

**REPORT OF THE ATTORNEY GENERAL CONCERNING FORMER STATE  
REPRESENTATIVE KYLE TASKER'S DRUG DISTRIBUTION  
AT THE STATE HOUSE**

September 30, 2016

**INTRODUCTION**

On March 1, 2016, thirty year-old Kyle Tasker was arrested by Nottingham police and other local law enforcement officers for online solicitation of a minor and possession with intent to distribute controlled drugs. At the time, Tasker was a third-term New Hampshire State Representative serving on the House Children and Family Law Committee. He has since resigned.

After his arrest, police executed search warrants at Tasker's 87 Smoke Street, Nottingham, home. There, officers discovered the trappings of an organized drug-distribution business and supplies of the controlled drugs marijuana, hash, psilocybin mushrooms, the narcotic buprenorphine, and Methylenedioxymethamphetamine (MDMA). The Rockingham County Attorney's office subsequently indicted Tasker on multiple drug and online solicitation crimes, all felony-level offenses.

In early March 2016, based on information that Tasker was involved in drug activity at the State House, the Attorney General's Office (AGO) commenced an investigation into Tasker's drug transactions with other state legislators, focusing on the extent and scope of those transactions and whether and to what extent they occurred on state property.

**SCOPE OF THE INVESTIGATION**

The following is a summary of the primary steps the AGO took during the course of this investigation.

At the AGO's request, the State Police Forensic Laboratory conducted forensic analyses of Tasker's computer, which contained no relevant information, and his iPad, which did. The AGO also obtained and reviewed a Cellebrite extraction of Tasker's iPhone at the conclusion of its investigation.

In May 2016, after a comprehensive review of the incriminating information contained on Tasker's iPad, the AGO obtained evidence from Facebook and Square, Inc., concerning Tasker's Facebook and Square Cash application accounts. Facebook produced about 65,000 pages of documents corresponding to Tasker's use of the application during the approximately one-year period from April 2015 to May 2016.

The AGO interviewed State Representative Al Baldasaro on June 6, 2016. Baldasaro had been a guest on a local radio show. During his appearance there, he talked about Tasker offering to sell him marijuana oil in the State House basement. Other than confirming that Tasker offered him the oil, an offer he said he declined, Baldasaro had no relevant information to provide.

On June 30, the AGO interviewed an individual on probation in Manchester. This person was someone who had communicated with Tasker via Facebook and who was suspected of purchasing drugs from him. During the interview, the person said he had purchased marijuana at Tasker's home but was unaware that Tasker was a legislator or that he sold drugs to other legislators.

The AGO's review of the evidence from Tasker's iPad and Facebook account led to the identification of five state representatives who appeared either to have communicated with him about drug transactions, or made a payment to him via an online application, or both: Amanda Bouldin of Manchester, Shem Kellogg of Plaistow, Joseph Lachance of Manchester, Pamela Tucker of Greenland, and Ted Wright of Sanbornville. In August 2016, the AGO conducted recorded interviews of Bouldin, Kellogg, Lachance, Tucker, and Wright. The AGO did not interview Shem Kellogg, who died on June 21, 2016, after what his obituary described as a brief battle with cancer. Other internet sources noted that Kellogg had been diagnosed with Stage IV colorectal cancer.

The AGO also interviewed Scott Rupp, the General Court Information Systems Information Technology Director. Rupp said that Tasker did not have a legislative e-mail account because he had never requested that one be activated. Accordingly, we did not seek Tasker's legislative email records.

### **INTERVIEWS WITH STATE REPRESENTATIVES**

With exception of Wright, each of the four state representatives who the AGO had reason to believe had purchased drugs from Tasker was represented by counsel and signed a proffer agreement. A proffer agreement limits the State's ability to use information provided by a witness so long as the witness is deemed to be truthful.

