

March 8, 2012

Mr. Thomas V. Trevethick
Acting General Counsel
New Hampshire Supreme Court
Attorney Discipline Office
4 Chenell Drive, Suite 102
Concord, New Hampshire, 03301

Re: Request for Reconsideration; Complaint against Attorney Janice K. Rundles, #11-079

Dear Mr. Trevethick,

By letter dated March 2, 2012, the Attorney Discipline Office dismissed my Complaint against Assistant Attorney General Janice Rundles upon the conclusory finding of "no professional misconduct" in accordance with New Hampshire Supreme Court Rule 37A(II)(a)(7)(B).

Pursuant to Supreme Court Rule 37A(VI)(a), I hereby respectfully request reconsideration of the dismissal since, contrary to this finding, submitted documentation does in fact show by clear and convincing evidence, that Ms. Rundles engaged in professional misconduct.

By way of example

1. Failure to produce potentially exculpatory evidence to the defense.
2. Manipulating and lying to the media outside of court.
3. Making statements on the record about witness's who never testified. Then lying about what the non-witness's stated.
4. Vrooman issues i.e., Polygraph test, turning on and off recorder when convenient.
5. Fabricated bedroom meeting that never happened.
6. Altering testimony, distorting and lying about testimony.

Ms. Rundles activities in this case are not the actions of an over zealous prosecutor who made some minor mistakes in the heat of battle. These well-documented and repeated actions display an absolute disregard for rules, laws, and accepted legal practices on the part of a prosecutor who clearly crossed the line on a myriad of issues in this trial as stated above.

The zeal to convict Jesse Brooks at any cost mentality was apparent from the massive pre-trial publicity that was orchestrated and carried out by prosecutor Janice Rundles. Misinformation and outright lies were printed as fact. I witnessed firsthand her inappropriate and secretive relationship with reporters, such as James Kimball (The Union Leader) and saw the misinformation and outright lies that were printed as fact, as a result. The contamination of the jury pool was apparent from the start. Ms. Rundles was the sole architect of this strategy and her non stop leaking and on the record statements reflect this.

The fabrication of facts about money that was never paid or handed to witnesses in this case was outrageous misconduct at its worse. Ms. Rundles knew that this was the case but again and again she made reference to incidents that never occurred, were not backed up by transactional records, or simply were false and misleading.

I am fully aware of the fact that the defense lawyers did not object or make a record when some of these acts were committed and I understand that this is much of Ms. Rundles defense in this case. This is sadly true but it does not make it right. As an experienced trial attorney Ms. Rundles was certainly aware of this and yet she repeatedly violated the letter and the spirit of the law. I do not believe that the actions (or inactions) of the defense attorney's or the court entitle her to a free pass from your office.

I will not detail all of my previous complaints submitted to your office but I have listed below a summary of those issues for further review. They are:

Failure to Produce Potentially Exculpatory Recordings of Jail Calls

Ms. Rundles produced to the defense in the Jesse Brooks case recordings of calls made from jail by co-defendants Joseph Vrooman and Michael Benton through July 2009. However, no recordings after July 2009 were ever produced to the defense. It belies credibility that the State recorded all phone calls of these two co-defendants from November 2006 to July 2009 and then suddenly stopped. I believe Ms. Rundles withheld other recordings, and I request that your office make further inquiry as to the existence of jail call recordings of Joseph Vrooman and Michael Benton after July 2009 and whether such recordings, if they exist, were ever produced to the defense in the Jesse Brooks case. If they were not, then this withholding of potentially exculpatory evidence should be investigated by your office.

Presenting false and misleading evidence

Weapons story (Binder 1 pg. 9 paragraph 2)

Michael Benton (incentivized witness) is the only person to testify to this story. Andrew Carter, Officer Balukonis, Laura Eori & Jack Reid all claimed – no weapons. Benton's indictment Jan. 1, 2005 (excludes 2003 weapons story but listed as overt act for Jesse Brooks)

June phone call (Tab M)

Michael Benton testified consistently from day one that the phone call from Jesse Brooks was in June 05 but Ms. Rundles changed the story to the call could have come in "as far back as January" in her closing when evidence proved it could not have happened in June 2005.

