

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

Re #11-079: Anne Chamberlain advs. Janice K. Rundles

Dear Attorney Trevethick:

This letter is in response to the January 12, 2012 letter by Janice K. Rundles regarding prosecutorial complaint #11-079. Seventy-five years ago, in reversing a conviction of prosecutorial misconduct, the U.S. Supreme Court (295 U.S. 78,88 (1935) stated the prosecutor "is the representative...of a sovereignty whose...interest in a criminal prosecution is not that it shall win a case, but that justice shall be done." It is the legal version of the Hippocratic Oath to do no harm. It is my belief – and I think the record shows – that Ms. Rundles' primary objective was to obtain a conviction of Jesse Brooks and that she would be willing to twist evidence, ignore inconsistencies and use perjured testimony to achieve that – all breaches of prosecutorial conduct. Over each of the trials, witnesses changed their testimony and this is especially true in the case of Jesse Brooks in which jailhouse tape recording prove that each of the witnesses against him were willing to say whatever it took to win favorable treatment ***including jailhouse calls that were not known or available – in other words exculpatory evidence withheld by Ms. Rundles – at the time of Jesse Brooks' appeal.***

I feel obliged to call attention to the fact that although Ms. Rundles has tried to distance herself from this case, saying that she only joined the Attorney General's office in January, 2008 and was not assigned to Jesse Brooks' case until February, 2008, she was fully and wholly responsible for Jesse Brooks' prosecution and ***should have known about any inconsistencies and fabrications in the evidence and testimony of all witnesses and co-defendants in previous trials and in Jesse Brooks' trial.***

I have made no secret of my relationship to Jesse Brooks or to his mother, my sister Lorraine. My husband Rod Chamberlain did testify at Jesse Brook's trial and gave no testimony that proved Jesse's involvement. Nor did he give any incriminating evidence at Robin Knight's trial since Ms. Rundles is mistaken – ***Rod Chamberlain never testified at Robin Knight's trial.***

Ms. Rundles stated in her letter that she never withheld information from Chief Justice Lynn regarding co-defendant's Joseph Vrooman's criminal record. She did not provide a full accounting of his criminal activity which would have provided a comprehensive portrait of his character. ***In that way, she did not uphold her sworn duties.***

In addition, regardless of whether Ms. Rundles was present at the actual polygraph examination test of Joseph Vrooman, she is ultimately responsible for the manner in which it was conducted and certainly she directed which questions were asked – or not. ***In this instance any questions about Jesse Brooks were noticeably absent because Jesse was not involved.***

As to Ms. Rundle's response regarding her relationship with the press generally and specifically with James Kimball, I personally overheard her directing a reporter what headline to use for the next day. (GIVE EXAMPLE and bold face italic it).

As to Dennis Chamberlain's ability to testify as a competent witness, the fact that his competency was appealed to the NH Supreme Court and rejected, ***does not mean that Ms. Rundles is not culpable of any misconduct.***

Ms. Rundles accurately reflects the record when she points out that Jesse Brooks' appeal was denied. ***That does not mean that she has not breached the code of ethics she is charged with because, in fact, there was exculpatory evidence that she did not provide – in particular jailhouse calls which prove Jesse Brooks' innocence.***

The American Bar Association states that "the responsibility of the prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict." And yet, Ms. Rundles' own record of conduct consistently proves otherwise. I have attached a more full accounting of these issues.

I am happy to provide any additional evidence, documents, recordings that you wish to examine and will fully cooperate with your investigation of this matter.

I appreciate your consideration of this matter.

Sincerely,

Anne Chamberlain

Janice Rundles has countered that the courts have already made their decisions and consequently you should summarily dismiss my complaint. In summary I would state to you that the court made these decisions based on perjured and bought testimony by people who would say or do anything to limit their exposure in a murder case. – which Janice Rundles knew about at the time – a situation that is in violation of her sworn duties. This is not my opinion or bias speaking. This is based from the taped recordings from jail and statements of the cooperating witnesses.

