

THE STATE OF NEW HAMPSHIRE

1st Cir. District Div. Lancaster

THE STATE OF NEW HAMPSHIRE

V.

JEFFREY WOODBURN

Docket No: 451-2018-CR-00297

MOTION FOR DISCOVERY

NOW COMES the accused, Jeffrey Woodburn, by and through counsel, Wadleigh, Starr and Peters, and hereby requests this Court order the production of the counseling records of the alleged victim, Emily Jacobs, as maintained at the office of Dr. Paul Donahue, Ph.D in Littleton, New Hampshire. This request is made pursuant Mr. Woodburn's due process rights as guaranteed in the 5th, 6th and 14th Amendments to the United States Constitution and part I, Article 15 of the New Hampshire Constitution.

In support of this Motion, Mr. Woodburn states the following:

1. Mr. Woodburn stands charged with four counts of simple assault, two counts of domestic violence, two counts of criminal mischief, and one count of criminal trespass. He was arrested on these charges on August 2, 2018. Emily Jacobs, the defendant's former fiancé, is the alleged victim of these charges.
2. Jeff Woodburn and Emily Jacobs were involved in a relationship that began in 2015. Although he lived in Whitefield, Mr. Woodburn spent much of his time at Ms. Jacobs' home in Jefferson during their relationship.

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3. In April of 2018, Emily Jacobs and Jeff Woodburn entered counseling to address the problematic issues in their relationship. They began seeing Dr. Paul Donahue for both individual and couple's counseling.

4. On the same date he filed this motion, Mr. Woodburn has filed a notice of self-defense that notifies the court of his intent to rely on the defense of self-defense as to the above-captioned matters pursuant to RSA 627:4 as the evidence at trial will show that Emily Jacobs repeatedly tried to block and/or restrain Mr. Woodburn from leaving her and that any force that Mr. Woodburn used against Ms. Jacobs was necessary to either leave or attempt to leave a volatile situation created by Ms. Jacobs.

5. There is ample evidence to support this defense as there were many times throughout this relationship where Jeff Woodburn tried to end the relationship and/or cease further communication with Ms. Jacobs. Mr. Woodburn's attempts to end communication with Ms. Jacobs are confirmed by the following emails and messages between Ms. Jacobs to Mr. Woodburn:

- "No need for me to swear and for that I apologize. The bottom line is your strange upset about me needing to shower at my mom's is one in a line of very disturbing and abnormal behaviors. Whatever they are is not for me to name only despite my love for you I cannot continue with this relationship. Email from Jeff Woodburn to Emily Jacobs on November 28, 2017. (*See attachment A*):
- "You called and must have blocked me again. Please call back." Email from Emily Jacobs to Jeff Woodburn on January 9, 2018 10:25pm (*See attachment B*);
- "You deleted me from Facebook." Email from Emily Jacobs to Jeff Woodburn on Jan. 9, 2018 (*See attachment C*);

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- “If you don’t unblock me...I will take down all of my pictures of photos down of you and will never post a goddamn photo on Facebook or Instagram.” Email from Emily Jacobs to Jeff Woodburn on June 19, 2018 (*See attachment D*);
- “If you contact me here I’ll block you.” From Jeff Woodburn to Emily Jacobs on Facebook on June 25, 2018 at 2:38pm (*See attachment E*).
- “No communication.” From Jeff Woodburn to Emily Jacobs on Facebook on June 25, 2018 (*See attachment F*).

6. On June 25, 2018, Jeff Woodburn sent a message to Emily Jacobs on Facebook that said, “Ending relationship.” (*See attachment G*).

7. Even though Jeff Woodburn had ended the relationship on June 25, 2018, during her interview with the Office of the Attorney General on July 25, 2018, Emily Jacobs said that on June 29, 2018 she told Dr. Donahue, that “...the relationship for me is over but I, I need Jeff to end this...” Discovery at pg. 254.

