

STATE OF NEW HAMPSHIRE
SUPERIOR COURT
MERRIMACK COUNTY, SS

STATE OF NEW HAMPSHIRE,

Case No.: 217-2024-CR-1167

vs.

ANNA BARBARA HANTZ MARCONI,

**EX-PARTE MOTION FOR IMMEDIATE
STAY IN PRESERVATION OF PROPOSED
INTERVENOR'S RIGHTS AND APPEAL**

NOW COMES Proposed Intervenor/ current Appellant Brok-Alan Woodward-Griffith (“Griffith”), *pro se*, and hereby respectfully moves this Honorable Court for a *STAY* of all proceedings in the trial Court, including but not limited to an indefinite continuance of the present trial date, pursuant to N.H. Super. Ct. R. 12, and N.H. Supr. Ct. R. 7-A. In preservation of his rights on appeal, Intervenor states in support as follows.

PROCEDURAL BACKGROUND

1. On October 16th, 2024, this instant criminal case at bar was brought against Justice Anna Barbara Hantz Marconi (“Marconi,” “Defendant”) charging, among other things, improper influence, official oppression, obstruction, and criminal solicitation. See Doc. 1 – 7.
2. Proposed Intervenor sought to intervene prior (Doc. 21), which Defendant attempted to strike from the record, with the assent of the Attorney General. (Doc. 22). The Trial Court denied Proposed Intervenor first motion, which led to an unsuccessful appeal to the New Hampshire Supreme Court (“SCONH”). See Doc. 26, 32, 39, 41.
3. Following this unsuccessful attempt at intervention, Proposed Intervenor again moved for intervention on March 19th, 2025 (Doc. 48), on the basis of new pleadings and evidence that

1 had been submitted in this instant criminal trial, that corroborated Proposed Intervenor’s
2 claims in his new civil trial, i.e. that Justice Marconi had been bribed in exchanged for taking
3 improper official acts, among other things. See *Woodward-Griffith v. PC Connection, Inc., et*
4 *al*, Case No. 216-2025-CV-00187 (Hills. Sup. North), Doc. 53. This second attempt was
5 instantly denied without objection, and/or otherwise, from the parties. See Doc. 49.

- 7 4. Proposed Intervenor again, appealed such decision. See Doc. 87, 94, 95.
- 8 5. As Proposed Intervenor’s Constitutional rights are at stake, see e.g. N.H. Const. Part I, Art.
9 14, 15, and under direct threat of being extinguished, this emergency motion to stay
10 proceedings has been filed.

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12 **FACTORS IN SUPPORT OF A STAY**

13 Proposed Intervenor’s present appeal should take precedent over any proceedings in this
14 instant criminal trial for the following reasons.

15 First, the *public’s interest* in full disclosure of the evidence collected concerning Justice
16 Marconi’s misconduct that led to her criminal trial, takes full precedence over any personal
17 rights that Justice Marconi may have, due to Justice Marconi’s continuing status as a public
18 servant. See N.H. Const. Part I, art. 8, “All power residing originally in, and being derived from,
19 the people, all the magistrates and officers of government are their substitutes and agents, *and at*
20 *all times accountable to them*. To that end, the public’s right of access to governmental
21 proceedings and records shall not be unreasonably restricted.”¹ (emphasis added) In a long,
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¹ “All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public’s right of access to governmental proceedings and records shall not be unreasonably restricted. The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has

1 unbroken string of recent cases in New Hampshire, it is amply recognized that the public has a
2 right to know about both 1) the investigation into a public officials misconduct, even if the
3 misconduct that led to criminal charges is not sustained, and 2) that the public agency
4 investigating such misconduct has conducted a thorough investigation on behalf of its duty to the
5 New Hampshire public: See State v Letendre, No. 219-2020-CR-0792 (Straff. Super. Feb. 4,
6 2021); Union Leader Corp./ACLU-NH v. Town of Salem, No. 218-2018-CV-01406 (Rock.
7 Super. Jan. 21, 2021); Salcetti v. City of Keene, No. 213-2017-CV-00210 (Chesh. Super. Jan. 22,
8 2021); Provenza v. Town of Canaan, No. 215-2020-CV-00155 (Graft. Super. Dec. 2, 2020); Reid
9 v. N.H. AG, 169 NH 509 (2016). As argued prior under Proposed Intervenor’s Motions (Doc. 21,
10 24, 48), there is no salient or reasonable legal argument to preclude immediate disclosure of the
11 grand jury materials to the public, and further – this Court’s non-disclosure, and disallowing
12 argument concerning same, substantially conflicts with prevailing caselaw. Notwithstanding the
13 highly unusual and difficult position this Honorable Court was placed in, via Proposed
14 Intervenor’s motions, Proposed Intervenor’s Supreme Court appeal must be adjudicated, and
15 therefore a stay is both proper and warranted.