This is egregious conduct for an experienced prosecutor and cannot be explained away by inadvertent mistakes. There is a pattern over time and a clear strategy to her twisting of the stories to create the appearance of continuity. She worked diligently to bring stories together when her star witnesses Joseph Vrooman and Michael Benton had entirely different versions and choose to omit the stories that did not fit her theme.

#### **Incentivized Witnesses Tab A**

Janice Rundles cleverly weaved the story by working with her two star witnesses who were attempting to get the best deals possible. Both were going to do whatever it took for a reduced sentence and worked together toward that end. Joseph Vrooman's cooperation is demonstrated in his statement, ***"I know Mike Benton has made a deal and if he had said that was the plan, then that's—that's what the plan was."*** (3/24/08 pg. 15, Jay's Trial pg. 3356 lines 11-13)

Both Janice Rundles and Vrooman made sure not to include that when Mike Benton went berserk and clubbed Jack Reid to death that he also threatened everybody in the barn on 6/27 and told them he'd go after them too if they notified the police. He not only said it then but he threatened them all again at the supposed cover story meeting. (5/30/08, 6/4/08 108-9, Jay's Trial pgs.1457,1465,1466,1494,1508)

\*\*\*\*\*  
Since Jesse Brooks' trial has concluded, I have had the opportunity to review the jailhouse tape recordings of each of the witnesses against Jesse Brooks and it is clear from listening to them that every witness who testified against Jesse Brooks was incentivized. Each of them, at some point, made statements which reveal that they were willing to perjure themselves in order to secure favorable treatment, which Janice Rundles must have known about. ***This is prosecutorial misconduct because Janice Rundles knew, or should have known, that these witnesses were not speaking truthfully in court, but in her zeal to convict Jesse Brooks, she was willing to base her case entirely on testimony she had to have known was false.***

**Benton – Rundles protests because he was using the "F" word and feels it's prejudicial.**

**1. February 2007 Benton states that his outstanding felony charges have been dropped the week before Jesse's arraignment.**

**2. June 7, 2007**

**Mother: *If you go down for this I hope you take Jesse with yah.***

**MB: *Huh?***

**Mother: *I hope you take Jesse.***

***If you were involved in this I know it was Jesse that took you there.***

**MB: *NO, IT WASN'T.***

**3. 01/08/08**

**MB: *"I've been nothing but fucking more than lenient to fucking everything that they've asked for.***

Vrooman – Rundles protested too prejudicial because Vrooman said they were using Jay Brooks as a bookend to the Addison case.

Janice Rundles did her very best to convince the jurors and citizens of New Hampshire and beyond that this was a well orchestrated conspiracy but that's certainly not what the jail calls reveal.

Vrooman's friend protests,

Sarge: *"Hell, You wasn't in no conspiracy. I mean—*

Vrooman: *But I was there.*

Sarge: *You was there but you wasn't, you didn't know what the fuck was gonna happen—*

Vrooman: *No, so—*

Sarge: *The only thing is—I mean hell you wasn't in on it to start with. I mean, for that—I mean, for anybody to be killed.*

Vrooman: *I know.*

”

#### Cover Story Inconsistencies Tab B

The cover story location was another inconsistency that she steered away from as Vrooman claimed it was at Robin Knight's condo (22536) but Benton stated it was at a Bar and Grill (22505) She made it a point to mislead the jury about who was in attendance at the cover story because Vrooman and Benton gave two differing accounts. 6/2/08 Vrooman stated that Michael Connors was there and he even recalled Jay asking Connors & Knight to get off their cell phones (with their girlfriend & wife) (29391 pg. 2) but Mike Benton claimed he never saw Mike Connors at all while in Las Vegas. (5/30/08 No Bates #.) She cleverly had Vrooman make up a story up that he was confusing Mike Benton with Mike Connors to cover the contradiction. (pg. 2517 lines 5-23)