8. Jeff Woodburn blocked his phone from any contact from Emily Jacobs from June 29, 2018 until July 3, 2018.

9. On July 3, 2018, Jeff Woodburn received a voice mail from Dr. Paul Donahue with the following message:

“Hi Jeff, it’s Paul, it’s Tuesday morning, it’s just before 10:00 am. I hope you are well. I did get your message, messages later in the day...they came through late in the day. Yeah, I met with Emily. It wasn’t particularly positive. **It was discouraging. Very...seems confused about what she wants to do, but overall on the negative side...how to get back at you.** I urged her to think about things before she did anything and exactly what she has in mind is hard to say but if I were you, as I said face to face, proceed with caution and I would run the whole thing by an attorney but I would just be polite and you know “How are you” and you know very business-like with her. It might a just be anger talking, who the hells knows, but, I would proceed with caution and I told

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her she should end the relationship and...we'll see what happens. But a...you should really proceed with caution and **end it, in my opinion, and seek some advice**. Nothing's happened yet that I know of, but I would seek some advice...in case. Take care Jeff. Call me back if you have questions but that's about the bottom line. And I asked her to come back when she gets back from vacation to process things a little more. We'll see how that works out. Take care. Bye." (Emphasis added)

10. It is clear from the voicemail from Dr. Donahue that he was advising Mr.

Woodburn to end his relationship with Jacobs. Mr. Woodburn had already tried to end the relationship in his message to Ms. Jacobs on June 25, 2018. The Donahue voicemail and the messages from Ms. Jacobs suggest that she was unhappy with Woodburn's attempts to end the relationship and unhappy with his attempts avoid contact with her. (See Attachment H). This would explain her motive to "get back at" Jeff Woodburn by bringing criminal charges against him.

11. On July 5, 2018 Emily Jacobs sent a message to Jeff Woodburn telling him "don't see Paul...he's pinning (sic) us against each other." (See Attachment I). The above facts combined with this message suggest that Emily Jacobs was unhappy with Paul Donahue as he was advising Woodburn and Jacobs to end the relationship and Ms. Jacobs did not want to end the relationship. Jacobs therefore saw Paul Donahue as a threat to her attempts to salvage the relationship with Mr. Woodburn.

12. Emily Jacobs went to Paul Donahue and got a copy of her progress notes from her counseling sessions with him. Discovery at pg. 253. Even though she had the progress notes from her counselor in her possession, she did not turn these records over to the Office of the Attorney General when she met with them. A reasonable inference from Ms. Jacobs' failure to

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provide these records to the prosecution is that they did not support her version of the events. In her interview with the prosecution, Ms. Jacobs admits that her version of the events differs from that of Dr. Paul Donahue:

-- he, he didn't say like, do you need to go to the shelter. He didn't say like anything like that that I would, you know, suggest to my patients.¹ He later put in his progress notes, though, that he said something about a safety plan. That never happened. Discovery at 254.

13. On July 14, 2018, about 10 days after she told her counselor that she wanted to “get back at” Jeff Woodburn, Emily Jacobs sent a message to Jeff Woodburn stating, “I love you” and “I only want the best for you.” Mr. Woodburn responds to these messages by requesting “No more communication please!” in a Facebook message. (*See* attachment J).

14. Throughout the month of July 2018 Emily Jacobs continued to try to reconcile her relationship with Jeff Woodburn, as is evidenced by the following messages from Facebook:

- “I was hoping to reconcile...this situation makes me so sad.” Facebook message from Emily Jacobs to Jeff Woodburn on July 4, 2018 at 3:36 pm. (*See* attachment K).
- “Don’t you miss hugging me...so easy for you to shut this down.” Facebook message from Emily Jacobs to Jeff Woodburn on July 5, 2018 at 11:23 pm. (*See* attachment L).
- “Soon the feeling will be gone – without touch – but who knows – maybe not.” Facebook message from Emily Jacobson to Jeff Woodburn on July 5, 2018 at 11:51 pm. (*See* attachment L).

¹ Emily is a Mental Health Clinician at Littleton Regional Health Care (MS MSW - Masters of Social Work), court advocate for domestic violence victims and staffs the emergency hotline at the Burch House, a local shelter.

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- Will you date others...♥” Facebook message from Emily Jacobs to Jeff Woodburn on July 6, 2018 at 12:11 am. (*See attachment M*).

15. For most of his life, Jeff Woodburn had kept personal journals. These journals were kept at his home in Whitefield. Sometime in the middle of July of 2018, one journal disappeared from his home. On July 15, 2018 he received a Facebook message from Emily Jacobs that said, “You need to start reading your journal.” Mr. Woodburn responds, “Where is it?” Jeff Woodburn did not authorize Emily Jacobs or anyone else to enter his home and take his journal. (*See attachment N*).

