

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

COOS COUNTY

1ST CIRCUIT - DISTRICT DIVISION - LANCASTER

**In the Matter of:
State, Plaintiff, v. Jeffrey Woodburn, Defendant
Case No. 451-2018-CR-00297**

ORDER

This case came before the Court on September 10, 2018, pursuant to the requirements of the New Hampshire Supreme Court case Petition of Keene Sentinel, 136 N.H. 121 (1992). Per the guidance given in that Opinion, the Court issues this conclusory decision.

The following Parties were present: The Petitioner, Barbara Tetreault of the Berlin Sun newspaper; Geoffrey Ward, Esq. of the Office of the Attorney General, representing the State; and Donna Brown, Esq., representing the Defendant. Also present was the Defendant, himself.

On August 2, 2018, the Defendant was arrested for nine (9) misdemeanor-level Complaints.

Upon request of the State, the Arrest Warrant and Affidavit in Support of the Issuance of an Arrest Warrant were sealed by the Court.

On August 21, 2018, the Berlin Sun newspaper filed a Motion to Unseal the Arrest Warrant and Supporting Affidavit, essentially arguing that, pursuant to Petition of Keene Sentinel, 136 N.H. 121 (1992), there is a presumption that court records are public, and the burden of proof of keeping them sealed rests with the party (here, the State) seeking continued closure, to demonstrate that there is some overriding consideration or special circumstances, i.e., a compelling interest, which outweighs the public's right to access those records.

On August 31, 2018, the State filed an Objection to the newspaper's motion, setting forth what it believed to be the legal rationale for keeping the records sealed. Essentially, the State's argument was that the investigation in the matter is ongoing and that unsealing the Affidavit could/would potentially compromise the integrity of the investigation.

The Court takes note of the fact that the newspaper's complete argument and the State's complete argument were published in the September 6, 2018 edition of the Berlin Sun. The Court also notes that the newspaper has already published the number of Complaints, the specific charges listed in the Complaints, the identity of the alleged victim, and of course, the identity of the Defendant. In other words, the public's right to access to the information about the case has not been

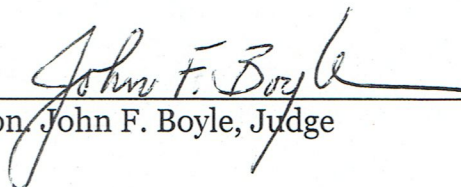
substantially impeded. However, the Court finds that the State has not met its burden to demonstrate that there is a compelling interest to keep the Arrest Warrant and Supporting Affidavit, sealed.

After considering the written pleadings of the Parties, their oral arguments at the Hearing, and the requirements this Court must follow per the New Hampshire Supreme Court's Opinion in Petition of Keene Sentinel, 136 N.H. 121 (1992), the Court finds that unsealing of the requested documents is mandated; however, the documents are to be unsealed with some identifying information redacted. The Court finds that no reasonable alternative to nondisclosure exists and that this is the least restrictive means necessary to effectuate the purposes sought to be achieved by the newspaper's request.

Notwithstanding this Order, and all of the information that is already in the public domain concerning this case, the Court recognizes the Constitutional principle that the Defendant is presumed innocent; that no allegations have been proven; that the Defendant has a right to a fair trial; and that trial should be held in a court of law and not in the "court of public opinion."

So Ordered:

September 27, 2018
Date


Hon. John F. Boyle, Judge

State of New Hampshire

COOS, SS

1st Circuit – District Division – Lancaster

Arrest Warrant

To the Sheriff or his Deputies of any county in this State, or any Police Officer within the State:

Whereas, the Complainant, Investigator Todd M. Flanagan, of the N.H. Attorney General's Office, 33 Capitol Street, Concord, NH, in the County of Merrimack, has exhibited to me, M. Kristin Smith, a Justice in the County of Merrimack, his complaints upon oath against the defendant, Jeffrey Woodburn [REDACTED] in the County of Coos, for the following charges:

Simple Assault, RSA 631:2-a (Class A Misdemeanor) – 4 Counts
Domestic Violence, RSA 631:2-b (Class A Misdemeanor) – 2 Counts
Criminal Mischief, RSA 634:2 (Class A Misdemeanor) – 2 Counts
Criminal Trespass, RSA 635:2 (Class A Misdemeanor) – 1 Count

We command you to take him, if found to be in your precinct, and bring him before the 1st Circuit – District Division – Lancaster.

Dated the 1st day of August, 2018.

