

HAND DELIVERED

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Attorney Discipline Office
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I am writing to file a formal complaint against former state prosecutor Janice Rundles for professional misconduct in reckless disregard of her prosecutorial obligations in the case of State of New Hampshire vs. Jesse Brooks, Civil Action No. 09-S-319. Attorney Rundles' conduct throughout the trial evidenced a lack of candor toward the tribunal by knowingly and intentionally eliciting or suppressing evidence that she knew to be false, incomplete or misleading. Her conduct violated the special responsibilities of a prosecutor to advance truth and justice and, in the course of doing so, she undermined the integrity of the legal profession and the criminal justice system. In support thereof, I list for your convenience the rules violated by Ms. Rundles.

NEW HAMPSHIRE RULES OF PROFESSIONAL CONDUCT

ADVOCATE

Rule 3.3. Candor Toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

(d) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

Prosecutor Janice Rundles consistently and repeatedly made statements that she knew to be false and/or misleading.

Janice Rundles stood before Judge Lynn in Joseph Vrooman's Plea proceeding claiming he had no criminal record whatsoever, and presented a distorted view of Mr. Vrooman for purposes of causing Chief Judge Lynn to accept what even the judge characterized as a very lenient sentence in a capital murder case. At the trial she made these statements. Attorney Rundles was very much aware of the felony marriage fraud that Joseph Vrooman committed but intentionally withheld that information from Chief Judge Lynn. Attorney Rundles was responsible for upholding the law and in charge of this case, which makes her accountable to the public criminal defendants, and the Trial Judge. In addition to many other criminal activities of Mr. Vrooman (see attached Tab A), she signed a Zwicker letter dated June 10, 2008 informing defense counsel that Mr. Vrooman had gone AWOL for six months while serving in the U.S. Navy. To omit these facts for purposes of securing a favorable deal for a cooperating witness is unethical and violates Rule 3.3.

Attorney Rundles also stated that there were no promises made to Mr. Vrooman but turned a blind eye to the above felony. Attorney Rundles failed to notify Nevada law enforcement of Mr. Vrooman's criminal conduct and her failure to do so was a promise, reward or inducement to Mr. Vrooman, which encouraged him to perjure himself at the trial of Jesse Brooks as well as trials of other co-defendants. Mr. Vrooman is directly responsible for the actual physical act of killing Jack Reid and he only received a sentence of 17 ½ years, which he has stated on taped telephone calls from prison, will equate to only 11.8 leaving him to serve only 6.8 years.

I have attached a list of what I feel are additional promises that Mr. Vrooman was granted to provide testimony against Jesse Brooks or as he referred to him as the "One Guy" that the State could not get (prosecute) without Mr. Vrooman's testimony. The attached transcripts of Mr. Vrooman's recorded jail telephone calls make clear that Jesse Brooks was his main bargaining chip to a reduced sentence. (see Tab B). Mr. Vrooman testified that Jesse Brooks was in fact the "one guy" he was referring to on the phone call but Attorney Rundles misled jurors into thinking it was Robin Knight by misrepresenting Mr. Vrooman's testimony. She ferociously protested to keep the jail calls out of evidence because they would have laid out Mr. Vrooman's strategy to implicate Jesse Brooks. She told Chief Judge Lynn in the Jay Brooks case that the jail calls would be too prejudicial to the State because Mr. Vrooman spoke about how they were using Jay Brooks as a bookend to the Addison case to justify the death penalty. This was all a smoke screen. She fought to keep the tapes out of evidence because they would reveal the truth about the case. She knew the content of the tapes but suppressed them.

Attorney Rundles further explained away the calls by claiming Mr. Vrooman only said that because of what other inmates were saying about him. None of this is supported by any record, police report or other government document. When Chief Judge Lynn asked where does it say that? She responded, "He never says that exclusively."

When Attorney Rundles sought to exclude the jail calls in the Jesse Brooks case, she told Judge Nadeau that Mr. Vrooman made those comments based on information from his attorney, which contradicts her previous explanation. It is unethical for a prosecutor to change her strategy from trial to trial in the same related matter. Attorney Rundles went to great lengths to keep the jail calls out of evidence because they would have clearly been exculpatory in nature showing Mr. Vrooman was willing to say anything to get a sweetheart deal.

Mr. Vrooman's jail calls prove his only concern was negotiating a deal and protecting his military pension. He stated that he was informed from the very beginning that this was a capital murder case and he was afraid of getting life. (3/24/08 pg. 44 lines 15-16) He made it clear in his 3/24/08 statement "*I'll take the best deal they offer.*" (pg. 45 line 3) Attorney Rundles wanted very much for the jurors to believe that he was only out to do the right thing, but nothing could be further from the truth.

