

Michael Benton  
Drug and Alcohol Addiction

PLEASE SEE HIGHLIGHTED SECTIONS

Robin Knight's Trial  
Benton - Direct

Q. As things progressed from there, I think you said that it was during 2004 that your drug use became a problem?

A. Yes.

Q. Was Jesse aware of how much you used drugs?

A. He wasn't around that much. No. (p. 648 line 15-19)

Q. Okay. And when you were with him would you talk to him about the drugs you used when you weren't with him?

A. No. (p. 649 lines 7-9)

*Note: Jesse Brooks was living in California. He was in Nevada in June 2005 for hernia surgery.*

11/17/06

Michael Benton 1<sup>st</sup> Interview  
Trooper John A. Encarnacao, Trooper Scott Gilbert

MB: **I was fucked up a long time.**

JE: Ya.

MB: (Laughs) **All the time.** (26407)

12/08/06

Michael Benton Proffer  
AAG Charles Keefe, AAG Kirsten Wilson, Sgt. Robert Estabrook, TFC Scott Gilbert, Attorney Richard Samdperil, Attorney Joe Welsh.  
Meeting held: New Hampshire State Police Troop A Barracks.

BENTON had been drinking the night before JAY'S. **HE was "jonesing" for a fix. He had not done drugs and was visibly shaking. His mind was racing.** (22523)

Benton was unclear when it was first scheduled and then moved to another date. **Benton was using drugs every day at this time.** It has affected his memory somewhat, timewise, but not details about what happened. He is having problems with timelines and order that things happened. (22531)

**Mike was drinking a lot and doing some drugs at the time, not clear headed.** (22876)

Benton had been drinking the night before Jay's - was **jonesing for a fix. Had not done drugs- was visibly shaking, mind was racing.** (22879)

Handwritten Notes

Mike mentally screwed up @ time, drugs, (25951)

12/08/06

Joseph Vrooman Proffer

Vrooman described Benton as hyper and strung out. (22539)

Joe said the words rang true, Mike was crazy. Pretty hyper. (22836)

12/11/06

Michael Benton 2<sup>nd</sup> Proffer  
AAG Charles Keefe, AAG Kirsten Wilson, Sgt. Estabrook, TFC Scott Gilbert, Attorney Samdperil, Attorney Joe Welsh.  
Meeting held: New Hampshire State Police Troop A Barracks.

**BENTON said he was using drugs everyday.** The drugs affected his memory of the specific times but not his memory of what happened. (22657)

**Using every day at this time - drugs etc.** Has affected his memory somewhat—timewise, but not details about what happened. He is having problems with timeline and order things happened. (22891)

Michael Benton  
Joe Welsh, R. Samdperil, Chuck Keefe, Kirsten Wilson, Scott Gilbert, Bob Estabrook  
**NOTES**  
@ 1300 Proffer # 2 w/Mike Benton

**Using drugs everyday-** drugs didn't affect memory of what happened only specific time. (25958)

Mike was drinking a lot and doing some drugs at the time, not clear headed. (22876)

Benton had been drinking the night before at Jay's – was jonesing for a fix. Had not done drugs – was visibly shaking, mind was racing. (22879)

05/22/08

Michael Benton UNRECORDED Interview  
Attorney Samdperil, Attorney Karen Huntress, Attorney Janice Rundles, Attorney Michael Lewis, Trooper Robert Larcome, TFC Frederick J. Lulka  
Meeting held: Troop A

**During that time, just prior to the murder, BENTON stated he had been drinking at least a 12 pack of beer a day and he was taking cocaine.** BENTON recalled he did not use drugs that day (of the murder). (29357)

BENTON had been using cocaine for about 6 months prior to the murder, with injection being his favorite method of using. (29358)

Michael Benton Handwritten Notes during UNRECORDED Interview.

At time of murder Mike had taken Coke for approx. 6 months.

Time of day using Cocaine – Sometimes staying up all night. Usually use Coke after work.