M. Kristin Smith
Justice

RETURN

STATE OF NEW HAMPSHIRE

County of MERRIMACK

I have arrested the Defendant and now have him before the Court as commanded.

AUGUST 2, 2018
Date

Todd M. Flanagan
Name of Officer TODD M. FLANAGAN

Deputy Chief Investigator
Title of Officer NH ATTORNEY GENERAL'S OFFICE

RECEIVED
NH CIRCUIT COURT
1ST CIRCUIT LANCASTER
2018 SEP 19 P 12:43

State of New Hampshire
1ST CIRCUIT - DISTRICT DIVISION COURT - LANCASTER

COOS, SS

AUGUST TERM, 2018

AFFIDAVIT IN SUPPORT OF ARREST WARRANT APPLICATION

I, Todd Flanagan being duly sworn, do depose and say:

1. I am the Deputy Chief Investigator with the N.H. Attorney General's Office. I am a full time certified New Hampshire Police Officer and have been for over 28 years. I have been with the N.H. Attorney General's Office for over 8 years. Prior to my employment with the Attorney General's Office, I was a police officer with the Concord N.H. Police Department for 20 years, where I served as a criminal investigator for over 16 years. I graduated from the N.H. Police Academy in 1990. During the course of my career in law enforcement I have investigated numerous homicide cases as well as assaults, rapes, robberies, arsons and other major crimes. While serving as an investigator with the Attorney General's Office, my responsibilities include the investigation of crimes throughout the state to include homicides, assaults, frauds, thefts and public integrity crimes.
2. The information set forth in this affidavit is based upon my observations, personal knowledge and information obtained from having interviewed the victim in this case as described in the following paragraphs of this affidavit:
3. On Wednesday July 25, 2018, I conducted an audio taped interview with a [REDACTED] adult female victim (DOB: [REDACTED]) whose identity is known to investigators, but is hereinafter referred to as the "victim." Present for the interview was her attorney, Patricia LaFrance and Senior Assistant Attorney General Geoffrey Ward. The victim stated that she has been in a romantic and sexual relationship with Jeffrey Woodburn (DOB: [REDACTED]) since approximately August of 2015. Mr. Woodburn is a sitting New Hampshire State Senator representing District 1 and resides at [REDACTED] in [REDACTED]. The victim articulated an up-and-down relationship, in which she and Mr. Woodburn would often argue and would separate for periods of time. She described him as very controlling. The two became engaged in November of 2017.
4. The victim said that, in August of 2017, Mr. Woodburn was at her home, located in [REDACTED] when they had gotten into an argument and he threw a cup of water in her face. He followed up by throwing the empty plastic cup at her, hitting her in the face. She was not injured during this incident. Still upset, Mr. Woodburn proceeded to kick the door to the clothes dryer in the victim's home, with such force that the door was broken away from the dryer and needed to be repaired.
5. The victim also reported that, in December of 2017, she and Mr. Woodburn were returning to her home in [REDACTED] from a Democratic Party Christmas Party when they

got into an argument. A review of the Coos County NH Democrat's Facebook page showed that this party was on Friday, December 15, 2017, at a residence in Lancaster, N.H. Mr. Woodburn wanted to get out of the car so the victim pulled off to the side of the road. She did not want him to get out of the car and the two argued. The victim said that Mr. Woodburn then proceeded to bite her left hand in the area of the palm and wrist as she reached for his phone. She was able to get him to calm down and they continued home. The victim stated that she had difficulty using her left hand following the assault. The victim provided investigators with copies of photos of this bruise which were dated on her cell phone as having been taken on December 19, 2017. The photos depict fairly significant bruising to the left palm and wrist. See photo below of the injury:



6. The victim also reported that on Christmas Eve, December 24, 2017, she was at her home wrapping Christmas presents when she and Mr. Woodburn got into an argument.
7. The victim stated that during the argument Mr. Woodburn had struck her in the stomach with his hand. After she was struck, the victim said to him, "You just punched me in the stomach" and he reportedly replied something to the effect of "oh did I hurt you...I'm sorry" in a mocking manner.
8. Mr. Woodburn ultimately left the residence and, a few moments later, the victim heard a loud banging on the door that leads into the home from the mudroom. The door was locked and secured at that time. She said that Mr. Woodburn wanted to come back inside. The banging got louder and she reported becoming fearful at that point.
9. She said that Mr. Woodburn then proceeded to kick in the door, damaging the door frame. She provided investigators with video of the damage to the door/frame, which ultimately required repair, as the door molding appeared to have been torn away from the wall and splintered. She said that, after he had kicked the door open, Mr. Woodburn then entered her home and remained in the home for a period of time in spite of her requests

that he leave. Specifically, she said he went over to the refrigerator, which she did not understand. He then lingered in the home for a few minutes, at one point stating he was going to get a hammer and fix the door. The victim declined the offer, telling him no but he persisted. The victim eventually stated that she was going to go to her parent's house for the night and he finally left.

