THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2019-0371

State of New Hampshire

v.

John Gates

APPEAL PURSUANT TO RULE 7 FROM A JUDGMENT OF THE ROCKINGHAM COUNTY SUPERIOR COURT

BRIEF FOR THE STATE OF NEW HAMPSHIRE

THE STATE OF NEW HAMPSHIRE

By Its Attorneys,

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(10 minute – 3JX argument)

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ISSUE PRESENTED

Whether the trial court properly denied the defendant's motion to suppress the boots that police found in a utility closet in the common vestibule of the defendant's apartment building.

STATEMENT OF THE CASE

In April of 2018, a grand jury sitting in Rockingham County indicted John Gates ("the defendant") on six charges related to a fire that was set in the early morning hours of January 17, 2018 at the Carriage Towne Market in Kingston. DBA[1] 3-8. The defendant was charged as follows: one count of arson (RSA 634:1, II), one count of attempted arson (RSA 634:1, II), two counts of burglary (RSA 635:1,I), one count of felon in possession of a dangerous weapon – Molotov cocktail (RSA 159:3,I), and one count of use of a Molotov cocktail (RSA 158:37).

The defendant stood trial over seven days from March 26 to April 4, 2019. At the close of trial, the jury convicted the defendant on all six charges. T 1417-19. The court (*St. Hilaire*, J.) sentenced the defendant to two concurrent stand-committed terms of seven-and-a-half to fifteen years for the arson and attempted arson convictions. DBA 24-25. On the convictions for felon in possession of a dangerous weapon and use of a Molotov cocktail, the court added two further sentences of two-and-a-half to fifteen years. DBA26-27. These run concurrent to one another and consecutive to the arson sentences. *Id*. In addition, the court sentenced the defendant to two terms of seven-and-a-half to fifteen years on the burglary convictions, suspended for thirty years from the date of the defendant's

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[1] Citations to the record are as follows:
"DB __" refers to the defendant's brief and page number;
"DBA __" refers to the separately bound appendix to the defendant's brief and page number;
"M __" refers to the consecutively paginated transcript of the hearing on the defendant's motion to suppress held August 30 and September 12, 2018 and page number;
"T __" refers to the consecutively paginated transcript of the seven-day jury trial held March 26-April 4, 2019 and page number.

release from the felon in possession of a dangerous weapon and use of a Molotov cocktail sentences. DBA 28-31.

STATEMENT OF FACTS

A. The Search at Gates' Apartment Building

It was snowing heavily in the early morning hours of January 17, 2018, when Kingston police officer Andrew Garvin responded to a fire alarm at the Carriage Towne Market. M 5; T 171. As Ofc. Garvin circled the plaza in his cruiser, he noticed footprints in the fresh snow, leading away from the building. T 172. Ofc. Garvin conferred briefly with the fire chief and then began to follow the footprints behind the plaza. T 178. Garvin noted that the footprints began on the steps leading to the back entrance of the empty Asian Gourmet restaurant. T 181-82.

From there, Ofc. Garvin followed the footprints, and a distinctive "drag mark" that periodically ran alongside them, toward Route 125. T 181-87, 737-38. The tracks led across Route 125 to a wooded area on the far side of that road. T 187. At this point, Corporal Brett Wells of the Brentwood Police Department joined Ofc. Garvin. T 188, 736. The two officers continued to follow the footprints north along the tree line adjacent to Route 125. M 7; T 188, 740. The officers tracked the footprints back across Route 125. T 189, 740.

While the officers were following the prints, plows came through Route 125. T 188-89, 740, 743. The officers lost the trail when the footprints once again crossed Route 125. T 189, 740-42. After Cpl. Wells relocated the footprints and the distinctive drag pattern, he and Ofc. Garvin followed the trail through portions of the "Magnusson Farm" property. T 189-90, 747. After passing a greenhouse and barn, the prints terminated at a

freshly shoveled walkway at the front door of the defendant's apartment building. T 191-93, 748.

Sargent Michael LePage of the Kingston Police Department joined the other officers at the door to the defendant's apartment building. T 193, 267, 749. The door had a glass pane in it, through which Sgt. LePage saw a lit vestibule area. T 268. The door to the vestibule was unlocked, so LePage and Wells went into the vestibule, while Ofc. Garvin waited by the door. T 193-95, 267, 750.

