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2 STATE OF NEW HAMPSHIRE  
3 SUPERIOR COURT, MERRIMACK SS

4 STATE OF NEW HAMPSHIRE

Case No.: 217-2024-CR-01167

5  
6 vs.

**RENEWED MOTION TO INTERVENE**

7 ANNA BARBARA HANTZ MARCONI  
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10 NOW COMES PROPOSED INTERVENOR Brok-Alan Woodward-Griffith (“Griffith”,  
11 “Intervenor”), *pro se*, hereby respectfully renewing his request to intervene in the present  
12 criminal proceedings against Justice Anna Barbara Hantz Marconi. In light of new facts,  
13 evidence, and rights and interests at stake in this instant proceeding, the Intervenor continues to  
14 have an immediate, ongoing, and urgent need for access to confidential information in this  
15 proceeding, including but not limited to the Grand Jury materials. For the rights, interests, facts,  
16 allegations, and arguments following, Griffith humbly and respectfully requests that this  
17 Honorable Court **GRANT** Intervenor’s instant motion. Without prejudice, and without waiving  
18 any rights, Griffith states in support as follows.  
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21 **INTRODUCTION**

22 At the present procedural standpoint, this instant case at bar, involving the criminal  
23 prosecution of New Hampshire Supreme Court Justice Anna Barbara Hantz Marconi  
24 (“Marconi”) for allegedly seeking to commit improper influence and/or solicitation of same, is  
25 scheduled for a Dispositional Conference on March 20<sup>th</sup>, 2025. Intervenor previously filed a  
26 Motion to Intervene (Doc. 21) and a Motion to Reconsider the Court’s order on same (Doc. 24),  
27 which was appealed to the New Hampshire Supreme Court, and denied. (Doc. 41, 42) The  
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1 grounds for such intervention was an attempt to protect Intervenor’s civil and constitutional right  
2 to seek sealed court documents, including but not limited to Grand Jury materials, in support of  
3 his defense in a civil action, where Intervenor is Defendant, pending in Hillsborough Superior  
4 Court North, Case No. 216-2023-CV-00220, PC Connection, Inc., v. Woodward-Griffith, et al.

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6 While those rights remain **pressing** and **urgent**, new grounds for Intervenor’s  
7 involvement have arisen that strongly merit this Court’s consideration. First, New Hampshire  
8 RSA 490:30-b “Review of Decisions in Cases Involving Judicial Misconduct”<sup>1</sup> took effect  
9 January 1<sup>st</sup>, 2025. From this statute, Intervenor has a direct right at stake to have the Judicial  
10 Conduct Committee review and determine whether Justice Marconi’s conduct was improper  
11 and/or illegal in conjunction with the improper denial of Intervenor’s first appeal in Case No.  
12 216-2023-CV-00220 – thus necessitating Intervenor’s right to access Grand Jury materials, to  
13 provide same to the Judicial Conduct Committee.  
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16 Second, Intervenor has filed a new civil action, Case No. 216-2025-CV-00187, Brok-  
17 Alan Woodward-Griffith v. PC Connection, Inc., et al, alleging that Justice Marconi, *inter alia*,  
18 violated 42 U.S.C §§ 1983, 1985 for engaging in civil conspiracy to deprive the Intervenor of,  
19 among other things, his constitutional and due process rights, and right to redress, and allegedly  
20 accepting bribes for Justice Marconi’s role in this scheme. This implicates Intervenor’s rights  
21 and direct interest in this proceeding at this very procedural standpoint – as Justice Marconi is  
22 ***improperly*** arguing that her actions in this instant criminal case are entitled to Judicial Immunity,  
23 any such ruling issued this by this Honorable Court would directly impact, infringe, and or  
24 deprive Griffith of his access to rights and remedies in his new civil action. Further, while  
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<sup>1</sup> Appended hereto as Exhibit 1.



1 denied, additionally succeeding in improperly influencing the other sitting Supreme Court  
2 Justices to support her unlawful act, and unwittingly deny Intervenor’s appeal, *en banc*.

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4 2. One basis of the new civil action, filed by Intervenor as Plaintiff, Brok-Alan Woodward-  
5 Griffith v. PC Connection, Inc., et al Case No. 216-2025-CV-00187 (Hillsb. Super. North.),  
6 involves the allegation that, upon information and belief, Justice Marconi acted corruptly,  
7 engaging in civil conspiracy and accepting bribes, to deprive Intervenor of his due process  
8 rights under 42 U.S.C. §§ 1983, 1985.
- 9  
10 3. Upon information and belief, Patricia Gallup, and/or agents, officers, or representatives  
11 acting on her behalf, made direct outreach via phone call, or some other means of  
12 communication, to request that Justice Marconi intercept and deny Intervenor’s first appeal –  
13 and Justice Marconi was offered and/or accepted bribes and/or other means of compensation  
14 for her improper and unlawful rulings.
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16 4. Such allegations in the Intervenor’s new civil case, Case No. 216-2025-CV-00187, is further  
17 supported by evidence **that has already been produced** in this instant criminal case,  
18 establishing both a probable cause and nexus of interest for Intervenor’s requested relief, to  
19 access sealed court records, such as the Grand Jury materials.
- 20  
21 5. Moreover, Intervenor has a further demonstrated right via N.H. RSA 490:30-b (Exhibit 1),  
22 which has not yet been interpreted by the New Hampshire Courts, which further solidifies  
23 and establishes Intervenor’s right and interest in accessing sealed court documents.