Night before was spent @ condo – No drugs used because he didn't use them in front of Jay. (29359-H)

06/02/08

Zwicker Letter authored by Assistant Attorney General Karen Huntress  
State v. John Brooks

**It was also my recollection that Mr. Benton said that cocaine was his drug of choice, and that he was injecting it during the time period surrounding the murder.** He had previously been smoking it, then moved to shooting it. I believe he

distinguished cocaine use from heroin use by saying that cocaine is a mental fix, whereas heroin causes physical sickness if not consumed.

**I believe he said he was using it every day, and shooting up a few grams a day.**

I believe Mr. Benton said that he did not use drugs the night before the murder, but consumed about a 12 pack of beer.

06/19/08

Michael Benton Deposition

Q. And so it would be fair to say that you were using – you had a crack habit of three, \$400.00 a week up until that – that time that you went to the condo the day before –

A. Yeah.

Q. –Jack Reid was killed; right?

A. Yeah. (pg. 193)

Q. So before Jack Reid was killed, before you went to the farm; right?

A. Umm-hmm.

Q. How often were you using crack cocaine?

A. Almost daily. A lot on the weekends. Definitely on the weekends.

Q. When you say “almost daily,” multiple times in a day or—

A. Yeah, yeah. (p. 191 lines 15-23)

Q. Would you say you were addicted to—to crack cocaine?

A. Yes.

Q. And you needed it on a very frequent basis?

A. Yes.

Q. And if you didn’t get it, it would have physical effects on you?

A. Mental effects, yeah. Physical as in shaking.

Q. So you—you would get the shakes?

A. Yeah.

Q. **And what mental effects did it have?**

A. **Cloud your—cloud my –my thought process. I would just be disoriented.**

(p. 339 lines 2-16)

Q. And so you would—you would get out of work roughly around—between three and four?

A. Three-thirty and four, yes. Sometimes I worked later.

Q. **All right. And—and—and then it was your typical daily pattern to drink about 12 beers and do some crack cocaine?**

A. **Yes.** (p.341 lines 8-15)

Q. And – and is part of the problem you have recalling the fact or the effect of the crack cocaine—and all the beer you drank—

A. Yes.

Q. –at the time?

A. Yes.

Q. Clouded your memory?

A. It affected my memory, yes. (pg 346 lines 19-23, pg. 347 lines 1-3)

Jay Brooks’  
Trial

Benton – Direct

Q. **What’s your drug use like during this period, say May/June 2005?**

A. **I was doing drugs pretty heavily.**

Q. And what does doing drugs pretty heavily mean to you?

A. I was using cocaine three or four times a week, smoking marijuana. And I was

**drinking heavily on a daily basis.**

- Q. How much drinking a day?  
A. **At least twelve beers a day and sometimes hard alcohol, whiskey.**  
Q. When you were using cocaine on those three, four times a week, how much cocaine were you using?  
A. **Throughout the week, it would be like three or \$400 worth, so probably half an ounce of cocaine.** (p. 1295 lines 16-23, p. 1296 lines 1-5)

Jay Brooks'  
Trial

Benton – Direct

- Q. What did you do during the evening? How did you spend the night?  
A. Well, I drank beer.  
Q. How many beers do you think you drank that night?  
A. Eight to ten.  
Q. **When was the last time you had used drugs, including marijuana, prior to that night?**  
A. **It would have been as soon as the day before that.**  
Q. As recently as the day before that night?  
A. Yes.  
Q. So if this was a Sunday night, had you—  
A. Saturday.  
Q. Okay.  
A. Saturday night.  
Q. Do you know what drugs you used Saturday night?  
A. **I would have been using alcohol, probably smoking crack cocaine,** and it's possible marijuana, but I doubt that.  
Q. That day that the defendant came and picked you up in Manchester and brought you to his condo on the seacoast, did you use any drugs that day other than the alcohol you drank at his condo?  
A. No.  
Q. Was anyone else drinking that night?  
A. I don't recall. No, I don't think so. (p. 1324 lines 20-23, p. 1325 lines 1-20)

