

STATE OF NEW HAMPSHIRE

Superior Court

Merrimack, ss.

January Term, 2025

State of New Hampshire

No. 217-2024-CR-1167

v.

Anna Barbara Hantz Marconi

REPLY TO STATE’S OBJECTION TO MOTION TO DISMISS
(FIRST AMENDMENT; JUDICIAL IMMUNITY)

The Accused, New Hampshire Supreme Court Justice Anna Barbara Hantz Marconi, replies to the State’s Objection to her Motion to Dismiss on the grounds of the First Amendment, the constitutional Right of Redress, and judicial immunity, as set forth below.

In summary, the State’s objection fails to address the central point of the defense motion that the indictments, on their face, do not charge any crimes. Rather, the only conduct described in the indictments is conduct protected by the First Amendment, judicial immunity, or both. The State complains that the indictment is not verified by an affidavit, ignoring plain statements that the motion is based only on the terms in the indictments and the law. The State devotes most of its objection to ancillary arguments regarding vagueness and overbreadth without addressing the primary argument in the motion.

Moreover, weeks after the defense filed its motion, the State produced discovery confirming that the State has no other basis for its accusations of criminal conduct beyond what is stated in the indictments. The newly produced discovery confirms that, regarding the June 6th meeting at the heart of this case, Governor Sununu said Justice Hantz Marconi did not ask him to interfere in any investigation. He said she did not “even imply” or “insinuate” such a request. He said, “I didn’t think there was anything illegal about it.” Likewise, the Governor’s legal counsel,

who was present for the meeting, said that Hantz Marconi did not ask the Governor to interfere in any investigation, “[i]t was never anything like that.” And, Steven Duprey from the Pease Development Authority, said of the phone call to him, “I think she was very appropriate in not trying to cross the line” and that “she did not ask me to tell her any information.”

In short, none of the indictments state a crime. The State has now produced discovery which shows it has nothing to add to what is already in the indictments. The State has not said it has some undisclosed evidence which will show that there is other conduct, not constitutionally protected, which would support a claim of criminal conduct. The State cannot allege a crime based on the evidence it has. The case should be dismissed.

The State’s Arguments that an Affidavit Is Required Are Baseless.

1. The State’s first argument is that the motion to dismiss should be denied because it is not accompanied by an affidavit. *See* St. Obj. at ¶¶ 1-4. That objection is plainly wrong.

2. First, and most obviously, the motion to dismiss is based entirely on the allegations in the indictments. The defense described and quoted from the indictments. *See* Def. Mot. at ¶¶ 3-7, 37. The defense noted allegations that were not contained in the indictments. *Id.* at ¶¶ 7-10. Then the defense specifically stated, “None of these indictments state a crime,” *id.* at ¶ 11, because the only conduct alleged is protected by either the First Amendment, *id.* at ¶¶ 12-25, or judicial immunity, *id.* at ¶¶ 37-55, or both. And the defense explained that New Hampshire case law requires dismissal of an indictment that does not allege a crime. *Id.* at ¶¶ 56-59 (citing, *inter alia*, *State v. Mealey*, 100 N.H. 228, 231 (1956) (an indictment that “fails to allege every fact necessary to constitute the offense charged is defective”) and *State v. Bisbee*, 165 N.H. 61, 66 (2013) (approvingly citing *State v. Strong*, 60 A.3d 1286, 1289 (Me. 1979) that “[a]n indictment is subject to dismissal for failure to state an offense only when the facts alleged on its face fail to make out an offense against the State”)).

3. Thus, there is no basis for the State’s complaint that an affidavit was not provided. The motion is based on the text of the indictments and the law, nothing more. An affidavit is not required under N.H. R. Crim. P. 35. The State’s argument is a classic “strawman argument” – that is, it misstates the opposing party’s position and then points out the flaws in the misstated position. The Court should disregard the arguments in paragraphs one through four (and similar arguments sporadically elsewhere) in the State’s objection.

The Defense Did Not Have Discovery at the Time the Motion to Dismiss Was Filed.

4. The defense motion was based solely on the terms of the indictment. However, the State’s subsequently provided discovery confirms that there is nothing the State could add to the indictments to remedy the defects.

5. The defense first requested discovery long ago. When meeting with the prosecutors in August, before the indictments, the defense requested discovery of the statements allegedly made by Justice Hantz Marconi to either Governor Sununu or Chairman Duprey. The State declined to provide that discovery.

6. Two months later, on October 16, 2024, the State had a Merrimack County grand jury indict Justice Hantz Marconi. A week after that, on October 24, 2024, the defense made a formal request for discovery from the State in a four-page letter (even though discovery is automatic under N.H. R. Crim. P. 12(b)).

7. The defense filed the instant motion to dismiss on November 8, 2024, based on the allegations in the indictments. The State had not provided discovery to the defense as of November 8, when the motion to dismiss was filed.

8. The defense renewed and expanded its discovery request in another letter on December 19, 2024.

9. Finally, the State first provided discovery at the end of the day on December 23, 2024, within the time limits of N.H. R. Crim. P. 12(b) but notably over two months after the indictments were returned and six weeks after the motion to dismiss was filed.¹

10. In light of the State's singular focus on the need for an affidavit, the discovery process is significant for several reasons.

11. Preliminarily, though not necessary, it would have been impossible for the defense to quote from witness interview transcripts in the motion, and then provide an affidavit from counsel regarding those interviews, because the defense did not have any of the witness interview transcripts at the time the motion was filed.

12. More importantly, the discovery produced after the defense filed its motion undermines the arguments made by the State in its objection. Since the State has raised those arguments and put those facts at issue in its objection, the defense now describes the witness statements in detail.

The Discovery Shows that the State Does Not Have Any Evidence to Offer Beyond the Innocent and Constitutionally Protected Conduct Alleged in the Indictments.

13. The discovery produced by the State after the defense filed its motion shows that the State has no evidence to support its criminal charges beyond the statements contained in the indictments, which, as explained in the defense motion, do not involve any criminal conduct.

14. The recently produced discovery contains transcripts of statements from former Governor Christopher Sununu, former legal counsel and now Superior Court Justice Rudolph Ogden, III, and Pease Development Authority Board Chairman Steven Duprey.² The statements

¹ The discovery produced did not address all requests of the defense, but those issues will be addressed in another context.

² Citations are to the page numbers of discovery and also to the page numbers of the interview transcripts, in the form of "D discovery page number / interview page number."

were all made in recorded interviews with investigators and attorneys from the Attorney General's Office. The defense attaches an affidavit verifying that the transcripts are taken directly from the discovery provided by the State to the defense on December 23, 2024.

15. In his recorded interviews with investigators, Governor Sununu described the June 6, 2024, meeting with Justice Hantz Marconi. Governor Sununu repeatedly told investigators that there was “no ask,” no request for any action, and no request for any benefit by Justice Hantz Marconi. Moreover, the Governor summed up his overall impression by saying that, “I don't think there was anything illegal about it.” D154/D37. *See also* D144/27. Governor Sununu said he thought Justice Hantz Marconi was just expressing her frustration with the circumstances affecting her ability to do her work as a Justice on the Supreme Court and on her personally.

16. Investigators pressed the Governor with a variety of questions about these issues but his answers remained consistent, as indicated in the following quotes:

I think she was, yeah, I think she was talking about the court itself, that the cases would – every time she has to recuse herself my, from what I understand, they have to bring somebody else in usually to take her, her position. And there's a process to do all of that, but I think she felt like because it was a large number of cases she was concerned the court as whole was gonna get backed up. These cases were gonna, you know, get backed up themselves and the, the work of the court was, it was impeding the work of the court from getting done is what her concern was. D126/9.

No, there was no ask, there was nothing Governor, I wish you could do this, or there was nothing like that. There's no, there's no request of me or anything like that, and – and there was no, yeah, no. It was more just expressing her frustration with the process, with, you know, what – what she was dealing with I should say, not the process but what, you know, what she was dealing with. But there was no ask, or expression that I should be doing anything. D131/14.

It was kind of just coming in, sitting down, expressing frustration and hoping that the thing would, would move quicker, and that's, that's all she said. D132/15.

It seems like she was just expressing frustration 'cause there – like I said, there was no action request, no ask, frustration with the process. Hoping that it would move along, and that's kind of how we left it. D133/16

She was expressing frustration. Clearly not asking me to do anything. D134/17.

She didn't ask anything of me. She was frustrated with, that she had to recuse herself. Frustrated seeing the process as a wife. But I think, I think that was it. D137/20.

...I don't, I don't think that, I didn't get the sense it crossed the bounds of she didn't ask anything, she wasn't, you know, insinuating anything other than that she thought the whole thing was, you know, frivolous. D143/26.

I, I didn't get the sense that, I didn't get the sense that anything was illegal about the conversation. D144/27

No, I mean about halfway through the conversation I kept waiting, is she gonna ask me for something, or for something, or to do something, like and even imply that I should, Governor, you need to dah, dah, dah, no, never came. So there's technically no ask of me. D147/30

But I, I reiterated, I don't think there was anything illegal about it, but I'm, I'm not a lawyer. D154/37.

In short, in the Governor's own words, Justice Hantz Marconi did not ask for anything, she didn't "even imply" or "insinuate" such a request, and the Governor did not think there was anything unlawful about the conversation. He clearly did not think Justice Hantz Marconi was attempting to influence any action on his part.

17. The Governor's legal counsel, Rudy Ogden, was present for the June 6th meeting. He confirmed the substance of the conversation.

[M]y recollection [is] she basically started as something to the effect of, oh, you know, there's a lot going on and she says, you know, it's kind of a difficult time. And she made a point of saying, you know, she's really, a lot going on, tough because she's kind of a two, two minds, or wearing two hats. And the reason I'm highlighting that is that comment came up multiple times throughout the conversation, but she basically started with that, that a lot going on and, you know, I come at it from two angles. D188-89/7-8.

So that's kind of how it started as she came in and said, a lot going on. You know, tough, it's tough as a wife because of this. It's tough as a judge because of the strain it's putting on my colleagues. D190/9.

I think other than again there was repeated reference to this needs to end quickly, but to be clear there was never a, this needs to end quickly and can you please ask DOJ to end this quickly. There was never anything like that. D196/15.

[T]hat's why I say in terms of her not asking for anything, it – it never was, it never went more than saying this needs to end quickly...Like it was never it needs to end quickly and geez, if you talk to them you should tell them that, or this needs to end quickly and I think you can do that. It was never anything like that. D196-97/15-16.

[T]o be clear she never said you should get this to conclude quickly, or – or like DOJ, you should engage with DOJ to get them to conclude quickly. It was always this, you know, this needs to be wrapped up. It's hard, and it's hard on both me and my colleagues. D206-07/25-26.

18. Not surprisingly, similar to Sununu and Ogden, Steven Duprey's comments regarding his phone conversation with Justice Hantz Marconi do not reveal any evidence of unlawful conduct. According to Duprey, Justice Hantz Marconi "was calling, obviously, because I'm a friend." D29/29. Justice Hantz Marconi said to Duprey that the investigation of her husband "puts [her] in a very difficult position" because she would have to inform the Chief Justice and "recuse [her]self from all cases going forward which is...going to increase the work burden for other people." D20/20. *See also* D22/22 ("this just is very difficult, but that was it"); D41/41 ("This is, obviously, going to be hard for our family or something to that effect" and "I have to let Chief Justice know and takes me out of a quarter of our cases"); D42/42 ("I'm going to have to tell the Chief Justice and recuse myself from 20 to 25% of our cases").

19. Duprey never said that Justice Hantz Marconi did anything other than express concerns about her ability to do her job and her husband's suspension without any reason. Time and again, Duprey told investigators that Justice Hantz Marconi did not try to interfere in the investigation or gain access to information unlawfully. Duprey told investigators that "she was being appropriately careful not to ask me for any details." D18/18. *See also* D19/19 (Duprey "didn't get the sense that she was fishing."); D22/22 ("I think she was very appropriate in not trying to cross the line"); D24/24 ("she was – she was careful"); D25/25 ("she did not ask me to tell her any information...I think she was very careful"); D37/37 ("she was careful, appropriately careful"); D42/42 ("I mean, she was careful – I'm not asking for anything you can't tell me");

D53/53 (“But she – she was careful not to say can you tell me what’s going on? What can you tell me?”); D54/54 (Duprey explaining that she didn’t ask how long Geno would be on leave or anything like that, rather she just made statements); D58/58 (“Did she ask you for anything --.” “No.”).

20. Significantly, Justice Hantz Marconi never asked Duprey to keep the phone call private. D29/29.

21. When asked at the conclusion of his interview, “Did you have any indications that Justice [Hantz] Marconi thought that you could change that Geno was on leave,” Duprey responded “No” and added, “No. Didn’t request it. Didn’t request it, didn’t suggest it. No.” D60/60.

22. Moreover, both Duprey and Governor Sununu told investigators they didn’t believe Justice Hantz Marconi thought they had any influence over the investigation into her husband. D60/60 (Duprey); D130-31/13-14 (Sununu).

23. Lastly, a review of all of the discovery establishes that there is no evidence of a threat, no evidence of a bribe, no evidence of a promise, and no evidence of obtaining or withholding any benefit. No witness perceived such an intent or effort, not even by implication. As Governor Sununu said, Justice Hantz Marconi did not “even imply” or “insinuate” that she was asking for him to do anything. D147/30. That’s why, when Rudy Ogden was asked, “Okay, and at any point did Justice Hantz Marconi ask for the Governor’s opinion on anything, or ask him for a specific response on anything,” Ogden responded, “No.” D230-31/49-50.

24. Thus, now that discovery has been produced, it is clear that the defense was exactly right to ask the Court to dismiss the indictments because they do not state any crime and because there is nothing in discovery which would inform a bill of particulars or an amended indictment such that the State could allege a crime.

The State's Argument that the Defense Asserts "Irreconcilable Assertions of Fact" Is Defeated by the State's Own Witnesses Who Expressly Confirm Those Supposed Facts.

25. The State claims in its objection that "Defendant alleges two different claims based on irreconcilable assertions of facts." State Obj. at ¶ 3. According to the State, it is factually impossible that Justice Hantz Marconi was motivated both by her concerns as a private citizen and by her concerns about her duties as a Supreme Court Justice. Beyond the obvious common sense observation that all humans quite commonly act with more than one motivation, the State's argument is thoroughly undermined by statements from its own witnesses. Governor Sununu and Rudy Ogden both said exactly what the State claims to be impossible, namely that Justice Hantz Marconi was expressing her concerns both as a Justice of the Court and as a private citizen.

26. As Governor Sununu told investigators, "she kind of went right into clearly frustrated, talked a bit about as a wife...how hard it was for her as a wife...Then transitioned to the challenges that she was perceiving at the court given that she had to recuse herself from, you know, a decent amount of cases..." D125/8. "She wanted it to kind of get back to normal and get back to doing her job and, she was concerned that there was gonna be backup potentially because of all of this. And really just expressing kind of personal frustration as a wife, professional frustration..." *Id.* "[S]he, she mentioned both, both areas of frustration." D152/35.

27. Similarly, Ogden repeatedly noted that Justice Hantz Marconi said "she's kind of a two, two minds or wearing two hats." D188/7. *See also* D189/8 (She comes "at it from two angles"); D192/11 ("she's kind of two minds, or there's two parts of this"); D195/14 ("these two sides that she as his wife...and then as a Judge seeing the strain it's putting on her colleagues"); D200/19 ("two places, wife and then other hat"); D230/49 ("two things. I'm his wife and I'm trying to do my job."). This comment is even included in Ogden's contemporaneous notes of the meeting. D707 (handwritten version) D711 (typed version).

Conclusion.

28. Allowing the State to proceed with this case is unjust. The prosecution poses a threat to the First Amendment and to the important doctrine of judicial immunity.

29. The United States Supreme Court has described the threat posed by this kind of prosecution. In *McDonnell v. United States*, 579 U.S. 550 (2016), the Court warned against prosecutions which amount to a “standardless sweep” of “prosaic interactions” among public officials. *Id.* at 576. The Court said that such prosecutions do not comport with the Constitution’s guarantee of Due Process. *Id.* at 575-76(2016). Our Court has likewise cautioned against broad interpretations of the phrase “to benefit oneself.” *See State v. Sargent*, 2024 N.H. 40 at ¶¶ 13-14.

