

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

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MICHAEL A. DELANEY  
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ANN M. RICE  
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January 12, 2012

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 professional conduct complaint filed against me by Anne Chamberlain, in compliance with your letter of December 20, 2011, requiring that I reply to her allegations.

Ms. Chamberlain has made numerous allegations concerning my conduct as a prosecutor in the capital murder trial against John Brooks and the conspiracy to commit murder trial against his son, Jesse Brooks. Before I respond to the specifics of the complaint, I need to set these allegations in their proper context. Notably absent from Ms. Chamberlain's complaint is the fact that she has close personal connections with both John and Jesse Brooks and with the criminal prosecution. Anne Chamberlain is the aunt of Jesse Brooks. She is the sister of his mother, Lorraine Brooks, and by all accounts, she and Lorraine Brooks are very close. Anne Chamberlain and her husband, Rod Chamberlain, were subpoenaed to testify before the grand jury while the murder of Jack Reid was under investigation. Rod Chamberlain had to be called back to testify before a subsequent grand jury because he had been less than forthcoming during his first appearance. According to the testimony of Michael Benton (a cooperating co-defendant), and Andrew Carter (an un-indicted co-conspirator who testified with a grant of immunity), Rod Chamberlain was present when John Brooks first solicited Benton and Carter to kill Jack Reid, and at a later meeting when he gave them a shotgun with which to do so. Rod Chamberlain admitted being present on both occasions, but claimed that he did not hear the conversations or see the gun. These

denials were contradicted by other witnesses, and by Rod Chamberlain's later actions, such as cutting off all contact with the Brooks family after he learned that John Brooks also suspected his brother, Dennis Chamberlain, of involvement in the same theft that generated John Brooks' plan to kill Jack Reid. Rod and Anne Chamberlain, and their son, Jason, were all subpoenaed by the State to testify in the trial of John Brooks. All three retained counsel and initially resisted giving testimony at that trial on Fifth Amendment grounds. They ultimately withdrew their objections and testified. Subsequently, Rod Chamberlain was subpoenaed by the State and testified at the trials of co-defendants Robin Knight and Jesse Brooks. Lorraine Brooks was also subpoenaed to testify before the grand jury, and the State gave her immunity in return for her testimony, during which she admitted to disposing of a gun that, according to the testimony of the two cooperating co-defendants, Michael Benton and Joseph Vrooman, was in her husband's possession on the day that Jack Reid was killed. Lorraine Brooks also testified, with a grant of immunity, in the trial of her husband, John Brooks, and his co-defendant Robin Knight. She was subpoenaed to testify, but not called, during the trial of her son, Jesse Brooks. These facts suggest that Ms. Chamberlain may have a retaliatory motive in filing this complaint.

Turning to the substance of the complaint, Ms. Chamberlain's first allegation is that I violated Rule 3.3 by withholding information from former Chief Justice Lynn regarding co-defendant Joseph Vrooman's criminal record. (*See* Complaint, p. 2, ¶ 1-2). This allegation is false. In fact, just as I represented to the court, Joseph Vrooman had only one criminal conviction, for DWI, before his involvement in this case. In the course of his proffer meetings with the State, Vrooman disclosed other misconduct, including a court-martial, which did not prevent him from retiring from the military with a pension, and a fraudulent marriage, for which he was never prosecuted. It is absurd for Ms. Chamberlain to assert that I concealed these facts from anyone, or "turned a blind eye" to them. In fact, it was the State who gathered all the background information from Vrooman and turned it over to defense attorneys in discovery. This information was used to impeach Vrooman's testimony at trial, and was, therefore, well known to the trial judge when Vrooman was sentenced for his role in the conspiracy and murder of Jack Reid.

Ms. Chamberlain next claims that I "suppressed" the content of Vrooman's jail calls. (*See* Complaint, p. 2, ¶ 3; p. 3, ¶ 1-4). Again, this assertion is false. In fact, the State obtained all jail calls made by Vrooman (and any other cooperator or inmate it had on its witness list) and turned them over, in full, to the defense in discovery. Certainly there were arguments made by each side, to the trial judge, as to whether the jury should be allowed to hear all of the content. Therefore, if any portion of Vrooman's jail calls was "suppressed," it was pursuant to a court order, after full argument from both sides, which could have been appealed, but was not.

Ms. Chamberlain alleges that Vrooman was "administered a lie detector test under [my] supervision." (*See* Complaint, p. 3, ¶ 5). This claim is baseless. Mr. Vrooman did in fact take a polygraph test shortly before he testified in the John

Brooks trial. The test was administered by a Manchester police department detective who is a trained polygraph operator. The Manchester police department was chosen for this task because they had no involvement in the investigation of Jack Reid's murder. I was not present at the polygraph examination and had no input whatsoever into the way the test was conducted. The entire test was video and audio recorded so that it could be provided to the defense in discovery. Again, if there was any issue about the polygraph or the way it was conducted, able and experienced defense counsel could have brought it to the attention of the trial court, but they did not, because the allegations Ms. Chamberlain makes are completely untrue.