Although it didn't help explain why Benton gave details about his lunch with Vrooman following the cover story meeting (Jay's Trial pg. 1458 lines 13-15) and Vrooman didn't recall if Mike Benton and Connors went to lunch with them. (29393) They also contradicted each other about discussions at lunch. Let it be noted here that Jesse Brooks was not at the supposed cover story or lunch at a Fremont Street restaurant. (1616-1618)

#### Altering Testimony Tab C

After Janice Rundles played Mike Connors as a victim versus participant in the aftermath she went on to distort his testimony and had him weave Jesse Brooks into the storyline. When asked about the envelope containing money for his travel expenses he told Janice Rundles that Jay, Lorraine and Jesse were there (pg. 2175 lines 13-20) but he was impeached on cross examination when his previous testimony stated that only Jay and Lorraine were present. (pg. 2193 lines 9-23, 2194 lines 1-6)

He was also asked if Jesse was present when he returned the unopened envelope but after being impeached he truthfully answered, **"No."** (Pg. 2195 lines 18-22) The truth didn't stop Janice Rundles. She 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) She also repeated it again on appeal before the New Hampshire Supreme Justices (pg. 23). Her conduct is misleading and not truthful and has been repeated on the record too many times to be an accident.

#### **Other Fabricated Stories Tab D**

Janice Rundles repeatedly misstated facts or omitted points that did not coincide with her storyline. Take for example Joseph Vrooman's Feb. 16, 2007 story of his \$5,000 bonus for construction work related to the Tangiers project. He said Feb. 16, 2007 (22651) that the money was for the murder of Jack Reid and that Jay Brooks issued an IRS 1099 to make it look legitimate but then on 3/24/08 he vehemently claims that it was money that had been promised to him at the start of the project and did not relate to anything but a construction job. (2363, 2364)

He also claimed that Jay Brooks sold Robin Knight his condo for \$40,000 under value as a payoff to Knight but records indicate that it was in fact sold at market value. (22870) In another claim on 2/16/07 he said that Jay Brooks paid \$30,000 on Knight's credit card and that Jesse Brooks was present. (22870) There is no record of this payment but his jail calls at that time indicate that the focus of the investigation was on Jesse Brooks and he talks about bringing his bottom number down to 10 years **while Benton states that his outstanding felony charges have been dropped the week before Jesse's arraignment.**

#### **Bank of America Tab E**

Vrooman also claimed 12/15/06 that some of the money to pay Vrooman was to come from Jesse's Bank of America account (22850, 22859, 22868). He 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 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.

Once again Ms. Rundles attempts to manipulate the witness. On redirect Vrooman claims it was the OLOS bank versus Bank of America but he testified in Jay's trial that he received all payments in 2005 and the other bank account wasn't opened until April 2006. (Jay's Trial 3107 lines 11-12) Needless to say, Janice Rundles brought none of these stories up.

#### **Vrooman Negotiating Tab F**

These are all examples of payments that would have had documents to prove otherwise so instead Jesse Brooks is weaved into a story based on "cash payments" which incidentally Joseph Vrooman never mentioned until he was driving around in a NHSP Police cruiser 11/30/06 when he said, **"Can I ask you a question without the recorder on? Because I wanted to ask you something that we talked about before."** (24177) One of the same troopers had advised Vrooman not to talk to anyone when transporting him to Marion County Tennessee upon his arrest. **"Don't say anything, don't say anything right now, you need to think about what you're going to say, you got some decisions to make, you know."** (7/7/08 pg. 304 lines 17-23, pg. 305 lines 1-8)