30. These risks are why other courts have cautioned that this kind of First Amendment issue should be addressed up front. Federal and state courts have recognized that whether or not a prosecution “encroaches on constitutionally protected speech is a question appropriately decided by the Court as a threshold matter.” *United States v. Baker*, 890 F.Supp. 1375, 1385 (E.D. Mich. 1995), *aff’d on other grounds sub nom, United States v. Alkhabaz*, 104 F.3d 1492 (6th Cir. 1997). *See also State v. Dawley*, 11 Wn. App. 2d 527, 535 (2019) (same); *In re George T.*, 33 Cal. 4th 620, 633 (2004) (“independent review is utilized by a reviewing court precisely to make certain that what the government characterizes as speech falling within an unprotected class actually does so”).

31. Moreover, the law regarding judicial immunity confirms that it is not merely a defense at trial and that it should also be addressed by the court at the outset of the case. Our Supreme Court has cautioned that “the purpose of immunity is to operate as a bar to a lawsuit, rather than as a mere defense against liability, and ‘is effectively lost if a case is erroneously permitted to go to trial.’” *Everett v. GE*, 156 N.H. 202, 221 (2007) (quoting *Sletten v. Ramsey County*, 675 N.W.2d 291, 300 (Minn. 2004)). *See also Conrad v. N.H. Dep’t of Safety*, 167 N.H.

59, 70 (2014) (“Because immunity provides public officials immunity from suit, rather than a mere defense to liability, if at all possible, immunity claims are to be resolved before trial, thereby freeing officials ‘from the concerns of litigation, including avoidance of disruptive discovery.’”) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009)).

32. For all of these reasons, the indictments should be dismissed.

WHEREFORE, the Accused respectfully requests that the Court order that all indictments in this case be dismissed.

Dated this 10th day of January, 2025.

Respectfully submitted,

/s/ Richard Guerriero

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CERTIFICATE OF SERVICE

I, Richard Guerriero, do hereby certify that Senior Assistant Attorney General Dan Jimenez and Assistant Attorney General Joseph Fincham are registered e-filers in the Court’s electronic filing system and that when filing this motion, I am electing for them to receive a copy of the document through the electronic filing system’s system for electronic service.

/s/ Richard Guerriero

STATE OF NEW HAMPSHIRE

Superior Court

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State of New Hampshire

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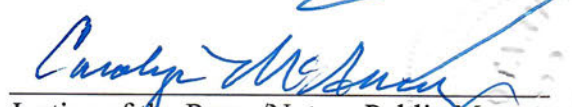
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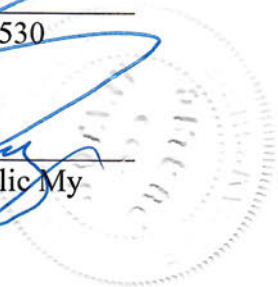
On January 10, 2025, personally appeared before me the above-named Richard Guerriero, known to me, the undersigned Notary Public, or proven to be the same, who affirmed under penalty of perjury that the following statement is true to the best of his knowledge, information, and belief:

The transcripts attached to this reply are taken directly from the discovery provided by the State to the defense.

Keene, New Hampshire.


Richard Guerriero, NH Bar #10530


Justice of the Peace/Notary Public My
Comm. Expires: 12.3.25



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STATE OF NEW HAMPSHIRE

OFFICE OF ATTORNEY GENERAL

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Interview of Steve Duprey on June 11, 2024

Prepared for: Autumn Sayball, Paralegal
Office of Attorney General
Department of Justice
1 Granite Place South
Concord, NH 03301

1

2 TOM DEFOSSES: Okay. The audio recorder is
3 on. It's approximately 9:11 a.m. on June 11th. We're
4 in Interview Room 108-A at the Attorney General's
5 Office. My name is Tom DeFosses, an investigator and
6 also in the room with me -- I'll go around the room
7 and ask you to start with you, Joe.

8 ATTORNEY JOE FINCHAM: Assistant Attorney
9 General Joe Fincham. I'm okay with being recorded.

10 STEVE DUPREY: Steve Duprey, Chairman of the
11 Pease Development Authority. I'm fine with being
12 recorded.

13 ATTORNEY DAN JIMENEZ: Senior Assistant
14 Attorney General Dan Jimenez. I'm okay being
15 recorded.

16 STEVE JOHNSON: Investigator Steve Johnson.
17 I'm great with being recorded.

18 TOM DEFOSSES: All right. That's all parties
19 in the room. Everybody has consent to the recording.
20 So do you prefer Steve, Stephen, Mr. Duprey?

21 STEVE DUPREY: Steve.

22 TOM DEFOSSES: What works for you?

23 STEVE DUPREY: Steve.

1 TOM DEFOSSES: Steve.

2 STEVE DUPREY: Yeah.

3 TOM DEFOSSES: All right. So, Steve, when we
4 set this up I asked you here to talk about some
5 communications you had with Neil Levesque. So we're
6 going to kind of dig into that a little bit. So, first
7 tell me a little bit about Neil and your relationship
8 with him.

9 STEVE DUPREY: Uh -- obviously, he's
10 Vice-Chair of the Pease Development Authority. On a
11 personal level he's a friend. When he was a student at
12 Saint A's in 1992 when I ran in the Republican Primary
13 for Congress in the Second District he was an intern
14 for a month. He tells me he got fired. I don't
15 remember him or it; but -- and then when I was
16 Republican Party Chairman for almost a decade, he was
17 at the Institute of Politics after. Before that he
18 worked for Congressman Charlie Bass, was a friend. So
19 I knew him professionally.

20 Socially a little bit more in the last eight
21 or 10 years. He's a member of the Snow Shoe Club in
22 Concord when he lived in this area. He now lives in
23 the Seacoast. So I'd see him eight or 10 times a year

1 at that men's group meeting.

2 Uh -- he's visited me last year in Barbados
3 where I spend part of the winter for a few days, he
4 and his wife. And I've been fishing with him with
5 mutual friends a couple times.

6 TOM DEFOSSES: Okay. Do you -- do you speak
7 with Neil on the phone frequently?

8 STEVE DUPREY: Yes. Yeah. Yeah, I mean, I
9 would say usually we have a call -- in fact, I had a
10 brief call with him this morning because we got our
11 agendas sent to us for the Board meeting. He wanted
12 to report on me on the Finance Committee meeting.
13 Most of the Committee chairs will give me a call if
14 there's anything on the agenda they see popping up
15 that could lead to a longer discussion at the Board
16 meeting.

17 TOM DEFOSSES: Okay. Does he have calls with
18 you as a friend or socially or is it primarily
19 professional?

20 STEVE DUPREY: Uh -- both. I mean, once in a
21 while he'll call. For example, I'm going to go fishing
22 out in Montana. A couple spots opened up. I sent him
23 a text and said, hey, would you like to join us? He

1 called to tell me he couldn't but yeah.

2 TOM DEFOSSES: Okay. Um -- did you call Neil
3 around May 28th for any specific reason that you can
4 recall?

5 STEVE DUPREY: No idea. I -- I can't recall,
6 I'm sorry.

7 TOM DEFOSSES: Okay. Did you call Neil with
8 any specific reason to talk about, you know, Barbara
9 Hantz Marconi --

10 STEVE DUPREY: I don't --

11 TOM DEFOSSES: -- around that time?

12 STEVE DUPREY: I don't recall that I did. I
13 may have. I had gotten a -- I had gotten a call, which
14 I think I still have the log. Let me see if I can
15 recall the timeline here.

16 We had a meeting here with the full Board, I
17 think it was on a Tuesday. I was in Barbados. So I was
18 the only member not present, but was in the meeting.
19 The Governor was there. The rest of the Board was
20 there. Our counsel from the Civil Division, Matt -- I
21 think Matt Broadhead and Sarah, I can't remember her
22 last name was there, and Attorney General Formella.
23 And he explained how they divide the Integrity

1 Division from the Civil Division, and he gave us a
2 briefing that essentially said that it was Attorney
3 General policy at a certain level of employee, if
4 somebody were under investigation they let the
5 supervising or appointing authority know so we might
6 be able to take action. So that was on a Tuesday.

7 He told us that Director Marconi was under a
8 criminal investigation that was reaching a sufficient
9 level that we needed to be aware of it, might want to
10 take action.

11 The Board met I think on Thursday of that
12 week. I can get you those dates, whatever the regular
13 Board meeting. Uh -- we did not make a decision. We
14 didn't meet as a group when we were here with the
15 Attorney General. We were counseled not to. We met
16 with Matt and Sarah -- uh -- under their Right-to-Know
17 exemption for personnel.

18 TOM DEFOSSSES: Hm-hum.

19 STEVE DUPREY: We made the decision to put
20 Director Marconi on leave. Took a recess so that Paul
21 Brean could do that. And then shortly thereafter, and
22 if you don't mind I can check my phone, I can tell you
23 --

1 TOM DEFOSSES: Sure.

2 STEVE DUPREY: -- the exact date because I
3 kept -- kept the date. I can tell you exactly. Hang
4 on. On April 19th. It was the 19th or the 20th Justice
5 Marc -- Hantz called me.

6 TOM DEFOSSES: So you said the 19th or the
7 20th?

8 STEVE DUPREY: It was the 19th she called me.
9 I'm not sure whether I returned her call. We're on the
10 Supreme Court Society together.

11 TOM DEFOSSES: Hm-hum.

12 STEVE DUPREY: Obviously, we had put Director
13 Marconi on leave. So I was a little hesitant, wasn't
14 sure exactly what the call was about. So I can't
15 remember whether I returned the call the 19th or the
16 20th. I took notes from my call, like I do every call
17 I have for every meeting I have related to this whole
18 matter. Uh -- and shortly thereafter I reported it to
19 our Civil counsel, Civil Division counsel.

20 TOM DEFOSSES: So the meeting at this office
21 was around the 15th of April. So --

22 STEVE DUPREY: Yeah.

23 TOM DEFOSSES: -- a few days following that

1 meeting?

2 STEVE DUPREY: Yeah. The meeting here was on
3 a -- I believe it was on a Tuesday we were asked to
4 show up. I couldn't. I was in Barbados and I couldn't
5 get a flight. I tried to. So they had me by phone.
6 And I had to certify nobody else was in the room and
7 all that. And -- uh -- I -- I think it was a Tuesday.
8 And then two days later we had our regular board
9 meeting. And that's -- I can get you the agenda, but I
10 think that's about right. And then that was, you know,
11 obviously done in the morning of the 19th. Surprised a
12 lot of people. I think serendipitously it was good
13 that it did --

14 TOM DEFOSES: Okay.

15 STEVE DUPREY: -- for a bunch of reasons. And
16 then I don't know whether it was that same day, I
17 can't -- I don't have my calendar, so I can't tell you
18 {Inaudible} it was that Thursday.

19 TOM DEFOSES: So you said it was a regular
20 board meeting day?

21 STEVE DUPREY: Yes. Oh, yeah.

22 TOM DEFOSES: Not a special meeting?

23 STEVE DUPREY: No, no, regular board meeting

1 day.

2 TOM DEFOSSSES: Okay.

3 STEVE DUPREY: Yeah. Let me see. I might be
4 able to assist. Let me go back to April. So our
5 meeting would have been -- we had our meeting on
6 Thursday, the 18th. We were -- we had our meeting
7 here, I believe, Tuesday, the 16th, at 2:30, unless
8 that got changed and not updated my calendar. We had
9 our regular board meeting on Thursday, the 18th. So I
10 would have gotten the call from, like I said, the 19th
11 from Justice Hantz.

12 TOM DEFOSSSES: Can you tell me from your phone
13 the time and duration of that call?

14 STEVE DUPREY: Let's see. You're talking to
15 somebody who's a little technologically challenged but
16 let's see. Uh -- 24 seconds. It was -- I don't have
17 the time exactly.

18 TOM DEFOSSSES: Okay.

19 STEVE DUPREY: She left me a message 'cause I
20 didn't get the call, yeah.

21 TOM DEFOSSSES: And you called back on the
22 20th?

23 STEVE DUPREY: Might have been the following

1 Monday. I can't -- I can't recall.

2 TOM DEFOSSES: Okay. How did you know it was
3 her calling you?

4 STEVE DUPREY: She -- well, first of all, I
5 have her phone number because I've known her for
6 30 years, and she left a voice message.

7 TOM DEFOSSES: Okay. What phone number did
8 she call from?

9 STEVE DUPREY: I'll tell you. Let's see. She
10 called me from her mobile number.

11 TOM DEFOSSES: Which is what?

12 STEVE DUPREY: [REDACTED] [REDACTED].

13 TOM DEFOSSES: Okay. And --

14 STEVE DUPREY: It's at 12:17 she called me.

15 TOM DEFOSSES: All right. And you said you
16 recognized that 'cause --

17 STEVE DUPREY: I've got her --

18 TOM DEFOSSES: -- you've known her for a long
19 time?

20 STEVE DUPREY: Yeah, and we're on the Supreme
21 Court Society together. In fact, I recommended her to
22 the Selection Committee. She was on the Selection
23 Committee, and I recommended she step down and have

1 her name placed in to be a Justice of the Supreme
2 Court. I've known of her work. I'm a real estate
3 lawyer by trade, no surprise, and I just watched a lot
4 of the cases she's handled, very good real estate. We
5 didn't have anybody in the Court who had any business
6 background.

7 TOM DEFOSSES: Okay. Would you say that your
8 relationship is professional or social?

9 STEVE DUPREY: Never socialized with her, was
10 professional.

11 TOM DEFOSSES: Okay. How many times prior to
12 this call had you spoken with Justice Marconi on the
13 phone?

14 STEVE DUPREY: On the phone? Uh -- a few years
15 ago when I suggested she resign from the Judicial
16 Selection Committee that she served on with former
17 Justice Douglas to become a candidate. I talked to her
18 then. I'm sure I talked to her after she was nominated
19 and confirmed and congratulated her. But then,
20 otherwise -- uh -- I don't know whether she was on the
21 Court when we were having meetings with the Supreme
22 Court on building the new Merrimack County Courthouse.
23 I don't think she was. But we met with the whole Court

1 there. She might have been on that.

2 Um -- and then no other real calls other -- I
3 mean, I'm in a meeting once every month or two with
4 the Supreme Court Society Board and she participates.
5 So Zoom most of those.

6 TOM DEFOSESSES: So she was appointed around
7 2017, I believe. So that would have been around the
8 last time --

9 STEVE DUPREY: Yeah.

10 TOM DEFOSESSES: -- you had conversation --

11 STEVE DUPREY: Yeah. Yeah, yeah. I mean, I
12 never had a case or anything like that. So never --

13 TOM DEFOSESSES: Okay.

14 STEVE DUPREY: -- talked to her about cases.

15 TOM DEFOSESSES: So after you called on
16 presumably the 20th to --

17 STEVE DUPREY: I might have -- I think I might
18 have waited over the weekend.

19 TOM DEFOSESSES: Okay.

20 STEVE DUPREY: But I -- I can confirm that,
21 'cause I, like I said, I took notes. So I can tell you
22 the date. I just didn't bring the notes.

23 TOM DEFOSESSES: Okay. Um -- following that

1 call --

2 STEVE DUPREY: Hm-hum.

3 TOM DEFOSSSES: -- did you speak to her again
4 on the phone?

5 STEVE DUPREY: No. Just that once.

6 TOM DEFOSSSES: Okay. And when she leaves a
7 voicemail to you, can you tell me what that voicemail
8 was?

9 STEVE DUPREY: I can play it. I think I can. I
10 think it's a voicemail here.

11 VOICEMAIL: Steve, this is Bobbie Hantz
12 Marconi. I'm hoping you can give me a call, [REDACTED]
13 [REDACTED]. I'm in need of just some basic information.
14 Thank you.

