

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

KEENE DISTRICT COURT
Docket No. 08-CR-5071, 5072 & 5073

In the Matter of Ian Bernard

ORDER ON DEFENDANT'S CONTEMPT (x3)

The Defendant's behavior at his arraignment in this case was entirely unacceptable. He insisted on challenging the Court's authority to conduct his arraignment in an orderly fashion by asking irrelevant questions and being confrontational when the Court sought to have the Defendant remain quiet. The Defendant refused to enter a plea, and, when told that the Court was going to enter a plea of not guilty, he asked if the Court was his lawyer. When his name was called to come to the bench, he immediately began to deliver what was essentially a political speech, saying, among other things, that he was in court under duress. The Court was required to verbally assertive with the Defendant in order to complete what should have been a brief and uneventful proceeding.

Furthermore, between the arraignment and today's scheduled trial date, the Defendant sent at least two letters that were also confrontational, if not threatening. One of these letters, referring this case, was sent to the undersigned at his home, a violation of state law.

It was clear to the Court prior to taking the bench for the beginning of this trial that the Defendant had professed, directly and through correspondence, little or no interest in abiding with court rules. When the case was called, the Defendant, standing at the Defendant's table, insisted on reprising his complaint that he was only appearing in court under duress. The Court immediately saw that the Defendant's conduct was no better than his earlier behavior, and told the Defendant to "have a seat." [The Court's intention, as related to the Defendant during the summary contempt proceeding to follow, was to remind the Defendant that his arraignment conduct was unacceptable, if not contemptuous.] The Defendant refused, and continued to speak. The Court had to repeat itself, and when the Defendant clearly expressed that he had no intention of complying, the Court ordered him taken into custody.

Because of the Court's concerns that the Defendant's conduct was fueled by the presence of cameras in the courtroom, predominantly operated by associates and supporters of the Defendant, and further concerned about potential security issues, the Court conducted the summary contempt hearing in the conference room. The general public had access to the proceeding via the

television camera in the main courtroom. The Court also ordered that all cameras be shut off.

The Defendant, when given the right of allocution, offered nothing in mitigation of his conduct. The Court found him in contempt and sentenced him to thirty days in the House of Corrections. The Court found the Defendant's behavior to be particularly offensive for the willful and calculated nature of it.

When the Court asked if the Defendant wanted to continue with his trial as scheduled, the Defendant provided no clear response. The Court determined that the trial would proceed. When the Defendant was asked what his legal name was, he refused again to provide a direct answer. [The two letters referred to above were clearly from the Defendant, but one was signed "Ian Bernard" and the other "Ian Freeman."] Despite the Court's best efforts to get an answer, the Defendant refused to supply one. Consequently, the Court, after giving the Defendant an opportunity to speak in his defense found a second act of contempt, with an additional thirty day sentence.

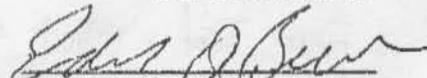
At the close of the trial, the Court found the Defendant guilty. The Defendant was asked repeatedly if he had the money (\$120.00) to pay it, but, instead of responding to a direct, yes-or-no, question, the Defendant elected to provide nonsensical sentences, essentially pleading that he did not understand what was going on. Another contempt finding was made, and a third thirty day sentence was imposed. [Because the Court failed to provide the Defendant with a right of allocution on the third contempt matter, however, the Court will conduct a video conference with the Defendant on November 17, 2008.]

The Defendant's behavior in the three incidents referred to above constitute intentional defiance of court orders, as well as conscious efforts to make a mockery of the court proceedings, and the Defendant is found to be in contempt of court. This behavior occurred in the presence of the Court, and openly threatened its orderly procedures. Defiance of a court order, irrespective of whether one agrees with it, immediately imperils the administration of justice. When some persons consider themselves immune to the application of court orders, and defy those orders in the presence of others who abide by them, the very authority of the Court is undermined.

The Defendant is sentenced to two consecutive thirty day sentences to the Cheshire County House of Corrections. Stand committed. The Court reserves the right to modify this sentence as circumstances may warrant.

November 14, 2008

SO ORDERED


Edward J. Burke, Justice