16. Jeff Woodburn did not reconcile with Emily Jacobs and on July 24, 2018 arrangements were made for her to be interviewed at the attorney general’s office. On that date, Geoffrey W.R. Ward, of the Office of the Attorney General, sent a letter to Attorney Patricia LaFrance regarding her client, Emily Jacobs. This letter included the following language regarding an upcoming interview between Ms. Jacobs and the Attorney General’s Office:

It is understood that after reviewing Ms. Jacobs's proffered information the State will explore and evaluate the possibility of Ms. Jacobs cooperating with the State. Therefore, the State agrees that it will not use any of Ms. Jacobs's proffered information or evidence provided by her at the proffer against her in any criminal prosecution, except for crimes enumerated in RSA 641:1, 641:2, 641:3, and 641:4 or their equivalents in other jurisdictions, provided that this information is truthful. If Ms. Jacobs knowingly lies during this proffer, the State will be allowed to introduce any and all statements that Ms. Jacobs makes during this proffer or evidence provided by her at the proffer in any and all court proceedings. It is also agreed that, while the State will not use Ms. Jacobs's truthful statements against her, or evidence provided by her at the proffer against her, the State will not be required to prove that the charges that it brings against Ms. Jacobs have not used or relied upon these statements or evidence in any way. This provision is necessary in order to eliminate the necessity for a Kastigar hearing during which the State would otherwise be required to prove that the evidence it would introduce at trial is not derived from any information or evidence provided by Ms. Jacobs during her proffer.

(See attachment O).

17. On July 25, 2018, Ms. Jacobs, with Attorney LaFrance, met with Attorney Ward as well as an investigator with the Office of the Attorney General. During this meeting, Emily Jacobs admits to recording Mr. Woodburn without his knowledge. Discovery at pg. 151. During this interview, Ms. Jacobs claims that Mr. Woodburn left his journal at her house and does not admit to stealing it from Mr. Woodburn.

18. Ms. Jacobs has a history of getting mad at Mr. Woodburn for leaving her and/or getting mad at him for blocking her on social media. She also has a history of retaliating against him for leaving her. During her interview with the police, Ms. Jacobs admitted that she would sometimes retaliate against Mr. Woodburn if he threatened to leave her home or stayed away from her home too long:

What had happened was, whenever like some situation like this if he were to leave the house and my way of coping with it would be like throwing his stuff out in the driveway. Or, you know, there was one time when some of his clothes -- you know, he had gone away for a couple days because he was doing this thing of, I'm leaving, after he promised he wouldn't do that, and he wouldn't threaten to leave. And I took some of his clothes and I put it in a -- the drop bin for the Goodwill. I mean, and maybe that was wrong of me. Maybe but it was like that -- that really bothered me. Discovery at pg. 238.

19. Ms. Jacobs also admitted to hiding Mr. Woodburn's keys to his car, so he couldn't leave her home and, on one occasion jumping on the hood of his car so that he could not leave.² See Discovery at pg. 239.

² Ms. Jacobs claims she took Jeff Woodburn's keys and jumped on the hood of his car because she was concerned that he would drive impaired. Mr. Woodburn disputes this assertion and maintains that it was an effort by Ms. Jacobs to stop him from leaving her home because she was unhappy about Mr. Woodburn leaving her. Further, it does not make any sense that a person would try to stop a drunk driver by jumping on the hood of their car.

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20. During her interview with the investigator in this case Ms. Jacobs was untruthful when she stated, "And it was -- it'll be five -- I think it's five weeks ago Saturday that I left Jeff." See Discovery at pg. 275. Five weeks prior to her interview with the investigators in this case would have been around June 25, 2018. The above-referenced messages clearly show that it was Jeff Woodburn who left Emily Jacobs and not vice versa as Ms. Jacobs claims in her statement. See ¶¶ 5-14.

21. During the interview, Ms. Jacobs is asked if there were any reasons why she deleted some of her text messages with Jeff Woodburn from her phone and she responds:

But why -- Jeff's message[?] No -- no particular reason other than he -- we had he dwells on his messages. He will look back -- he had what we call a dirty laundry list. He'll -- he'll pull out things and he'll, he'll got through chronologically of, you know, oh well, you know, you did this on this day and you did this and -- and you didn't tell me about the Minnesota trip. And you just left. There was certain things that would just bother him. And -- and seeing, you know, things that -- he would say that I did wrong, he would get really upset and dwell on it. He would dwell on it so I would encourage him to erase his messages at the same time I erased mine. So that's the explanation.
Discovery at pg. 228.