He told him to think about what he was going to do after they informed him that Robin Knight was cooperating and refused a lawyer. (29393) Vrooman decided immediately to follow suit with Knight after they informed him that Knight asked them to be nice to Joe. (7/7/08 pg. 305 lines 9-23) One of these same troopers offered Vrooman 3 ½ - 7 during a layover while he was being extradited from Tennessee. (3/24/08 pg. 43 lines 9-18) Vrooman made no secret of the fact that he was afraid of the death penalty or life without parole from the very beginning. (2614, 3/24/08 pg. 44 lines 15-16, Jay's Trial pg. 3336 lines 8-12)

#### **Alleged Payments to Vrooman Tab G**

The cash payments he claimed to have received were a bungled mess of stories as well. 11/19/06 Vrooman initially told the troopers that Jay Brooks paid him 10K over a period of time but under the advisement of the troopers to think about his situation and after spending ten days in a Tennessee jail cell he changed his story and decided after numerous unofficial conversations

that were not recorded or documented by the police that Jesse paid him 2X as well. (1X Jay's House, 1X Mandalay) Then in 1 ½ years later he claimed Jesse paid him 3X. The first payment he claims to have received while all four men, Jay, Robin Knight, Vrooman and Jesse are standing in the Jay's driveway, which is only large enough for two cars. (3/24/08 pg. 58 lines 11-12) He stated that Jesse handed him money but claimed that Knight did not witness the alleged event. (2512)

Then he claimed that Jesse handed him money at the Coriander project. (7/7/08 pg 57 lines 18-19) He testified that he was certain it was at Coriander because he knew "exactly where I was" when he received the payment. (7/7/08 pg. 323 lines 18-23) Once again he stepped outside the timeframe but Rundles was sure to have him cloud the issue by saying at Jesse's trial that it was either the Orazio project or the Coriander project regardless of his previous testimony. (2513) In every instance that a witness lied or created testimony Rundles would constantly bring them around to her version of the events.

The Coriander project did not start until 2006 so she reeled him back in to the 2005 Orazio project. And again he claimed that the payment took place under Robin Knight's nose but he did not see it. Coincidentally he never made mention of those supposed payments when he testified in Robin's trial and instead only mentioned money he received at the 2005 Mandalay Bay Casino Christmas party where Jesse Brooks won a 20,000 jackpot and where Vrooman claimed he received his last payment. (Jay's Trial pg. 3479 lines 11-14)

Upon winning Jesse Brooks proceeded to hand out money to everyone around him. In fact, Janice Rundles even mentioned a few of the recipients in her Zwicker letter dated 10/13/09. Anyone that knows Jesse would attest to his generosity and it wasn't just the spirit of Christmas. Jesse has given numerous people money after winning a slot tournament. The list included waitresses, medical doctors, pit bosses, relatives as well as anyone else who was present. Prosecutor Rundles knew this because the state police interviewed these people and were aware of it from the start. To paint this as some sort of payment for a murder is false and more outrageous misconduct.

For Vrooman to claim that he was given money for the murder of Jack Reid is preposterous. There was no doubt Vrooman interpreted the money as a gift because he reciprocated with a sizable gift certificate to Charlie Palmer's Steak House.

#### **Western Union to Benton \$400 Tab H**

Alleged payments to Benton were all substantiated to have been delivered by others as I previously stated

but Janice Rundles continued with her storyline despite evidence to the contrary. She finally admitted that the \$400 payment that Benton received while Jesse was in surgery could not have been delivered by him but it was too late and he was being sentenced. (3109, 3/26/10 **Reference pg.**) That didn't stop her from restating it in Jesse's appeal though. (pg. 21)

#### **Airfare \$800 Tab I**

The other alleged money order was sent by Lorraine Brooks when Benton called to say that he was laid off and needed money to visit his childhood friend, Aaron Hachez from Las Vegas. (GJ 4/23/07 pg. 50 lines 12-13). Aaron Hachez testified that he had taken the week off from work for the visit and that Benton had visited him in Las Vegas 6-10 times over the years. (1799 lines 12-13) Janice Rundles claimed in Jesse's sentencing that Lorraine Brooks never testified to having sent Michael Benton a money order (pg. 74) but she most certainly did admit that she sent him \$800 for his airfare but obviously neglected to say Western Union. Michael Benton testified repeatedly that the \$800 he did receive was for his airfare. (22526, 22881, 22885, 5/30/08 no Bates #) Regardless of the facts she continued to rant about payoffs that Jesse Brooks never made.