10. The victim also stated that on June 9, 2018, or sometime in the early morning hours of June 10, 2018, she was driving in her car with Mr. Woodburn on the way to her residence after picking him up from his birthday party at which he had consumed alcohol. A review of Mr. Woodburn's Twitter account, [@SenJeffWoodburn](#) showed that his annual birthday party barbeque was held on June 9, 2018, in Whitefield, N.H.
11. The two got into an argument over her having left the party earlier in the night, before she returned to pick him up so that they could return to her residence in [REDACTED]. The victim reported that Mr. Woodburn, who was in the passenger seat, reached across and grabbed the steering wheel of the car while she was driving and the car was still moving.
12. She said that Mr. Woodburn then proceeded to bite her right arm as she struggled to maintain control of the car while driving. She was able to pull over to the side of the road, at which point Mr. Woodburn got out of the car. The two talked and she said she was able to calm him down to the point that he got back into the car and she drove home. She provided investigators with a copy of two photos of this bruise which were dated on her cell phone as having been taken on June 10, 2018 at approximately 2:49 a.m. as well as a photo taken of this bruise on June 13, 2018. The photos did appear to be consistent with a bite mark, to include what appeared to be three small puncture wounds, possibly from teeth. See photo below taken on June 13, 2018:



13. The victim told investigators that she and Mr. Woodburn had separated a few weeks prior to the interview. She discussed the existence of a diary/journal that Mr. Woodburn kept. She said that she had reviewed entries in the diary/journal that documented certain

events, to include incidents in which he had caused damage in and to her home. Specifically, she said that she noted entries in which Mr. Woodburn admitted to having broken the door to the home during the incident on Christmas Eve 2017, as discussed earlier in this affidavit, as well as having broken the door off her clothes dryer in August of 2017, as discussed earlier. She said she did not see any entries with respect to the assaults but she indicated that she has not reviewed the entire diary/journal.

14. While the victim expressed a willingness to turn over the diary/journal that was in her possession a search warrant was granted by the Honorable Judge M. Kristin Spath on July 26, 2018, in order to take custody of the diary/journal from her and to review its contents.
15. A review of Mr. Woodburn's diary/journal served to corroborate the victim's account. In an entry dated August 12, 2017, Mr. Woodburn stated that after an argument with the victim, in which she threw his clothes out onto the lawn, "I responded by kicking the door off the dryer, we have not communicated since that night, I feel bad about the whole thing." Mr. Woodburn wrote that the incident had occurred two days prior to his diary/journal entry, which would mean that the incident had occurred on August 10, 2017.
16. A review of the diary/journal also revealed an entry on December 25, 2017, in which Mr. Woodburn stated "Mind is sad and focused on my failure to control my anger." He added "I've had a few explosive moments with [the victim]...it's becoming regular and it scares me."
17. He went on to write that the victim had gotten upset with him over some of his Facebook posts, which ultimately ended with him leaving her home. He wrote that in leaving he had forgotten his wallet and stated "I banged on the door and she didn't respond or let me in! I became enraged and kicked the door in busting up the framing around the door."
18. He wrote that he left the victim's home and went to the Woodburn Home in Whitefield, N.H. He added in the journal entry "It's so embarrassing-upsetting. It just keeps repeating itself in my brain...52 years old I need to grow up! I risk so much and hurt people who I should be loving."
19. As part of this investigation, the victim gave written consent for investigators to conduct a forensic download of her cell phone, to include text messages, phone calls, photos and video stored on the phone. A review of this information served to corroborate some of the details that the victim reported. For instance, photos depicting the bruising from the bite mark on or about June 9, 2018 were located on the phone.
20. Additionally, the phone download yielded a text message from a mutual friend of both the victim and Mr. Woodburn, who stated (screenshot below):

Btw you should not
assume you are still
together after he
destroys your dryer
door, throws water and
a cup in your face and
you don't hear from him
for a week. I will talk to
him. Maybe I should
have taken your initial
suggestion and told him
you had moved on.