24 **LEGAL STANDARD & BASIS FOR RELIEF**

- 25 6. For brevity’s sake, Intervenor restates the arguments and citations contained within  
26 Intervenor’s prior Motions to Intervene and Reconsider (Doc. 21, 24, respectively). Such  
27 contents are also attached to this instant motion as Memorandum of Law. Restated briefly,  
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1 Intervention is a practice that is rather liberally allowed within the New Hampshire  
2 jurisdiction; an intervenor must have a demonstrated right and interest at stake within the  
3 proceeding, such that it would be jeopardized and/or extinguished were intervention not  
4 allowed; in cases where the government is a party, rights of the public are presumed to be  
5 protected, and the intervenor must meet a higher threshold to intervene, such as is present  
6 here, where neither the State nor Defendant Marconi has an interest in protecting Intervenor's  
7 right to access sealed Court records; and finally, this is a case that demands utmost  
8 transparency, as government is accountable to its people, and as such, the Grand Jury  
9 materials should be made not just accessible to Griffith, but publicly available for review by  
10 the Citizens of New Hampshire.  
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### 13 ARGUMENT

#### 14 A. Justice Marconi has no Judicial Immunity for these Actions, and Intervenor's 15 Rights are at stake

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17 7. Beginning with Intervenor's direct interest and right at stake within this instant action, the  
18 Defendant has highlighted three arguments with respect to dismissal – First Amendment  
19 protection, Constitutional Right of Redress, and Judicial Immunity. (Doc. 14, pg. 1)  
20 Considering that the Intervenor has brought claims against Justice Marconi in a new civil  
21 action, Case No. 216-2025-CV-000187 (supra), the claim of Judicial Immunity, and any  
22 favorable finding with respect to Judicial Immunity by this Honorable Court, directly  
23 threatens Intervenor's rights. Intervenor respectfully states that there can be no dispute that  
24 the actions and conduct, as complained of in this criminal case, were unethical, improper, and  
25 in direct violation of the Judicial Code of Conduct – therefore there should be no Judicial  
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1 Immunity finding for the Defendant. Illustrative of this point is In re Snow's Case, 140 NH  
2 618 (1996), which was cited by Defendant in the Motion to Dismiss. (Doc. 14, pg. 23, ¶ 54)

3 8. In Snow's Case, Judge Snow's brother, Perry Snow, was issued a summons for speeding by  
4 the Merrimack Police department by Officer Goodridge. Afterwards, Judge Snow made a  
5 phone call to the Merrimack Police Department, which was returned by Officer Goodridge.  
6 Upon returning the phone call to Judge Snow, Officer Goodridge stated that if he had known  
7 it was Judge Snow's brother, he would have simply issued a warning. Goodridge told Judge  
8 Snow that if Perry Snow would come to the police station, he would fix the ticket. Judge  
9 Snow stated, on the phone call, that **he wasn't calling to fix the ticket**, he just thought it was  
10 funny that Officer Goodridge didn't recognize his brother. Judge Snow then called his  
11 brother, told him to go to the police station, and the speeding summons was voided. *Id.* at  
12 620.

13 9. As in Snow's Case, the facts are similar, and or admitted. There was "no ask" by Judge  
14 Snow, and Defendant highlights that "there is not even a claim that [Justice Marconi] asked  
15 [Sununu, Duprey] to do anything." (Doc. 14, pg. 1) However, in Snow's Case, the N.H.  
16 Supreme Court held that what Judge Snow had done amounted to "serious misconduct." (*Id.*  
17 at 623) That there was "no ask" is irrelevant, as there was no intent requirement. (*Id.* at 624)  
18 There was ample "appearance of impropriety" by Judge Snow even making such a phone  
19 call. (*Id.*) Good intentions are "no cure for conduct that creates an appearance of  
20 impropriety." (*Id.* at 626)

21 10. Justice Marconi, by reaching out to Steve Duprey in April of 2024, and then Governor  
22 Sununu in June of 2024, discussing the investigation into her husband and stating, to the  
23 effect of, "it needed to wrap up quickly," (See Doc. 33, 34, "Deposition of Steve Duprey",  
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1 “Deposition of Governor Sununu,” generally) more than exceeds the impropriety and  
2 misconduct demonstrated by Judge Snow which resulted in a six month suspension, without  
3 pay, completion of a comprehensive course in judicial ethics at Judge Snow’s expense, and  
4 payments of costs and expenses related to his disciplinary matter. (Snow, 140 NH at 628).

