

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

DISTRICT DIVISION
8TH CIRCUIT COURT - KEENE

STATE OF NEW HAMPSHIRE

vs.

IAN FREEMAN

Docket No. 449-2013-CR-00206

OBJECTION TO MOTION TO DISMISS

NOW COMES, the City of Keene ("City"), by and through its City Attorney, Thomas P. Mullins, Esq., and, submits this objection to Defendant's Motion to Dismiss, and in support thereof states as follows:

1. This matter is before the Court on a Local Ordinance Citation/Summons ("Summons") issued by the City against Defendant, owner of real property located at 75 Leverett Street, Keene, New Hampshire.
2. The Summons alleges that Defendant is in violation of City Ordinance Chapter 42, Fire Prevention and Protection, Article IV, Section 95, requiring the installation of AC powered interconnected smoke/carbon monoxide detectors in a rental unit.
3. Defendant cites Part 1, Article 10, of the New Hampshire Constitution [Right of Revolution], as the basis for his Motion to Dismiss the matter currently before the Court.
4. Part 1, Article 10, of the New Hampshire Constitution does not provide legal support for Defendant's Motion to Dismiss:

[.]..Article 10 of the Bill of Rights...provides, in part, that "whenever the ends of government are perverted...and all other

means of redress are ineffectual, the people may...reform the old, or establish a new government." The right reserved to the people by this Article is not such a broad and unlimited right of insurrection and rebellion as to permit any group which is dissatisfied with existing government to lawfully attempt...to overthrow the government by force or violence. Nelson v. Wyman, Attorney General, 99 N.H. 33 (1954).

5. Requesting Defendant to comply with a fire department regulation designed to protect life and property, including those of Defendant and his tenants, can hardly be construed by a reasonable individual as a "perversion" of the government justifying the right to revolt.
6. Accordingly, Defendant's Motion should be denied.


WHEREFORE, the City respectfully requests that the Court:

- A. Deny Defendant's Motion to Dismiss.
- B. Grant such other and further relief as may be just and necessary.

Respectfully submitted,

CITY OF KEENE
By Its Attorney,

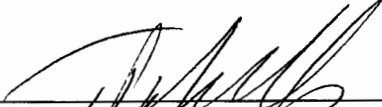
Dated: February 15, 2013



Thomas P. Mullins, NHBA ID #7919
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Keene, N.H. 03431
(603) 357-9806

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2013, I mailed by First Class Mail a true and correct copy of the within Objection to Motion to Dismiss, to Ian Freeman, f/k/a Ian Bernard, at 63 Emerald Street, #610, Keene, New Hampshire 03431.



Thomas P. Mullins, Esq.