If the trier of fact had been allowed to hear his early recordings versus the well-polished witness he became after years of reading discovery and countless meetings with police and prosecutors, they would have reasonably concluded otherwise. 11/30/06 "*I mean I know the truth is the best policy. So you could probably put me in jail until I'm fuckin' eighty.*" (24211) 11/30/06 "*I gonna get the max.*" (24212) Please take the time to read the jail calls as they will demonstrate exactly what was said, the order which it was said, and what truly motivated Mr. Vrooman to lie and Attorney Rundles to consistently and willingly misstate the facts.

In yet another gross prosecutorial misconduct act Mr. Vrooman was administered a lie detector test under the supervision of Attorney Rundles. He was very reluctant to do so until he was told by the examiner "not to worry because they wouldn't be asking any questions about Jesse Brooks." This is clearly an attempt by the prosecution team to let Mr. Vrooman know that they won't ask any questions that would cause him to fail the polygraph exam. This is further proof of Attorney Rundles attempt to suborn perjury.

RESPONSIBILITIES OF A PROSECUTOR

[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to the Prosecution Function, which in turn are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. Applicable law may require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

[2] In some jurisdictions, a defendant may waive a preliminary hearing and thereby lose a valuable opportunity to challenge probable cause. Accordingly, prosecutors should not seek to obtain waivers of preliminary hearings or other important pretrial rights from unrepresented accused persons. Paragraph (c) does not apply, however, to an accused appearing pro se with the approval of the tribunal. Nor does it forbid the lawful questioning of an uncharged suspect who has knowingly waived the rights to counsel and silence.

[3] The exception in paragraph (d) recognizes that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.

[4] Paragraph (e) is intended to limit the issuance of lawyer subpoenas in grand jury and other criminal proceedings to those situations in which there is a genuine need to intrude into the client-lawyer relationship.

[5] Paragraph (f) supplements Rule 3.6, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments which have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this Comment is intended to restrict the statements which a prosecutor may make which comply with Rule 3.6(b) or 3.6(c).

[6] Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer's office. Paragraph (f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case. In addition, paragraph (f) requires a prosecutor to exercise reasonable care to prevent persons assisting or associated with the prosecutor from making improper extrajudicial statements, even when such persons are not under the direct supervision of the prosecutor. Ordinarily, the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law-enforcement personnel and other relevant individuals.

Prosecutor Janice Rundles violated Rule 3.8 by speaking to the media about facts not in evidence. She further mis-stated and outright fabricated "facts" in a secretive and illegal attempt to influence and inflame public opinion and

poison the jury pool.

In light of the close to six hundred newspaper articles written on the Reid case, it is beyond belief that Jesse Brooks was not granted a change of venue. The murder of Jack Reid was one of the top stories beginning in 2006 and Jesse Brooks' trial didn't commence until three years later. From the beginning, the Boston Globe Sunday Edition published an article claiming that Jesse Brooks was in the barn in Deerfield where the murder took place when, in fact, he was in Nevada. Attorney Rundles knew this but continued to feed the media false and contemptible rumors and outright lies. If Prosecutor Rundles didn't feed the Globe this tale then certainly the police did it with her tactic approval and knowledge.

The media onslaught was constant and driven in large measure by the prosecutor's office. This was a case that was tried in the press from prior to, continuing through the trial, and continues to this day. Attorney Rundles fought to keep the case in Rockingham County knowing that Jesse Brooks was already convicted by the court of public opinion through the media. Using the Jay Brooks case as her template it was a forgone conclusion that she could manipulate a local jury into convicting Jesse Brooks for conspiracy to commit murder when she was actually retrying the murder case that she had just tried against John Brooks.

This was a tactic that played out over and over again in the themes that she advanced in the case. Because the evidence wasn't there, Attorney Rundles repeatedly asked witnesses questions about the "Brooks family" and condemned the "Brooks family" in her closing argument and sentencing. Her motive was clear and her conduct unethical for a State prosecutor sworn to do justice.

Jesse Brooks' trial was a replay of the John Brooks case and only consisted of about 10% evidence directly related to Jesse Brooks. The juror line up played against Jesse Brooks getting an unbiased jury when the wife of the Chief of Police from Epping, New Hampshire, who was fresh off the Sheila LaBarre case was assigned along with the brother of a NHSP Major Crime unit officer and a teacher from Pinkerton Academy where the victim's daughter attended high school. Not to mention, a UNH student who attended the viewing for the Jay Brooks case as part of his studies.