Jay Brooks'  
Trial

Benton – Direct

- A. The \$800 I was sent I had purchased a plane ticket.  
Q. Did you actually use that money you'd been sent for the plane ticket?  
A. No, I did not.  
Q. Okay. Could you explain that?  
A. **Well, at the time, I was pretty heavy into drugs and I was using the money to get high; cocaine.** (p. 1421 lines 4-10)

Jay Brooks'  
Trial

Benton – Cross

- Q. Yeah. Do you remember where they told you they didn't care about your drug history?  
A. I don't recall that.  
Q. No? Do you want me to show you something, sir? Let's come back with that after lunch break and I'll show you one. But you did have a drug history, correct?  
A. Yes.  
Q. In fact, you had a substantial history, correct?  
A. I did.  
Q. In fact, you told us a little bit about this, correct?  
A. I touched on it, yes.  
Q. And, you had done some cocaine with Andrew Carter, right?

- A. Yes.
- Q. And you had you actually known that Andrew Carter was dealing pot in high school, right?
- A. Yes.
- Q. Right. All right. And in fact you, sir, as you said, a little bit on direct examination from the prosecution, you've done a lot of drugs during your career, right?
- A. Yes.
- Q. You had from the time of the trailer shooting of Jack Reid you started using drugs heavily, you used cocaine when you moved to Manchester in 2003, 2004, right?
- A. I have, yes.
- Q. **You'd smoke crack multiple times per day, right?**
- A. **Yes.**
- Q. During that time period of 2003 through early 2006, right?
- A. Yes.
- Q. **In fact, during that period your use of cocaine and crack increased to the point where you called yourself a crack addict. Is that right?**
- A. **Yes, I have used that word to describe myself and my drug use, yes.**
- Q. **By 2005, you were doing crack so frequently that all you could think about was the next hit' that's what you testified to, right?**
- A. **I did testify to that.**
- Q. And that's true, right? That's true, right?
- A. I'd like to see that.
- Q. It's on page 340. The top of page 340, let's read along together, Mr. Benton.  
**"Question: And when you became disoriented, as you say, it would affect your ability to even understand what was going on around you.**  
**Answer: Sometimes, yes.**  
**Question: And how—what other effects would it have on you?**  
**Answer: It would make you depressed if you didn't have it. Wanted to get to that next hit. It's a terrible drug."**
- Did I read that correctly, sir?
- A. **Those are my words, correct.**
- Q. Right. You wanted to get the next hit, right?
- A. That's what I said there, yes. That was my description of using the drug and being without it.
- Q. Exactly. If you didn't have the next hit, that's all you were thinking about, right?
- A. That's my description—
- Q. That's what you said.
- A. --yes.
- Q. **I mean, because you could tell us because back then you were as deep a crack addict as could be, right?**
- A. **Yes.**
- Q. **And, in fact, it increased your desire to drink, right?**
- A. **It did.**
- Q. Substantially, right?
- A. Yes.
- Q. And caused problems with attendance at work, right?
- A. It did, which eventually led to my dismissal.
- Q. Twice, correct?
- A. Twice.
- Q. **Well, when the prosecutor asked you what effect it had on your memory, you told yesterday the ladies and gentlemen of this jury that it had some impact on your time ability to remember time, right?**
- A. That's correct.
- Q. **Well, you were asked about it by the troopers on that very day of**

**November 17<sup>th</sup>, and that's at D2516. But that's not what you said to them then, right?**

(Audio played at 12:16 p.m.)

BY MR. HOOPES:

Q. Thank you. Pardon my French. **I was fed up a long time, all the time.**

A. That was my voice just now, yes.

Q. **I was fed up all the time, right.**

A. **Yes.**

Q. Now, you were asked some questions about this during your deposition, were you not?

A. I believe so.

Q. And this deposition just a couple of months ago, right?

A. Yes.

Q. And this is that very first time that you've had to sit with an audio where the defendant had someone to ask you questions, right?