22. The above-captioned evidence clearly suggests that Ms. Jacobs deleted the text messages in question as they did not support her narrative to the police, i.e. her claim that she was trapped in an abusive relationship and was only able to leave that relationship with the assistance of family and friends. The evidence establishes a different narrative which is that Ms. Jacobs went to the police and made claims of domestic violence against Jeff Woodburn to "get back at" him for breaking up with her and blocking her on social media.

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23. The defendant has therefore established that there is a plausible theory of a relevance and materiality as to these counseling records as the uncontroverted evidence of voicemails, messages and emails contradicts Ms. Jacobs' version of events.

24. "Favorable evidence includes that which is admissible, likely to lead to the discovery of admissible evidence, or otherwise relevant to the preparation or presentation of the defense." *United States v. Bagley*, 473 U.S. 667, 683 (1985); *DeWitt*, 143 N.H. at 33.

25. In *State v. Pandolfi*, 145 N.H. 508 (2000) the New Hampshire Supreme Court held that because the memory and perception of the complainant was an issue, the defendant in that case had made a sufficient showing to justify an *in camera* review of counseling records. See also *State v. DeWitt*, 143 N.H. at 34 (mental stability may be relevant to credibility); *United States v. Bagley*, 473 U.S. at 676 (rejecting distinction between impeachment evidence and exculpatory evidence); *State v. Laurie*, 139 N.H. 325, 328 (1995) (favorable evidence includes impeachment at trial).

26. Mr. Woodburn is entitled to an *in camera* review of the counseling records regarding Ms. Jacobs as these records are clearly relevant to her credibility. The phone message from Paul Donahue suggests that he had information that Emily Jacobs wanted to "get back" at Jeff Woodburn. As Ms. Jacobs made these threats to her counselor shortly after Mr. Woodburn had ended their relationship and blocked communication from her, there is a basis to believe that these records contain potentially exculpatory evidence. See *State v. Hoag*, 145 N.H. 47 (2000); *State v. Gagne*, 136 N.H. 101 (1992); *Pennsylvania v. Richie*, 480 U.S. 39 (1987).

27. “The threshold showing necessary to trigger an *in camera* review is not unduly high. The defendant must meaningfully articulate how the information sought is relevant and material to his defense. To do so, he must present a plausible theory of relevance and materiality sufficient to justify review of the protected documents, but he is not required to prove that his theory is true. At a minimum, a defendant must present some specific concern, based on more than bare conjecture; that, in reasonable probability, will be explained by the information sought.” *State v. Graham*, 142 N.H. 357, 363 (1997); *see also State v McLellan*, 46 N.H. 108 (2001).

28. Here, for the reasons set forth above, Mr. Woodburn has satisfied the necessary showing for an *in camera* review of the counseling records of Emily Jacobs as maintained by Paul Donahue.

29. Counsel for Mr. Woodburn has contacted the State, per Geoffrey Ward of the office of the Attorney General, and he stated that he will respond to this motion after he reviews it.

WHEREFORE, Jeffrey Woodburn respectfully requests this Honorable Court order the production of the above-requested counseling records for *in camera* review.

Respectfully submitted,
Jeffrey Woodburn

By his attorneys
Wadleigh, Starr, & Peters, P.L.L.C.

Dated: September 27, 2018

By: 

Donna Brown, Esq. NH Bar 387
95 Market Street
Manchester, NH 03101
(603)669-4140

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September 2018, a copy of the foregoing motion was delivered to Attorney Geoffrey Ward at the Office of the Attorney General.


Donna Brown, Esq.

Attachment A

Done

3.JPG



 **Jeff Woodburn** <sen.woodburn@gmail.com>
To: E J



Nov 28, 2017 at 8:45 AM

No need for me to swear and for that I apologize. The bottom line is your strange upset about me needing to shower at my moms is one in line of very disturbing, unsettling and abnormal behaviors. whatever they are is not for me to name only that despite my love for you I can not continue this relationship.

Let's do this with dignity and respect .
Jeff

Sent from my iPhone
> Show original message

Attachment B

< Re:

8 of 8



Our communication is broken and I see no value in listening to your angry, accusatory outburst skipping from outburst to outburst.