After they entered, the officers observed doors on the left and right walls, as well as a third door that looked different from the other two, located straight ahead. M. 90; T 193, 269, 750. Sgt. LePage noted a shovel, with snow still coating its blade, leaning up against one wall near a coatrack. T 268. One of the officers knocked on the left and right doors and the defendant answered the door on the left. T 193, 269, 750.

Due to some prior history with the department, the defendant immediately became confrontational when he learned that Sgt. LePage and Ofc. Garvin were Kingston police officers. T 195, 270, 751. Cpl. Wells intervened, informed the defendant that he was a Brentwood officer, and tried to speak with him. T 751-52. The defendant disclosed to Cpl. Wells that he had shoveled the walkway around 3:30 a.m. T 753.

Cpl. Wells asked the defendant about the shoes he had been wearing while shoveling. The defendant produced a pair of sneakers, which Sgt. LePage described as "bone dry with dirt on them." T 273, 758. The officers asked the defendant if he could have been wearing different pair of shoes while shoveling. T. 273. The defendant then produced a pair of Harley-

Davidson motorcycle boots with flat soles covered in sand and dirt. M 110-111; T 273-74.

While Cpl. Wells continued to speak with the defendant at the left-hand door, Sgt. LePage investigated the vestibule. T 274-75. While searching for a stairwell to the second floor, he opened the unlocked middle door and immediately identified the room behind it as a utility closet. T 275. LePage identified two oil tanks, an electrical panel, and a water boiler in the closet. T 275. When Sgt. LePage turned to leave, his noticed a pair of boots that appeared to be wet. T 276-77, 756.When LePage asked the defendant about the boots, he said they belonged to his cousin. T 277, 756.

B. The State's Case at Trial

At trial, the State introduced evidence that the fire at the Carriage Towne Market had been set intentionally. The arsonist had forced entry into the abandoned Asian Gourmet restaurant and hacked a hole in the wall separating the two businesses. T 533, 537-39, 796, 902, 934-35, 987. Further evidence showed that the arsonist used gasoline as an accelerant to set the fire. T 541-42, 550-52, 589, 938, 951, 975.

The boots found in the utility closet outside the defendant's apartment tested positive for traces of gasoline T 340. Police testified that the tread on the boots matched the prints they had followed in the snow to the defendant's door. T 199, 205. The boots also yielded two DNA profiles, one of which belonged to the defendant. T 393-98. Several of the defendant's relatives also testified that a crowbar was missing from a truck parked in the barn on the Magnusson property and that there were pumps on the property from which one could get gasoline .T 1222, 1230-33, 1239-

40, 1247-50, 1304. Both of these items were located in areas that contained footprints from the defendant's boots. T 1379.

Despite the defendant's initial assertion that the boots belonged to his cousin, the defendant's various relatives each testified that they did not own the boots and had never seen them prior to trial. T 1179-80, 1217, 1236, 1243. Although one cousin testified that he had used the utility closet ten years before the fire while attempting to cultivate earthworms (T 1216), the defendant's relatives each testified that they did not currently store items in that utility closet. T 496, 868-70, 1178, 1216-19, 1236-37, 1243-45. They further testified that they had no significant contact with the defendant for many years, despite living and working in close proximity to the defendant's apartment. T 1176, 1215, 1237, 1244.

Finally, according to the defendant's diary and correspondence, he was in a long-distance romantic relationship with a woman in Turkey. T 1306-14, 1385-91. The woman had broken off the relationship in late December and the defendant was in need of money with which to travel to Turkey to see her. T 1196. Investigation of the scene and interviews with a Carriage Towne Market employee revealed that approximately $400 was stolen during the burglary. T 55, 821, 843-45.

Investigators testified that a search of the defendant's apartment uncovered proof that the defendant ordered an expedited passport a day or two after the fire and burglary at a cost of $185. T 1114, 1155, 1392. The same investigation found $117 in small bills in the defendant's apartment. T. 1051-54, 1059-60, 1151-55. The defendant also made several purchases at a local Walmart the day after the fire, despite acknowledging that he was

indigent and frequently resorted to obtaining food from the dumpster of a nearby Dunkin' Donuts. T 452-54, 558-67.