A. That was the first time, yes.

Q. And you gave several answers then that were different than what you said yesterday on Page 340, lines 1 through 4.

MS. HUNTRESS: Objection.

THE COURT: What's—sure. Come on up. Hold off, please, for a minute.

MS. HUNTRESS: Do you have the reference for that?

MR. HOOPES: Yes, it's on page 340.

THE COURT: Objection overruled. You may proceed.

MR. HOOPES: Thank you.

BY MR. HOOPES:

Q. **You testified that certainly by 2005 you were doing crack cocaine on a very frequent basis.**

A. **Yes.**

Q. **And when you became disoriented as you say, it would affect your ability to even understand what was going on around you?**

A. **Sometimes, yes.**

Q. And in that same deposition, you said, not only did crack and beer affect my memory, when the Attorney General's Office was asking you a question, not defense counsel, you said something different than what you said yesterday, didn't you? It's at Page 366, line 22.

(Audio tape played at 12:19 p.m.)

BY MR. HOOPES:

Q. And lastly, sir, you were asked this one more time, on Page 396:

(Audio tape played at 12:20 p.m.)

MS. HUNTRESS: Actually, Your Honor, I'd like to note the document incomplete as there's more of the answer than just that.

**BY MR. HOOPES:**

**Q. In fact, sir, you were asked,**

**"Do you believe that your cocaine use in any way impacted—impacts—or impacted your ability to perceive and understand situations as you were experiencing them? And there's an objection from the defense.**

**And your answer, "I believe my withdrawal from cocaine, yes.**

**Okay.**

**Answer: While I'm on cocaine, absolutely.**

**Question: And how about if it had been used a couple of days since you last used?**

**Answer: Yes. It would have been on my mind a lot, especially if it was only a day or two afterwards."**

**Those were your answers to those questions from the office of the Attorney General, right, sir?**

A. **Yes.**

Q. **Now, you mentioned that this drug use had an impact on your employment, right, sir?**

A. Yes.

Q. And, that—

A. On, excuse me, on—

Q. On your job history, right?

A. Yes.

Q. And, in fact, you got out of high school and you went to work at DeMoulas, at the deli, right?

A. Yes.

Q. Yeah. And you left after a couple of months because you got angry at the manager, right?

A. I did quit that job, yes.

Q. Well, you said at the depo, **I got angry with the manager, right?**

A. Okay. Yes.

Q. And you went to Salem Sportswear and then you went to PolyVac, right?

A. Yes.

Q. You got fired at PolyVac, right?

A. Yes.

Q. Back to Salem Sportswear, correct?

A. Yes.

Q. On to Silver Graphics, on to Granite State Tees, right?

A. Yes.

Q. **Had a falling out there with one of the owners.** That's what you testified to, right?

A. Yes.

Q. CK Productions, REF Printing Circuits, Phoenix Screen Printing. **You didn't get along with the owner, who you said had a terrible laugh, right?**

A. **Yes, a cackle.**

Q. On to Flex Technology, Andrew Carter, Cookies Restaurant, and the Logo Loc, where you were **fired twice before being rehired**, and that's where you were when you were—when you were arrested, right?

A. That's correct. (p. 1471 lines 22-23, p. 1472 – 1478, p. 1479 lines 1- 18)

Jay Brooks'  
Trial

Benton – Cross

Q. Yeah. Now, you hadn't done any crack that morning, right?

A. No.

Q. **And the jury heard you talk and listen to you, that all you can think of when you're a crack addict is getting your next fix. That's true, right?**

A. **That is my belief, yes.**

Q. And you told the police and the prosecutors when you first sat down with them that just before Jack Reid arrived you were quote, **"jonesing for a fix"**, right?