15 TOM DEFOSSSES: Okay. And I forget the specific
16 word you used, but that caused you some pause because
17 of the timing?

18 STEVE DUPREY: Yeah. I mean, she's calling me
19 a day after husband has been placed on leave and it
20 was a surprise not only to him, but I think other than
21 -- other than discussions we had with our in-house
22 counsel, Anthony and Paul Brean, to be ready in case
23 we needed to take some action. So, other than that, in

1 talking with Matt and Sarah -- uh -- and again, we
2 were careful not to deliberate before the meeting.
3 Nobody knew what we were going to do. We went into the
4 executive session. We listened to a briefing from Matt
5 and Sarah. The Board had a discussion. We made a vote.
6 We came out. We took a recess so that the Executive
7 Director could go carry out our action because he was
8 on the agenda with a lot of items to follow. And we
9 also felt -- everybody felt that the right move was to
10 do this quickly before anyone else could get
11 forewarning or anything.

12 TOM DEFOSES: What's the concern with there
13 being any forewarning?

14 STEVE DUPREY: My experience, and I had never
15 met, I'd heard of Geno Marconi, but I had never met
16 him till he walked into the first meeting; but in my
17 experience he had a loyal team of people down there
18 who'd been with him a long time, who probably weren't
19 going to be as receptive to us putting him on leave.
20 And we just thought making it quick, making it --
21 cutting off access quick was the right thing to do in
22 light of what we've been briefed by the Attorney
23 General's Office that there was a criminal

1 investigation going on.

2 TOM DEFOSSES: Okay. So --

3 STEVE DUPREY: But as we found out, we didn't
4 get the phone for two days, which I just recently
5 found out.

6 TOM DEFOSSES: Didn't get the phone for two
7 days?

8 STEVE DUPREY: So when we went out of session,
9 we asked Director Brean to make sure that he got his
10 keys. He was barred from going on the property, from
11 contacting employees. We cutoff his computer access
12 and asked for his phone. I literally just found out
13 about a week and a half ago that when Anthony and Paul
14 met with him and our HR Director - mind you, we're
15 taking a recess, we've got a whole roomful of people
16 who don't know what's going on - that they asked for
17 his phone and he didn't surrender it at first, because
18 he claimed that it was his personal phone. And they
19 said they weren't sure about that at all, and they had
20 to go and they checked the records and I guess
21 confirmed that it was the one we're paying the money
22 for. So it's our phone.

23 TOM DEFOSSES: Hm-hum.

1 STEVE DUPREY: But, apparently, he didn't
2 surrender the phone for a day and a half or two days,
3 so. By the way, I literally just found that out like a
4 week and a half ago.

5 TOM DEFOSSES: How did you find that out?

6 STEVE DUPREY: Because I had expressed the
7 opinion to Paul that when this first started, I think
8 people on the Board were shocked. A lot of them have
9 connections over there. I think they've known Geno
10 forever. I think they were a little shocked.

11 As this has gone on, I think there is a -- at
12 the time if -- he serves at our pleasure. So we can
13 fire him at any time; good reason, no reason, just not
14 a bad reason. And -- uh -- one of the reasons we put
15 him on leave instead of firing him is we have no
16 reason and, you know, we're trying to be very careful
17 to protect his reputation at this point. You know,
18 I've been called -- the people at the Fiscal Committee
19 are complaining that we're not telling them anything
20 and we're not even saying that he's under
21 investigation. We're just saying that he's on leave.
22 So we're trying to do the right thing there. But I --
23 and at the time, frankly, if I tried to get four

1 votes -- I think it's time for him to retire,
2 regardless how this comes out. But I think if I tried
3 to get four votes I didn't have them 'cause there's so
4 many local influences over there. I mean, the only
5 really independent director is our Levesque and me,
6 and Levesque lives in the area.

7 Um -- I think there is a growing sense that
8 regardless how this is resolved, it's time to move on.
9 And, you know, if it turns out that the outcome of
10 this is there isn't an indictment handed down, I think
11 we -- my intention is to restore him briefly for a
12 month and tell him that he's going to be done in a
13 month. That way he can leave with some dignity and we
14 can move on.

15 Uh -- so that's -- I happened -- so I said to
16 Paul, I said I hope the Attorney General's work is
17 going to conclude soon. I think that's good for
18 everyone and, you know, you guys do the best you can.
19 Um -- but that once this concludes, I think we're --
20 my intention is to try and push for a vote, it's time
21 for a replacement. And then he happened to mention,
22 he goes, you know, I think there's just been so much
23 there and he happened to mention the phone thing. I

1 said, well, you're right, that's a big deal to me. I
2 mean, when in doubt he should have turned the phone
3 over anyway, and then if it turns out it's his, err on
4 the side of being fully compliant. That wasn't what
5 happened. So that's how that came out.

6 TOM DEFOSSES: Okay. So what -- what can you
7 tell me about your call back to Justice Marconi?

8 STEVE DUPREY: I returned her call. Um -- it
9 was fairly short. Um -- obviously was very awkward. At
10 first she made it very clear she just said obviously
11 we've been -- our family has been shocked by this. I
12 -- which led me to believe I'm not sure how much she
13 knew of what was going on with Geno.

14 And, you know, I said I -- I, obviously,
15 can't say much. I'm sorry that -- I'm sorry that this
16 has come as a shock, and I'm sure it will be a
17 challenging time, and we hope this all gets resolved
18 quickly, one way or another. And she was -- she was
19 being appropriately careful not to ask me for any
20 details. Really, she -- she I think was very careful
21 there. I mean, I think she's a good justice and
22 obviously knows the Code of Ethics and everything
23 else.

1 Um -- she -- I didn't get the sense that she
2 was fishing. Um -- she did make the comment that,
3 which I can relay a little bit of information to, she
4 did make the comment that she understood or the
5 scuttlebutt around the harbors was that this had to do
6 something with ice and fuel or something like that.
7 And that this had somehow started with Neil Levesque
8 complaining or something. She made that statement. Not
9 that she was saying it was true, but she just said the
10 scuttlebutt that the fishermen are saying, and I said
11 A, I don't know; and, B, if I did know, as you know, I
12 can't -- couldn't say anything. And what was
13 surprising about that though is that it is clear that
14 one member of the Board had gone from the Attorney
15 General's meeting here on Tuesday and -- oh, she also
16 mentioned that she was aware that Governor Sununu was
17 in the meeting. So that led me to very clearly
18 understand that somebody on the Board had told someone
19 outside the Board, and I have my suspicion. I think I
20 know who it was.

21 Um -- so -- uh -- we ended the call. I said I
22 hope all goes well. Hope it's resolved quickly. I
23 mean, she just said, you know, she said this obvious

1 -- she did make the comment that this puts me in a
2 very difficult position because I'm going to have to
3 let the Chief Justice know, and I have to recuse
4 myself from all cases going forward which is, you
5 know, going to increase the work burden for other
6 people. And I said I understand. I hope this moves
7 quickly. Um -- yeah.

8 But, clearly, somebody had come out of that
9 meeting because the only people who knew the Governor
10 were there were the Attorney General, the Governor, I
11 guess somebody on the Governor staff, the
12 Commissioners, and our two lawyers. I don't think our
13 lawyers are leaking. And we've got Tom Ferrini who's
14 on our Board. He's a lawyer. We got the City Manager.
15 She's adept and smart. Steve works for the County and
16 handles HR stuff. And everybody was told, you know,
17 that this was a confidential meeting, briefing.

18 TOM DEFOSES: So who do you suspect --

19 STEVE DUPREY: Director Lamson.

20 TOM DEFOSES: -- shared information?

21 STEVE DUPREY: Director Lamson.

22 TOM DEFOSES: What makes you think that?

23 STEVE DUPREY: Because when this -- a couple

1 of times when we were discussing this in executive
2 session -- in fact, she even said this in executive
3 session on one of our last meetings. She sits to the
4 right of Neil Levesque. She turns to Director
5 Levesque in front of the whole Board and our counsel
6 goes, I smell a rotten fish in Denmark and looks at
7 Neil. I mean, Peggy, in my view, is very close to
8 Geno, very close to the fishing community down there.
9 I mean, last year there was some ceremony. None of
10 the Board were invited except Peggy. And I think, you
11 know, I -- I'm not trying to pick on her. She's now
12 off the Board. But I can't think of anyone else who
13 has any kind of close relationship to the fishermen or
14 Director Marconi. So, you know, I may be unfair there,
15 but that would be my suspicion.

16 TOM DEFOSES: Okay. Was there any elaboration
17 on the comment, obviously, my family is shocked by
18 this, as to what she was referring to?

19 STEVE DUPREY: Oh, Geno had told her. She was
20 -- that, you know, he had been placed on leave. And --
21 and he knew he was under investigation. I mean, I -- I
22 -- I recall her making a comment that, you know, all
23 of my personal records because any records that I have

1 that, like, joint accounts that are with Geno will
2 likely be subpoenaed, and this just is very difficult,
3 but that was it.

4 TOM DEFOSES: Okay.

5 STEVE DUPREY: I mean I, you know, trying to
6 -- I think she was very appropriate in not trying to
7 cross the line.

8 TOM DEFOSES: And referencing the Neil
9 Levesque scuttlebutt, is that the 2022 report,
10 investigation, or --

11 STEVE DUPREY: Yeah, I think that's what it
12 is. And I don't know whether you folks are aware of
13 this, but that -- that -- when Neil wrote his letter
14 outlining his complaints, my understanding from Neil,
15 I can't confirm, that he gave three people a copy; me,
16 Paul Brean, and Anthony, our counsel. And I don't know
17 whether you're aware of this, but I hope you are, that
18 Neil then -- a copy of it ended up in the hands of
19 somebody who's apparently a convicted felon who had a
20 history of threatening violence or something. And when
21 Neil advised me of that, I called Paul Brean and I
22 said, okay, here's who I know had a copy. How the hell
23 did it get in the hands of this guy?

1 Well, it turns out that when they got the
2 complaint they met with Geno and our HR Director,
3 because at that point nobody quite appreciated the
4 situation at all, and Geno was given a copy. So once
5 it left Paul and Anthony and our HR Director's hands,
6 even though they kept a copy, and I'm very confident
7 none of them gave a copy to anybody else, it went to
8 Geno's offices and who knows. Did -- you know, but
9 someone gave a copy obviously or --

10 TOM DEFOSES: Hm-hum.

11 STEVE DUPREY: -- to this fellow, and I don't
12 even know who -- what his name is, but.

13 TOM DEFOSES: Okay. And was there any concern
14 after the discussion that was similar to the concern
15 you had when you received the call initially? You'd
16 mentioned that you were concerned about the timing
17 when you got the call, got the message. So you've said
18 that if she kind of walked the line and you felt she
19 was appropriate. What's your concern level of that
20 conversation?

21 STEVE DUPREY: Well, when I saw the call, I
22 said she could be calling me about the Supreme Court.
23 It could be something else, although we're not social,

1 but I suspect it's about the fact that we put her
2 husband on leave and was, you know, 'cause we didn't
3 say that he was put on leave because he was under
4 criminal investigation. We just said he was put on
5 leave. He, obviously, knew. That point I think you
6 probably had subpoenaed records because, you know, at
7 least she inferred that.

8 So I was concerned that, you know, first of
9 all, I feel badly for her; but I was concerned that,
10 hey, this is a Associate Justice of the Supreme Court.
11 I'm not going to be rude and not return the call; but
12 I sure hope she doesn't want me to -- ask me for
13 information 'cause I don't have any and I don't want
14 any.

15 TOM DEFOSES: Yeah.

16 STEVE DUPREY: No, she was -- she was careful.
17 I mean, it was just uncomfortable because I -- in
18 fact, the more I think about it, I didn't return the
19 call that Friday. I waited over the weekend because I
20 want to think about whether I should even return the
21 call. And I thought as a courtesy, she's an Associate
22 Justice, she's somebody I actually recommended to be
23 on the Court, that it was appropriate to do so.

1 TOM DEFOSSES: So what information was she
2 ultimately looking for?

3 STEVE DUPREY: Uh -- she did not ask me to
4 tell her any information. She was more expressing that
5 it was kind of surprising that we didn't give notice
6 to her or somebody. I don't really feel -- I mean, I'm
7 sure had I had the information or volunteered it, it
8 would have been received, like that's normal; but, you
9 know, I -- I think she was very careful. I mean, she
10 did express that sentiment, you know, she heard it was
11 something to do with ice and fuel at one of the piers
12 or in Rye Harbor, that Neil Levesque or someone; but
13 she didn't say that's what her husband said. She
14 didn't say that that's what she's saying. She just
15 said the scuttlebutt around the harbor is, which I'm
16 sure she got that from her husband.

17 TOM DEFOSSES: Okay. Did she give a pretty
18 good sense of what the full context of the meeting was
19 or did she know --

20 STEVE DUPREY: No.

21 TOM DEFOSSES: -- very little?

22 STEVE DUPREY: She just said I know -- I
23 understand there was a meeting in Concord on Tuesday

1 and the Governor was there and that you -- the Board
2 got a briefing that there was an investigation of Geno
3 going on. That was about -- I mean, she didn't relay
4 any conversations or anything like that 'cause,
5 frankly, didn't have any. You know, after the General
6 and the Governor left, we met with Sarah and Matt, and
7 we had a general conversation. But, again, we've been
8 told no details. So other than that this -- I mean, I
9 think we all had questions in that meeting about does
10 this happen with everybody? And we were assured that
11 like if it's a State Trooper, the Director of State
12 Police and the Safety Commissioner and the Governor
13 advised of that if there's something like that. But
14 there was nothing that she said in her call that
15 showed she relayed any of the conversations we had.

16 TOM DEFOSES: Okay. Who did you share that
17 Justice Marconi call to you with?

18 STEVE DUPREY: I, obviously, shared it with
19 Matt. Uh -- I'm not sure whether Sarah shared on the
20 same call or separately or whether it was just with --
21 um -- just with Matt. I think, and I can't recall, but
22 I think -- I don't think I mentioned an executive
23 session the whole thing. I'm pretty sure I mentioned

1 it to Neil. He's vice-chairman. Because his name had
2 come up and I wanted him to be aware of that.

3 I don't think when we've had an executive
4 session -- uh -- I don't think I brought it up in
5 executive session. I think it was Neil. I'm not sure
6 whether I mentioned to Paul or not. Obviously, Matt
7 and I did tell {Inaudible}.

8 TOM DEFOSSES: Okay. Who knows about the fact
9 that you have notes from that call?

10 STEVE DUPREY: Um -- our counsel, Matt
11 Broadhead.

12 TOM DEFOSSES: Do you still have those notes
13 or are those with counsel?

14 STEVE DUPREY: They're not with counsel. I
15 think I still have them. I stopped taking them once --
16 once -- actually, once I got subpoenaed to come to the
17 grand jury I figured at that point I'm not going to
18 have anymore conversations about it of any substance.
19 Then, of course, this whole leak of the Neil complaint
20 letters come up, but I haven't written any notes in
21 the last month; but I think I still have those. I'll
22 go -- I got them I'm happy to turn them over to you.

23 TOM DEFOSSES: Okay. Was there any discussion

1 about pending the grand jury or any pending --

2 STEVE DUPREY: Um -- well, Matt briefed us
3 all. You know, we worked on timing on when we were
4 going to show up in front of the grand jury. And
5 we're told not discuss it before you went to the grand
6 jury or that you were going to the grand jury. And I
7 think -- I think everybody was pretty careful about
8 that. I mean, we went, saw you guys at the grand jury
9 for a couple hours.

10 TOM DEFOSSES: Did -- did your concerns that
11 Ms. Lamson was sharing information ever get brought to
12 anyone's attention?

13 STEVE DUPREY: Um -- well, she just retired
14 from the Board. So I don't -- very candor with some of
15 the other directors. I think everybody shared the
16 same concern.

17 TOM DEFOSSES: Okay. Did it ever go anywhere?

18 STEVE DUPREY: No, no. I mean, we knew she was
19 a short timer so we were careful. There weren't any
20 discussions. You know, everybody was careful not to
21 discuss it, particularly with her. I mean, she just,
22 you know, she just loves the fishermen and thinks
23 Geno's done a great job and thinks there's a Witch

1 Hunt going on, and that was pretty clear that was her
2 opinion. So there was no sense having any discussions
3 with her.