SUMMARY OF THE ARGUMENT

The trial court properly denied the defendant's motion to suppress the boots found in the utility closet. The defendant did not possess a reasonable expectation of privacy in either the common vestibule, or the utility closet accessible from that vestibule. The defendant has not demonstrated that he had a subjective expectation of privacy in these spaces.

Moreover, both spaces were outside the defendant's apartment and accessible to other tenants, guests, maintenance workers, and numerous other individuals. As this Court has previously noted, "it is beyond cavil. . . that a tenant lacks a reasonable expectation of privacy in the common areas of an apartment building." *State v. Mouser*, 168 N.H. 19, 25 (2015) (quoting, *United States v. Rheault*, 561 F.3d 55, 59 (1st Cir.2009)). Both the facts of this case and the prior precedent of this Court lead to the inescapable conclusion that any subjective expectation of privacy that the defendant may claim in these spaces is not one that society is prepared to recognize as reasonable.

ARGUMENT

THE TRIAL COURT PROPERLY DENIED THE DEFENDANT'S MOTION TO SUPPRESS THE BOOTS THAT POLICE FOUND IN THE UTILITY CLOSET.

A. Standard of Review

"When reviewing a trial court's ruling on a motion to suppress, [this Court] accept[s] the trial court's factual findings unless they lack support in the record or are clearly erroneous, and [] review[s] its legal conclusions *de novo*." *State v. Boyer*, 168 N.H. 553, 556 (2016).

B. The defendant had no reasonable expectation of privacy in the common vestibule or the utility closet.

The Fourth Amendment to the United States Constitution provides, in relevant part, "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." US CONST. Amend IV. Part I, Article 19, of the New Hampshire State Constitution provides that "[e]very subject hath a right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and all his possessions." "Both of these provisions afford a citizen protection from unreasonable governmental interference with his person and from unreasonable governmental invasion of the privacy of his home*." State v. Chaisson*, 125 N.H. 810, 815 (1984).

This Court employs a reasonable expectation of privacy analysis to assess claimed violations of those constitutional guarantees. Its requirements are two-fold: first that a person have exhibited and actual (subjective) expectation of privacy and, second, that the expectation be one

that society is prepared to recognize as 'reasonable.'" *State v. Goss*, 150 N.H. 46, 49 (2003) (quoting *Katz v. United States*, 389 U.S. 347, 361 (1967) (*Harlan, J.*, concurring).). The defendant has exhibited no expectation of privacy in either the vestibule or the utility closet. Nor is such an expectation one that society recognizes as reasonable.

1. The defendant had no reasonable expectation of privacy in the vestibule.

First, the defendant has not exhibited an actual expectation of privacy in the apartment building's common entryway or vestibule. As the part moving to suppress evidence, the defendant was required to set forth all the facts and grounds upon which his motion is based, which must be verified by a separate affidavit signed by himself or another person with knowledge of those facts. *Super. Ct. R.* 94. The defendant's motion to suppress contained only a recitation of reasonable expectation of privacy law and a naked assertion that this law applies to his situation. DBA9-11. He provided none of the requisite factual details necessary to make that determination. The defendant's silence on this score should be fatal to his claim.

Moreover, the defendant took no steps that would indicate that he subjectively believed he had a privacy interest in the vestibule. The door to the vestibule was unlocked when police approached. T 193-95, 267, 750. There is no evidence of "no trespassing" signs or markers designating the space as private. There is no evidence that the defendant told police during their interview with him that they were trespassing or could not be in the vestibule. Contrary to the defendant's assertion (DB25), the presence of a

coat rack and shovel in the vestibule demonstrates only the regularity with which that space is used.

Nor is an expectation of privacy in a common vestibule of an apartment building one that society is prepared to recognize as reasonable. This Court has held on several occasions that a defendant does not possess a reasonable expectation of privacy in the public areas of an apartment building. "The common areas of an apartment building, even if they are normally kept locked, are not places in which tenants have a reasonable expectation of privacy." *State v. Chaisson*, 125 N.H. 810, 816 (1984) (*quoting United States v. Moore*, 463 F.Supp. 1266, 1270 (S.D.N.Y.), *rev'd on other grounds*, 613 F.2d 1029 (D.C.Cir.1979), *cert. denied*, 446 U.S. 954 (1980)). Likewise, in *State v. Mouser*, 168 N.H. 19, 25 (2015), this Court cited to the United States Court of Appeals for the First Circuit decision in *United States v. Rheault*, 561 F.3d 55, 59 (1st Cir. 2009), for the proposition that ""it is beyond cavil ... that a tenant lacks a reasonable expectation of privacy in the common areas of an apartment building."

