

STATE OF NEW HAMPSHIRE

CHESHIRE, SS

SUPERIOR COURT

Case No. 213-2011-CR-00216

*State v.*  
*Jason Talley*

**MOTION TO RECONSIDER THE DENIAL OF DEFENDANTS MOTION TO  
AUTHORIZE CRIMINAL DEPOSITIONS AND CHANGE VENUE**

Jason Talley moves this honorable Court to reconsider its order dated 02/29/12 which denied his motion to authorize the criminal deposition of four sitting New Hampshire judges and transfer his case out of Cheshire County. In support of this motion, Jason states as follows:

1. Jason Talley, acting through counsel, has made serious allegations against four sitting judges within the New Hampshire Judicial Branch.
2. NH Rule of Professional Conduct 8.2. Judicial and Legal Officials, (which is applicable to non-lawyer counsel through NH Superior Court Rule 14 (c) and NH Rule of Professional Conduct 8.5) states as follows:  
*(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.*
3. Jason Talley, acting through counsel, has filed a formal criminal complaint with the New Hampshire Attorney General regarding the criminal allegations he has made against court officials in this case.

4. As mentioned in previous motions filed in this matter, RSA 641:4 "False Reports to Law Enforcement," is a criminal offense which would apply to counsel for Mr. Talley.

5. With regard to the motion to authorize criminal depositions of four potential witnesses in this case, nowhere mentioned in the objection filed by the state was it alleged that Mr. Talley's arguments are frivolous. The State's own arguments opposing the motions are grounded in legal sufficiency of evidence standards.

6. Nowhere mentioned in the Court's order denying the motion for criminal depositions of four sitting state judges is the word "frivolous," a commonly used legal term for filings that have absolutely no merit.

7. Considering counsel could face professional conduct sanctions for disparaging judicial officers in highly publicized court filings, as well as criminal liability for making a false report directly to New Hampshire's highest law enforcement authority, and considering the Court did not address defendants request to transfer a question of law to the Supreme Court, Mr. Talley requests a *public* hearing on the Court's denial of the motion to depose four witnesses in his case.

8. Counsel in this matter attempted to have subpoenas authorized for the four judges Mr. Talley seeks to depose in his defense when he filed with the Cheshire County Superior Court Clerk and Cheshire County Attorney's Office his official witness list for trial. The Clerk's office refused to authorize the subpoenas and due to court orders restricting Part I, Article 22 rights in the lobby of the Cheshire County Superior Court, counsel was unable to document said denial of subpoenas for the public at large to witness.

9. RSA 643:1 “Official Oppression” reads as follows:

*“A public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or **knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.**”* (emphasis added)

10. Due to the Cheshire County Superior Court Clerk's office refusing to perform a duty clearly inherent in his office and authorize subpoenas deemed appropriate by counsel in Mr. Talley's defense, (a crime on the part of the Clerk to the knowledge of counsel, a former New Hampshire law enforcement officer) counsel sought the assistance of New Hampshire State Representative George Lambert (R) (Hillsboro-27), a Justice of the Peace, and sitting member of the House Redress of Grievance Committee. JP Lambert authorized the subpoenas that the Clerk's office had refused. To ensure public accountability, State Representative JR Hoell (R) (Merrimack-13) witnessed the authorizing of the documents.

11. Mr. Talley believes a *public* hearing on the matter is absolutely necessary to better provide the Court with the opportunity to better understand the new evidence that he believes bolsters his allegations of a New Hampshire Judicial Branch official coordinated cover-up of a crime committed by Keene Circuit Court-District Division Presiding Judge Edward Burke on 06/28/11. Mr. Talley believes oral argument in the matter would be very persuasive to the Court.

#### **Prayer for Relief**

WHEREFORE, Jason Talley, requests this honorable Court to order the

following relief:

- A. Authorize criminal depositions of Judge Edward Burke, Chief Judge Tina Nadeau, Administrative Judge Edwin Kelley, and Presiding Judge John Arnold at a location agreeable by Cheshire ACA John Webb without a hearing, or
- B. Schedule a hearing regarding this motion if the court is inclined to again deny this request, or
- C. Authorize the transfer of the question of whether or not judicial officers can be deposed by a criminal defendant for a potential jury nullification defense when an abuse of the public trust is alleged by those same officers, to the New Hampshire Supreme Court pursuant to New Hampshire Superior Court Rule 79; and
- D. Grant any other relief this honorable Court deems just and proper.

Respectfully submitted,  
Jason Talley

**03/05/12**

By  
Bradley Jardis  
42 Main Street #27  
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I hereby certify that on the above date, a copy of this motion was mailed to Assistant Cheshire County Attorney John Webb.

Bradley Jardis