Sent from my iPhone

On Jan 9, 2018, at 10:25 PM,
Emily Jacobs

<esjacobs1182@gmail.com>

wrote:

You called and must have blocked me again. Please call back

Sent from Emily's iPhone



Attachment C

< Re:

2 of 8

From: **Emily Jacobs** >To: **Jeff Woodburn** >

Hide

**Re:**

January 9, 2018 at 10:31 PM

Found in Important Mailbox

You deleted me from Facebook

Sent from Emily's iPhone

On Jan 9, 2018, at 10:30 PM, Jeff
Woodburn

<sen.woodburn@gmail.com>

wrote:

Our communication is broken and
I see no value in listening to your



Attachment D

>>>>>>>>>>>>>> Sent from my iPhone



Attachment E

< Home

Emily Stone Jacobs >
Facebook

JUN 25, 2:38 PM

If u contact me here I'll
block



I'm your fiancé

I knew this is where we'd
end up . No space or
respect

Former

I told you Friday night
at restaurant .. I know

Attachment F

< Home

Emily Stone Jacobs >
Facebook



I'm agreeing

Do we have a deal?



Yes

JUN 25, 4:33 PM

Not a word

Seen

No communication

What

What deal is this

Jeff

That's not right and
you know it



Aa



Attachment G

[Home](#)Emily Stone Jacobs >
Facebook

Saturday ...how can
you so easily abandon
me and the boys

JUN 25, 4:56 PM

Ending relationship

Seen



What

You can't just do this

Say this

Think about everyone
involved



Think about where you
were 2 days ago



Aa



Attachment H

< Home

Emily Stone Jacobs >
Facebook

JUL 4, 12:36 PM

Have u made other plans
and changed it?

Seen

No

Def not

I was hoping for
reconcile

I offered it to Kevin

This situation makes
me so sad

JUL 4, 3:36 PM

Me too



Aa



< Home

Emily Stone Jacobs >
Facebook



Pick up your clothes
any time



JUL 7, 8:18 AM

Smell the roses Emily.
Find peace.

Seen

When is your mom or no
one there? Let's make it
easy - no alone contact



Aa



Attachment I

< Home

Emily Stone Jacobs >
Facebook

Don't see paul

JUL 5, 11:00 PM



He's no good

Seen

Ok

I didn't realize he was
relating messages
back and forth..
basically pinning us
against each other



Terrible

Seeing Erin

Maybe concord
counselor



Aa



 Home

Emily Stone Jacobs >

Facebook



Peace perspective

I'm no where near those
two in the pecking order

But anything but yes,
is the wrong answer

JUL 6, 12:09 AM

So we can never be
afain

Seen

?



After weeks of therapy

Please Emily I have no
idea



Aa



Attachment J

< Home

Emily Stone Jacobs >
Facebook



Missed Video
Chat

Jul 14, 12:08
AM

You missed a video chat with a
contact.

Call Back



I love you

Good night



Only want the best for
you

JUL 14, 12:13 AM

No more communication
please!

Seen



Wow ok



Aa



Attachment K

< Home

Emily Stone Jacobs >

Facebook

JUL 4, 12:36 PM

Have u made other plans
and changed it?

Seen

No

Def not

I was hoping for
reconcile

I offered it to Kevin

This situation makes
me so sad

JUL 4, 3:36 PM

Me too



Aa



Attachment L

< Home

Emily Stone Jacobs >
Facebook

Don't you miss
hugging me

JUL 5, 11:23 PM



So easy for you to shut
this down

Seen

Not easy at all! Oh Emily
u know that's not true!
I'm mourning — trying
not to hate. Doing lots of
writing

Get Sleep please

Don't hate me

Love me



Aa



[Home](#)Emily Stone Jacobs >
Facebook

Soon the feeling will
be gone

Without touch

But who knows



Maybe not

JUL 5, 11:51 PM

I'll always care and never
forget positive

Seen

U know that

I need more

Jeff if you can not give
up in your head



Aa



Attachment M

< Home

Emily Stone Jacobs >
Facebook

Connecting...



Will you date others

No

JUL 6, 12:11 AM

I promise

Seen

No more words please
off to bed



I'm holding you to that
promsie



Night 😊

No prob night



Aa



Attachment N

< Home

Emily Stone Jacobs >
Facebook

JUL 15, 10:44 PM



You need to start
reading your journal

Where is it?

JUL 15, 11:07 PM



You said you were
writing in it

Started new one... Mine
missing

JUL 15, 11:23 PM



I see



Missed Call

Jul 15, 11:35

PM

You missed a call from a contact



Aa



Attachment O

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

July 24, 2018

VIA EMAIL

Patricia M. LaFrance, Esquire
The Black Law Group, LLC
61 Spit Brook Road, Suite 407
Nashua, NH 03060
plafrance@theblacklawgroup.com

Re: Jeffrey Woodburn Investigation

Dear Attorney LaFrance:

You have advised me that your client, Emily Jacobs, is willing to meet with representatives of the New Hampshire Attorney General's Office to "proffer" certain information regarding her knowledge related to an on-going investigation into Jeffrey Woodburn.