Most recently, in *State v. Smith*, 169 N.H. 602 (2017), this Court considered a resident's reasonable expectation of privacy in the common areas of a rooming house. The rooming house in question contained approximately eight to ten separately numbered and locked bedrooms, which shared a common hallway, kitchen, and bathroom. *Id* at 605.

The *Smith* Court held that Smith lacked a reasonable expectation of privacy in the common areas of the rooming house. The Court noted, "[i]f the tenants lived separately—like apartment dwellers—they could not claim the common areas of the house, including the foyer, as their private space." *Id* (internal quotation omitted). The most significant point of contention in

Smith was the presence of shared bathroom and kitchen facilities, which the Court identified as "integral parts of a home." *Id* at 610. However, the Court ultimately found that this concern was outweighed by the fact that the bedrooms were separately locked and numbered and that the common hallway was accessible to tenants, their guests, the landlord, and others who might have legitimate reasons to be on the premises. *Id*.

Courts in other jurisdictions have likewise concluded that defendants lack a reasonable expectation of privacy in the common areas of an apartment building. In addition to the aforementioned *United States v. Rheault*, 561 F.3d 55, 59 (1st Cir.2009), in which the First Circuit noted that ""it is beyond cavil ... that a tenant lacks a reasonable expectation of privacy in the common areas of an apartment building," the United States Court of Appeals for the Second Circuit has also come to this conclusion. In *United States v. Holland*, 755 F.2d 253, 255 (2d Cir. 1985) that court noted that "it is the established law of this Circuit that the common halls and lobbies of multi-tenant buildings are not within an individual tenant's zone of privacy even though they are guarded by locked doors."

Similarly, the United States Court of Appeals for the Seventh Circuit held in *United States v. Concepcion*, 942 F.2d 1170, 1172 (7th Cir. 1991) that "Concepcion had no expectation that goings-on in the common areas would remain his secret. Indeed, it is odd to think of an expectation of 'privacy' in the entrances to a building. The vestibule and other common areas are used by postal carriers, custodians, and peddlers. The area outside one's door lacks anything like the privacy of the area inside."

The determination of whether society deems an expectation of privacy reasonable is "highly dependent on the particular facts involved and

is determined by examining the circumstances of the case in light of several factors," *State v. Orde*, 161 N.H. 260, 265 (2010). As the cases outlined above demonstrate, those factors can include: whether the defendant owned the premises or controlled access to it; whether the premises contained recognizably separate living units; whether residents could exclude others from parts of the building; the number of residents in the building; whether the premises were freely accessible to others; whether police had a lawful right to be where they were; the character of the location searched; the customary use of the spaces within the premises; and any precautions taken by the defendant to protect his privacy. *See*, *also*, *United States v. Werra*, 638 F.3d 326, 332-33 (1st Cir. 2011); *United States v. LNU*, 544 F. 3d 361, 365 (1st Cir. 2008).

While acknowledging the fact-intensive nature of the inquiry, nothing in the facts of this case situates the defendant differently than other apartment-dwellers. The building contained recognizably separate living units, and the defendant did not own the premises at issue. T 856, 860. There were no signs or warnings posted outside the building and the door to the vestibule was unlocked. T 193-95, 267, 750. The defendant took no steps to protect his privacy, nor indicated to police that they could not legally be in the vestibule. Nor is there any evidence that he had a right or desire to exclude people from entering the vestibule.

To the contrary, the vestibule itself was illuminated and the door contained a glass pane that would allow any casual observer to see that it was a common shared space. T 193-95, 267-68, 750. The presence of coats and other clutter marks the space as a high-traffic area common to the apartments on that floor. Such vestibules often play host to any number of

individuals: invited guests, delivery persons, utility workers, political solicitors, or religious evangelizers, among others. Contrast this with *United States v. Drummond*, 98 F.Supp.2d 44, 49-50 (D.D.C. 2000), in which the court found "[d]efendants took no action to detract from the privacy they retained in this area. The outer door remained closed and locked and there were no windows on that door to let anyone see into the landing."