I don't want to rehash issues from my previous letter but Janice Rundles style is to repeat

something over and over again until it becomes so ingrained that it's believable. She had plenty of time and opportunity since she tried all three cases. The story appeared perfected by the time Jesse Brooks was led to the slaughter. She insisted he be tried last for that very reason.

A perfect example is the story Vrooman crafted of how Jay Brooks asked Jesse to take money from his account so that he wouldn't have a large cash withdrawal except the facts don't add up. First of all, Jay Brooks had a long history of large cash withdrawal spanning over years so that was completely absurd and then his claim that he was paid in small amounts by Jesse is just ridiculous since Jesse had no cash withdrawals. He made his motivation quite clear from his jail calls of the "one guy" that the State couldn't get without him. This is right from the horse's mouth. That was his ticket to a lighter sentence and there was no stopping him even if the stories were bizarre. Ms. Rundles knew these statements to be lies and yet she participated in the creation of these false facts.

Joseph Vrooman wasn't quite so confident at times but he was well rehearsed and his knowingly false statements were sanctioned by Janice Rundles. He backpedaled on stories he knew would get him in trouble such as Jesse being in the fictitious bedroom/ planning meeting following the packaging of the Federal Express box.

#### **Fabricated Bedroom Meeting & Federal Express Tab J**

On 12/8/06 (22538, 22843, 22835) he 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 15<sup>th</sup>, complete.*" (Jay Brooks Trial pg. 3524 line 5)

#### **Date & Time Tab K**

His story about the job scheduling with Jack Reid changed entirely. On 12/8/06 he stated they were all driving in the van when Robin received a call from Jack Reid and they stopped the vehicle and he stepped outside to take the call. He claimed that they went to a concert that night which documents confirm the date of 6/23/05. (22847) He said when Robin got back in he stated the job was scheduled for Monday at 2:00 p.m. (22847, 22540). Then on 7/7/08 Vrooman claimed he wasn't there for the scheduling and that Robin called Jay and told him the date and time. (Pg. 329 lines 5-23)

Not only could he not keep the story straight, Jack Reid's phone records prove that Jack only made (2) calls to Robin and they were both on Monday 6/27/05, the day he arrived in Deerfield. This completely contradicts Benton's story from 12/8/06 where he claims that on Thursday he told work that he needed to take Friday off. He goes on to explain that Jay Brooks & Vrooman picked him up at supertime after he got out of work, showered, and traveled to Jay's condo (22523, 5/22/08 29358).

Janice Rundles doesn't care what they testified to so her version of the date and time in her closing claimed that Mike Benton had told investigators that he was contacted by Jay Brooks on Sunday, and told that he needed to take the next day off work (pg. 3093 lines 2-4). She goes on to explain away the confusion by saying that JR had crossed out the job in his logbook for Tuesday 6/28 which doesn't help explain either man's conflicting testimony but helps her cloud the issue and falsify her storyline.

Although phone records determined Saturday 6/26/05 as the only date Robin Knight could have actually communicated with Jack Reid about a date and time Janice Rundles still carried on with her contrived story. She claimed Jesse Brooks was notified so that "he could be provided with an alibi and kept far away from the murder itself." (3101 lines 2-10)

It should be noted that phone records prove that there was **no communication between Jay**

**and Jesse Brooks on 6/26/05** and he never had the supposed alibi Rundles and Vrooman repeatedly echoed. Their alibi story claimed he was to take his mother to dinner and to be sure to use his credit card.