6 11. Applying this reasoning, Intervenor respectfully states that there is no good cause to grant  
7 Judicial Immunity for this type of misconduct, and appearance of impropriety. Furthermore,  
8 based on the produced testimony, the record in this case is now littered with examples of  
9 how Justice Marconi’s outreach was strange, amply suggesting impropriety. Steve Duprey  
10 testified that “the [call] was fairly short. Um – obviously was very awkward” (Doc. 33, Inter.  
11 Steve Duprey, pg. 18), “she I think was very careful” (Id., pg. 18), and that “[Justice Marconi  
12 was] not asking – I mean, [Justice Marconi] was careful – [Justice Marconi was] not asking  
13 for anything” (Id., pg. 42). Governor Sununu stated that “[Justice Marconi is] a Supreme  
14 Court Justice so we took the meeting,” but clarified, “if somebody just off the street says I  
15 want a meeting with the Governor and I’m not giving you a reason, we’re probably not  
16 gonna take that meeting.” (Id., Interv. Gov. Sununu, pg. 122) Governor Sununu also stated  
17 that “No, no, obviously, no, no I wouldn’t say it’s common [for someone to ask for a meeting  
18 regarding personal matters with their family]” (Id. at pg. 121), and that “there was no action  
19 request, no ask” (Id. at pg. 133) but that Governor Sununu “found [the meeting with Justice  
20 Marconi] a little bit inappropriate” (Id. at pg. 154). Rudy Ogden, counsel for the Governor,  
21 indicated that the meeting had “even a couple of what I would consider awkward [pauses]”  
22 (Doc. 34, Interv. Rudy Ogden, pg. 194) and that there “was repeated reference to this needs  
23 to end quickly [the investigation into her husband]” (Id. at pg. 196) that it was intimated that  
24 “on more than one occasion it was brought up that [the investigation] needs to end quickly.”  
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1 (Id.) Chief Justice MacDonald, upon learning about Justice Marconi’s conversation with  
2 Governor Sununu, stated, “I was angry, I was angry.” (Doc. 35, Interv. C.J. MacDonald, pg.  
3 109).

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5 12. Again, applying the reasoning in Snow’s Case, supra, Justice Marconi’s actions amount to  
6 “serious misconduct” that do not require a *scienter/mens rea* element. (Id. 140 NH at 624) If  
7 this Honorable Court were to grant Judicial Immunity for these actions, which are  
8 sanctionable under New Hampshire’s established precedent, this would create an exception  
9 which swallows the rule – and more importantly – threatens to jeopardize Intervenor’s rights  
10 in the new civil action, Case No. 216-2025-CV-00187, for alleged criminal misconduct by  
11 Justice Marconi, by providing Justice Marconi an unwarranted basis to argue Judicial  
12 Immunity. Moreover, Intervenor would respectfully argue such a finding by this Honorable  
13 Court would have unforeseeable reverberations and consequences for the esteem of the  
14 judiciary. “A judge’s duty to obey the canons, especially to avoid the appearance of  
15 impropriety, cannot be taken lightly. Judges are entrusted with immense authority over  
16 matters that affect the lives of all of New Hampshire’s citizens... without judges who are  
17 perceived and trusted by members of the public as impartial, the authority of the rule of law  
18 is compromised.” Snow’s Case, 140 NH at 627.

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21 **B. Alleged Bribery in Case No. 216-2025-CV-00187, and “Very Important Cases”**