Attorney Rundles close relationship with James A. Kimball, correspondent for the NH Union leader saved her from making extrajudicial comments when she channeled everything through him. What worked in the Jay Brooks case could just be duplicated for his son. The obvious pattern emerged after the third trial. The fabricated and unsubstantiated pretrial stories to enrage the public were most effective

(see Tab C). Also injecting bias with emphasis on wealth and power during a backdrop of a financial crisis only fueled the story. To say that this case wasn't worthy of a change of venue is absurd and only reinforces that there is no concern for justice and more interest in making a conviction. It served everyone well to drag their feet which deprived Jesse Brooks of a speedy trial. To argue the economics is wrong as there were plenty of trials that went ahead of his including the Robin Knight case which they asked for more time and Attorney Rundles insisted they go before Jesse Brooks. She knew that Jesse Brooks wouldn't stand a chance after another highly publicized trial.

NEW HAMPSHIRE RULES OF PROFESSIONAL CONDUCT

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) state or imply an ability to influence improperly a government agency or official;
- (e) state or imply an ability to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

3. Prosecutor Rundles used a witness she knew to have organic brain damage and was unfit to testify due to medical and psychological issues in violation of rule 8.4-C

It is appalling that this entire case was constructed largely of circumstantial evidence- phone records- and the testimony of incentivized witnesses who were criminals themselves. Dennis Chamberlain is another witness in addition to Joseph Vrooman and Michael Benton. Jesse Brooks did not want to attack a man battling cancer but Attorney Rundles thought otherwise and viciously went after him in order to pressure him into agreeing with her version of events despite his memory deficit following brain surgery to remove (6) cancerous brain tumors which resulted in a lengthy convalescence and organic brain damage as well as substantial memory loss.

Dennis Chamberlain was an incompetent witness to say the very least

but for the jury not to have known his criminal background and motive to lie is completely unfair. Dennis Chamberlain is a registered sex offender and has been a liar and thief his entire life. He has a long history with the Salem Police and Joseph Vrooman's attorney would have known all too well since he was a former prosecutor for that town. I wrote a letter explaining that to the Judge before Jesse Brooks' sentencing but it was ignored and treated as if it were never written.

When Dennis was first interviewed at the Salem Police Department the police told him that if he didn't cooperate he'd be in jail within an hour. He was told he was a suspect in the theft and he was intimidated into making statements to deflect the blame and save himself. That explains why everyone including Dennis said that Jesse Brook's visit to his home in November 2003 was friendly but he felt pressured to throw in a false, damaging comment allegedly made by Jesse Brooks during the visit to save himself and get back at Jay Brooks for making his suspicions known.

Michael Benton is another case of memory deficit along with a strong motivation to lie. Benton made no secret of the fact that he was a raging drug addict in June 2005 and let it be noted that he stated in the Robin Knight trial that Jesse Brooks was not aware of the extent of his problem. He testified that he was not only a crack/IV cocaine addict but had a heavy drinking problem and took a variety of mind altering pills.

Attorney Rundles tried her best to depict Benton's memory confusion to just a timeline problem but he demonstrated a much deeper issue. He could not remember people, places, or events. Attorney Rundles protested the defense request for a drug and alcohol expert which is incomprehensible to anyone who witnessed his performance.

Benton couldn't even identify Robin Knight, his co-conspirator from a photograph. He spent June 27th with him, attended a supposed cover story meeting and went to lunch afterwards but could not identify him with a picture right in front of him. Attorney Rundles did not disclose this information until Jesse Brooks' attorney's requested a drug and alcohol expert.

I am shocked that she would withhold this information from the two previous trials and not disclose it until she was forced to turn it over. Incidentally, if Attorney Rundles held Joseph Vrooman's word so highly then how is it she ignored Mr. Vrooman's repeated statements that, "Mike Benton is f'ing crazy." (see Tab D) Attorney Rundles cited the call to Tinker Ave in September 2003 as an example of how much better Benton's memory was than he thought because he said the call lasted

10-15 minutes. What she neglected to mention though was the fact that he also stated that he heard the phone ringing and remembered Andrew Carter answering it. Carter testified and phone records prove otherwise because it was a voice mail that he retrieved and then placed a return call. A drug and alcohol expert would have been able to shed some light on his psychological problems and given an explanation for the confusion he suffers.

Attorney Rundles also withheld disclosing that Michael Benton's father shared the testimony of alleged co-conspirator Andrew Carter with Benton during a jail call, which directly impacted Jesse Brooks' trial and is yet another violation of Rule 8.4.

Attorney Rundles proclaimed Benton's criminal record as "relatively minor" to the Judge during his sentencing and never made mention of his inmate disciplinary problems, job history, or anger management problems but tore Jesse Brooks to pieces in his sentencing. She even brought up break ups with girlfriends and high school disputes. Attorney Rundles' animus for the Brooks family was palpable during the sentencing hearing. She was anything but a minister of justice.

In other testimony Attorney Rundles asks for the jury to believe Michael Benton. He repeatedly stated that the phone call from Jesse Brooks came in June 2005 and after the defense proved that it could never have happened she stated at closing that the phone call could have likely come in as far back as January. Attorney Rundles argued that the jury should take his word along with the phone expert but then changes it when the facts don't add up in her favor.