Bedroom meeting (Tab J)

On 12/8/06 (22538, 22843, 22835) Joseph Vrooman claimed they met in the bedroom and that Jesse and his girlfriend were there at the house when he brought over handcuffs and put them in a box but at Jesse's trial he stated that Jesse was not there (2688). He had also claimed on 12/8/06 that Jesse went with him to the Federal Express facility to ship the package (22538, 22835, 22843) but changed that story to Jay Brooks on 2/16/07 (22651). He reconfirmed this testimony when he stated I told the truth on Dec 8 and the 15th, complete." (Jay Brooks Trial pg. 3524 line 5)

Joseph Vrooman had his discovery for 2 years prior to Jesse Brooks' trial and never asked to make any corrections. He only insisted on changing the "Trampoline Man" story. The State never made any blanket repudiation in Jesse's trial or the two previous trials as to any errors in all three reports.

Bank of America (Tab E)

Joseph Vrooman claimed 12/15/06 that some of the money to pay him was to come from Jesse Brooks' Bank of America account (22850, 22859, 22868). He also stated in his plea 6/3/08 that he went to the bank with Jesse Brooks where he withdrew \$5,000 to supposedly pay Benton (pg. 33-34) and Ms. Rundles reiterated that in her Zwicker letter dated October 13, 2009. He went overboard embellishing his story saying that the bank teller stated, "You're a millionaire" in an obvious effort to influence the jurors. Bank of America records show that there was not a single withdrawal in all of 2005 and Benton never claimed to have received \$5,000 from Jesse Brooks. Yet Ms. Rundles kept insisting this happened although there was never any proof at any time that this occurred.

Coriander Payment Story (Tab G)

7/7/08 Joseph Vrooman claimed he was at Coriander property because he remembered "exactly where he was." Ms. Rundles allowed him to change story to "Orazio or Coriander" property because Coriander fell outside the 2005 timeframe he previously testified to.

Lie detector test (Tab O)

9/12/08 Joseph Vrooman was assured he would not be asked any questions about Jesse Brooks.

Pick up Michael Benton in Manchester (Tab L)

7/7/08 Joseph Vrooman claims he did not go to Manchester to pick up Michael Benton. Jay Brooks Trial – Michael Benton claimed Vrooman was with Jay Brooks. Jesse's Appeal – Ms. Rundles claims Vrooman went with Jay Brooks to Manchester to pick up Benton.

\$800 Airfare (Tab I)

Sentencing – Ms. Rundles claimed Lorraine Brooks never testified to sending Western Union money order. Lorraine Brooks did testify to the Grand Jury 4/23/07 that she sent money for airfare. Michael Benton testified repeatedly that money was for airfare and was not a payment for murder.

Allowed Michael Lewis to make false statements (Tab Q)

Opening statement - Jesse recruited Robin Knight and Joseph Vrooman. Ms. Rundles knew this to be false and didn't correct it until closing.

Making improper closing arguments

Mike Connors Envelope (Tab C) knowingly permitting false testimony.

Mike Connors testified that Jay and Lorraine gave him an envelope. Ms. Rundles stood before the jurors in her closing argument and stated that Connors testified, "that all three of them, the entire Brooks family, including the defendant, were there when he was given the money." (Pg. 3115 lines 10-17)

June phone call (Tab M)

Ms. Rundles closing claimed call could have come in as early as January and referenced Jack Reid which she knew to be false.

Date & Time (Tab K)

12/8/06 Michael Benton told investigators he took Friday off from work. Ms. Rundles' closing stated Benton told investigators Jay called & told him to take Monday off work.

Jay Brooks – Brooks Family (Tab P)

Interchanging "Jay Brooks" with "Brooks" to confuse jurors.

I am hopeful that you and the other members of your committee will carefully reconsider your decision to not move forward on my complaint. I along with every professional I have consulted on this matter feel that there was outrageous prosecutorial misconduct committed in this case. In the past few years we have seen hundreds of people released from the penitentiaries in this country for this very reason as stated in my complaint.

Only in the rarest cases has the government come forward and admitted to these actions. The overwhelming evidence is in fact that almost all wrongful convictions are spearheaded by the actions of the prosecutor in these cases. Ms. Rundles has demonstrated an abundance of these offenses and I respectfully ask that you reconsider your previous decision.

Respectfully submitted,


Anne Chamberlain