

April 18, 2025

Attorney General John M. Formella
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

RE: Robert L. Lamontagne - Request for "Victim" Designation Review

Dear Attorney General Formella,

My name is Bradley Jardis, and I am a resident of Amesbury, MA. I am currently serving as "Attorney-in-Fact" for Mr. Robert L. Lamontagne in the State of New Hampshire to assist him in investigating the validity of prior convictions he sustained in the Cheshire County Superior Court in the early 1990s. I have also appeared as his Rule 20 "Non-Lawyer Representative" in the Sullivan County Superior Court, which presently has custody and control of the case. While I am not a licensed attorney in New Hampshire, I volunteer my time to help individuals with legal matters.

I am writing to respectfully request that your office review the decision, if any, of the Grafton County Attorney's Office not to immediately designate Mr. Robert L. Lamontagne as a victim of a crime under the New Hampshire Victims' Bill of Rights, RSA 21-M:8-k, when requested to do so by Mr. Lamontagne through me as his representative.

The Grafton County Attorney's Office is currently examining Mr. Lamontagne's conviction and sentence for Endangering the Welfare of a Minor or Incompetent and has been doing so for an exhaustive period of time. No information has been provided to either myself, Mr. Lamontagne, or the public regarding this investigation.

It is my sincere belief that Mr. Lamontagne may meet the statutory definition of a "victim" under RSA 21-M:8-k and could be entitled to the rights and protections provided by this law. I respectfully ask your office to consider exercising its supervisory authority over local prosecutors to reassess this decision, ensuring that Mr. Lamontagne's potential status as a victim is fully evaluated and that any applicable rights are upheld in connection with his trial and sentence.

RSA 21-M:8-k defines a "victim" as "a person who suffers direct or threatened physical, emotional, psychological or financial harm as a result of the commission or the attempted commission of a crime." Based on my review of the circumstances surrounding Mr. Lamontagne's trial, I am concerned that he may not have received the full due process required by federal and New Hampshire law and suffered the harm of being incarcerated at the State Prison for nearly ten years. Specifically, I suspect that possible irregularities—such as the potential nondisclosure of exculpatory Brady material—may have occurred during his prosecution, which could have impacted his rights and caused him harm. While I am not in a position to definitively conclude that crimes such as Official Oppression (RSA 643:1) or Falsifying Physical Evidence (RSA 641:6) were committed, I believe these issues warrant further examination to determine if Mr. Lamontagne qualifies as a victim under the law.

To my knowledge, the Grafton County Attorney's Office has not recognized Mr. Lamontagne as a victim or extended to him the rights outlined in RSA 21-M:8-k. I am concerned that this decision may overlook potential entitlements he has under the Victims' Bill of Rights, and I seek your assistance in ensuring a thorough review.

Accordingly, I respectfully request that your office:

1. Reassess the Grafton County Attorney's decision, if any, and determine whether Mr. Lamontagne should be designated as a victim in this matter; and
2. Ensure that, if appropriate, Mr. Lamontagne receives written notification of his rights under RSA 21-M:8-k, along with any additional protections or remedies that may apply.

As the chief law enforcement officer of New Hampshire, your office has the authority and responsibility to ensure that justice is administered fairly across all counties. I respectfully urge you to consider this matter to determine if an oversight has occurred and, if so, to address it accordingly. I would appreciate a written response within ten (10) business days, confirming your office's action on this request or providing an explanation for any delay or alternative course of action. Should this matter remain unresolved, I may need to explore further options to protect Mr. Lamontagne's legal interests.

Thank you for your attention to this important matter. I trust in your commitment to upholding the rights of all New Hampshire citizens, including Mr. Lamontagne, and I look forward to your response.

Respectfully submitted,

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Cc: Grafton County Attorney Martha Hornick