4 TOM DEFOSSES: Okay. And this was -- did she
5 announce her retirement shortly after this or how did
6 that --

7 STEVE DUPREY: No, her term was up.

8 TOM DEFOSSES: Okay.

9 STEVE DUPREY: The -- the area directors from
10 different towns have terms, and they're appointed by
11 their town officials, not by the Governor and Council,
12 and her term was up. And she had apparently told the
13 Selectmen of whichever towns, I think it's multiple
14 towns she represents, that she didn't want to be up
15 again. She'd been on for like 20 years. So that was
16 not a bad thing.

17 TOM DEFOSSES: Going back to the phone call
18 with Justice Marconi, was there any request not to
19 share that call had happened with anyone?

20 STEVE DUPREY: Hm -- no. I don't recall her
21 saying, please, don't tell anybody about this call. I
22 mean, she was calling, obviously, because I'm a
23 friend, and I'd -- like I say, I'm the one who

1 recommended she put her name into the Court. And I've
2 worked with her as a member of the Supreme Court
3 Society but that's it.

4 TOM DEFOSES: Had she reached out to you for
5 any other businesses at Pease?

6 STEVE DUPREY: No, no, never.

7 TOM DEFOSES: Okay.

8 STEVE DUPREY: To be honest, I didn't -- I
9 literally did not know when I recommended her to put
10 her name in the Court that she was married to Geno
11 Marconi. I didn't even know it. Didn't make the
12 connection. Like I say, and I don't know whether it's
13 his mother or his sister who owns Marconi's or
14 whatever that little clam shack is. I've never been
15 there. But every Republican candidate I've ever worked
16 for has gone there. I guess it's a must-do stop,
17 but --

18 TOM DEFOSES: Okay.

19 STEVE DUPREY: -- I -- I -- I never met Geno
20 till he showed up. Beyond it, I mean he's pretty
21 competent what he does. We manage a lot of money, a
22 lot of projects through there. And to my way of
23 dealing with him he was -- he's always been

1 forthright. I mean, I think he's been a little too
2 tightly connected to all the harbor people down there.
3 Uh -- and they sure don't want anybody in those
4 harbors except them. But other than that -- nor a
5 change in that over their -- their angst.

6 TOM DEFOSESSES: Did you get any calls or
7 communications from Geno or anyone else regarding --

8 STEVE DUPREY: No.

9 TOM DEFOSESSES: -- Geno's --

10 STEVE DUPREY: No.

11 TOM DEFOSESSES: -- separate or --

12 STEVE DUPREY: No. I mean, I think I've been
13 you know, this whole -- this whole ports thing sort of
14 in my view started when during Covid they made a
15 decision to allow what I call the lobster lady, I
16 can't remember her name, in a retail use.

17 TOM DEFOSESSES: Yeah.

18 STEVE DUPREY: And when Covid ended, and
19 again, you know, there's that Port Advisory Committee
20 which, in my opinion, is worthless. I think it should
21 be abolished because it's nothing more than an echo
22 for the Director. They clearly wanted any retail user
23 out of there. And, in my opinion, even though they did

1 a nice job of not directly doing it, they tried to
2 make life as difficult as possible. That set me on
3 and, to be honest, I think the Board has been -- in
4 the past the Board has not set policy for the staff to
5 follow out. They just sort of vote on what the staff
6 bring forward. We're changing that. It's a new day.
7 Statute says we set policy and the staff carries it
8 out. And there is a strong sentiment, I know from most
9 of the -- from certainly from the Governor, and I
10 think most of the Board, that the harbors are a multi-
11 purpose function that belong to everybody in the State
12 of New Hampshire, just not a small club. And we're, by
13 God, we're going to make that happen. And it's
14 unpopular, and I think that's really the essence of
15 why -- and Neil's been very supportive of that, too.
16 And I think that's why there's been not only a lot of
17 resistance, but a lot of the things have been done to
18 make the lobster lady's life difficult.

19 TOM DEFOSES: Yeah.

20 STEVE DUPREY: But, by God, we're going to
21 change it. It's going to be a multi-use harbor.

22 TOM DEFOSES: So Neil -- did Neil share some
23 concerns about -- um -- letter or memo or other

1 correspondence being mailed or sent to someone with
2 you?

3 STEVE DUPREY: Um -- well, he -- at the time
4 we got the correspondence, it got shipped out to a
5 lawyer whose name I can't remember at the Sheehan firm
6 to look into. I think Sheehan, Phinney -- no, McLane.
7 And she came back with a report, which I sure as hell
8 hope we didn't pay a lot of money for that effort. I
9 would fire that lawyer, and I used to be the hiring
10 and firing lawyer at the Sulloway firm.

11 It was basically it -- instead of looking
12 into the essential complaint, it was as much about a
13 complaint that Neil had stored his lobsters that he
14 recreationally lobsters for and gives to charity in
15 the lobster lady's tank. Apparently, unknown to me, if
16 you catch a lobster on Friday and you're not going to
17 eat it till Monday or Tuesday, you got to keep it in
18 water. So he's a recreational harbor.

19 He kept some very good records. Apparently,
20 Fish and Game makes you keep a record of every pound
21 of lobster and that all checked out. But this report
22 that came back, which was very brief from this lawyer,
23 basically said the relationships that Neil complained

1 about impacting the harbor aren't of any concern
2 because nothing in your conflict of interest policy
3 prevents somebody from acting -- uh -- with perceived
4 favoritism just because they happen to be living with
5 the person who's receiving the favor. That that wasn't
6 in our conflict of interest policy. That Neil didn't
7 have a conflict of interest policy, which he was a
8 little surprised to find out that somehow he was being
9 investigated.

10 And then the last part of the report
11 basically opined that everybody in the harbor was very
12 concerned that one director who might be politically
13 corrected was trying to change the use of the harbor.
14 I think that may be me. I mean, it was complete --
15 frankly, I hope we didn't spend much money 'cause it
16 was complete bullshit report. I don't know why we ever
17 hired that lawyer. I understand in retrospect they
18 wanted to get it outside the organization. That makes
19 sense. Bad choice, 'cause that person apparently done
20 a lot of work over the years for Pease, long before I
21 got there and I think before Paul Brean got there, so
22 I think was fairly well connected to some of the folks
23 in Ports and Harbors.

1 TOM DEFOSSSES: And that was pretty close to
2 2022 when --

3 STEVE DUPREY: Yeah, I think --

4 TOM DEFOSSSES: -- the memo came out?

5 STEVE DUPREY: Yeah. Right after memo it got
6 referred. We got this thing back and I thought -- I
7 mean, I thought what a complete waste of time and
8 money. Hope we didn't pay much for this.

9 TOM DEFOSSSES: Yeah.

10 STEVE DUPREY: And it sort of went away.

11 TOM DEFOSSSES: So more recently --

12 STEVE DUPREY: Yeah.

13 TOM DEFOSSSES: -- have you had any
14 conversations with Neil about this memo resurface?

15 STEVE DUPREY: Yes.

16 TOM DEFOSSSES: And did he share concerns?

17 STEVE DUPREY: Yes. He -- he either called me
18 or texted me not too long ago saying I got a call from
19 -- I can't -- I don't know who the gentleman's name. I
20 got a call from so and so who has a copy of the memo
21 that I wrote, and I've been on the phone with him --
22 um -- and according to what Neil said to me, that this
23 fellow -- talk about double hearsay -- this fellow had

1 said to Neil, I think they -- I'm -- I'm -- I don't
2 think you wrote this memo. I'm sure this was sent to
3 me because some people want me to hurt you or
4 something. And, obviously, you know, he lives in the
5 neighborhood, and apparently this fellow's not going
6 to win the citizen of the year award, and he was -- he
7 was -- first of all, he was aggravated. How the hell
8 did this, what should have been a confidential memo
9 get out, and I don't blame him, And that's what led me
10 to call Paul and say how did -- how did this ever get
11 out? And then we found out it been given to Director
12 Marconi because at that point nobody was concerned
13 that (Inaudible) apparently.

14 TOM DEFOSESSES: Okay.

15 STEVE DUPREY: And since then, I mean, he
16 hasn't -- he said he talked on the phone to this
17 fellow, and he seemed reasonably comfortable that
18 nobody's going to take any action or vandalize his
19 house or anything.

20 TOM DEFOSESSES: Have you felt that anybody has
21 targeted you since --

22 STEVE DUPREY: No.

23 TOM DEFOSESSES: -- this investigation began?

1 STEVE DUPREY: No. No. I mean, they don't -- I
2 don't think the fishermen are going to invite me to
3 their fish fry, but I don't like fish.

4 TOM DEFOSSES: All right.

5 STEVE DUPREY: That's why I'm from Concord. I
6 keep saying I'm from Concord. I don't look at the
7 ocean. Don't know much about it, but it belongs to all
8 of us, not just a select club.

9 TOM DEFOSSES: Okay. Steve.

10 STEVE JOHNSON: Um -- just one quick one. In
11 your conversation with the Justice, did she say
12 anything that might be construed as a disparaging
13 remark towards Mr. Levesque's character?

14 STEVE DUPREY: No. No, she didn't. She just
15 said, you know, I understand this, you know, something
16 to do with ice and fuel at one of the fish piers and
17 the scuttlebutt is that Neil is -- Neil Levesque is
18 the one who stirred this up. But nothing about his
19 character, nothing like, you know, damn it, you know,
20 I hate Neil Levesque or anything like that. I mean,
21 she was -- she was careful, appropriately careful.

22 I -- I think in my heart of hearts I think
23 Geno knew. I suspect you folks already had some stuff

1 going on. I think Geno knew at some point he was
2 going to be placed on leave. I think he thought it
3 might be a lot later, and that's one of the reasons we
4 did it as quickly as we did after we met here
5 because --

6 STEVE JOHNSON: What gives you that idea?

7 STEVE DUPREY: Um -- I think he said when he
8 turned in his phone or when he turned in his computer
9 and his keys, he made the comment or at least Paul
10 Brean told me that he made the comment that he thought
11 this was coming because he -- he knew there was some
12 kind of investigation going on. And that was that 19th
13 or 20th, whatever day we met. 'Cause Paul said to me
14 -- I said was Geno surprised. I mean, we suspended the
15 meeting. There's a whole group there and all of a
16 sudden Geno isn't there to even do his section of it.
17 You could see the Port City -- the Port Advisory
18 Committee and, you know, all sort of mumbling and
19 everything else. And when I asked Paul how he
20 received it, he said he was very professional, but he
21 said he wasn't surprised. He was -- something to the
22 effect that he wasn't surprised. Just didn't realize
23 it was going to happen this quickly or something, so.

1 STEVE JOHNSON: Okay.

2 STEVE DUPREY: 'Cause I said what was his
3 reaction? Was he, you know, I wanted a report. Was
4 he yelling and screaming or, you know, F-U or -- no,
5 he was professional other than he didn't turn over his
6 phone.

7 TOM DEFOSSES: As far as you knew the
8 computers, and keys, and everything else was --

9 STEVE DUPREY: Yep.

10 TOM DEFOSSES: -- taken immediately?

11 STEVE DUPREY: Yep. According to Paul they got
12 everything, told him to stay off the property. I know
13 Paul and then our acting went and met with all the
14 employees in Ports and Harbors at the three locations
15 to tell them that, you know, he was on leave, and he
16 wasn't to be on property and they would have no
17 contact with him.

18 TOM DEFOSSES: What would happen, to your
19 knowledge, if he was on property and someone was
20 allowing that or inviting that contact?

21 STEVE DUPREY: Well, I find out anybody on the
22 staff did that we'd fire them, because that was a
23 direct order. Yeah. I mean, we haven't had any reports

1 of that. But if we did, I -- I think that would be a
2 seven to nothing vote to direct to terminate their
3 employment.

4 TOM DEFOSSES: Okay.

5 ATTORNEY DAN JIMENEZ: Uh -- when were you
6 told that you were going to receive a grand jury
7 subpoena for grand jury?

8 STEVE DUPREY: God, I can't remember. I'm
9 sorry. We got it through Matt. I think you folks let
10 Matt know and he called us up 'cause he was just
11 trying to arrange it with travel schedules and stuff.

12 ATTORNEY DAN JIMENEZ: Do you know if it was
13 before the meeting putting Geno on administrative
14 leave?

15 STEVE DUPREY: No, it was after.

16 ATTORNEY DAN JIMENEZ: It was after.

17 STEVE DUPREY: Oh, well after, yeah.

18 ATTORNEY DAN JIMENEZ: And with the call with
19 Justice Hantz Marconi, I just want to make sure I have
20 this right. So she expressed that she would have to
21 recuse herself from all the Attorney General's Office
22 cases?

23 STEVE DUPREY: Yep.

1 ATTORNEY DAN JIMENEZ: She express that this
2 was going to be a hardship for her family?

3 STEVE DUPREY: In a general way she did, yeah.
4 This is, obviously, going to be hard for our family or
5 something to that effect.

6 ATTORNEY DAN JIMENEZ: Okay.

7 STEVE DUPREY: Because any joint records we
8 have now I'll have to turn over joint records, and I
9 have to let Chief Justice know and takes me out of a
10 quarter of our cases, you know.

11 ATTORNEY DAN JIMENEZ: So she expressed
12 concern because she's -- part of it is just some of
13 her financial records were going to be --

14 STEVE DUPREY: Yeah.

15 ATTORNEY DAN JIMENEZ: -- likely obtained by
16 the Attorney General's Office?

17 STEVE DUPREY: Yeah. And, you know, obviously,
18 it didn't take very long. It was embarrassing. I
19 mean, you're a Justice of the Supreme Court and your
20 spouse is under investigation. That's a tough one.
21 Even if you've done, you know, that's a tough burden.

22 ATTORNEY DAN JIMENEZ: Did -- so her voicemail
23 says that she was, correct me if I'm wrong, that she

1 was looking for some information. Um -- and did -- you
2 mentioned that you said you couldn't say anything. Did
3 she ask any specific questions about what was going
4 on?

5 STEVE DUPREY: Um -- no. I mean, she -- she --
6 I said -- I called and she said as you can imagine
7 I've gotten quite a shock here. Um -- and -- um -- I'm
8 not asking -- I mean, she was careful -- I'm not
9 asking for anything you can't tell me; but this is
10 obviously going to pose a real challenge for me to the
11 extent we have joint records that -- that the Attorney
12 General needs. My records are going to be out there.
13 And I'm going to have to tell the Chief Justice and
14 recuse myself from 20 to 25% of our cases. And I said
15 I, you know, my response was I understand. And I'm,
16 you know, sorry that this is occurring; but,
17 hopefully, it will be resolved one way or another soon
18 and, you know, I wish you the best and sort of general
19 stuff like that. And then she made a comment roughly
20 to the effect that -- uh -- you know, well, I -- the
21 scuttlebutt around the harbor is that this has
22 something to do with fuel and ice and that Neil
23 Levesque -- Neil is the person who has been stirring

1 this pot. But, then again, apparently everybody had
2 the letter he wrote complaining about some of the
3 practices here.

4 ATTORNEY DAN JIMENEZ: Yeah, now that you
5 mention the letter, did you get a copy of that?

6 STEVE DUPREY: Yes, I did.

7 ATTORNEY DAN JIMENEZ: Do you remember if it
8 was paper or electronic?

9 STEVE DUPREY: I got paper copy.

10 ATTORNEY DAN JIMENEZ: What you do with the
11 letter?

12 STEVE DUPREY: I'll check but my -- after I
13 got it and we read it, we gave it to Paul. I says
14 what's the process going to be here. Paul and Anthony
15 said we'll probably, you know, we'll go through our
16 normal HR. And then I think after they'd given a copy
17 to Director Marconi, then we -- they made a decision
18 to get an outside party.