Well, according to credit card statements of Jesse, he was at a doctor's appointment, a pharmacy and his mother's statement indicated she was occupied all day in other chores not related to Jesse. They never had dinner together nor did they have any contact. Janice Rundles had been putting that story out for so long and repeating it over and over again to the press that it didn't matter that there was no phone call to Jesse and no credit card charge for any dinner. Of course that was never published. (VERIFY)

#### **Pick up Mike Benton Tab L**

Vrooman may have been apprehensive about outright lying but Janice Rundles had no problem in doing so. She would take whoever's testimony that fit her story and plug that in. For instance, 7/7/08 JV claims he did not go with Jay Brooks to pick up Benton in Manchester the night before Jack Reid was killed (pg. 329 lines 2-4) but Benton claimed in the Jay Brooks trial that Vrooman was with Jay (pg. 1323 lines 4-7). In Jesse Brooks appeal Janice Rundles states that John Brooks and Vrooman picked up Benton in Manchester (pg. 19). Her actions demonstrate just exactly what Vrooman stated in his jail call about the State, *"I think they're gonna take whoever's story fits their theory and then they're gonna—you, just ram it up everybody else's ass."*(pg 24)

#### **Phone Call June 2005 Tab M**

She did the same with Michael Benton. Benton initially stated that when Jesse Brooks called him that he told him his father was coming out and you know why he wants to talk with you (22528, 22656, 22882, 6/2/08 Zwicker Letter pg. 8, 6/19/08). Benton was possibly facing the death penalty or at least a life sentence when he made that comment. By the time of Jesse's trial he had changed that story to say that Jay was going to be calling in reference to Jack Reid (1215,1216) yet in the Jay Brooks trial when he was asked exactly what was said he replied, "I don't believe he used Jack Reid's name on the phone." (1295 lines 3-4)

Yet Janice Rundles tells the jurors that Jesse Brooks mentioned Jack Reid in a phone call that couldn't have happened according to phone records. (see Tab- give information) This alleged call was supposed to have happened two weeks to a month before the event (22887, 22882, 22504, 6/19/08 pg. 350 lines 13-17, Jay's Trial pg. 1295 lines 6-7, Jesse's Trial pg. 1220 line 23) which incidentally Benton testified as the being the height of his IV cocaine drug/alcohol addiction period. The defense proved that the call could not have happened according to the story he had attested to consistently from day one.

As I mentioned in my previous letter Janice Rundles disregarded his repeated testimony and changed the story to "the call could have come in as early as January." (3108) And she had no problem restating that fabrication in sentencing (pg. 12 line 17) and to the New Hampshire Supreme Court on appeal. (pg. 17) For Janice Rundles to falsify Benton's new version of Jesse Brooks claiming he referenced Jack Reid in this call is criminal. Benton was desperate and he was also taking direction from his parents who encouraged him to, **"Save yourself, fuck everybody else."** (Jail Call 3/21/07)

It should be noted that Jay Brooks came back to NH in June 2005 to meet with the insurance adjuster to determine what furnishings could be salvaged following a devastating freeze-up at his Derry, NH property.

The entire house had to be emptied in order for the contractors to complete the restoration. Vrooman (22953), Knight, Connors (2101 Lines 3-9) and even Benton (Jay's Trial pg. 1300 lines 3-4, 1300) all confirmed that there was work taking place at the property. Vrooman testified that they worked the entire week with the exception of Knight taking a day out for a doctor's appointment. (22847)

Jesse Brooks' only communication with Benton regarding his father's trip to NH was to let him



know that Jay needed help moving furnishings from the house and nothing more. Vrooman demonstrated himself as a workhorse in the Tangiers project so it was a great idea for Vrooman to help out since Jesse could not as he was suffering with a hernia nerve entrapment which he had surgically repaired 7/21/05. He was never aware there was a plan to talk or confront Jack Reid.