The defendant urges this Court to give great weight to the familial relationship between the tenants. According to the defendant, "single-extended-family occupancy," should give rise to a greater expectation of privacy than that afforded to the common spaces in a more traditional apartment building. DB 23. But the record belies this claim. Although the defendant and his mother appear to have had a relationship, the same cannot be said of the defendant and the other tenants. According to the defendant's cousin, Brian Magnusson, he had seen the defendant only once in the previous ten years before trial, despite living only one floor above him. T 1214-15.

Likewise, John Magnusson, another of the defendant's cousins who lived in the same apartment building, testified that had not spoken to the defendant in seven or eight years prior to this case. T 1176. The defendant and the other tenants in his building were thus largely strangers, despite their familial ties. As such, this Court should give no outsize weight to these facts, which ultimately situate the defendant no differently than any other apartment-dweller who is not close with their neighbors.

The defendant's invocation of *United States v. King,* 227 F.3d 732, 744 (6th Cir. 2000) in this context is also unavailing. In *King*, the units of

the duplex in question were occupied by the defendant and his brother, his mother and two other siblings in the unit above them, and yet another brother in the third-floor unit. The defendant's mother possessed keys to every unit and the family "had free rein" to go between units and use the basement washer and dryer as they pleased because they "lived there as one family". *Id* at 748. The testimony of the other tenants in the defendant's building reveals a much less open living situation than the one described in *King*, rendering that case inapposite.

The defendant's comparisons to *United States v. Bain*, 155 F.Supp.3d 107, 118 (D. Mass. 2015) *aff'd*, 874 F.3d 1 (1st Cir. 2017) *cert.* denied, 138 S.Ct. 1593 (2018) are likewise unpersuasive. While the *Bain* court did weigh the small number of units (three) in favor of an expectation of privacy, that court ultimately found that the defendant possessed no reasonable expectation of privacy in the shared spaces of the apartment building. The shared spaces were accessible to "the tenants of three apartment units and their guests, the landlord, and the landlord's agents," and "the areas traversed by the officers served as passageways routinely used for egress and ingress to the apartment units." These facts, which militated against finding a reasonable expectation of privacy in *Bain*, are equally applicable to the current case.

Furthermore, unlike *Smith*, in which tenants shared kitchen and bathroom facilities, the apartments in the defendant's building are self-contained. Because the defendant's reasonable expectation of privacy is much more neatly confined within the four walls of his apartment, the central tension of *Smith* does not factor into this case. Accordingly, consistent with this Court's prior precedents in *Smith*, *Chaisson*, and

Mouser, as well as the decisions of the First, Second and Seventh Circuits, this Court should find the defendant did not possess a reasonable expectation of privacy in the common vestibule of his apartment building.

2. The defendant had no reasonable expectation of privacy in the utility closet.

Nor did the defendant possess a reasonable expectation of privacy in the utility closet accessible from the common vestibule. Many of the subjective factors that bear on the vestibule apply with equal force to the utility closet. The closet was unmarked and unlocked. No signs denoted it as a private space. During his conversation with law enforcement, the defendant never indicated that the closet was private or asked them to stay out of it.

The mere presence of the boots in the closet is not evidence of the defendant's subjective expectation of privacy. Unlike *United States v. King,* 227 F.3d 732, 744 (6th Cir. 2000), in which the defendant hid items of an inherently incriminating nature – cocaine –in a closet, the defendant in this case put only his wet boots in the closet. Although the boots ultimately proved to be highly incriminating, there is no evidence the defendant knew this at the time. Unlike King, this defendant could have had many reasons for putting his boots in the closet, not all of which involve hiding evidence or manifest an expectation of privacy.

While the defendant argues, "[n]othing about the utility room manifests an expectation that strangers would enter it uninvited," he has produced no evidence that he exercised anything resembling exclusive control over the closet. Evidence at trial, in fact, demonstrated the opposite.