The same thing happened when Joseph Vrooman's story fell apart about the fictitious bedroom meeting. When the evidence didn't coincide with his story they immediately claimed that all three police reports were wrong. In fact he claimed over and over again that the police got it wrong once he was backed into a corner and his plea deal was at risk.

This pattern of misconduct is not accidental or done in the heat of the moment. It was a strategy that is well thought out as a tried and true conduct of doing business in the Attorney General's Office when prosecuting all the cases related to Jack Reid's death.

This is very discouraging and I pray that you will look this over closely and realize that a grave injustice has been made and Jesse Brooks is paying the cost with his life. I will be happy to provide any documentation to back up my complaint once you've had a chance to review this.

We kept thinking all along that the truth would surface and all of this would resolve itself but that cannot happen when the very people that

you look to for justice are not being truthful and willfully violating laws they have sworn to uphold.

Attorney Rundles was so determined to convict Jesse Brooks that she ranted in his sentencing to ensure that he received the harshest sentence possible. Chief Judge Lynn had cautioned her during Joseph Vrooman's sentencing that she was going too light on him considering it was a death penalty case but that did not concern her at all. Her goal was in keeping with the NHSP agenda that Vrooman and Benton both echoed, "We want John Brooks" and his son was the next best thing. She does not fear anyone because she had no problem saying that to Chief Judge Lynn nor did she have any problem standing before the NH Supreme Court Justices and continued misstating facts and lying.

On appeal of Jesse Brooks' case Attorney Rundles rattled off all the elements of the case and told the Justices that it was all discussed in the fabricated bedroom meeting after it was proven never to have happened. She went on to tell them about the weapons Benton claims that he and Jesse Brooks carried to Jack Reid's trailer when it was not proven at trial.

Michael Benton who was spared his life for this damning testimony was the only one to make that accusation and Andrew Carter, Laura Eori, Officer Scott Balukonis and Jack Reid himself all stated there were no weapons but Attorney Rundles turned a blind eye to the overwhelming evidence to suit her case. This event was never even mentioned in Michael Benton's Plea Agreement but yet it was listed as an overt act for Jesse Brooks. She violated the ethical rules by intentionally and knowingly offering evidence she knew to be untrue.

These are not slips of memory but outright improper and unethical acts on the part of a prosecutor who had a "win at any cost attitude".

Attorney Rundles also tried to tie Jesse Brooks in by altering Michael Connors testimony and then claimed that Connors had lesser involvement. (see Tab E) There are numerous instances where she alters testimony to bring Vrooman and Benton's opposite stories together. I will be happy to provide them if you give me the consideration.

She knows the facts of this case and knows full well when the story is being twisted. She knew when Vrooman and Benton were altering their stories to focus on Jay Brooks and then when the focus moved to Jesse Brooks they'd change it up.

The Tinker Ave call is a perfect example for Benton. When the focus was on Jay Brooks he claimed that Jay Brooks made the call but changed it to

Jesse Brooks when the investigation moved to Jesse Brooks. The trip to Federal Express shows how Vrooman would turn the story around to favor the other. He initially said that Jesse Brooks went with him to Federal Express after the fictitious bedroom meeting but then changed it to Jay Brooks.

Mr. Vrooman's story completely fell apart after a perfect performance for Attorney Rundles when he was faced with the facts and he had to admit that Jesse Brooks was never there. Mr. Vrooman's explanation on cross-examination was to claim that police and prosecutors were wrong when typing their notes when he had never made that repudiation in the two previous trials. It gets very complex after that many trials but it didn't have to be. The truth is short. Lies are long.

If you would take the time to delve into this matter I am certain you too will have questions. It's simply preposterous to think that Jesse Brooks was involved when he wasn't within 1500 miles of the incident. He never received the alleged call regarding the date and time, he didn't have the supposed alibi that Joseph Vrooman and Attorney Rundles stated dozens of times over, he didn't attend the supposed cover story meeting, he didn't meet with attorneys, and the supposed payoff stories are outrageous. Monies to Benton were all substantiated to have been delivered by others but Attorney Rundles continued to insinuate that Jesse Brooks sent them.

Mr. Vrooman's fabrications were absolutely absurd. He claimed in his Plea Agreement that he went to the bank with Jesse Brooks to withdraw \$5,000 to send to Benton but when the defense showed documentary proof that Jesse Brooks never made a single withdrawal Attorney Rundles still carried on with that story in her closing, sentencing and judgment notwithstanding the verdict documents claiming there were shared bank accounts. This is a blatant misstatement of facts that she knew to be false.

I apologize in advance for the length of this document. I have kept it as

brief as possible. I of course am available for any questions that you may have and in the alternative I can provide more detailed documentation if you should require that.

Respectfully submitted,

Anne Chamberlain

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