19 ATTORNEY DAN JIMENEZ: So you gave your only
20 copy to Paul or did you keep it?

21 STEVE DUPREY: I think I kept mine. But my
22 regular practice is I keep, you know, of course, at
23 the time we got this then we got a letter saying that

1 there was no conflict by the harbor master, no
2 conflict by Neil, and there's a director wants to
3 change the use of the harbor and is making fishermen
4 upset. I think -- because I didn't realize there was
5 any big deal at the time, I usually throw out. I keep
6 a year's worth of records and then I have them
7 shredded. So I -- I don't know if I still got it. I
8 can look, but.

9 ATTORNEY DAN JIMENEZ: So your regular
10 practice would be if --

11 STEVE DUPREY: I guarantee nobody got it from
12 me.

13 ATTORNEY DAN JIMENEZ: That's what --

14 STEVE DUPREY: I guarantee it.

15 ATTORNEY DAN JIMENEZ: Do you keep them in a
16 lock and key in your office or do you keep them like
17 in -- at home?

18 STEVE DUPREY: No, I keep them in my office. I
19 am, even though everybody's electronic, I'm an old
20 schooler. I keep paper copies of everything and I
21 file very carefully. The only person that would have
22 access to that file would be my assistant, Meghan
23 Barrett, who would have no clue what's going on at

1 Pease, because I keep her so busy and no interest. I'm
2 gone a couple days.

3 ATTORNEY DAN JIMENEZ: You're saying that, you
4 know, your regular practice shred after a year.

5 STEVE DUPREY: Absolutely, shred or discard.
6 In that case, I may -- I -- I think I actually may
7 have given that back. Because I -- again, this may be
8 selective memory, but because it was an HR complaint
9 and -- and Paul brought it to the Board, it may have
10 been an exec -- I think it was in executive session. I
11 think I may have given the copy back.

12 ATTORNEY DAN JIMENEZ: Okay. Back to Neil?

13 STEVE DUPREY: No.

14 ATTORNEY DAN JIMENEZ: Okay.

15 STEVE DUPREY: To Paul --

16 ATTORNEY DAN JIMENEZ: Okay.

17 STEVE DUPREY: -- I think, yeah.

18 ATTORNEY DAN JIMENEZ: Did Paul get a copy
19 himself, do you know?

20 STEVE DUPREY: I think so. I think Neil had
21 sent -- I don't know whether Neil sent it
22 electronically or paper or delivered it; but my
23 recollection is that we all had paper copies or at

1 least Paul, Anthony, and I did. I'm not sure if the
2 rest of the Board did. That they either collected them
3 or if they didn't collect them I know I kept
4 jurisdiction over mine. And, like I said, when Neil
5 called and said this fellow had this letter, I
6 immediately -- I was obviously aggravated. So I -- I
7 reached right out to Paul and said how the -- how does
8 this guy on the street, so to speak, get a letter that
9 wasn't in the public record and -- 'cause I was trying
10 to figure out. 'Cause Neil was pretty upset, and then
11 found out that the HR Director and Paul had met with
12 Director Marconi and given him a copy, 'cause at that
13 point he would have been the logical person to look
14 into it.

15 ATTORNEY DAN JIMENEZ: Gotcha.

16 STEVE DUPREY: Hindsight's a hundred percent.

17 ATTORNEY DAN JIMENEZ: Joe.

18 ATTORNEY JOE FINCHAM: Um -- when Director
19 Marconi was put out, was he told that he was under
20 criminal investigation?

21 STEVE DUPREY: No. I -- I -- I -- no. I think
22 the -- I -- I wasn't in the room, but I think he was
23 told that he was under investigation.

1 ATTORNEY JOE FINCHAM: Okay.

2 STEVE DUPREY: Um -- Paul or Anthony who were
3 in the room and the HR Director were in the room, but
4 my understanding he was told that he was under
5 investigation. I don't know whether they said it's a
6 serious investigation or they may have said it was
7 criminal investigation. I don't know. But we --
8 notwithstanding all the beatings I'm getting from the
9 Fiscal Committee for not sharing, we just say he's on
10 leave.

11 ATTORNEY DAN JIMENEZ: Fiscal Committee? Do
12 you mean the advisory committee?

13 STEVE DUPREY: No, no, the Fiscal Committee
14 that we've had to send over the Director -- the Deputy
15 Director to get some appropriations. And Lou
16 D'Allesandro who's been a friend of mine is on the
17 Committee and the Chairman of House Finance who's name
18 I can't remember.

19 ATTORNEY DAN JIMENEZ: I'm sorry, you mean the
20 Fiscal Committee for the Legislature?

21 STEVE DUPREY: Legislature. I'm sorry.
22 Giving us a hard time saying we demand to know more.
23 And do we need Chairman Duprey to tell us more. So

1 taking hits for being --

2 STEVE JOHNSON: Say that again? You demand to
3 know -- you demand to know more about what?

4 STEVE DUPREY: Director Marconi's status. So
5 the Fiscal Committee every time we get money, we have
6 to go to the Fiscal Committee. It's a Joint
7 Legislative Committee. And Senator D'Allesandro's on
8 it who's a great guy and friend of mine for 50 years.
9 The Chairman and, in fact, there was reported in the
10 media, I can't remember who put it on Instagram or
11 something, some reporter did. The Chairman of the
12 Fiscal Committee is the Chairman of the House Finance
13 Committee. Ken Weyler, I think. It is. And we sent
14 poor Grant there to get something approved and they
15 grilled him about what's going on with Director
16 Marconi? We have the utmost respect for him. Why is
17 he -- why isn't he here?

18 STEVE JOHNSON: Who's -- who's doing the
19 grilling?

20 STEVE DUPREY: Representative Weyler, the
21 Chairman of the Joint Fiscal Committee. And, you know,
22 again, hindsight's a hundred percent, and I guarantee
23 in the next iteration we are never going to have our

1 ports and Director guy go talk to any Legislative
2 Committee without our overall Director there. Because
3 there's been such a relationship over the years, and
4 literally they were saying we -- we -- we know
5 Director Marconi. What's going on? We want -- he
6 deserves to know more. And that's been reported in the
7 press.

8 STEVE JOHNSON: Is -- is -- have you had
9 conversations with particularly the Senator
10 D'Allesandro?

11 STEVE DUPREY: No, haven't talked to Lou. And
12 he announced his retirement, but I gave him a wide
13 berth, even though he's a friend, and I've avoided
14 them. And nobody's called me to say, hey, what's going
15 on? Because I'm going to say the same thing I said to
16 Justice Hantz and everyone else. He's on leave for an
17 indeterminant period of time. Why's he on leave?
18 He's on leave for an indeterminant period of time.

19 ATTORNEY DAN JIMENEZ: Was Senator
20 D'Allesandro giving the grilling or was Representative
21 Weyler?

22 STEVE DUPREY: I wasn't there; but I just read
23 in the reports, it was passed on to me, you know, and,

1 you know, he's been going there for so many years and
2 he's got a lot of friends. And he's been more a
3 constant presence there than Chairmen who come or go
4 and our overall Director.

5 ATTORNEY DAN JIMENEZ: So let me get this
6 correct. The Executive Director doesn't go, but it's
7 more often that the Ports --

8 STEVE DUPREY: Ports Director go. It's a port
9 thing. We're changing that.

10 ATTORNEY DAN JIMENEZ: Okay. I just wanted to
11 make sure I had it correct.

12 STEVE DUPREY: Yeah. So normally any time,
13 like -- like, for example, when they redid -- they
14 built that new bridge, Sarah Long Bridge, they took
15 the north -- further up the Piscataqua, they took a
16 big part of our dock. Well, the Federal Government's
17 paying like \$32 million to rebuild our -- our loading
18 area for freight. That's a big contract. And, you
19 know, I think in the last -- since I've been on the
20 Board I think Geno's overseeing 50 or 60 or 70 million
21 dollars of construction contracts.

22 You know, we have a consultant and we do the
23 bidding and all that; but he frequently has to go to

1 -- to Joint Legislative Fiscal Committee to get okays
2 on certain expenditures or ARPA funds. And I think
3 he's been, you know, and remember, Ports and Harbors
4 was completely separate until some period, eight or
5 10 years ago, and somebody had the bright idea let's
6 put it into the Pease Development Authority and it's
7 -- talk about a shotgun wedding. And when you have a
8 new director, Paul Brean's there less time than Geno
9 who's got 30 years of relationships. I mean --

10 ATTORNEY DAN JIMENEZ: And I think Paul
11 Brean's from Massachusetts. He isn't from New
12 Hampshire, correct?

13 STEVE DUPREY: Right. Right.

14 STEVE JOHNSON: We know how that is.

15 ATTORNEY DAN JIMENEZ: What?

16 STEVE JOHNSON: We know how that is.

17 STEVE DUPREY: Well, you know, like some of
18 those guys, I've had a couple of fishermen go, you
19 from here? Well, not -- not sure I qualify as a
20 native. We got here in the late 1600s, not the 17.
21 You know, that barely makes it (Laughing).

22 Yeah. So they've been grilling, you know, and
23 -- uh -- you know, reporters ask us. I mean, they'll

1 show up and say what's the latest update? I mean,
2 WMUR came to the last Board meeting. I said he's on
3 leave for an indeterminate period of time. And they
4 keep asking every which way. I go in case you didn't
5 hear me.

6 So, I mean, we in my opinion, I think we've
7 done a great job taking a few hits to protect the
8 guy's reputation in the event this winds down without
9 some court action. But I'm taking my bets he won't be
10 the Director long after, and I think I've got the
11 votes.

12 ATTORNEY JOE FINCHAM: Um -- {Inaudible}
13 mentioned in the voicemail she said she needed some
14 basic information. When you talked to Justice Hantz
15 Marconi, was that just like confirming like the things
16 that you'd mentioned she said, like, is this about
17 fuel and ice, is this --

18 STEVE DUPREY: I -- I said I don't know,
19 'cause I don't. I don't know whether you're looking
20 into fuel or you're looking into ice, you're looking
21 into Appledore or you're looking into --

22 ATTORNEY JOE FINCHAM: But she was just
23 basically asking like what is this investigation?

1 STEVE DUPREY: She just said it came as a
2 complete shock, and the timing of it and, you know --
3 you know, this is to the extent my joint records, it's
4 embarrassing, and I've got to go tell the Chief
5 Justice. And I said I'm sure it is and I'm sure it's
6 difficult and, you know, wish you well.

7 STEVE JOHNSON: Why would she make that call
8 at that time then to you? I mean, it seems odd. I
9 have to --

10 STEVE DUPREY: You know --

11 STEVE JOHNSON: -- be honest with you. The
12 timing is very strange for, you know, it's within
13 24 hours or so he gets -- um -- sent back, and she
14 leaves you that voicemail, and if she wasn't fishing
15 what was she doing?

16 STEVE DUPREY: Well, I am sure that if I knew
17 something or I had said something and volunteered it,
18 she would have liked to hear it. I mean, she's married
19 to the guy. It's her husband. But she -- she was
20 careful enough not to say can you tell me what's going
21 on? What can you tell me? And I, literally, other
22 than told her that we placed him on leave and
23 undetermined period of time, and then, you know, she

1 knew that we had the meeting. She knew that there was
2 an investigation going on. I think she knew there was
3 an investigation going on, because I think, I don't
4 know, but I just surmised that you may have subpoenaed
5 some of his records already. I have no idea whether he
6 told her or what. You know, I --

7 ATTORNEY JOE FINCHAM: Did she ask, like, how
8 long is he going to be out? Like, how could he get
9 back in?

10 STEVE DUPREY: No.

11 ATTORNEY JOE FINCHAM: Anything like that?

12 STEVE DUPREY: No.

13 TOM DEFOSSES: I'm trying to understand
14 because it sounds more like these were all statements
15 she was making.

16 STEVE DUPREY: Right.

17 TOM DEFOSSES: But the call she made was I'm
18 looking for information. So was she asking questions
19 or making statements she was trying to corroborate
20 information?

21 STEVE DUPREY: Um -- I think she was trying to
22 corroborate. I mean, I think she knew her husband
23 placed on leave. She made a statement she wasn't -- I

1 mean, she's can you give me any details, and I -- I
2 just said, look, I -- we have no knowledge other than
3 what we received in the briefing. And if I did, I
4 couldn't tell you. And she said I understand that or
5 words to that effect. And I just said, you know, I
6 think -- look, I -- I in my heart of hearts, I think
7 it was probably she was -- I think she was dismayed
8 that it came so suddenly, and that neither -- neither
9 Geno and therefore not her had any heads-up that this
10 was going to occur so that she could maybe handle it.

11 STEVE JOHNSON: Why would she think a heads-up
12 would be appropriate to begin with?

13 STEVE DUPREY: She wasn't a criminal lawyer.
14 She was a real estate lawyer. I mean, I don't know.

15 ATTORNEY JOE FINCHAM: You said she mentioned
16 the Governor being in the meeting.

17 STEVE DUPREY: Yeah.

18 ATTORNEY JOE FINCHAM: What did she say about
19 the Governor being in the meeting?

20 STEVE DUPREY: She said I understand you --
21 the whole Board was at the Attorney General's Office
22 in Concord. You had a meeting in Concord. The
23 Governor was there and the Attorney General briefed

1 you and -- and said that there was an investigation
2 ongoing on Geno in case we needed -- the Board needed
3 to take some action. I mean, she -- she definitely
4 knew that. Somebody had to have told her that. You
5 don't guess that.

6 TOM DEFOSESSES: So that was laid out there just
7 like a statement like that?

8 STEVE DUPREY: Yes.

9 TOM DEFOSESSES: And it just lingered and she
10 was waiting for a response or what was --

11 STEVE DUPREY: No. I said, you know, she
12 obviously knew. I said yes, we had a meeting and we
13 have our civil counsel and we listened to advice. And,
14 you know, we were given advice and the Attorney
15 General has two divisions and they can't talk, and the
16 Attorney General was there and the Governor was there
17 for that part of the briefing. He has no -- no
18 authority or role once -- and I assume he was told
19 'cause he's the Chief Executive of the state and they
20 left, and then we met with our counsel; but she knew
21 all that.

22 STEVE JOHNSON: No doubt in your mind she had
23 all that information?

1 STEVE DUPREY: She said it to me. She said I
2 know you met in the Attorney General's Office. I said,
3 well, I didn't, because I was in Barbados. But that
4 everyone was there. That the General was there. The
5 Governor was there. She said there was a meeting in
6 Concord on Tuesday, and the Governor was there, and
7 you were all there. And, you know, I understand it has
8 something to do with the scuttlebutt. She didn't say I
9 understand. She said the scuttlebutt of the fishermen
10 around the harbor has something to do with fuel and
11 ice, and that Neil raised big concerns about this. And
12 I said I have no idea what it's about and don't intend
13 to know.

14 I think -- frankly, I think, not that she
15 would have noticed, but I mean it is a pretty
16 difficult spot when 25% of your cases are from this
17 office and all of a sudden she's got to go. There're
18 only going to be four of us. I'm sure that wasn't a
19 great meeting with the Chief and not an easy one.

20 TOM DEFOSSES: Did she say when that was?

21 STEVE DUPREY: No. I -- no. She just said I'm
22 going to have to immediately let the Chief Justice
23 know, and I have to recuse myself from a number of

1 cases that are pending and going to be coming. I said
2 I understand, and I just said I hope that this is
3 handled expeditiously.

4 TOM DEFOSES: Okay. Did she ask you for
5 anything --

6 STEVE DUPREY: No.

7 TOM DEFOSES: -- in the conversation?

8 STEVE DUPREY: No. I mean -- no. Uh -- I mean,
9 she wasn't saying, well, can you tell me what Neil's
10 complaints are or can you tell me what you know about
11 the ice? No. I mean, she -- it was a declarative
12 statement.

13 ATTORNEY JOE FINCHAM: I mean, bringing up the
14 fact that she's got to recuse and it's going to be a
15 hardship on the other justices and all that kind of
16 stuff, did -- was there any mention of time frame?
17 Like how long is this going to have to be the case?
18 Can I tell the Chief Justice?