Ms. Chamberlain alleges that I violated Rule 3.8 by "feed[ing] the media false and contemptible rumors and outright lies." (*See* Complaint, p.5, ¶ 1). She further alleges that I have a "close relationship" with reporter James Kimball, and that I "channeled everything through him." (*See* Complaint, p. 5, ¶ 5). Ms. Chamberlain does not even attempt to provide any factual support for her claim about my supposed relationship with Mr. Kimball. In fact, my only "relationship" with Mr. Kimball is as a reporter who has covered criminal trials for many years. Ms. Chamberlain attempts to support her claim about my alleged use of the press to poison the public against Jesse Brooks by attaching a list of newspaper articles about the cases. The list of articles begins in 2005, when the murder of Jack Reid occurred. I did not join the Attorney General's office until January of 2008, and was not assigned to the Brooks cases until mid-February of 2008. Nor does Ms. Chamberlain provide a single example, after I became involved in the cases, where I made remarks prejudicial to Jesse Brooks. Moreover, the issue of allegedly prejudicial pretrial publicity was raised before the trial court by the attorneys who represented Jesse Brooks. Their motion for venue change was denied by the trial court, and could have been appealed but was not. Likewise, Ms. Chamberlain's claim that I deliberately delayed the trial of Jesse Brooks so that prejudicial publicity could taint the jury panel, (*see* Complaint, p. 6, ¶ 1), is completely unsupported. The claim that Jesse Brooks was denied a speedy trial was in fact litigated before the trial court and appealed to the Supreme Court. Both courts rejected the argument that there was any denial of speedy trial.

Ms. Chamberlain alleges that I violated Rule 8.4 by "viciously . . . pressur[ing] [a witness] into agreeing with [my] version of events despite his memory deficit following brain surgery . . ." (*See* Complaint, p. 6, ¶ 2). She goes on to claim that this witness, Dennis Chamberlain, was obviously incompetent to testify, and she further implies that I concealed his criminal history from the jury. (*See* Complaint, p. 7, ¶ 1). Again, not only are these outrageous claims untrue; they are, like many of her other allegations, simply a rehashing of issues already raised before the trial and appellate courts. Dennis Chamberlain is the brother of Anne Chamberlain's husband, Rod. Unlike other family members in this case, Dennis Chamberlain willingly gave a taped interview to State Police officers. He gave this taped statement in 2007, before I was even a member of the Attorney General's office, much less assigned to this case. In that statement, Dennis Chamberlain told police that he felt threatened by

both John and Jesse Brooks after he learned that he was suspected of being involved, along with Jack Reid, in the theft of Brooks family property. Dennis Chamberlain gave testimony to this effect in the trial of John Brooks. By the time of the trial of Jesse Brooks, Dennis Chamberlain had had surgery for brain cancer. Accordingly, at the request of Jesse Brooks' defense counsel, the trial court held a competency hearing and found Dennis Chamberlain competent to testify. This issue was appealed to the Supreme Court, and the Court rejected the claims Ms. Chamberlain makes concerning his competency. Nor is there any evidence that I pressured or coerced Dennis Chamberlain in any way. If there was such evidence, again, this issue could have been raised before the trial or appellate court by Jesse Brooks' defense attorneys, and it was not.

Ms. Chamberlain also claims that I misrepresented Michael Benton's memory problems, withheld exculpatory evidence concerning a jail call between him and his father, and misrepresented the extent of his criminal record. (*See* Complaint, p. 7, ¶ 4-6; p. 8, ¶ 2-3). These claims are specious. Again, as with Vrooman, the State provided the defense with Benton's complete criminal record, and all of his jail calls. Clearly, therefore, I could not have misrepresented or concealed any aspect of these. Ms. Chamberlain could not have known about these materials, upon which she relies in her complaint, had they not been turned over, by the State, to her family members, the defendants in the case. Ms. Chamberlain also complains that I opposed the defense request to utilize an expert witness to testify on the subject of Benton's memory. (*See* Complaint, p. 7, ¶ 4). I indeed opposed this, on legitimate legal grounds, and the trial court ruled in the State's favor on this issue. Again, had Jesse Brooks' able defense counsel felt that this issue was worthy of presentation to the Supreme Court on appeal, they could have included it in their appellate brief, but did not.

Finally, Ms. Chamberlain claims to have many more examples of my allegedly "misstating facts and lying" to both the trial and appellate courts, and of my allegedly "intentionally and knowingly offering evidence [I] knew to be untrue." (*See* Complaint, p. 9, ¶ 1, 3). She does not, however, detail the basis for these allegations, but only says that she "would be happy to provide them." (*See* Complaint, p. 9, ¶ 4). As Ms. Chamberlain clearly had the transcripts of all the proceedings available to her when she filed this complaint, given her extensive references to and quotations from the trial records, jail calls, and other transcripts, she could have provided the Committee any level of detail that she wished. Thus, as I cannot respond to these non-specific claims, and she could have made them in her original filing, I ask that the Committee not allow her to supplement her complaint later.

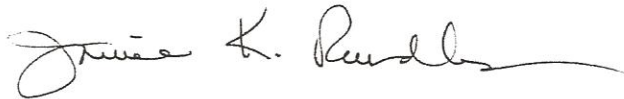
It must be noted that John Brooks was convicted by a jury of capital murder and conspiracy to commit murder. His conviction is currently on appeal. His co-defendant, Robin Knight, was convicted by a jury of first degree murder and conspiracy to commit murder, and his convictions were upheld on appeal, *see State v. Knight*, 161 N.H. 338 (2011). Jesse Brooks was convicted by a jury of conspiracy to

commit murder, and his conviction was also upheld on appeal, *see State v. Jesse Brooks*, 162 N.H. 579, 2011 WL 5120726 (October 27, 2011). I refer you to the cited New Hampshire Supreme Court opinions, as well as the appellate brief the State filed in the John Brooks case, for further information about the evidence the State presented at these trials.

In summary, the allegations advanced by Ms. Chamberlain are entirely without merit. In large part, they are simply a revival of issues that were litigated, or could have been litigated, in the course of the trials, now couched in terms of ethical violations. I ask that her complaint be summarily dismissed.

If there is any allegation included in Ms. Chamberlain's complaint that the Committee feels I have not adequately addressed, please let me know and I will supplement my response.

Sincerely,



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Copy to: Anne Chamberlain