2014
09-07-2012 Laconia-2968	theft unknown	11-08-2012	plea	fine, susp. 1 year good behavior	11-08-2013
	criminal trespass B misdemeanor	12-17-2012	dismissed		
06-20-2015 Laconia-1906	false sticker B misdemeanor	08-13-2015	plea	fine	06-20-2015