19 STEVE DUPREY: No. She never asked for a time
20 frame.

21 ATTORNEY JOE FINCHAM: Okay.

22 STEVE DUPREY: No. I --

23 TOM DEFOSES: Okay. Anybody have anything?

1 ATTORNEY DAN JIMENEZ: Uh -- one more
2 question. At the meeting where you put Geno out on
3 paid administrative leave, what was the vote on the
4 Board?

5 STEVE DUPREY: Unanimous.

6 ATTORNEY DAN JIMENEZ: Even Peggy Lamson?

7 STEVE DUPREY: Even Peggy.

8 ATTORNEY DAN JIMENEZ: Did she express any --

9 STEVE DUPREY: Uh --

10 ATTORNEY DAN JIMENEZ: -- displeasure,
11 discomfort?

12 STEVE DUPREY: No. I mean, I think -- I think
13 -- I can't remember if that's the meeting where she
14 said I smell a -- is it a rat in Denmark or a rotten
15 fish in Denmark, and then was looking at Neil. I mean,
16 it was very obvious that she blames Neil for this
17 whole thing. It may have been right at that same
18 meeting or maybe it was later. I just can't remember.

19 ATTORNEY DAN JIMENEZ: Okay. That's it.

20 STEVE DUPREY: Yeah, I mean, looking through
21 the Board, I mean, you know, we got Tom Ferrini. He's
22 a lawyer. Steve handles HR for Strafford County. He
23 knows the rules. Uh -- uh -- Susan Parker worked for

1 the federal government for a long time. To be honest,
2 I think Susan is losing some mental acuity; but she --
3 she -- I don't have the perception that she was close
4 to Geno. And Karen Conrad, I mean, she's the City
5 Manager and that's a tough spot to be in, by the way,
6 with the Marconi family over there but she's rock
7 solid. I mean --

8 TOM DEFOSSES: Okay. Did you have any
9 indications that Justice Marconi thought that you
10 could change that Geno was on leave?

11 STEVE DUPREY: No.

12 TOM DEFOSSES: Or anything of that nature?

13 STEVE DUPREY: No. Didn't request it. Didn't
14 request it, didn't suggest it. No. And knows -- I
15 mean, didn't say, you know, well, this is unfair or
16 why does he have to be -- none of that. I mean --

17 TOM DEFOSSES: Okay.

18 STEVE DUPREY: I mean, I think -- I think Geno
19 and she were shocked that it happened as quickly as it
20 did. And even though it wouldn't have been appropriate
21 to give a heads-up, because we didn't make the
22 decision until that morning, even though we had Paul
23 Brean and Anthony ready and the HR Director in case we

1 made that decision; but I think that was more of just
2 like, you know, this is -- this is a horrific thing
3 for me as an Associate Justice.

4 ATTORNEY DAN JIMENEZ: Do they have any
5 children, do you know?

6 STEVE DUPREY: No idea. No idea. Like I said,
7 I didn't even know they were married until somebody
8 told me.

9 TOM DEFOSSES: Okay. So I'm going to end the
10 recording. It's 10:16 a.m. on June the 11th.

11 (Audio recording ended.)

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C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter,
do hereby certify that the foregoing transcript is a
correct transcript from the official recording of the
proceeding in the above-entitled matter. I was not
physically present and have transcribed the recording
to the best of my professional skill and ability.

Cecelia A. Trask-LCR#00047
Avicore Reporting

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Avicore Reporting - 15 Constitution Drive, Suite 1A - Bedford, NH 03110

STATE OF NEW HAMPSHIRE

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INTERVIEW OF GOVERNOR SUNUNU - 7/31/24
TRANSCRIBED FROM AUDIO

Prepared for: Autumn Sayball, Paralegal
N.H. Department of Justice
1 Granite Place South
Concord, NH 03301

1 INTERVIEWER: Not great. All right, the
2 audio recording has started and it is 10:39 a.m. on
3 July 31st, 2024. My name is Tom Desfosses, I'm an
4 Investigator with the New Hampshire Attorney
5 General's Office. And I'm in the Governor's Office.
6 I'm gonna go around the room, ask everybody to
7 identify themselves, and just indicate that they are
8 aware they're being audio recorded and that they
9 consent, if they do in fact consent.

10 INTERVIEWER: Assistant Attorney General Joe
11 Fincham, I'm okay with being recorded.

12 INTERVIEWER: Senior Assistant Attorney
13 General Dan Jimenez, I'm okay being recorded.

14 GOVERNOR SUNUNU: Chris Sununu, Governor,
15 okay being recorded.

16 ATTORNEY OGDEN: Rudy Ogden, legal counsel
17 to Governor Sununu, okay with being recorded.

18 INTERVIEWER: All right, thank you,
19 everyone. So first I just want to kind of get a
20 little bit of a background. How does someone go
21 about with requesting an appointment with you, or a
22 meeting with you?

23 GOVERNOR SUNUNU: In general?

1 INTERVIEWER: Yes.

2 GOVERNOR SUNUNU: Folks can request a
3 meeting in a variety of ways. I mean we have, you
4 can actually request it on line if you want to, or
5 they call the office, or they send an email. They
6 could just call me, they could call the staff. It
7 could come in through a variety of ways. And then a
8 little, maybe a little more detailed but then we have
9 a scheduling meeting and basically say, these are all
10 the people who have asked for a meeting. Do you want
11 to have a meeting?

12 INTERVIEWER: So when someone is requesting
13 a meeting, do they have to give a reason for the
14 meeting, or do they just say I, I want to have a
15 meeting and that's the extent of that?

16 GOVERNOR SUNUNU: No, sometimes there's no
17 reason. I mean it depends, I mean it depends who it
18 is and what the, what the issue is but no, not every
19 meeting has a specific reason.

20 INTERVIEWER: Okay, and did you receive
21 personally or did someone else receive --

22 GOVERNOR SUNUNU: Yeah, no, so this is, this
23 -- sorry, we went back and looked. This is the only

1 communication, actually that's just an email.

2 INTERVIEWER: Thank you.

3 GOVERNOR SUNUNU: She, Justice Hantz Marconi
4 emailed I think Maddy, who's my scheduler, requesting
5 the meeting.

6 INTERVIEWER: Okay.

7 GOVERNOR SUNUNU: So that was the only
8 communication. She didn't contact me directly other
9 than through that email to my scheduler, yeah.

10 INTERVIEWER: Okay, can I keep this?

11 GOVERNOR SUNUNU: Oh, of course, yeah.

12 INTERVIEWER: Thank you.

13 GOVERNOR SUNUNU: Thank you, Pete. So, I'm
14 sorry, so the answer to your question is she, for
15 this meeting in particular she emailed Maddy and the
16 only stated purpose there on the email was a personal
17 matter related to my family, she wrote. That's all I
18 knew.

19 INTERVIEWER: Okay, and is that common for
20 someone to ask for a meeting regarding personal
21 matters with their family?

22 GOVERNOR SUNUNU: No, no, obviously, no, no,
23 I wouldn't say it's common. I took the meeting

1 'cause she's a, she's the, a Supreme Court Justice,
2 right, you know.

3 INTERVIEWER: Okay.

4 GOVERNOR SUNUNU: So that's really why we
5 said, well, you know, I didn't know other than what
6 she wrote there didn't know exactly what it was. I
7 suspected it could be potentially about Geno,
8 obviously.

9 INTERVIEWER: Um-hum.

10 GOVERNOR SUNUNU: I don't know anybody else
11 in her family.

12 INTERVIEWER: Okay.

13 GOVERNOR SUNUNU: But she's a Supreme Court
14 Justice so we took the meeting. I mean, look, if
15 somebody just off the street says I want a meeting
16 with the Governor and I'm not giving you a reason,
17 we're probably not gonna take that meeting.

18 INTERVIEWER: Sure.

19 GOVERNOR SUNUNU: If it was, yeah.

20 INTERVIEWER: Okay.

21 GOVERNOR SUNUNU: A Chief Justice, Justice
22 Marconi, said yes.

23 INTERVIEWER: Okay, and would you classify

1 your relationship as personal, professional, or a
2 mixture of all of those?

3 GOVERNOR SUNUNU: I really only know her
4 professionally. I did not know her at all really
5 until I went through the nomination process for her
6 as a judge.

7 INTERVIEWER: Okay, and so on this, on the
8 day of the meeting, who was present with Justice
9 Marconi and yourself?

10 GOVERNOR SUNUNU: It was just me, Justice
11 Marconi, and Rudy. I think you were, you were in the
12 -- right?

13 RUDY OGDEN: Yeah.

14 GOVERNOR SUNUNU: Yeah.

15 INTERVIEWER: Okay, and is it customary for
16 Rudy to be in most of the meetings?

17 GOVERNOR SUNUNU: No, well, it depends on
18 the issue. This was judicial so I figured, Rudy
19 being my, the legal counsel here, made sense to bring
20 him in. If I'm talking to somebody about Medicaid,
21 I'll bring my Medicaid, call in my health care
22 policy people in, but in this case because it was
23 judicial, she's from the judicial branch, it just

1 made sense to bring Rudy in.

2 INTERVIEWER: Okay, even though it was
3 disclosed as a personal family matter?

4 GOVERNOR SUNUNU: Yeah, well, I -- I don't
5 really meet with people alone so I --

6 INTERVIEWER: Okay.

7 GOVERNOR SUNUNU: -- I just kind of made the
8 call, the best person to be in that meeting was
9 probably my legal counsel 'cause I wasn't 100 percent
10 sure what she was going to be talking about but she's
11 the judicial branch so --

12 INTERVIEWER: Sure.

13 GOVERNOR SUNUNU: You know.

14 INTERVIEWER: Okay, thank you. So who began
15 the meeting, or kind of led off the conversation, was
16 it Justice Marconi or yourself?

17 GOVERNOR SUNUNU: Yeah, it was, yeah. I, I
18 just -- again, I didn't know what it, what it was
19 about. I said hello, and she just started going in,
20 you know, speaking.

21 INTERVIEWER: Okay, what can you share about
22 how that meeting started and how she, did she
23 introduce herself?

1 GOVERNOR SUNUNU: Yeah, well, no, we said --
2 I mean obviously we know each other so we, you know,
3 I think I might have said, oh, you know, how are
4 things going or something like that, and she kind of
5 went right into clearly frustrated, talked a bit
6 about as a wife, you know, within the first minute I
7 realized, okay, this is about, just confirmed it was
8 definitely gonna be about Geno, how hard it was for
9 her as a wife, you know, seeing Geno go through some
10 type of investigation. Then transitioned to the
11 challenges that she was perceiving at the court given
12 that she had to recuse herself from, you know, a
13 decent amount of cases that had to do, I believe,
14 with the Attorney General's Office.

15 I think her idea was while there's an
16 investigation I need to recuse myself from a certain
17 amount of cases, or -- or the cases that, that might
18 prevent conflict. That was a pretty high percentage.
19 She wanted it to kind of get back to normal and get
20 back to doing her job and, and she was concerned that
21 there was gonna be backup potentially because of all
22 of this. And really just expressing kind of personal
23 frustration as a wife, professional frustration

1 'cause she had to recuse herself.

2 INTERVIEWER: Okay, with regards to the, the
3 cases that she perceived there'd be some difficulty
4 with I believe is how you worded it.

5 GOVERNOR SUNUNU: Yeah.

6 INTERVIEWER: Was she speaking for herself,
7 or was she speaking for the Supreme Court?

8 GOVERNOR SUNUNU: I think she was, yeah, I
9 think she was talking about the court itself, that
10 the cases would -- every time she has to recuse
11 herself my, from what I understand, they have to
12 bring somebody else in usually to take her, her
13 position. And there's a process to do all of that,
14 but I think she felt like because it was a large
15 number of cases she was concerned the court as a
16 whole was gonna get backed up. These cases were
17 gonna, you know, get backed up themselves and the,
18 the work of the court was, it was impeding the work
19 of the court from getting done is what her concern
20 was.

21 INTERVIEWER: Okay, and she relayed that as
22 her concern, not someone else's, not the Chief
23 Justice's concern or anyone else?

1 GOVERNOR SUNUNU: Oh, completely her
2 concern, yeah.

3 INTERVIEWER: Did she bring up the Attorney
4 General at all in conversation?

5 GOVERNOR SUNUNU: Not, not really. Like
6 specifically John Formella or the, the office?

7 INTERVIEWER: The office of the Attorney
8 General or John Formella.

9 GOVERNOR SUNUNU: From what I can remember
10 only in that it was the Attorney General's Office
11 leading the investigation, so any time there was a
12 reference to an investigation having to do with Geno,
13 there was obviously a reference to the Attorney
14 General's Office. I don't remember anything else
15 particular other than, than that type of general
16 reference, yeah.

17 INTERVIEWER: Okay.

18 GOVERNOR SUNUNU: No individuals or anything
19 like that.

20 INTERVIEWER: Did she give any, any other
21 information regarding the investigation into Geno, or
22 regarding Geno? How did she --

23 GOVERNOR SUNUNU: No, I, you know the only

1 thing I would say there, she really didn't other than
2 she did express, she said, look, you know, I -- I
3 know Geno and we're very close. I know, she did say,
4 make a comment about, you know, I know about the work
5 that he does and I know it's, it's -- has to adhere
6 to the rules, and regulations, and guidelines, and so
7 therefore I, you know, I know this, she was insistent
8 that this was a big nothing. She, that -- that was
9 really it. She implied that she thought it was
10 stemming from something personal, petty, and -- and
11 she mentioned Rye Harbor a few times.

12 I didn't know what that reference meant. I
13 actually asked her at one point, you keep mentioning
14 Rye Harbor, what -- what happened at Rye Harbor, I
15 don't know what Rye Harbor is. I didn't know what
16 that reference was and I still don't technically know
17 what it is, I guess it's some, some issue from years
18 ago or something that he might have been involved in.
19 So there's no real additional detail there other than
20 she felt very confident that the investigation wasn't
21 gonna yield anything 'cause she knew him and his work
22 very, very well.

23 INTERVIEWER: Okay, did she say anything

1 about the tempo of the investigation, or that it
2 needed to conclude, or speed up, or there is
3 something --

4 GOVERNOR SUNUNU: She, she indicated, she
5 was hoping that it would move quickly, conclude --
6 come to a conclusion quickly so she could get back to
7 doing the work at the court, and they could put it
8 all behind them. That, that was her hope I think.

9 INTERVIEWER: And that was following her
10 insistence that there's really nothing there to see?

11 GOVERNOR SUNUNU: Yes.

12 INTERVIEWER: Okay, was that something that
13 was just kind of in passing, or was that reinforced
14 that there was, there's nothing to this
15 investigation?

16 GOVERNOR SUNUNU: I think it was reinforced
17 throughout, there was the -- it was definitely
18 reinforced throughout the conversation that it was I
19 think her expressing that kind of frustration. She
20 really believed there was nothing there, and she just
21 wanted to get back to work and put the whole thing
22 behind them. And she was hoping it would move
23 quickly.

1 INTERVIEWER: Okay, did she mention --
2 sorry, when you say she --

3 GOVERNOR SUNUNU: Yeah.

4 INTERVIEWER: -- every time I say she you
5 know --

6 GOVERNOR SUNUNU: No, it's Justice --

7 INTERVIEWER: -- it's Justice Marconi?

8 GOVERNOR SUNUNU: Justice, yeah, I
9 appreciate that.

10 INTERVIEWER: Did, did she mention anything
11 about any specific important cases, or say important
12 cases were in --

13 GOVERNOR SUNUNU: I don't think so.

14 INTERVIEWER: -- or pending because of this?

15 GOVERNOR SUNUNU: No, when -- any, any
16 discussion as far as I can remember any discussion of
17 cases was kind of a general, I've had to recuse
18 myself from 30 percent, or what -- some percentage of
19 the cases, I don't remember exactly what percentage
20 she gave, and she felt like in, on the whole the
21 court was gonna be slowed down and backed up because
22 of that. But there was no specific cases mentioned.