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19 Second, Proposed Intervenor’s constitutional rights are at stake of being extinguished –
20 which, as a matter of law, and as a legally protectable injury, should be a repugnant outcome to
21 this Honorable Court. As argued under Proposed Intervenor’s Motions (Doc. 21, 24, 28),
22 Intervenor has a personal right and interest at stake, including but not limited to his Article 14
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27 spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a
28 case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond
his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the
subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the
parties to that proceeding.”

1 and 15 rights under the New Hampshire Constitution, and generally under the United States
2 Constitution. Given the allegations in Proposed Intervenor’s civil trials, and Justice Marconi’s
3 involvement therein – both as Defendant, and as a sitting Supreme Court Justice of New
4 Hampshire – the interview materials collected within this criminal trial demonstrate that there is,
5 at minimum, probable cause to believe that the Attorney General collected further evidence and
6 information that adds probative value, or vindicates, Proposed Intervenor’s allegations that
7 Justice Marconi was engaged in some form of *quid pro quo* scheme for official acts. See Doc.
8 33, 34, “Interview of Steve Duprey,” “Interview of Rudy Ogden,” “Interview of Governor
9 Sununu,” Doc. 35, “Interview of Chief Justice MacDonald.” These interviews reveal that Justice
10 Marconi was very concerned about her financial records being exposed, and urgently sought to
11 reach out to *any* individual capable of exercising some degree of influence to quietly make the
12 charges against her husband, Geno Marconi, “go away quickly” (paraphrased). Not only does
13 this render Proposed Intervenor’s civil claims valid, and lay groundwork for his intervention, this
14 further implicates the *public’s right to know* about what dealings or misconduct, both *on and off*
15 *duty*, that Justice Marconi was engaged in. While the Supreme Court addresses these, and other
16 issues, entering a stay is both proper and warranted.