Before a meeting takes place, it is important that all parties agree as to the nature and purpose of such a meeting. This letter sets forth the full and exclusive terms of the understanding between Ms. Jacobs and the State. There are no other promises, terms or conditions.

The terms of this Agreement are as follows:

1. The meeting will take place at a mutually convenient time to be scheduled by the parties.

2. Ms. Jacobs acknowledges that she comes to this meeting voluntarily and of her own free will. She has not received any promise, suggestion or information of any sort from any law enforcement officer or representative of the State of New Hampshire that she will receive any benefit, leniency, consideration, or any form of assistance from the State in exchange for meeting and speaking with the State's representatives, except for the protections afforded her in paragraph three. Ms. Jacobs has specifically received no promises, explicit or implied, regarding disposition of any criminal charges that might be brought against her, except for the protections afforded her in paragraph three.

Ms. Jacobs will not receive any consideration on any charges which the State could bring against her merely by participating in a proffer with the State. Rather, this proffer is primarily for the purpose of enabling the State to determine if Ms. Jacobs should be given the opportunity to cooperate with the State.

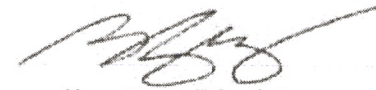
3. It is understood that after reviewing Ms. Jacobs's proffered information the State will explore and evaluate the possibility of Ms. Jacobs cooperating with the State. Therefore, the State agrees that it will not use any of Ms. Jacobs's proffered information or evidence provided by her at the proffer against her in any criminal prosecution, except for crimes enumerated in RSA 641:1, 641:2, 641:3, and 641:4 or their equivalents in other jurisdictions, provided that this information is truthful. If Ms. Jacobs knowingly lies during this proffer, the State will be allowed to introduce any and all statements that Ms. Jacobs makes during this proffer or evidence provided by her at the proffer in any and all court proceedings. It is also agreed that, while the State will not use Ms. Jacobs's truthful statements against her, or evidence provided by her at the proffer against her, the State will not be required to prove that the charges that it brings against Ms. Jacobs have not used or relied upon these statements or evidence in any way. This provision is necessary in order to eliminate the necessity for a Kastigar hearing during which the State would otherwise be required to prove that the evidence it would introduce at trial is not derived from any information or evidence provided by Ms. Jacobs during her proffer.

4. The quality, value, truthfulness and completeness of the information provided and/or cooperation offered by Ms. Jacobs will be subjectively evaluated by the Attorney General's Office. If Ms. Jacobs's information and future cooperation is deemed to be of value to the State, the parties will enter into a separate written Memorandum of Agreement containing all terms and conditions of Ms. Jacobs's cooperation. A copy of the Memorandum of Agreement will be provided to Ms. Jacobs's attorney after being signed by Ms. Jacobs and returned to the Attorney General's Office. Otherwise, Ms. Jacobs will receive no benefit or consideration for participating in the preliminary meeting (proffer) with the State.

5. In the event that Ms. Jacobs is a witness at any official proceeding for any party and offers testimony materially different from any statements or other information provided during her proffer, the attorney for the State may cross-examine Ms. Jacobs concerning the statements made or information provided during her proffer meeting. This provision is necessary in order to assure that Ms. Jacobs does not make materially false statements to a government agency or commit perjury should she testify at any trial or other proceeding.

Patricia LaFrance, Esquire
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July 24, 2018

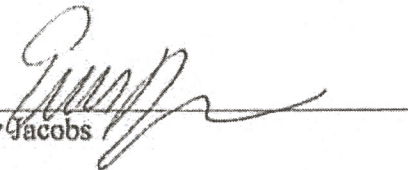
Sincerely,



Geoffrey W.R. Ward
Senior Assistant Attorney General
Chief, Public Integrity & Special
Investigations Unit
Criminal Justice Bureau
(603) 271-3671


I have read this proffer letter and reviewed it with my attorney, and I knowingly, intelligently, and voluntarily agree to its terms.

7/25/18
Date


Emily Jacobs

I have reviewed this proffer letter with my client, Emily Jacobs, and I believe that he understands the terms of this letter and that she has knowingly, voluntarily, and intelligently agreed to its terms.

7/25/18
Date


Patricia M. LaFrance, Esquire
Counsel for Emily Jacobs

GWW/gww