#### **Felony Marriage Fraud Tab N**

Janice Rundles attempts to distance herself from any responsibility concerning withholding information from Judge Lynn in relation to the felony marriage fraud he committed. In Jesse's trial she tried to cast the blame on former Assistant Attorney General Charles "Chuck" Keefe and nervously stated she may have learned about it in March (pg. 2634 lines 2-23, pg. 2635 lines 1-3). She was the lead investigator and each and every bit of evidence should be thoroughly examined by her regardless of when she learned it. The responsibility lies with her.

#### **Lie Detector Test Tab O**

Charles Keefe actually brought Vrooman back in three different times because he did not feel Vrooman was telling the truth about sitting and/or stomping on Jack Reid's chest so to question things thoroughly seemed to be routine for him. (Jay's trial 3152) Why wouldn't he question Vrooman's story since his 12/8/06 statement declares ***Tiestraps still put around his legs by Joe after Joe hit him 2<sup>nd</sup> time.*** (22849) Not to mention, the 11/15/06 affidavit states parallel fractures of all ribs, also known as a flailed chest but the medical examiner testified in Jesse's trial that he didn't count the broken ribs because he never took an x-ray. What I find most puzzling is Vrooman's "new" claim that he sat on Mr. Reid's head. (pg. 2472 line 22)

Janice Rundles claimed that she played no role concerning the 09/12/08 lie detector test administered by the Manchester Police Department, which was supposedly administered to Vrooman in relation to his story of hitting Jack Reid. When he appeared nervous though he was told, "They wouldn't be asking any questions about Jesse Brooks." She claims no ownership but she is the lead investigator. She read the report, at the very least; she could clearly see that they made an effort to keep questions concerning Jesse Brooks out of his testing.

She also claims that the court decided that the most critical evidence, the jail calls should not be heard. This decision was based on false pretenses and conflicting arguments as I previously stated. Not to mention her continuous manipulation of testimony.

Her letter attempts to discredit me and suggests to you that my only motivation is vengeance. She has no problem making ethical violations as she is perfectly comfortable knowing these issues have been "couched" in her words. Apparently she has no fear of your oversight in addition to having no conscience. She knowingly put Jesse Brooks away based upon her handiwork. I am afraid vengeance is her game. When my husband didn't cooperate under her pressure to claim there was a shotgun he returned to Las Vegas to find our house ransacked and a very damaging article in the Las Vegas Review Journal the following morning giving his name and occupation. My only goal is for the truth to be known and want nothing more than to be to have Jesse Brooks treated fairly.

#### **Brooks Family Affair Tab P**

Her continuous attempt to bundle Jesse Brooks into the "Brooks Family Affair" storyline in order to encompass the entire Reid story onto his back is outrageous. He played no role whatsoever in the unfortunate death of Jack Reid and the facts speak for themselves. Janice Rundles would confuse jurors by interchanging names during the trial, referring to Brooks and making no distinction between father and son. I could not even follow along at times so I am certain the juror's unknowingly experienced it as well. For example she stated in the closing that Andrew Carter was keeping tabs on Jack Reid for Jay Brooks (3083) and then claimed he was keeping tabs for the Brooks family (3089) She claimed that Jay Brooks paid for Benton's hotel room

(3095) but then says the Brooks family paid (3109) As I said before the entire trial was nothing but Jay Brooks and the public was reminded endlessly that he was convicted and serving a life sentence.

#### **Distorting Testimony Tab Q**

Janice Rundles was in charge of this case and she allowed Michael Lewis to make blatantly false statements in the opening to set the stage for Jesse Brooks' conviction. He stated that the defendant was able to convince two more people to enter the conspiracy, Joseph Vrooman and Robin Knight (pg 35 lines 11-14) She did nothing to correct it until her closing at which time she said, "Jay Brooks has been able to recruit two loyal employees." (pg. 3083 lines 15-16) Michael Lewis also opened with saying, "And even though the defendant remained in Las Vegas during this time frame, he was never far from the planning (36). Jesse Brooks did not have any contact or planning with anyone one of them. Knight supposedly was approached in NH, Vrooman testified that he never spoke with Jesse while in NH (Jesse's trial 2586, 2587) and Benton claimed the same (1363) In fact, Benton claimed there was "no plan." (1383, Jay's Trial pg. 1496 lines 17-19).