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23 13. Further bolstering Intervenor’s right and interest at stake in the proceeding, i.e. the right to  
24 request access to sealed court records (Petition of Keene Sentinel, 136 N.H. 121 (1992)) is  
25 the fact that Intervenor’s allegations concerning Justice Marconi’s corruption and bribery are  
26 supported and evidenced by the record presently before the Honorable Court. It is  
27 additionally deeply troubling that the Attorney General has unequivocally stated that it has  
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1 no intention to make public the discovery in this matter: "...the State does not believe it to be  
2 appropriate to publicize all the discovery in this matter..." (Doc. 35, State's [Proposed]  
3 Surreply, pg. 5, ¶ 3) This **directly** demonstrates that Intervenor's rights are not adequately  
4 protected by the State, therefore further establishing intervention as proper. (Public Service  
5 Co., New Hampshire v. Patch, 136 F.3d 197, 207 (1st Cir. 1998))  
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7 14. Moreover, such a declaration by the Attorney General, which is absent any good cause,  
8 stands in apposition to the recent decision by Judge Howard that the disclosure of evidence  
9 concerning a public official's misconduct, that led to criminal prosecution, should be made  
10 public. (State v. Letendre, No. 219-2020-CR-0792 (Straff. Super. Ct. Feb 4, 2021) This  
11 instant criminal case at bar is no different from Letendre. This affirmative and unjustified  
12 statement regarding non-disclosure also violates the Attorney General's duty to the citizens  
13 of the State of New Hampshire, and erodes public trust. (See Reid v. N.H. Attorney Gen.,  
14 169 N.H. 509, 532 (N.H. 2016) "[t]he public has a significant interest in knowing that a  
15 government investigation is comprehensive and accurate... the rank of the official being  
16 investigated and the seriousness of the alleged misconduct will bear upon the strength of the  
17 public interest... it [is] difficult to understand how there could not be a substantial public  
18 interest in disclosure of documents regarding the manner in which the [Department of  
19 Justice] handled high profile allegations of public corruption...") In terms of law  
20 enforcement, there is no higher rank and authority than a State Supreme Court Justice, and no  
21 more serious allegation than Justice Marconi's abuse of her office and status as same.  
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25 15. Turning to the record before the Court, Justice Marconi strongly emphasized to Steve Duprey  
26 that she was deeply concerned about her financial records being exposed. "I recall her  
27 making a comment that, you know, **all of my personal records because any records that I**  
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1 **have that, like, joint accounts that are with Geno [Marconi] will likely be subpoenaed**"

2 (Doc. 33, Interv. Steve Duprey, pg. 21-22) (emphasis added), and Steven Duprey further  
3 confirmed that he "never socialized with [Justice Marconi], [the relationship] was  
4 professional." (Id. at pg. 11) and that when Justice Marconi called him, it was strange  
5 because "we're not social" (Id. at pg. 23) and when Steve Duprey spoke with Justice  
6 Marconi, she relayed that it was "going to be hard for [Justice Marconi's] family... because  
7 any joint records we have now I'll have to turn over joint records" (Id. at 41). When Steve  
8 Duprey was asked to clarify, "So she expressed concern because she's – part of it is just  
9 some of her financial records were going to be likely obtained by the Attorney General's  
10 office?" Steve Duprey replied, "Yeah." (Id. at 41) Still, despite professing that Justice  
11 Marconi and his relationship was not social, Steve Duprey stated that, "she was calling,  
12 obviously, because I'm a friend" (Id. at 29) and that Justice Marconi was "dismayed that it  
13 came so suddenly" and that "neither Geno [Marconi] nor her had any heads up that this was  
14 going to occur so that **she could maybe handle it.**" (Id. at 55) (emphasis added)

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18 16. This interaction with Steve Duprey is doubly strange, not just for the impropriety as  
19 discussed prior, but because Justice Marconi expressed serious concern on "an awkward and  
20 short phone call" (Id. at pg. 18) emphasizing that her financial records were going to be  
21 exposed to someone "she was not social with" (Id. at pg. 11, 23) and yet was "dismayed" that  
22 she was not given any warning, presumably, by Steve Duprey (Id. at 55) Stated simply, a  
23 reasonable person would not understand why Justice Marconi would be calling a stranger, on  
24 a short phone call, to discuss concern over her financial records being subpoenaed or  
25 exposed, ***unless*** those records contained something ***extremely*** damaging for Justice Marconi  
26 – such as the bribery alleged by Intervenor in his civil case, 216-2025-CV-00187.  
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1 17. Further, this casts the allegations of Justice Marconi having stated she needed to “get back to  
2 very important cases” in an additionally damning light. As Intervenor’s prior civil case, 216-  
3 2023-CV-00220 was due to be appealed *again* in and/or around this time, the sum total of the  
4 circumstantial evidence, in addition to the allegations by the Intervenor of bribery, strongly  
5 implies that Justice Marconi was concerned about the Intervenor’s case coming back to the  
6 Supreme Court, if not others. Rudy Ogden stated that Justice Marconi repeatedly emphasized  
7 that “[the New Hampshire Supreme Court] had important cases coming” (Doc. 35, Interv.  
8 Rudy Ogden, pg. 202), and despite, at that time, her recusal was only from N.H. Department  
9 of Justice cases, it “wasn’t clear from the comment” that Justice Marconi was referring to  
10 DOJ cases specifically. (Id. at 211-212) When Rudy Ogden relayed the conversation with  
11 Justice Marconi with Chief Justice MacDonald, stating that “[Justice Marconi] says that  
12 there’s important cases” that Chief Justice MacDonald expressed surprise and said, “she said  
13 there’s important cases?... I sensed some type of like surprise.” (Id. at 263-264) This is  
14 further supported by Chief Justice MacDonald’s recollections. (Doc. 35, Interv. of C.J.  
15 MacDonald, pg. 91)