None of the state representatives interviewed knew much, if anything, about Tasker's illicit drug business or his other customers. None knew Tasker's source. None said they purchased any drug or drug product from Tasker but marijuana, and all seemed to believe that Tasker was trying to help people who needed marijuana for medicinal purposes but could not obtain it legally in New Hampshire.

#### **Amanda Bouldin**

Bouldin became friendly with Tasker through Facebook in 2014, shortly before she was elected to state office. In the fall of 2015, Bouldin went to Tasker's home. Though she knew that he sold and used drugs—he sent her photos of the marijuana brownies he sold, she recalled a conversation with him about MDMA and his making a big drug purchase in Lancaster, New Hampshire, and she was with him while he smoked marijuana in the State House anteroom—she did not see drugs or drug paraphernalia at his home. When Tasker drove her home, she used marijuana with him in his car. She did not use drugs with him on any other occasion and did not buy drugs from him. As of the date of the interview (August 4, 2016), Bouldin was still in contact with Tasker, through cell phone calls, texts, and Telegram, a secure messaging application.

Bouldin recalled that Tasker told her that Pamela Tucker was going to purchase marijuana from him, and that he was going to meet an older, male state representative in one of the Concord parking garages to sell marijuana to. She could not recall that person's name.

When speculation about a list of Tasker's customers arose in the media, Tasker told Bouldin that there was no list, that he sold to no state senators, and that he sold to fewer state representatives than the number reported.

Consistent with Bouldin's representations, the AGO's investigation did not discover evidence that Tasker maintained a list of drug customers.

### **Joseph Lachance**

The electronic device and online application evidence indicated that of the four state representatives, Lachance was the only one who made multiple drug purchases from Tasker. Lachance confirmed that after meeting Tasker at the legislature, he purchased marijuana from him about 6-8 times over the period of about eight months, including at Tasker's Nottingham home, at Lachance's home in Manchester, and once in Concord. Lachance also brought "friends" to buy small amounts of marijuana from Tasker.

It appeared to Lachance from the six large "kettles" of loose marijuana and drug-related paraphernalia in Tasker's kitchen, and brownies and other drug supplies in his refrigerator, that Tasker was a full-fledged dealer who was operating something akin to "a dispensary." Lachance later learned that Tasker also sold illegal mushrooms and "molly," which Lachance denied using, buying, or being interested in. He was aware, however, that Tasker himself used these drugs.

Lachance said that he needed marijuana to help with chronic pain and other conditions caused by a spinal injury, gastrointestinal illness, and PTSD. He said that he had incurred these conditions during his military service, resulting in a 100% service-connected designation for the purpose of veteran's compensation benefits. (Lachance's lawyer provided documentation of that designation, which notes that Lachance is considered "totally and permanently disabled due solely to ... service-connected disabilities.") After back surgery in 2009, Lachance became addicted to oxycontin, fentanyl, and Jack Daniels. He detoxed on his own in 2014. Once medical marijuana was legalized in New Hampshire, Lachance obtained a medical marijuana card in December 2015, which he showed us during the interview. In the interim, though, he purchased marijuana from Tasker.

According to Lachance, Tasker was like the "Club Med of weed": he had a variety of high-end strains of marijuana and charged accordingly. Lachance paid about \$400 for an ounce of marijuana, buying one or, at most, two ounces at a time. He also paid about \$380 for two-dozen brownies. Tasker would allow Lachance to pay when he could, which resulted in Lachance sometimes owing him several hundred dollars. Lachance denied ever buying in bulk (though he admitted asking Tasker about bulk costs) and denied ever reselling the marijuana he purchased.

### **Pamela Tucker**

Tucker was evasive during her interview with the AGO. Ultimately, Tucker said that she bought marijuana from Tasker only once and on another occasion, bought two small vials of “elixir” containing marijuana from him. The latter, she said, she bought for “sleep and energy.” She purchased the marijuana from Tasker at the Storrs Street garage. Tucker also accompanied a friend to Tasker’s home to pick up marijuana, which he left for the friend inside an outdoor grill. (The information about the grill is consistent with other evidence obtained by the AGO.)