Stories of "lay low" (3083), "plan moved to front burner" (3083), "timer period" and "prime mover" were all intriguing but there was no evidence. Rundles assures jurors that testimony is corroborated (3087). Well let me demonstrate how wrong she is by making that statement. Vrooman and Benton stories contradicted each other concerning the Vietnamese restaurant, prepaid phone set-up, drive to Deerfield, supplies, sledgehammer decision, to name a few but she immediately follows with "memories differ at some points, as memories do." (3100)

#### **Unreliable Witnesses Tab R**

She asks you to believe these people when she is in need of their contrived stories but is the first to admit that they may be unreliable. She openly admitted that Benton was a "crack addict" (3100) and probably an alcoholic (3104) but asks the jurors to take his word which is based on an expected reduced sentence of 22 years. (**See attached**) She claims his memory is better than he believes it to be (3104) regardless of his inaccurate testimony. She is telling an outright lie making that statement. His "weapons story" and his "June phone call story" most definitely qualify as lies but it doesn't stop her.

In addition to Benton, she claims Dennis Chamberlain was "unavailable" (1046, 1047) as a witness but wants the jurors to accept his pressured testimony from NHSP when they threatened to send him to jail and accused him of being a suspect in the theft of the moving truck. (see attached transcript) He didn't know which end was up during his testimony but when he finished and was being escorted out by Jennifer Hunt/Victim Witness Advocate he shouted, "When do I get paid?"

Let it be noted that Dennis admitted to having smoked a joint behind the building with Jack Reid the day the furniture was packed (3/30/07 pg. 3) and also testified that he smoked a joint and had a beer after Jesse visited him in November 2003 (1045). He personally told me that he smoked a joint before testifying in the Jay Brooks case and he did in fact inform Janice Rundles of that. She told him not to smoke any more before testifying. I stated this in a letter to the judge before Jesse's sentencing and I would be more than willing to take a lie detector test to this.

Sentencing was also based upon Janice Rundles unethical practices during the trial and she went to the sentencing phase suggesting the harshest sentenced based upon claims that "the jury could have reasonably concluded." Of course they could have since she crafted a strong case against Jesse Brooks based on fraudulent stories.

I would also like to mention another action by Janice Rundles that took place in the Jay Brooks case only because all prior trials impacted Jesse's case as well. Janice Rundles failed to

disclose her adversarial relationship with **defense** witness, Doug Call. He was a private investigator hired by Jay and Lorraine Brooks to look into the theft of the moving trucks. He had been a town board member in Barrington, NH and Janice Rundles, the Strafford County Attorney at the time was investigating him for having hired his own firm to watch the town's recreation director. (tab - article) To not make that disclosure to the trial team is indefensible.

Perhaps Janice Rundles believes her conduct is justified but as the U.S. Supreme Court ruled three quarters of a century ago, "[A] prosecutor has a duty to refrain from improper methods calculated to produce a wrongful conviction....[While he] may strike hard blows, he is not at liberty to strike foul ones." I am calling foul and I hope you agree that is what the record shows.

This unimpeachable standard of prosecutorial conduct has since been upheld in Brady v. Maryland in 1963 and again when the U.S. Court of Appeals for the Ninth Circuit ruled in Thompson v. Calderon in 1997, [The] duty of furthering just convictions 'is [the prosecutor's] highest purpose'... 'While layers representing private parties may – indeed must – do everything ethically permissible to advance their clients' interests, lawyers representing the government in criminal cases serve truth and justice first. The prosecutor's job isn't just to win, but to win fairly, staying well within the rules.'" I urge you to examine the case of Jesse Brooks based against these long-upheld standards of prosecutorial conduct.