One of the defendant's cousins testified that he had previously used the closet on a regular basis while attempting to cultivate earthworms. T 1216. Another cousin testified that he had previously accessed the same utility closet to do work on the sewage system. T 1245. The defendant's argument also overlooks the possibility that strangers, likely in the form of electricians, plumbers, or other utility workers, could be invited to work in that room at the behest of Conrad Magnusson. This sort of routine maintenance could have been done entirely without the knowledge or consent of the defendant, particularly given the defendant's own assertion that he is a shut-in who does not interact with the outside world on a regular basis. T 753.

Indeed, the shared nature of the closet was also central to the defendant's case at trial. Until this appeal, the defendant maintained that the boots police found in the closet belonged to his cousin. While he has since acknowledged that the boots belonged to him (DB 26), at the time of the search, the defendant could not have argued that he had an expectation of privacy in the closet, while simultaneously disavowing any possessory interest in that closet's contents.

Moreover, any expectation of privacy the defendant may claim in the utility closet is not one that society is prepared to recognize as reasonable. Although this Court has not previously considered the issue of a defendant's expectation privacy in this context, several other courts that have considered the issue under similar facts have found that such an expectation is not reasonable.

In *United States v. Thornley*, 707 F.2d 622 (1st Cir. 1983), the defendant hid incriminating documents in the basement storage area of a

three-story residence owned by his friend. Finding that the defendant lacked a reasonable expectation of privacy, the First Circuit focused on several facors: (1) "the door to the storage area was not kept locked"; (2) "[a]ccess to the basement was not restricted to any of the tenants; (3) "there was no credible evidence that [the defendant] had a lease for the storage area; (4) the defendant was not a tenant.

Although it is clear that the defendant in this case was a tenant, the other *Thornley* factors bear on the current case. According to the officers' testimony, the utility closet was not locked, nor is there any evidence that access was restricted in any way. Moreover, there is no evidence that the defendant had a lease on the utility closet or enjoyed any right to exclude others from the space. *See*, *also*, *United States v. Hawkins*, 139 F.3d 29, 32-33 (1st Cir. 1998) (holding that a defendant lacked a reasonable expectation of privacy in the unenclosed basement storage area of his apartment building).

In another factually similar case, *United States v. McCaster*, 193 F.3d 930, 933 (8th Cir. 1999), the United States Court of Appeals for the Eighth Circuit considered a defendant's expectation of privacy in a hall closet located within the common area of the duplex in which he lived. The police had searched the hall closet and located six grams of crack cocaine. The court first noted that the Eighth Circuit has "rejected the notion of a generalized expectation of privacy in the common areas of an apartment building." *Id*. The court then held that the facts of the case undermined the defendant's claim of a reasonable expectation of privacy:

> [H]e disavowed any possessory interest in the contents of the closet, failed to show any efforts to exclude others from the

> space, or any precautions to maintain privacy. The evidence showed that two other tenants, as well as the landlord, had access to the closet. In short, . . . McCaster had no reasonable expectation of privacy in the hall closet. Under these circumstances, McCaster has no standing to challenge the search. To hold otherwise would allow a criminal to keep contraband from the legitimate reach of law enforcement by the simple act of storing it in a shared common area.

Id.

The defendant is similarly situated. Like McCaster, the defendant hid incriminating evidence in a shared hall closet. He likewise disavowed any possessory interest in the contents of the closet when he claimed the boots belonged to his cousin. Moreover, he made no efforts to exclude others from the space and it was readily accessible by other tenants and his landlord. Accordingly, this Court's decision should mirror the First anf Eighth Circuit's and hold that the defendant lacked a reasonable expectation of privacy in the shared utility closet.

CONCLUSION

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

The State requests a ten-minute oral argument.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Zachary Lee Higham, hereby certify that pursuant to Rule 16(11) of the New Hampshire Supreme Court Rules, this brief contains approximately 4,729 words, which is fewer than the words permitted by this Court's rules. Counsel relied upon the word count of the computer program used to prepare this brief.

June 15, 2020 *<u>/s/Zachary Lee Higham</u>*
Zachary Lee Higham

CERTIFICATE OF SERVICE

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

June 15, 2020 */s/Zachary Lee Higham*
Zachary Lee Higham