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19 18. The sum total of the evidence before the Court bolsters Intervenor’s right, interest, and need  
20 to access the Grand Jury materials, and conduct further discovery in this instant case. What is  
21 clear from these interviews is that Justice Marconi initially contacted Steve Duprey, who held  
22 a senior position on the Pease Development Authority, and sway over the board, a professed  
23 stranger, on an “awkward and short” phone call to express concern that her “financial  
24 records” were going to be released and/or subpoenaed, and that she was “dismayed” that she  
25 was not warned so “she could handle it.” Then, approximately a month later, Justice Marconi  
26 scheduled an impromptu meeting with the Governor to repeatedly emphasize that “this  
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1 needed to wrap up quickly”, “this needed to end quickly”, “hoping that [the investigation]  
2 would move along”, and “just hoping it comes to a conclusion” with repeated “awkward  
3 pauses” and surprising references to “important cases” without any clear indication of what  
4 those cases were – a statement that surprised even Chief Justice MacDonald. All involved  
5 recollected the “awkward” and “inappropriate” nature of the outreach by Justice Marconi,  
6 leading Governor Sununu to comment that if he had attempted same, it “would be trying to  
7 use my position to influence.” (Doc. 33, Inter. of Gov. Sununu, pg. 156) The evidence  
8 produced so far in this instant action more than demonstrate that there is a causal connection  
9 between Justice Marconi, and the Intervenor, grounds to believe Intervenor’s allegations, and  
10 therefore improper and/or illegal acts by Justice Marconi with financial incentives. State v.  
11 Bellville, 166 NH 58, 62 (2014) “A culpable mental state must, in most cases, be proven by  
12 circumstantial evidence.”  
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15 19. It is further clear from the record that Grand Jury subpoenas were issued in May and July of  
16 2024 (Doc. 35, Interv. of C.J. MacDonald, pg. 95, 107), and upon information and belief,  
17 Justice Marconi’s financial records were obtained. The Grand Jury materials are believed to  
18 hold this evidence, and further evidence, of Justice Marconi’s purported misconduct and/or  
19 illegal actions towards the Intervenor in connection with his civil cases. Intervenor has a  
20 fundamental common law and constitutional right to access and produce such evidence. (See  
21 Keene Sentinel, supra; N.H. Constitution, Part I, Article 15. “Every subject shall have a right  
22 to produce all proofs that may be favorable to himself.”  
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1           **C. N.H. RSA 490:30-b “Review of Decisions in Cases Involving Judicial Misconduct”**

2 20. On January 1<sup>st</sup>, 2025, N.H. RSA 490:30-b (Exhibit 1) took effect, and further reinforces

3 Intervenor’s right and interest in this proceeding. The statute provides, in relevant part:

- 4
- 5 I. Whenever a final decision has been rendered by the judicial conduct committee
- 6 finding that a judicial officer of the supreme, superior, or circuit court has committed
- 7 judicial misconduct and imposing formal discipline, a litigant alleging that there are
- 8 reasonable grounds to believe the misconduct in question caused the judicial officer
- 9 to enter a ruling, decision, or judgment by which the litigant is aggrieved may seek
- 10 relief pursuant to paragraph II if all of the following conditions are met:
- 11 (a) The request for relief is filed no more than 3 years after the date the ruling,
- 12 decision, or judgment was entered in the court docket;
- 13 (b) The request is filed no more than 180 days after the final decision of the judicial
- 14 conduct committee is made public; and
- 15 (c) The claimed causal connection between the misconduct and the judicial officer's
- 16 ruling, decision, or judgment has not previously been heard and decided adversely to
- 17 the litigant by a state or federal court in a proceeding to which the litigant was a party.

18 21. As this is new statute, Intervenor is not aware of any pending cases where this statute has

19 been reviewed and/or applied, but Intervenor respectfully states that this issue is both novel

20 and ripe for adjudication by this Honorable Court, and given that Intervenor’s rights and

21 interests are at stake in this instant proceeding, both venue and jurisdiction of this Honorable

22 Court is proper for such question. Further, as argued under Intervenor’s prior motions,

23 intervention is non-jurisdictional, and therefore Article III standing does not apply in this

24 context.

25 22. Crucial to this statute’s function is the involvement of the Judicial Conduct Committee,

26 whereby a complainant must provide materials in support of such complaint, for adjudication

27 by the committee. If Intervenor were deprived and/or denied intervention, and thereby access

28 to the sealed court records, including the Grand Jury materials, this threatens to extinguish

his right under this new statute. Snyder v. N.H. Savings Bank, 134 NH 32, 34 (1981).