Another text, from this same friend, dated June 17, 2018, stated (screenshot below):

I can't "like" that photo Jeff put on Facebook
since I can see the bruise on your wrist and leg
that he put there.

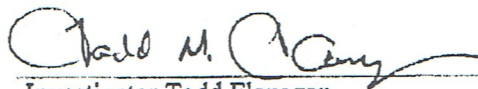
21. Additionally, the victim, on June 26, 2018, starting at 02:13:10 hours (UTC) engages in a string of text messages with a friend as follows:

Victim: "My mom said....[victim] how did you get those bruises" (02:13:10)
Victim: "I was like, what bruises?" (02:13:19)
Victim: "Tried to deny" (02:13:28)
Friend: "I don't blame her" (02:13:54)
Victim: "I was so embarrassed" (02:14:08)
Victim: "He had bit me the week before" (02:15:00)
Friend: "I've been bitten before it takes a while to heal" (02:15:50)

22. Therefore based upon the forgoing information (and upon my personal knowledge) there is probable cause to believe that on or about August 10, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Criminal Mischief** (RSA 634:2) in that he did recklessly cause damage to the property of another, the adult female victim (DOB: [REDACTED]) in that he kicked the door of the clothes dryer, causing it to be broken away from the dryer housing, having no right to do so nor any reasonable basis for belief of having such a right.
23. In addition there is probable cause to believe that on or about August 10, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit **Simple Assault** (RSA 631:2-a), in that he did knowingly cause unprivileged physical contact to another, the adult female victim (DOB: [REDACTED]) by throwing a cup of water in her face and then throwing the empty cup at her as well, striking her in the face.

24. In addition there is probable cause to believe that on or about December 15, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Simple Assault** (RSA 631:2-a), in that he did recklessly cause bodily injury to another, the adult victim (DOB: [REDACTED]) by biting the victim on her left hand, resulting in bruising.
25. In addition, there is probable cause to believe that on or about December 15, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Domestic Violence** (RSA 631:2-b) in that he did recklessly cause bodily injury to another, the adult victim (DOB: [REDACTED]), an intimate partner as defined in RSA 631:2-b, III(b), by use of physical force, to wit: biting the victim on her left hand, resulting in bruising.
26. In addition there is probable cause to believe that on or about December 24, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Simple Assault** (RSA 631:2-a), in that he did knowingly caused unprivileged physical contact to another, the adult female victim (DOB: [REDACTED]) by striking the victim in the stomach with his hand.
27. In addition there is probable cause to believe that on or about December 24, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Criminal Mischief** (RSA 634:2), in that he did recklessly damage the property of another, the adult female victim (DOB: [REDACTED]) by kicking in the locked door to the victim's home which damaged the door and door casing, having no right to do so nor any reasonable basis for belief of having such a right.
28. In addition there is probable cause to believe that on or about December 24, 2017, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Criminal Trespass** (RSA 635:2), in that he did knowingly enter or remain in any place, the residence of the adult female victim (DOB: [REDACTED]) after forcing open the locked door to the residence, an occupied structure as defined in RSA 635:1, III, knowing that he was not licensed or privileged to do so.
29. In addition there is probable cause to believe that on or between June 9, 2018 and June 10, 2018, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Simple Assault** (RSA 631:2-a), in that he did recklessly cause bodily injury to another, the adult female victim (DOB: [REDACTED]) by biting the victim on her right forearm, resulting in bruising.
30. In addition, there is probable cause to believe that on or on or between June 9, 2018 and June 10, 2018, in Jefferson, N.H., Jeffrey Woodburn (DOB: [REDACTED]) did commit the crime of **Domestic Violence** (RSA 631:2-b) in that he did recklessly cause bodily injury to another, the adult victim (DOB: [REDACTED]) an intimate partner as defined in RSA 631:2-b, III(b), by use of physical force, to wit: biting the victim on her right forearm, resulting in bruising.

31. Wherefore, I request the court issue an arrest warrant and order a duly authorized officer to take Jeffrey Woodburn (DOB: [REDACTED]) and bring him before the court having jurisdiction.



Investigator Todd Flanagan
New Hampshire Attorney General's Office

STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

Personally appeared the above-named, Investigator Todd Flanagan, and took oath that the factual allegations contained in the above affidavit are true to the best of his knowledge and beliefs. Before me,



Justice

Date: 8/1/18