

THE STATE OF NEW HAMPSHIRE
8th CIRCUIT COURT

CHESHIRE COUNTY

DISTRICT DIVISION AT KEENE

STATE OF NEW HAMPSHIRE

v.

GRAHAM COLSON

Docket No. 449-2013-CR-00953

COLSON'S MOTION TO DISMISS

Defendant Graham Colson ("Colson") respectfully asks the court to grant his motion to dismiss in the above-captioned matter. Colson requests that the court dismiss the State of New Hampshire's ("State") criminal trespass claim because the State cannot show that Colson was not "licensed or privileged" to be in Keene Central Square because the police order prohibiting Colson from entering Keene Central Square is not authorized by law and is unconstitutional for the following reasons:

- (1) Neither City of Keene nor State statute or ordinance authorize the police to issue an order prohibiting Colson from entering Keene Central Square.
- (2) The police order violates Colson's Due Process rights guaranteed by the United States Constitution because: (a) Colson did not have notice that skateboarding in the Keene Central Square would result in a police order prohibiting him from entering the square and (b) and the police exercised unlimited and unfettered discretion by issuing the order.

(3) The police order violates Colson's First Amendment rights guaranteed by the United States Constitution and Part 1, Article 22 rights guaranteed by the New Hampshire Constitution because it is an indirect attempt to prevent Colson from expressing his political and social views in Keene Central Square.

The Defendant Colson relies on the attached memorandum of law to further support his motion to dismiss.

WHEREFORE, the Defendant Colson respectfully asks the court to:

- (1) Grant the defendant's Motion to Dismiss;
- (2) Grant further relief as justice so requires.

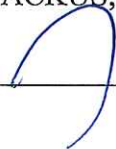
Respectfully Submitted,

GRAHAM COLSON

By His Attorneys,

BACKUS, MEYER & BRANCH, LLP

By: _____



Jon Meyer, Esq.

NH Bar # 1744

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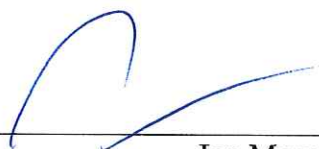
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CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July, 2013, I mailed by U.S. Postal Service First Class Mail a copy of COLSON'S MOTION TO DISMISS to Jean M. Kilham, Esq., Keene Police Department Prosecutor.



Jon Meyer, Esq.