1 23. Furthermore, the conditions imposed by (a) (b) and (c) of the statute do not prevent the  
2 Intervenor from pursuing this remedy and/or right. Justice Marconi’s ruling, and alleged  
3 misconduct thereby, is less than two (2) years old, and upon information and belief, one (or  
4 more) Judicial Conduct Committee complaints are pending concerning Justice Marconi’s  
5 conduct, and/or Intervenor has a right to file same, and this alleged misconduct by Justice  
6 Marconi has not been heard nor decided adversely.  
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8 **CONCLUSION**

9 Intervenor would respectfully state that for the arguments, facts, and allegations herein,  
10 and levied prior, that granting intervention, and access to sealed Court records, is not only  
11 proper, but *vital* to the very honesty and integrity of the legal system – especially where the  
12 Attorney General is shirking its duty to the citizens of New Hampshire, and/or demonstrating  
13 that it wishes to conceal the evidence and investigation that led to Justice Marconi’s criminal  
14 prosecution. Furthermore, there is no dispute by Justice Marconi that she took these actions, and  
15 precedent dictates that this is *serious* misconduct, and an abuse of her position. Punishment is  
16 not only warranted, but expected. Whether this conduct, however, arises to the level of a crime,  
17 may be properly left to a jury, or the trier of fact, as probable cause to believe same has  
18 established by the Grand Jury. Justice Marconi has not articulated a valid reason to dismiss these  
19 charges, and despite the Attorney General’s inappropriate indicated desire to keep the evidence  
20 and investigation of a public official’s alleged misconduct private, Intervenor *agrees* with the  
21 State, and respectfully states that the Attorney General has made a sufficient showing that the  
22 matter must not be dismissed.  
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26 However, with respect to Judicial Immunity – the State’s defense was less robust,  
27 necessitating Intervenor’s filing of this instant motion in preservation of his rights and interests.  
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1 Intervenor respectfully states that Judicial Immunity ***cannot*** be granted where the alleged  
2 criminal activity is ***indisputably*** misconduct – and moreover – the witnesses interviewed – Steve  
3 Duprey, Governor Sununu, Rudy Ogden, and Chief Justice MacDonald – all ***agree*** that these  
4 meetings and phone calls were “inappropriate”, “awkward”, and would definitely be considered  
5 “using the position to influence”. This Honorable Court choosing to grant Judicial Immunity for  
6 actions that precedent dictate are ***blatant*** and ***undisputable*** Judicial Misconduct would establish  
7 an incorrect precedent, create an exception which swallows the rule, and worse – potentially  
8 enables such misconduct and illegal activity in the future – eroding the very esteem, honesty, and  
9 integrity of the Judiciary, which the public should, and does, hold in the highest regard.  
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12 **PRAYER FOR RELIEF**

13 WHEREFORE, without prejudice and without waiving any rights, Intervenor humbly and  
14 respectfully requests that this Honorable Court:

- 15 a. Grant Intervenor standing;
- 16 b. In the alternative, grant limited intervenor standing to Griffith so that access to Grand  
17 Jury materials and other discovery can be made;
- 18 c. Any such other and further relief as this Honorable Court deems just, necessary,  
19 equitable, and proper.  
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21 Respectfully submitted,

22 Dated this 19<sup>th</sup> of March, 2025.  
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24 /s/Brok-Alan Woodward-Griffith

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Brok-Alan Woodward-Griffith, *pro se*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy has been provided to all parties via the Court's eFile service.

/s/Brok-Alan Woodward-Griffith

**FACTUAL AVERMENT**

I hereby make oath and say that the facts and allegations made herein are true and accurate to the best of my knowledge, belief, and ability, without waiving the right to amend same and facts and circumstances so dictate. Further affiant sayeth naught.

/s/Brok-Alan Woodward-Griffith

# EXHIBIT 1

# TITLE LI COURTS

## CHAPTER 490 SUPREME COURT

### Committee on Judicial Conduct

#### Section 490:30-b

[RSA 490:30-b effective January 1, 2025.]

**490:30-b Review of Decisions in Cases Involving Judicial Misconduct. –**

I. Whenever a final decision has been rendered by the judicial conduct committee finding that a judicial officer of the supreme, superior, or circuit court has committed judicial misconduct and imposing formal discipline, a litigant alleging that there are reasonable grounds to believe the misconduct in question caused the judicial officer to enter a ruling, decision, or judgment by which the litigant is aggrieved may seek relief pursuant to paragraph II if all of the following conditions are met:

- (a) The request for relief is filed no more than 3 years after the date the ruling, decision, or judgment was entered in the court docket;
- (b) The request is filed no more than 180 days after the final decision of the judicial conduct committee is made public; and
- (c) The claimed causal connection between the misconduct and the judicial officer's ruling, decision, or judgment has not previously been heard and decided adversely to the litigant by a state or federal court in a proceeding to which the litigant was a party.

