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THE STATE OF NEW HAMPSHIRE

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CHESHIRE, SS
OCT. TERM

8TH CIRCUIT COURT
DISTRICT DIV. – KEENE

The State of New Hampshire
v.
Ian Bernard
Docket # 449-2012-CR-00535

STATE'S MOTION FOR PROTECTIVE ORDER

NOW COMES the State of New Hampshire, by and through Assistant Cheshire County Attorney David Lauren, and files this Motion for a Protective Order, and in response states as follows:

- 1.) Defendant, Ian Bernard, is a Cheshire County resident who relocated to Keene, NH as part of the "Free-State Project" (hereinafter FSP).
- 2.) Defendant and other members of the FSP have engaged in various forms of civil-disobedience and self-styled "political activism."
- 3.) Said actions include, but are not necessarily limited to handing out leaflets at court; refusing to acknowledge the authority of a presiding judge by failing to stand upon his or her entrance into the court, standing in the Superior Court parking lot while videotaping court employees and their vehicles and license plates as they arrive for, and leave after work, attempting to ask them questions, and singing Christmas carols with made-up words attacking bailiffs for doing their job. Members of the FSP have also picketed the homes of Judges and police officers. Tapes made by the members of the FSP during these activities were subsequently placed on the FSP website, Freekeene.com. Additionally, in at least one instance, a member of the Cheshire County Superior Court Clerk's Office was subjected to harassing behavior when a member of the FSP came to the window in the aftermath of a man setting himself on fire outside the

Superior Court.

4.) Court employees felt concerned for their family's safety should their license plate be publically disclosed on the internet and experienced emotions ranging from fear to frustration.

5.) In response to these actions and the concerns expressed by the court employees, Cheshire County Sheriff Richard Foote issued a "No Trespass Order" prohibiting a limited number of FSP members from being on Superior Court property or inside the Court without prior permission from Sheriff Foote.

6.) While not specifically noted in the Order, Sheriff Foote authorized members of his command staff to grant said permission should the Sheriff not be available. Whenever anyone would call the Sheriff's Department and ask to speak to the sheriff, they were asked what it was in regard to. If it was a person subject to the No Trespass Order, he or she was transferred to a member of the Department authorized to grant access if the Sheriff was not personally available.

7.) The Defendant and other members of the FSP were subsequently arrested and charged with criminal trespass for having entered the Cheshire County Superior Court without having obtained prior permission from the Cheshire County Sheriff or his designee.

8.) On September 17th, 2012, the defendant, by and through his attorney, filed a Motion to Dismiss the criminal trespass charge and submitted a Memorandum of Law in support of said Motion.

9.) In preparing its Answer and Objection, the State has interviewed numerous employees of the Cheshire County Superior Court, all of whom were subject to the defendant's activities prior to the service of the protective order.

10.) All have expressed concern about submitting affidavits and/or testifying at a hearing if their first and last names became part of the record. But for that concern, the State would have included with its Answer and Objection to Defendant's Motion to Dismiss notarized affidavits from the court employees in anticipation of their live testimony at the hearing on the instant case already scheduled before this Honorable Court on Wednesday, November 14th.

11.) Their concern is that their safety, along with the safety of their family and home, will be placed at risk should their last-name be made available to the defense.

12.) Superior Court policy is that employees, upon being asked their name, are only required to provide their first name.

13.) Protecting the court employees by allowing for identification using only the first name will not only follow Court policy regarding the disclosure of last names, but will serve to protect the employees homes and family while still affording the Defense the right to cross-examine witnesses during any hearing.

14.) This Motion does not deprive the defendant of any rights regarding access to witnesses or the right to cross examination.

14.) Attorney Jon Meyer, counsel for the defendant has been notified as to the filing of this Motion and takes no position as he has not been able to contact his client to determine his position.

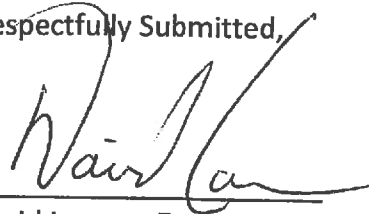
WHEREFORE, the State respectfully requests that:

1.) This Honorable Court issue a Protective Order, providing that employees of the Cheshire County Superior Court, either in affidavits or in testimony, be allowed to give only their first name, and to forego having to provide their address;

2.) For such other relief this Honorable Court deems just and proper.

Dated: Oct. 17, 2012

Respectfully Submitted,

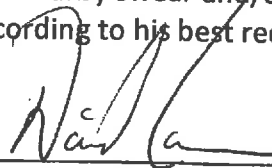


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I, David Lauren, Assistant Cheshire County Attorney, do hereby swear and/or affirm that all statements attributed to him are true and accurate according to his best recollection.



Justice of the Peace/Notary Public
LAURIE E. BURT
Justice of the Peace - New Hampshire
My Commission Expires June 9, 2018



David Lauren, Esq.

10-17-12
Date

CERTIFICATE OF SERVICE

I, David Lauren, Assistant Cheshire County Attorney, do hereby certify that I mailed a copy of this Answer and ~~Objection to Defendant's Motion to Dismiss~~ to Jon Meyer, Esq, counsel for the Defendant, at Backus, Meyer & Branch, LLC, 116 Lowell St., P.O. Box 516, Manchester, NH 03105-0516 on October 17, 2012.

Ans. + Obj. cert.