23 INTERVIEWER: Did, did she indicate that she

1 thought you could make a difference in how this was,
2 this was going, or the cadence, or --

3 GOVERNOR SUNUNU: No, there was no ask,
4 there was nothing Governor, I wish you could do this,
5 or there was nothing like that. There's no, there's
6 no request of me or anything like that, and -- and
7 there was no, yeah, no. It was more just expressing
8 her frustration with the process, with, you know,
9 what -- what she was dealing with I should say, not
10 the process but what, you know, what she was dealing
11 with. But there was no ask, or expression that I
12 should be doing anything.

13 INTERVIEWER: Okay, was there any request to
14 not disclose this conversation or meeting with
15 anyone?

16 GOVERNOR SUNUNU: No.

17 INTERVIEWER: Okay, so after the meeting
18 concluded, what's your, what's your take away for the
19 reason that --

20 GOVERNOR SUNUNU: Yeah.

21 INTERVIEWER: -- she wanted to meet with
22 you?

23 GOVERNOR SUNUNU: So to back up a little

1 bit, because I wasn't really sure I, I thought,
2 actually I thought there was a decent chance she
3 might be wanting, she might tell me she was gonna
4 step down, or resign, or something. I, I don't know.
5 So that clearly wasn't the purpose of the meeting.
6 So as the conversation was going on, I was trying to
7 figure out well, what do we, what's -- what is, is
8 there an ask here? Like what, what is she getting
9 to, and there never really was.

10 It was kind of just coming in, sitting down,
11 expressing frustration and hoping that the thing
12 would, would move quicker and that's, that's all she
13 said. I, I didn't talk a whole lot in the meeting.
14 I was just kind of listening. Yeah, so I'm sorry, I
15 did -- maybe I didn't answer your question. What was
16 the exact question? I, I apologize. No, I just
17 started answering something in my -- maybe I didn't
18 answer.

19 INTERVIEWER: Nope, that's fine, I was
20 trying to get from your perspective what was the
21 purpose of the meeting.

22 GOVERNOR SUNUNU: Yeah.

23 INTERVIEWER: 'Cause you went in kind of

1 unknown.

2 GOVERNOR SUNUNU: It seems like she was just
3 expressing frustration 'cause there -- like I said,
4 there was no action request, no ask, frustration with
5 the process. Hoping that it would move along, and
6 that's kind of how we left it. I said, well, you
7 know I, I think I, I at some point I said look, I
8 don't know the details of what's happening, but I
9 have full faith and confidence in the Attorney
10 General's Office that whatever they're investigating,
11 they're gonna do their, do their job and, you know,
12 come to the right conclusions and move forward. So
13 if anything I just expressed confidence in the
14 process, appreciating that she, as a wife, she must
15 be very frustrated. And, you know, having a family
16 member go through whatever, whatever the
17 investigation was, that's really it.

18 INTERVIEWER: Okay, so following the
19 meeting, well, let me back up. How did the meeting
20 conclude?

21 GOVERNOR SUNUNU: It's how it kind of
22 concluded. I, I said, well, look I, I appreciate
23 this has to be frustrated, I think I again I kind of

1 reiterated my confidence in the Attorney General's
2 Office, whatever was, whatever this was about look,
3 they're gonna do their job. They're gonna, you know,
4 do all the -- make sure all the pieces line up and,
5 you know, come to whatever conclusions they need to
6 come to and I said, you know, I can imagine it's
7 frustrating but good to see you. And I think that's
8 basically how it ended. I, you know, I was kind of
9 watching the clock and at about the 30 minute mark I
10 kind of stood up, and she stood up, shook hands and
11 she walked out.

12 INTERVIEWER: Okay.

13 GOVERNOR SUNUNU: Yeah, pretty simple.

14 INTERVIEWER: So after the meeting
15 concludes, what happened? Do you reach out to
16 anyone?

17 GOVERNOR SUNUNU: Well, I looked at Rudy and
18 I said, so -- I said, 'cause I think, I guess we took
19 five minutes and had a quick conversation about well,
20 I guess she's not resigning, you know. She was
21 expressing frustration. Clearly not asking me to do
22 anything. I found it, I think if anything I, we -- I
23 talked a little bit or I might have mentioned to Rudy

1 a little bit about, I kept going back to thinking
2 boy, is the court really backed up? Are they not
3 able, like that kept in my head. I, I don't know the
4 actual inner workings of the court. I know Chief
5 Justice MacDonald has a whole process if someone has
6 to recuse himself to put another judge in. You know,
7 are they have trouble finding those people. So
8 that's when I said to Rudy, you know, I'm gonna call
9 Gordon and see if there is a backup over there, like
10 is that a, you know, is -- is the court being backed
11 up. Am I gonna hear from people that their cases
12 aren't being heard on time.

13 INTERVIEWER: Yeah.

14 GOVERNOR SUNUNU: So that's when I said, you
15 know, let me just give Gordon a call and I called
16 him.

17 INTERVIEWER: Okay, and were the concerns
18 from Justice Marconi validated from Chief Justice
19 regarding backup?

20 GOVERNOR SUNUNU: Great question, my -- if I
21 remember correctly, I don't believe so. So I said,
22 Gordon, I don't think he knew first, two things. I
23 said I'm not sure if you know, I just had a meeting

1 with Justice Bobbie Hantz Marconi. He did not, he
2 was not aware of that if I remember correctly. I
3 don't think he was aware of that at all. He said
4 really, I said, yeah. I said, you know, what I'm
5 calling you about is, you know, one thing she said
6 was a concern that the court was gonna be backed up
7 because she has to recuse herself, and that things
8 had slowed down. I can, I feel -- he was very
9 confident that that was not the case. He said the
10 court's work is getting done. We can bring people
11 in, don't worry, Governor, we've totally got this,
12 you know. So he -- I can just tell you I left that
13 conversation feeling reassured that that wasn't,
14 while she did have to recuse herself, it was nothing
15 that slowed down the process or would slow down cases
16 being heard, and being adjudicated appropriately.

17 INTERVIEWER: Okay, was that a surprising
18 response based on what Justice Marconi had relayed?

19 GOVERNOR SUNUNU: Well, yeah, I mean
20 obviously, you know, her -- her, her opinion of the
21 situation was different than the Chief Justice's.
22 The Chief Justice of the Administrative Court, I'm
23 gonna kind of, I have a lot more faith in what he's

1 saying, he's -- he's telling me it can, it can keep
2 moving forward, no problem, then -- then, yeah. Then
3 I felt much more reassured, yeah.

4 INTERVIEWER: Okay.

5 GOVERNOR SUNUNU: I would just it was kind
6 of two, definitely two different opinions about, you
7 know, what the impacts from a perceived
8 administration of the court standpoint that this
9 whole process was, was barren.

10 INTERVIEWER: Okay, was there any further
11 conversation with the Chief Justice regarding Hantz
12 Marconi?

13 GOVERNOR SUNUNU: No, I -- I did, I think
14 he, he think he asked Gov., what did you guys talk
15 about? And I kind of relayed similar to this
16 conversation that, you know, she did a lot of the
17 talking. She didn't ask of anything of me. She was
18 frustrated with, that she had to recuse herself.
19 Frustrated seeing the process as a wife. But I
20 think, I think that was it. I think I just kind of
21 generally relayed, Rudy, I think you were here for
22 that. I don't mean to lean on you but I think I just
23 generally relayed what the conversation was to him

1 and --

2 INTERVIEWER: Okay.

3 GOVERNOR SUNUNU: -- and he just reassured
4 me that the work would get done. It was maybe a five
5 or six-minute conversation, something like that.

6 INTERVIEWER: Did he express any concerns
7 about anything?

8 GOVERNOR SUNUNU: I think he was surprised
9 that she had come in to see me, to ask for the
10 meeting. That was about, I mean that's the only
11 concern I can, I can say. I think he was surprised
12 that there was even a request for the meeting. But
13 similarly, I said, well, if the Justice of the
14 Supreme Court, well, I'm gonna take the meeting.

15 INTERVIEWER: Sure.

16 GOVERNOR SUNUNU: So but that was it, I
17 think he -- I don't believe he was aware that she
18 was, she had come in.

19 INTERVIEWER: Okay, was there conversation
20 with Hantz Marconi, Justice Marconi, about her full
21 term and expressing desires to finish her full term
22 as she had been confirmed to do?

23 GOVERNOR SUNUNU: No, 'cause it's not really

1 a term, right? I mean they're there as long as,
2 until they're 70.

3 INTERVIEWER: Right.

4 GOVERNOR SUNUNU: Right, so no, no, I -- I
5 don't remember any discussion about whether she would
6 leave early, or resign or, if that's what you're
7 implying. No, there was no discussion on that.

8 INTERVIEWER: Okay.

9 GOVERNOR SUNUNU: Yeah.

10 INTERVIEWER: Has she requested any other
11 meetings prior or since?

12 GOVERNOR SUNUNU: No.

13 INTERVIEWER: Okay, any other justices? I
14 don't need specifics, just any other justices that
15 have requested meetings?

16 GOVERNOR SUNUNU: Like in, in the history of
17 me being a Governor?

18 INTERVIEWER: Recently.

19 GOVERNOR SUNUNU: Yeah, well, yeah, I've
20 had, I've had meetings with Justices on the Supreme
21 Court during my tenure as Governor.

22 INTERVIEWER: Um-hum.

23 GOVERNOR SUNUNU: Sometimes with the Chief

1 Justice, or the former Chief Justice, or give me 30
2 seconds, any of the Associate Justices, no, I've had
3 meetings with the Chief Justices for various things.
4 Yeah, just to catch up, see what's happening and the
5 Chief Justice of the Supreme Court, I --

6 INTERVIEWER: Sure.

7 GOVERNOR SUNUNU: -- we just catch up.
8 Sometimes it's nothing, sorry, Hicks, I used to have
9 lunch with Hicks, you know, every once or something
10 like that.

11 INTERVIEWER: Okay.

12 GOVERNOR SUNUNU: But no, never with an
13 Associate Justice but, but with the Chief Justices,
14 again just a catch-up on how the court's doing.

15 INTERVIEWER: Okay.

16 GOVERNOR SUNUNU: I've had meetings with
17 Gordon. Yeah, I guess the last official meeting, I
18 see him from time-to-time, we catch up, but an
19 official meeting, some time in the last year, in the
20 last six months.

21 INTERVIEWER: Okay, yeah.

22 GOVERNOR SUNUNU: Branches are separate so
23 it's more just kind of check-ins, everything going

1 good.

2 INTERVIEWER: Right.

3 GOVERNOR SUNUNU: You know, anything we need
4 to worry about and it's usually all good.

5 INTERVIEWER: Okay, would any of those
6 conversations revolve around open investigations?

7 GOVERNOR SUNUNU: No, nothing has ever --

8 INTERVIEWER: Other members?

9 GOVERNOR SUNUNU: -- this, no, nothing has
10 ever, other than this conversation I had with Justice
11 Hantz Marconi, nothing has ever, like that has ever
12 come up in a conversation.

13 INTERVIEWER: Okay, in the history of you as
14 Governor entirely?

15 GOVERNOR SUNUNU: Oh, you mean with judges?
16 Or with, with the Justices?

17 INTERVIEWER: With, with Justices.

18 GOVERNOR SUNUNU: Not with Justices.

19 INTERVIEWER: And open, open investigations
20 involving family members?

21 GOVERNOR SUNUNU: Not with any Justices, had
22 none, no. This is a pretty unique situation is my
23 understanding so no, no -- no judge has ever talked

1 to me about an open investigation before.

2 INTERVIEWER: Okay, aside from the email
3 that you provided, is there any other documentation
4 or anything else?

5 GOVERNOR SUNUNU: No, I went back and looked
6 and that is like literally the only email and that
7 was again just between her and my scheduler. And
8 then my scheduler came in probably and said, Justice
9 Marconi wants a meeting.

10 INTERVIEWER: Sure.

11 GOVERNOR SUNUNU: You know, I -- I agreed to
12 have the meeting but I never talked or texted with
13 her, or her staff, or anything like that. No direct
14 emails that I have or anything like that. That was
15 the only one that the office had.

16 INTERVIEWER: Okay, so as you have an
17 opportunity to reflect on this, did this --

18 GOVERNOR SUNUNU: Yeah.

19 INTERVIEWER: -- appear to be an appropriate
20 meeting for a Justice to have with you?

21 GOVERNOR SUNUNU: I thought it was strange,
22 it was very unique, obviously, talking about an
23 investigation considering her position with a judge

1 in the Governor's office in itself is odd. I think
2 that's one thing I probably turned to Rudy and said,
3 was anything about that, was it just awkward? Was it
4 inappropriate? Was there any sort of violation that
5 I missed there that, you know, maybe she would have
6 brought up? So I thought it was awkward and I guess
7 I would use the word inappropriate but I don't, I
8 didn't think that, I didn't get the sense it crossed
9 the bounds of she didn't ask anything, she wasn't,
10 you know, insinuating anything other than that she
11 thought the whole thing was, you know, frivolous.

12 So I thought it was awkward and, and quasi
13 inappropriate. I was surprised that she would, the
14 only other thing that I, the other piece that I
15 thought was strange and, and maybe even
16 inappropriate, she didn't mention to Gordon who's
17 effectively her boss that she was asking for a
18 meeting with the Governor. Usually when people ask
19 for a meeting, if they work in government, they're at
20 least letting their boss or the Commissioner know or
21 something, so that was in itself I thought a little
22 weird but yeah, so I thought the whole conversation
23 was, was weird and awkward, and -- and quasi

1 inappropriate but I kind of turned to Rudy as the
2 legal grounds, was anything there a violation or, or
3 illegal. I, I didn't get the sense that, I didn't
4 get the sense that anything was illegal about the
5 conversation. It was unique, though, you know.

6 INTERVIEWER: Okay.

7 GOVERNOR SUNUNU: You can imagine a Justice
8 of the Supreme Court's here talking about an
9 investigation. And I just kind of listened.

10 INTERVIEWER: Okay.

11 GOVERNOR SUNUNU: It was weird.

12 INTERVIEWER: Have you had any conversations
13 absent a formal meeting with Justice Marconi about
14 personal life, or anything prior to this, post her
15 (inaudible) --

16 GOVERNOR SUNUNU: Post her coming in?

17 INTERVIEWER: No, no.

18 GOVERNOR SUNUNU: Oh, sorry.

19 INTERVIEWER: After her being confirmed as a
20 justice?

21 GOVERNOR SUNUNU: No, I -- I literally had
22 seen her, I see her in the supermarket every once in
23 a while 'cause we live in the same area.

1 INTERVIEWER: Um-hum.

2 GOVERNOR SUNUNU: But I, I really don't know
3 her personally.

4 INTERVIEWER: Okay.

5 GOVERNOR SUNUNU: No, I think the first time
6 I ever met her was when I interviewed her to be a
7 judge so, yeah.

8 INTERVIEWER: Okay.

9 GOVERNOR SUNUNU: That was back in 2017
10 maybe or something like that, 2018, I don't even
11 remember when I put her in. She was I, I think the
12 first justice I put in to be a judge so that's the
13 first time I had ever met her and all my subsequent
14 meetings pretty much other than bumping into her and
15 saying hello, politely in the supermarket, it was
16 always over, you know I'll see her at the, at the
17 courthouse or something if I'm over there for an
18 event or something like that.

19 INTERVIEWER: Okay, did she offer any
20 comments on the DOJ's involvement in this regarding
21 whether they should or shouldn't, or --

22 GOVERNOR SUNUNU: No, the only -- no, not
23 with the DOJ. The only comment she made I think

1 about involvement or, you know, the how's and why's
2 this was happening, she -- she did make a comment
3 that she thought it was petty, maybe even personal,
4 and had something to do with, you know, a history of
5 something at Rye Harbor. But that she didn't make
6 that in reference to the DOJ, she just said she
7 thinks that's what kicked this all off.

8 INTERVIEWER: Okay.

9 GOVERNOR SUNUNU: And again, I really didn't
10 understand what the comment meant. I think I even
11 asked her at some point, you -- you've brought up Rye
12 Harbor twice, what does that mean? I don't know what
13 that is. And she just said, oh, there's -- you know,
14 there's some history there with, you know, some
15 issues that have gone on between Geno and the Port,
16 and Rye Harbor. That was literally, I said, oh,
17 okay, I don't know anything about that.