II. A litigant who qualifies to seek relief pursuant to paragraph I may file a petition for such relief with the chief justice or administrative judge of the court of which the judicial officer found to have committed misconduct was a member at the time the ruling, decision, or judgment was entered. If the judicial officer found to have committed misconduct is the chief justice of the supreme court, the chief justice of the superior court, or the administrative judge of the circuit court, the petition shall be filed with the most senior associate justice of the court in question. The petition shall be served upon all other parties to the litigation, who shall be given reasonable time to file an answer to the petition. After considering the submissions of all interested parties, the chief justice, administrative judge, senior associate justice, or their replacement, as provided herein, shall determine, with or without hearing, whether there is a reasonable likelihood that the misconduct of the judicial officer had a causal bearing on the challenged ruling, decision, or judgment. If there is a determination of no reasonable likelihood that the misconduct had a causal bearing on the ruling, decision, or judgment, the petition shall be dismissed. Such ruling shall be considered final and may be appealed immediately pursuant to law and judicial rules. If there is a determination of a reasonable likelihood that the misconduct did have a causal bearing on the ruling, decision, or judgment, the chief justice, administrative judge, or senior associate justice shall vacate the ruling, decision, or judgment and remand the matter for rehearing before a judicial officer other than the one found to have committed misconduct. Such ruling shall be considered interlocutory and may not be immediately appealed. However, in any appeal of the final ruling by the newly assigned judicial officer, the aggrieved party may raise as an issue a claim of error in the decision to vacate the original ruling, decision, or judgment.

III. Nothing in this section shall affect the rights of aggrieved parties or litigants to pursue any other remedies available by law.

**Source.** 2024, 60:1, eff. Jan. 1, 2025.

1  
2 STATE OF NEW HAMPSHIRE  
3 SUPERIOR COURT, MERRIMACK SS

4 STATE OF NEW HAMPSHIRE,

Case No.: 217-2024-CR-01167

5  
6 vs.

**MEMORANDUM OF LAW IN SUPPORT  
OF RENWED MOTION TO INTERVENE**

7 ANNA BARBARA HANTZ MARCONI,  
8

9  
10 Proposed Intervenor Brok-Alan Woodward-Griffith (“Intervenor,” “Griffith”) hereby  
11 respectfully submits this memorandum of law in support of his renewed motion for intervention.  
12 For the following, Intervenor humbly and respectfully request that this Honorable Court **GRANT**  
13 Intervenor standing to Griffith. Without prejudice, and without waiving any rights, Griffith states  
14 in support as follows.

15 **INTRODUCTION**<sup>1</sup>

16  
17 The criminal case at bar involves the indictment of Anna Barbara Hantz Marconi, for  
18 alleged corruption, improper solicitation, improper influence, and/or gross criminal misconduct.  
19 The allegations against The Accused are of significant concern because they **directly impact the**  
20 **fairness** of Intervenor’s civil lawsuit against PC Connection, Inc. (Case No. 216-2023-CV-  
21 00220, N.H. Super. 2023), in which Marconi presided over Griffith’s first appeal in October of  
22 2023, intentionally and improperly denying such appeal as “interlocutory.” (Case No.  
23 2023-0527, N.H. Supr.)  
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28 <sup>1</sup> Citation to the record:  
“Doc.” Refers to Docket # at the trial court level; “Order” refers to order at the trial court level;  
“Indictment” refers to indictment documents; all under the Case Summary Index.

1  
2 Specifically, Griffith believes the improper denial of his appeals by the Supreme Court  
3 Justices was intentional, and due to external pressures, solicitation, or improper influence, by PC  
4 Connection and/or Patricia Gallup, which did and/or would constitute a violation of Griffith's  
5 civil and constitutional rights. Given that the instant criminal case against Marconi addresses  
6 alleged misconduct by Marconi in abusing her position and influence as a New Hampshire  
7 Supreme Court Justice, Griffith seeks to intervene to preserve his civil and constitutional rights  
8 to both evidence and witnesses that could be relevant to impropriety and/or breach of  
9 impartiality in future proceedings involving Griffith. Moreover, Griffith moves to intervene to  
10 ensure that justice is not compromised.  
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13 Plus, the fact that the New Hampshire Supreme Court Justices took the extreme step of  
14 fully recusing themselves from Marconi's disciplinary hearing, and this appeal, indicates a  
15 fundamental breakdown in New Hampshire's system of justice. Further, in light of Marconi's  
16 specious and disputed allegations against Chief Justice MacDonald, and Marconi's inferences  
17 about "conflicts of interest being likely to arise if this action proceeds," upon information and  
18 belief, it is believed that Marconi is either aware of, and/or partook in, additional misconduct  
19 and/or criminal activity, in her capacity as Supreme Court Justice of New Hampshire.  
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22 Therefore, Intervenor Griffith respectfully requests that this Honorable Court, within it's  
23 discretion, grant this instant motion to intervene in the criminal case of Marconi, to ensure that  
24 the interests of justice are fully addressed and upheld, and that Intervenor's civil and  
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1 constitutional rights and interests are protected – and moreover, that Intervenor’s civil  
2 actions against PC Connection, Inc., is fairly and properly adjudicated.

