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**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

8th Circuit - District Division - Keene  
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Keene NH 03431-0364

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**December 05, 2013**

**FILE COPY**

Case Name: **State v. Graham Colson**  
Case Number: **449-2013-CR-00953**

Please be advised that on December 4, 2013 the Court (Burke, J) issued the attached ADDENDUM.

Larry S. Kane  
Clerk of Court

(374)

C: Keene Police Department; H. Jon Meyer, ESQ

***THE STATE OF NEW HAMPSHIRE***

***CHESHIRE, SS.***

*Eighth Circuit Court  
District Division-Keene  
Docket No. 13-CR-0953*

**The State of New Hampshire**

**vs.**

**Graham Colson**

**ADDENDUM**

The Court has received the City's motion for reconsideration, and the defendant's objection thereto. Before making this Court's ruling final, the Court asks the parties to address how the facts and applicable law in a recently argued criminal trespass case pending in the United States Supreme Court might impact this Court's reasoning, and whether the parties think this Court should await the U.S. Supreme Court's decision.

The case is United States v. John Dennis Apel, 12-1038. It is the government's appeal from a Ninth Circuit Court of Appeals case that found for Mr. Apel on statutory rather than constitutional grounds, and involves an interpretation of 18 U.S.C. 1382, which provides:

Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or

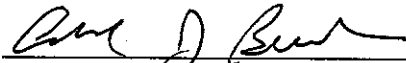
Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof—

Shall be fined under this title or imprisoned not more than six months, or both.

Mr. Apel had been barred by the base commander from entering the Vandenburg U.S. Air Force base due to previous convictions for vandalism and trespass. He

raised First Amendment issues, but the government argued the case was merely one calling for statutory interpretation. The parties are to address the meaning of the case in the context of the case at bar by January 10, 2014.

December 4, 2013

A handwritten signature in cursive script, appearing to read "Edward J. Burke".

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Edward J. Burke, Justice