Tucker suggested that personal problems prompted her to medicate herself with the marijuana and the liquid she bought from Tasker, but refused to elaborate further. She said she stopped buying from him because it was hypocritical to use marijuana when her official position as a legislator was to oppose its use.

### **Ted Wright**

Wright said that his wife had been diagnosed with breast cancer in 1993. In about 2010, the cancer metastasized. Wright’s wife entered a clinical trial at Dana-Farber, which reversed the course of her otherwise terminal cancer. The trial drugs made her very sick, however; only marijuana ameliorated the debilitating side effects and enabled her to remain in the trial for several years.

Wright ran for state office as a result of his wife’s experience with cancer and the manner in which marijuana helped her. He met Tasker through their shared interest in legalizing marijuana for medical use. Tasker did not solicit Wright to purchase marijuana; rather, Wright learned from someone else that Tasker sold marijuana and “linked up” with him that way. Wright once went to Tasker’s home. He did not believe that Tasker sold anything but marijuana.

## **CONCLUSIONS**

It is clear as a result of this investigation that Kyle Tasker used marijuana in the State House and sold it to a handful of state legislators, occasionally bringing the drug with him to Concord and distributing it there. The AGO’s investigation did not, however, uncover pervasive illicit drug transactions at the State House or among elected state officials.

Since the evidence that is usually pivotal in drug distribution prosecutions—that is, the controlled drug itself—is absent here, the only charge that reasonably could be brought against Lachance, Wright, Tucker, or Bouldin is a “dry conspiracy” charge. Such a charge would require proof not that a transaction involving a controlled drug actually occurred, but that the person agreed with Tasker that a drug transaction occur, and that Tasker or the person committed an overt act in furtherance of the agreement. *See* RSA 629:3; RSA 318-B:26, I(d)(1).

The evidence obtained during the investigation is insufficient to sustain even dry conspiracy charges against Bouldin, Tucker, or Wright. The only evidence that Bouldin conspired to violate the Controlled Drug Act is her admission during her interview that she smoked marijuana with Tasker on a single occasion. The proffer agreement protects her from the

use of that statement against her, and the other evidence the AGO reviewed supports Bouldin's assertion that she was not a customer of Tasker's.

Tucker and Wright are similarly situated. Facebook and text records indicate that on at least one occasion, Tucker and Wright each arranged to purchase marijuana from Tasker. But the AGO has no other evidence of either Tucker or Wright's drug purchasing other than their proffer statements, and could not prove that either they or Tasker committed the requisite overt act.

Lachance is a somewhat different case because the AGO obtained other evidence not only of his multiple conversations with Tasker about buying drugs, but also that he provided his home address as a drug-delivery location and that he used the Facebook and Square Cash payment application, as suggested by Tasker in a Facebook message, to pay for the drugs.

Assuming a circumstantial case could be made against Lachance, however, no adequate policy basis exists for charging him. The therapeutic use of cannabis is now legal in New Hampshire. Lachance appears to have purchased marijuana for what would now be considered medically appropriate use. It is reasonable to conclude that a jury would likely exercise its nullification prerogative to acquit Lachance of dry conspiracy charges under these circumstances.

Sufficient evidence exists to charge Tasker with several dry conspiracy counts for the marijuana transactions he arranged or engaged in with Bouldin, Lachance, Tucker, and Wright. Under the circumstances, however, prosecution would not be fruitful.

At least until Tasker was arrested and the scope of his alleged criminal activity became apparent, each of these individuals believed—wrongly, given his other alleged crimes—that Tasker was acting in a humanitarian capacity by selling marijuana to needy people before the drug was medically available. It is reasonable to conclude that a jury would reject dry conspiracy charges under these circumstances. In addition, Tasker faces multiple felony charges out of the Rockingham County Attorney's Office. That prosecution is sufficient to hold him accountable for his drug crimes.