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20 Third, revealing these materials, cancelling the present trial date, and entering a stay pending
21 the outcome of Proposed Intervenor’s Supreme Court appeal, does not result in any unfair
22 prejudice to Justice Marconi. First, New Hampshire broadly and freely allows access to probable
23 cause hearings despite the fact the information presented therein may be ultimately deemed
24 inadmissible at trial. See Keene Publ’g Corp. v. Keene Dist. Court, 380 A.2d 261, 263 (NH
25 1977) As the probable cause hearing took place under the veil of secrecy, vis-à-vis the Grand
26 Jury proceeding, this largely deprived the public the ability to know the actions and activity of
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1 government officials and agencies that led to Justice Marconi’s criminal prosecution. See N.H.
2 Const. Part I, art. 8 “Government, therefore, should be open, accessible, accountable, and
3 responsive.” Second, claims of unfair prejudice by having probable cause materials revealed, that
4 were compiled for use by the grand jury, are pre-empted by caselaw in New Hampshire.
5 Specifically, Letendre, supra, recognized that despite pre-trial publicity, the *voir dire* process is
6 sufficient to uphold a fair trial and impartial selection of jurors, and that the category of case is
7 determinative as to this prejudice, namely whether the case involves “the kind of gruesome
8 violence or other horrific act” that could lead to public prejudice. This is not a case of gruesome
9 violence, and in fact, Justice Marconi may be painted as a sympathetic criminal Defendant,
10 seeking to aid her spouse. Furthermore, the pretrial publicity towards Justice Marconi can be
11 characterized, at best, as anemic and favorable. As held in State v. Smart, 136 NH 639, 653
12 (1993), there was no reversible error in jury selection despite substantial pre-trial publicity. In
13 addition, Justice Marconi’s trial is not “pending or truly imminent,” Letendre, supra, and in fact,
14 Justice Marconi may even further benefit from a stay in these proceedings. *Arguendo*, there is no
15 dispute that what Justice Marconi has admittedly done here amounts to serious judicial
16 misconduct. See In Re Snow’s Case, 140 NH 618 (1996). Justice Marconi’s actions went *far*
17 *further* than what Judge Snow had done. Justice Marconi used her Supreme Court-issued,
18 government email to arrange meetings, and put a far more *pointed* outcome behind her outreach,
19 as testified to by the witnesses. e.g., “This investigation into my husband needs to wrap up
20 quickly.” From Proposed Intervenor’s point of view, *solely using* the evidence publicly
21 presented and witnesses that have testified thus far, there is no jury in New Hampshire that
22 would not convict Justice Marconi. Revealing the grand jury materials that led Justice Marconi’s
23 instant criminal trial would not result in unfair prejudice, and is vital for the public’s right to
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1 accountable and transparent government. See e.g. Reid, supra. Revealing the Grand Jury
2 materials, therefore, is not only *absolutely necessary* and *legally and constitutionally*
3 *mandated*, it is matter of *total and absolute interest* for the public and the integrity of the legal
4 system of New Hampshire, and avoidance of the appearance of impropriety. Entering a stay in
5 this proceeding – especially when non-disclosure of these grand jury materials conflicts with
6 prevailing precedent and rulings, and is directly opposite to the New Hampshire Constitution, is
7 warranted and proper.

9 Third, Justice Marconi’s status as a continued member of the New Hampshire Judiciary
10 cannot be discounted. Justice Marconi has a heightened duty towards the Judicial Canons. See
11 Snow’s Case, supra at 627. In rebutting claims of prejudice, it must be noted that complaints
12 against Judges and Lawyers in New Hampshire, even if they do not lead to formal discipline or
13 charges, are kept public for two years. See N.H. Supr. Ct. R. 37(20)(b)(2), N.H. Supr. Ct. R.
14 40(16)(b). This further renders the non-disclosure of Justice Marconi’s Grand Jury materials
15 illogical, deeply troubling, and casts a tremendous shadow of impropriety. This shadow of
16 impropriety, and appearance of back-room dealings, is further amplified by the *de facto* collusion
17 between Justice Marconi’s Defense Counsel, and the New Hampshire Attorney General, in
18 seeking to hide these materials from public view. See Doc. 22, *Assented to Mot. to Strike by*
19 *Dfn’t*, See also Doc. 35, *State’s Proposed Sur-reply*, pg. 5, ¶ 3. Further, the Attorney General’s
20 statements, in being unwilling to publicize all discovery in this case, flies directly in the face of
21 Reid, supra. Entering a stay in this action pending Proposed Intervenor’s Supreme Court Appeal,
22 including striking the present trial date, is of paramount importance, paramount for the protection
23 of this Honorable Court, and for the protection and integrity of the New Hampshire legal system
24 writ large.

1 **CONCLUSION & PRAYER FOR RELIEF**

2 **WHEREFORE**, without prejudice and without waiving any rights, and for the facts,
3 reasons, arguments, and authorities cited, Proposed Intervenor humbly and respectfully requests
4 that this Honorable Court:
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- 6 a. Immediately STAY all proceedings, back-dated to Proposed Intervenor’s recent
7 Appeal (April 19th, 2025);
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9 b. Strike the present jury trial;
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11 c. Any such other and further relief as may be just, equitable, necessary, and proper.

12 Respectfully submitted,

13 Dated this 30th of May, 2025.

14 /s/Brok-Alan Woodward-Griffith

15 Brok-Alan Woodward-Griffith, *pro se*

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20 **CERTIFICATE OF SERVICE**

21 I hereby certify that a copy has been provided
22 to all parties via the Court’s eFile service. I
23 hereby further certify that a copy has been
24 delivered, in hand, to the parties, and by US
25 Mail.

26 /s/Brok-Alan Woodward-Griffith
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