

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

August 14, 2009

Stephen T. Jeffco, Esq.  
Harry N. Starbranch, Esq.  
171 Middle Street  
Portsmouth, NH 03801

**Re: State of New Hampshire v. Robin Knight**

Dear Steve and Harry:

It has recently come to my attention that I neglected to provide you with some new information that we learned from Michael Benton in the course of our testimony review meeting with him on April 20, 2009.

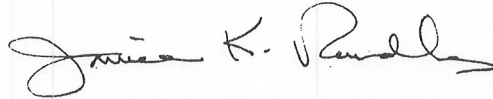
On that date, Mr. Benton informed us that he could not remember what your client looked like and did not think he could identify him in court. I asked him if his memory could be refreshed if he viewed a photograph of Mr. Knight, and he was not sure. I therefore showed Mr. Benton a photo of your client that I had in my file, and he stated that it did not refresh his memory as to your client's appearance.

At the time, I did not forward this information to you because I did not consider it to be exculpatory. The identity of your client was not in issue in the case, and Mr. Benton had never previously stated that he could identify him. However, in the course of preparation for the Jesse Brooks trial, while reviewing filings by the defense concerning their intention to call expert witnesses to impeach the memory of Mr. Benton and to testify about whether Benton's and Vrooman's memories were enhanced or supplemented during meetings between them and the State, I realized that Mr. Benton's failure to recognize your client might be exculpatory to the extent that it calls his memory into question. I therefore am disclosing this information now.

I do apologize for my oversight in not disclosing this earlier, and assure you that it was entirely unintentional.

Zwicker letter (Benton)  
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Sincerely,

A handwritten signature in black ink, appearing to read "Janice K. Rundles". The signature is fluid and cursive, with a large initial "J" and "R".

Janice K. Rundles  
Senior Assistant Attorney General  
Homicide Unit  
(603) 271-3671

Cc. William B. Kettlewell, Esq.  
Maria R. Durant, Esq.  
Peter D. Anderson, Esq.