18 INTERVIEWER: Okay.

19 GOVERNOR SUNUNU: I didn't know what that
20 comment was. But no, nothing about the DOJ directly,
21 how they were going about it that I can remember.

22 INTERVIEWER: Okay, and you said she did not
23 ask for anything, there were no asks from anyone?

1 GOVERNOR SUNUNU: No, I mean about halfway
2 through the conversation I kept waiting, is she gonna
3 ask me something, or for something, or to do
4 something, like and even imply that I should,
5 Governor, you need to dah, dah, dah, no, never came.
6 So there's technically no ask of me.

7 INTERVIEWER: Okay, gentlemen?

8 INTERVIEWER: Just a couple questions.

9 GOVERNOR SUNUNU: Sure.

10 INTERVIEWER: When you nominated Justice
11 Marconi to the Supreme Court, who was your legal
12 counsel at the time?

13 GOVERNOR SUNUNU: It was, that's a great
14 question. Sorry, I -- I think it was John Formella.
15 You, you'd have to tell me 'cause I, I believe Gordon
16 was --

17 INTERVIEWER: Just off your memory, that's
18 all.

19 GOVERNOR SUNUNU: -- no, no, I think Gordon
20 was, I assume he was, Gordon became the Attorney
21 General in May of '17, something like that. I don't
22 know when I nominated her. It could have been, was
23 Gordon my legal counsel? I have to be honest, I

1 don't even remember. I, I feel terrible that --

2 INTERVIEWER: No, that's, that's fine. Just
3 based on, I'm just asking based on your memory.

4 GOVERNOR SUNUNU: I, I believe it was either
5 Gordon or John Formella at the time but I, I don't
6 know what came first to be honest.

7 INTERVIEWER: So it could have been John
8 Formella, the current A.G., or the -- or Gordon.

9 GOVERNOR SUNUNU: Or Gordon, yeah.

10 INTERVIEWER: How long was John the Attorney
11 General, your legal counsel for, approximately?

12 GOVERNOR SUNUNU: As soon as -- when, give
13 me 30 seconds, four -- four years.

14 INTERVIEWER: Four years?

15 GOVERNOR SUNUNU: Four or five years.

16 INTERVIEWER: Okay.

17 GOVERNOR SUNUNU: Yeah, 'cause he came in,
18 Gordon MacDonald became the Attorney General in 2017
19 at some point, spring or summer. John, no, let me
20 back up, let me back up. I think John Formella was
21 my legal counsel on day one.

22 INTERVIEWER: Okay.

23 GOVERNOR SUNUNU: I don't think Gordon was

1 ever my legal counsel.

2 INTERVIEWER: Okay.

3 GOVERNOR SUNUNU: John was always my legal
4 counsel. I believe I brought him in very early on so
5 yeah, I'm remembering that right. I brought John in
6 as my legal counsel. Gordon was just Gordon if you
7 will, I nominated him to be the Attorney General but
8 he was never in this office, I don't believe
9 technically. So therefore John was here from 2017
10 all the way up to being nominated as the Attorney
11 General in '21, is that right?

12 INTERVIEWER: Yeah.

13 GOVERNOR SUNUNU: '22.

14 INTERVIEWER: So --

15 GOVERNOR SUNUNU: Yeah.

16 INTERVIEWER: -- so he, John was --

17 GOVERNOR SUNUNU: Four or five years.

18 INTERVIEWER: -- John Formella was here that
19 entire time as your legal counsel?

20 GOVERNOR SUNUNU: Yeah, yeah, yeah, Gordon
21 was never my legal counsel now that I'm remembering
22 this.

23 INTERVIEWER: So other than you interviewing

1 justices, does your legal counsel typically help with
2 going through the nomination process for justices?

3 GOVERNOR SUNUNU: Yes, sure.

4 INTERVIEWER: So that would have been John's
5 role at the time?

6 GOVERNOR SUNUNU: Yep, he would have, he
7 would have been part of that. Also whoever's kind of
8 in charge of the Executive Council, my Executive
9 Council liaison is also a big part of that. And then
10 obviously I was leaning on the Judicial Selection
11 Committee which is run by Chuck Douglas. I try to
12 get everyone's name right. So if a, they'll send
13 over a couple names to me. You know these, these
14 folks have kind of gone through the Judicial
15 Selection Committee. These are our potential
16 recommendations that you should interview. I'll
17 probably go to my legal counsel and say, hey, let's
18 get some phone numbers and I'll, I'll interview these
19 people. Sometimes the legal counsel would sit in
20 with me when I'm doing like a phone interview, or a
21 one-on-one interview. Sometimes the Executive
22 Council Liaison would 'cause they have a good sense
23 of what the Council, you know, it has to be, be

1 approved by the Council so sometimes they would do it
2 as well. But and then sometimes I'd do follow-up
3 phone calls with Chuck Douglas in terms of who may be
4 a judge.

5 INTERVIEWER: So at the time the current
6 A.G. would have helped you throughout that entire
7 process with Justice Marconi's nomination and
8 confirmation?

9 GOVERNOR SUNUNU: Yes, I think that's fair
10 to say.

11 INTERVIEWER: Okay.

12 GOVERNOR SUNUNU: Yeah, if I'm remembering
13 that correctly. I mean that, that is seven years ago
14 and that is how I'm remembering it.

15 INTERVIEWER: Yep, nope, that's fine.

16 GOVERNOR SUNUNU: I think that's right.

17 INTERVIEWER: Okay.

18 INTERVIEWER: Governor, aside from your
19 staff and Chief Justice MacDonald, and here today,
20 have you discussed this meeting with Justice Hantz
21 Marconi with anyone else?

22 GOVERNOR SUNUNU: No, oh, with the Attorney
23 General. So about a week after, about a week after I

1 had the meeting I was talking to the Attorney General
2 about something like completely unrelated and through
3 the course of that conversation it came up that I had
4 met with Justice Marconi, and then he said, oh,
5 really? I said, yeah, and he asked a few questions
6 and but I believe that's it, that's -- that, that
7 would have been it, about a week later I, I mentioned
8 it to the Attorney General.

9 INTERVIEWER: Okay, you said she began by
10 talking about being frustrated personally as a wife,
11 and then it transitioned into her, what she perceived
12 to be issues as a judge.

13 GOVERNOR SUNUNU: Um-hum.

14 INTERVIEWER: Do you recall how that
15 transitioned? Was it just a natural transition?

16 GOVERNOR SUNUNU: It was pretty natural,
17 yeah, I mean she kind of, like I said it was all in
18 the beginning part of the conversation and I just let
19 her talk. I mean she, she kind of just went on for
20 five or 10 minutes, just kind of talking, and talking
21 about things. Yeah, so in, in that whole opening
22 salvo, if you will, of the frustrations, it just --
23 she, she mentioned both, both areas of frustration,

1 yeah.

2 INTERVIEWER: Okay, how was the conversation
3 with the Attorney General transitioned into a
4 conversation about Justice Marconi, Hantz Marconi?

5 GOVERNOR SUNUNU: Good question, we were
6 talking about something, I remember I was in my
7 driveway, I was on the cell phone. It was like a
8 weekend, we talk all the time about this, and that,
9 and everything. So we were talking about something,
10 I know I had called him about something unrelated and
11 I might have said, you know, by the way, you know, I
12 don't know if Rudy or even if you had talked, let me,
13 let me back up. What we were talking about had a
14 little bit to do with Gordon MacDonald completely
15 unrelated. I think we were talking about the YDC
16 settlement, that Gordon had started that process. I
17 think John had asked him something about that process
18 or whatever.

19 And I said, by the way, did Gordon mention that
20 Justice Marconi has, you know, came in to see me last
21 week? He's like, no, really? And I said, yeah, you
22 know, so I just kind of again just relayed the
23 conversation, similar to as I'm relaying it to you.

1 I said Rudy, I reassured him, I said Rudy was there
2 so if you have any further questions you can
3 definitely follow up with Rudy about it but I gave
4 him kind of the substance of the conversation. And
5 similar to, similar to what we've discussed here, I
6 said it was, it was awkward.

7 It was, may have been, I found it a little bit
8 inappropriate just because of the strangeness of the
9 situation. I found it weird that she hadn't
10 mentioned to Gordon she was coming in. But I, I
11 reiterated, I didn't think there was anything illegal
12 about it, but I'm, I'm not a lawyer. I said I just
13 kind of listened and, you know, reiterated the
14 conversation and he just kind of took it in and said,
15 oh, boy, okay. Thanks for letting me know. But the,
16 but it's not like, just to be clear, I didn't pick up
17 the phone and say, hey, John, I have to tell you
18 something or he didn't say --

19 INTERVIEWER: Sure.

20 GOVERNOR SUNUNU: -- we were just talking
21 about something totally different and through the
22 natural course of that conversation I just said, by
23 the way, did they mention that kind of weird

1 conversation when Justice Marconi had come in. And
2 then we started talking about it.

3 INTERVIEWER: You said that you meet with
4 Chief Justice MacDonald from time to time?

5 GOVERNOR SUNUNU: Yeah.

6 INTERVIEWER: Would you think it would be
7 appropriate for you as a Governor to tell Chief
8 Justice MacDonald that you were hoping the court
9 would rule a particular way on a case?

10 GOVERNOR SUNUNU: I would never say that to
11 Chief Justice MacDonald, no.

12 INTERVIEWER: But even if you didn't ask him
13 to rule a particular way, you just said I would
14 really hope that, that the court would rule this way?

15 GOVERNOR SUNUNU: No, his court?

16 INTERVIEWER: Yeah.

17 GOVERNOR SUNUNU: Oh, goodness, no, I can't
18 say that, no, no, no, no. You know when I meet with
19 the Chief Justices, whether it was Hicks, or Gordon,
20 or a representative from Windham, a former Chief
21 Justice, don't tell him I forgot his name.

22 INTERVIEWER: It's okay if you don't
23 remember, I think we, I think we got it.

1 GOVERNOR SUNUNU: Sorry.

2 INTERVIEWER: I think we got it, we can try
3 (inaudible).

4 GOVERNOR SUNUNU: And no, no, if it's
5 anything it's we, we talk about administrative stuff
6 but I would never talk about anything pending before
7 the court, no.

8 INTERVIEWER: I wouldn't suggest that you
9 would.

10 GOVERNOR SUNUNU: No, no, no, sure.

11 INTERVIEWER: But would you find it
12 inappropriate for a Governor to do that?

13 GOVERNOR SUNUNU: Of course.

14 INTERVIEWER: Even though there's not a
15 particular ask?

16 GOVERNOR SUNUNU: Yeah, it's still
17 inappropriate, yeah, I can. I'm a Governor, that --
18 you guys are the lawyers but I would think that that
19 would be trying to use my position to influence a, a
20 result in a court on something, you can't do that.

21 INTERVIEWER: Okay.

22 GOVERNOR SUNUNU: Yeah.

23 INTERVIEWER: Just for clarification, I'm

1 not an attorney.

2 GOVERNOR SUNUNU: Oh, okay, it's like, oh,
3 really? Okay, I'm sorry but I didn't mean to offend
4 you.

5 INTERVIEWER: Tom, Tom is an investigator
6 for our office.

7 GOVERNOR SUNUNU: I clearly offended
8 somebody in the room.

9 INTERVIEWER: No, no, no, you -- he's
10 technically a police officer.

11 GOVERNOR SUNUNU: Yeah.

12 INTERVIEWER: But he's a great --

13 GOVERNOR SUNUNU: Look, I can see, I can see
14 Joe Smith coming up off the street and saying
15 something to Chief Justice MacDonald about oh, what
16 -- but I'm the Governor, I -- I do understand when I
17 open my mouth that implies influence in a situation,
18 you can't do that. Any Governor can't do that, or
19 shouldn't do that I think.

20 INTERVIEWER: Excuse me, but would it be
21 fair to say that based on probably Tom's initial
22 questions about the scheduling and how people --

23 GOVERNOR SUNUNU: Sure.

1 INTERVIEWER: -- get meetings in this
2 office, would you have taken this meeting with
3 Associate Justice Marconi if she wasn't Associate
4 Justice Marconi? If somebody just emailed you and
5 said I want to talk to you about something personal?

6 GOVERNOR SUNUNU: Just like if I didn't know
7 her at all?

8 INTERVIEWER: Yeah, if you --

9 GOVERNOR SUNUNU: No, I don't, I don't -- I
10 don't really take meetings with strangers unless they
11 come with some other type of reference. You know if,
12 if like let's just, let's go really far afield, if a
13 lobbyist comes to me and says I have a client, you
14 don't know him, you've never met him, but they have
15 something pending before the Executive Council or, or
16 you know, something pending before the state, would
17 love to come in and talk to you about it as long as
18 it's all good, yeah, sure. I don't know, maybe I
19 haven't met that person before but they're coming
20 with a reference. But if anyone is just kind of cold
21 calling the office saying we need a meeting with you,
22 unless they come from some organization that we know
23 and trust, or something like that, it's pretty rare

1 that I would -- it's not a never but it's pretty
2 rare. I can't think of a time.

3 INTERVIEWER: So Justice Hantz Marconi's
4 credentials so to speak were being an Associate
5 Justice?

6 GOVERNOR SUNUNU: 100 percent, yeah, yeah, I
7 mean you respect a judge.

8 INTERVIEWER: Sure.

9 GOVERNOR SUNUNU: You know, and not to be,
10 not to take it too far but if Judge so-and-so from
11 the Circuit Court asked, I'd probably go to the Chief
12 of the Circuit Court and say do you know what this is
13 about. Five Supreme Court Justices I've had, I've
14 had direct interaction with them all, you know, in
15 terms of me nominating like four of them or whatever,
16 on a professional basis it's the Supreme Court so if
17 one of them wants a meeting, I'm gonna take the
18 meeting, you know. They kind of carry that
19 credential if you will and respect of that position
20 to have a meeting.

21 INTERVIEWER: We're done.

22 INTERVIEWER: Yes, bear with me, I'm just
23 looking at the email, making sure I don't have

1 questions on that first.

2 GOVERNOR SUNUNU: So can I ask a question?
3 If you're not a lawyer, so what's your, what's your
4 -- what's your, what's your title by the way? Like
5 do you work for DOJ or are you an outside consultant?

6 INTERVIEWER: I'm a Criminal Justice
7 Investigator with the Attorney General's Office.

8 GOVERNOR SUNUNU: Right, okay, I'm like
9 you're -- 'cause I always thought you worked for the
10 DOJ, but you're not a, technically a lawyer, you're
11 an investigator, not a lawyer.

12 INTERVIEWER: Correct.

13 GOVERNOR SUNUNU: Oh, that's interesting.

14 INTERVIEWER: Certified police officer,
15 correct?

16 GOVERNOR SUNUNU: Right.

17 INTERVIEWER: Yes.

18 GOVERNOR SUNUNU: Okay, sorry, in my head
19 like you know I, I didn't realize that. I'm like I
20 thought he worked at DOJ.

21 INTERVIEWER: Yep.

22 GOVERNOR SUNUNU: In my head I'm like aren't
23 you all lawyers? No, I'm just kidding, sorry.

1 INTERVIEWER: Some are good dudes.

2 INTERVIEWER: Anything else, guys?

3 Governor, do you have anything else today?

4 GOVERNOR SUNUNU: No, honestly, am I leaving
5 anything out, Rudy? I think -- anything of
6 substance? I can't think of anything else of
7 substance that would have, that -- no, nothing else,
8 no.

9 INTERVIEWER: Okay, all right.

10 GOVERNOR SUNUNU: That's it.

11 INTERVIEWER: Well, I appreciate your time,
12 Governor.

13 GOVERNOR SUNUNU: You bet.

14 INTERVIEWER: And I'm gonna end the
15 recording at 11:16 a.m. by my watch.

16 (End.)

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CERTIFICATE

I, Mary Mielke, a court-approved transcriptionist, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.



Mary Mielke
Avicore Reporting

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