A. **I believe I did say that, yes.**

Q. Jonesing for a fix, right?

A. I believe I said that, yes.

Q. And in fact, you told them that **Jack Reid arrived so late that you were angry** because you could have been at work that day, right?

A. I could have been at work that day, yes. (p. 1505 lines 14-23, p. 1506 lines 1-7)

Robin Knight's  
Trial

Benton – Cross

- Q. **By bad crack habit, you were smoking crack on a regular basis;** is that correct?
- A. Yes.
- Q. **And not only were you smoking crack, but you were also injecting cocaine;** Is that correct?
- A. Yes.
- Q. **Drinking heavily?**
- A. Yes.
- Q. **Also doing heroin; is that correct?**
- A. Yes.
- Q. **Marijuana when you could get it?**
- A. Yes.
- Q. And I understand, sir, **that into 2005, you were spending up to 400 bucks a week on drugs;** is that correct?
- A. Yes. (p. 565 lines 1-15)
- Q. **Okay. And the summer of 2005, I understand that that's when your problem, and by problem what I'm referring now is the crack, the other drugs, the booze, that's where it was at its peak; isn't that right?**
- A. **Yes.**
- Q. **And by peak, what I mean is it was so bad, if you missed smoking crack, you'd Jones; is that correct?**
- A. Yes.
- Q. Why don't you tell the jury what we're referring to when we use the words Jones?
- A. Well, it's -it's kind of hard to describe. **It's a—and intense need for another fix, another hit.**
- Q. And when you say intense need, that's all you can think about; isn't that right?
- A. **Your judgment is very off and that's all you can think about. Yeah.**
- Q. Yeah. Your judgment's off. That's all you can think about is to get that dope; isn't that right?
- A. Yes.
- Q. **And it's not just a question of judgment being off. What happens when you Jones, you get irritable;** is that correct?
- A. Yes.
- Q. Very edgy; is that correct?
- A. Yes.
- Q. **Just about anything in the world can set you off; is that correct?**
- A. **Yeah.**
- Q. That's right. And I understand, sir, that that's where you were at in June of 2005; is that correct?
- A. Yes.
- Q. **That's where you were when you get that call from Jesse Brooks; is that correct?**
- A. **Yes.** (p. 567 lines 12-23, p. 568 lines 1-22)
- Q. Okay. And that's the other thing, too. If you can't get the crack and you start to Jones. Liquor or beer can take the edge off; is that correct?
- A. Yes.
- Q. Okay. Now, how many days later was the second meeting?
- A. I'm not sure how many days later.
- Q. Oh, Was it several days, a week, a month?
- A. It was close to a week, I think.
- Q. **Okay. And when you say you think, sometimes it's difficult to remember specifics, isn't it?**



- A. **Yes.**
- Q. **And the reason it is, if you're doing that much crack, that much drinking, it can effect your ability to either fix memories or to later recall what happened; isn't that correct?**
- A. **Correct.**
- Q. Okay. Now, I understand, sir, that you had a second meeting; is that correct?
- A. Yes.
- Q. Between the first and the second, is there any contact between you and Brooks?
- A. Yes.
- Q. And what does that consist of?
- A. We went to the Vietnamese restaurant. And later, after that, we picked up a prepaid cell phone, and then went to Mike Connor's residence. After that, I was dropped off at my house.
- Q. Is that the first meeting or the second?
- A. I believe that's the second meeting.
- Q. When you say you believe that's the second meeting, you're not even sure as we sit here, are you?
- A. I could be mistaken.
- Q. And the reason you could be mistaken, it's not that you're intentionally misrepresenting anything?
- A. No.
- Q. It's the fact that due to all the crack and booze, it's hard, isn't it?
- A. Yup. (p. 574 lines 5-23, p. 575 lines 1-17)

Robin Knight's Trial Benton – Cross

- Q. Okay. And I understand, sir, that you end up getting picked up by Brooks and taken over to his condo in New Castle; is that correct?
- A. Yes.
- Q. And he was nice enough to buy you a 12-pack?
- A. Yes.
- Q. Then that evening, you had a couple of beers; is that correct?
- A. Yes.
- Q. Actually, specifically, eight to ten; is that right?
- A. That's correct.
- Q. **All right. And the reason that you're drinking the beer is you don't want to be smoking crack in front of Jay Brooks?**
- A. **Yes.**
- Q. **Okay. And the thing is by the next day, you're Jonesing, aren't you?**
- A. **I would say yeah. I would be thinking about it. Yes.** (p. 582 lines 13-23, p. 582 lines 1-6)
- Q. Don't you get irritable?
- A. Yeah. You could.
- Q. **And not only do you get irritable, but you get to the point where you basically obsess about it; isn't that right?**
- A. **You could. Yes.**
- Q. Well, that's the way you used to get, isn't it?
- A. After—yeah. After I was run out, yes.
- Q. Okay. And I understand that you hadn't had any for at least 24 hours, if not 48; is that correct?
- A. That's correct.
- Q. **So you would be Jonesing pretty good by then, wouldn't you?**
- A. **Actually, I would have far past that.**
- Q. Oh. You would have been? When was the last time you smoked crack prior to Jay

- Brooks picking you up?
- A. Probably two days before that.
- Q. **When you say probably, you have no idea, you don't know whether or not you put away the pipe right before you walked out the door, do you?**
- A. Well, I know that that was not the case.
- Q. You do.
- A. Yes.
- Q. And how do you know that?
- A. **Because I wouldn't want to be high around Jay Brooks.**
- Q. Oh, you wouldn't?
- A. No. (p. 583 lines 19-23, p. 584 lines 1-23)

Jesse Brooks'  
Trial

Benton - Direct

- Q. On this -taking us to this—and, by the way, **do you have a recollection of when in 2005 you got this phone call that you told us about from Jesse Brooks?**
- A. **It was June. I know that.**
- Q. You know it was June?
- A. Yes.
- Q. Okay. How would you describe your situation with drug and alcohol usage at that point in time?
- A. I was living in Manchester at that time, and I was getting high pretty regularly on cocaine and marijuana and alcohol as well.
- Q. **How much alcohol would you say you would use on a daily basis?**
- A. **Oh, I drank anywhere from eight to twelve beers a day.**
- Q. Okay. And you said before that you were smoking crack cocaine. Is that how you used it most of the time?
- A. Most of the time. I also intravenously shot it up.
- Q. Okay. And was that during this 2005 time frame that you started doing that?
- A. Yes.
- Q. **Would you describe yourself as an addict at that point in time?**
- A. **Yes.** (p. 1220 lines 20-23, p. 1221 lines 1-19)

Jesse Brooks'  
Trial

Benton - Cross

- Q. **And in part because at least during this time we're talking about in June of 2005, you were addicted to crack?**
- A. **Yes.**
- Q. **And that had an effect on your memory?**
- A. **Yes, it did.**
- Q. It had an effect on the way you saw things and perceived things, correct?
- A. It had an effect on my memory, yes.
- Q. And also how you see things and you saw things as they were unfolding before you, right?
- A. No. My eyes work good.
- Q. Your eyes work good, All right.
- But in any event, your memory wasn't too good, especially for this time frame, because the bad memory was compounded by the drugs, correct?**
- A. **Yes. Yes.** (p. 1340 lines 21-23, p. 1341 lines 1-13)
- Q. **And you had trouble certainly remembering what was going on around you when you were in this condition?**
- A. **Yes.**
- Q. **And you were in this condition on a daily basis back in June 2005?**

A. **Yes.**

Q. You've told us, I think, that it was the very worst time for your drug addiction in your life?

A. Yes.

Q. Okay. Now, you also told us, I think, that this telephone call you say you received from my client happened during this time frame, June of 2005?

A. Yes. (p. 1566 lines 16-23, p. 1567 lines 1-5)