3 **SUMMARY OF THE ARGUMENT**

- 4
- 5 1. As a threshold issue, neither Defendant nor the State sought to substantively address the  
6 arguments contained in Griffith’s first Motion to Intervene (Doc. 21) as to Griffith’s *personal*  
7 interest and rights in this proceeding. Instead, Defendant filed a Motion to Strike (Doc. 22),  
8 with assent of the State, which this Honorable Court construed as objection (See 12/10/24  
9 Order). If Griffith understands the thrust of Defendant’s objection, it characterizes Griffith as  
10 merely private citizen, lacking standing to intervene. As Defendant did not raise substantive  
11 argument against Griffith’s *personal* rights and interest, Intervenor respectfully argues that  
12 the Court should deem these arguments, and any others not raised, waived, and therefore  
13 grant Griffith intervenor standing.<sup>2 3</sup>
- 14
- 15 2. Moreover, to the extent this Honorable Court gave some weight to the Defendant’s argument  
16 attempting to re-frame the issue as Griffith being a private citizen, and therefore lacking  
17 standing to intervene – Griffith would humbly and respectfully state that this was an error of  
18 the Court, and/or an unsustainable exercise of discretion. Even if, *arguendo*, Griffith was  
19 merely a private citizen, disinterested to the topic of controversy, he would still have an  
20 absolute right to petition this court for sealed records: “any member of the public... has  
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25 <sup>2</sup> Linda R. S. v. Richard D., 410 U.S. 614 (1973) “One who has no interest of his own at stake  
26 always lacks standing.”; See also N.H. Const. Part I, Art. 14, generally; Art. 15. “Every subject shall have a right to  
produce all proofs that may be favorable to himself.”

27 <sup>3</sup> Griffith would additionally respectfully state that the Court’s reasoning in the 12/10/2024 Order  
denying him intervenor standing was threadbare; ordinarily, Griffith would have filed a Motion for Clarification, but  
28 the Order also restricted Griffith from filing anything other than a Motion for Reconsideration, which Griffith  
respectfully states was an error of the Court, and/or deprived Griffith of due process, to be meaningfully heard, at a  
meaningful time.

1 standing, without being made a party to a case, to request access to court records.” Petition of  
2 Keene Sentinel, 136 NH 121, 125 (1992)

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3. As citizen of New Hampshire, and member of the public, Griffith both has an interest in the case (seeing that the laws of New Hampshire are fairly and competently upheld), and rights involved (sealed court records, access to evidence), and thus Defendant’s standing argument should fail, as to Griffith being a private citizen. However, Griffith’s interest is not just merely that of a private citizen. One of Griffith’s **central** allegations in PC Connection, Inc., v. Woodward-Griffith, et al is the contention that PC Connection, Patricia Gallup, and/or agents or operatives operating on her behalf, have managed to corruptly influence the New Hampshire judiciary. Given the undeniably improper actions taken by Marconi in relation to the Connection v. Woodward-Griffith, et al appeal, which smack of corruption, and the fact that the Attorney General has brought charges against Marconi for a separate instance of alleged corruption – this establishes the nexus and makes Griffith’s interest in this proceeding direct and apparent, and elevates his standing beyond an ordinary private citizen.
4. Therefore, Griffith would respectfully state that the topic of controversy is not whether Griffith has “standing,”<sup>4</sup> but rather whether intervention is the proper procedure. For the facts, allegations, and arguments herein, Griffith respectfully states intervention is proper, and this Honorable Court’s reconsideration is warranted.

### 23 **LEGAL STANDARD**

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<sup>4</sup> In New Hampshire law, intervenor standing is non-jurisdictional, and therefore demonstrating constitutional standing is not necessary. See, e.g., Prof’l Fire Fighters of NH v. State of NH, 167 NH 188, 191 (2014). Nevertheless, Griffith’s rights, constitutional rights and right to due process are implicated, as argued herein – but Griffith’s constitutional standing cannot be a basis for denying him intervenor standing.

- 1 5. The New Hampshire Superior Court Civil Rules offer a bare-bones standard for who may  
2 intervene in a state court proceeding: “any person shown to be interested.” Sup. Ct. Civ. R.  
3 15. The New Hampshire Supreme Court elaborated that Rule 15 requires showing “a right  
4 involved in the trial and a direct and apparent interest therein.” Lamarche v. McCarthy, 158  
5 N.H. 197, 200 (2008). Superior courts have discretion over who may intervene in state court  
6 proceedings, and the “right of a party to intervene in pending litigation in this state has been  
7 rather freely allowed as a matter of practice.” Brzica v. Trustees of Dartmouth College, 147  
8 N.H. 443, 446 (2002).
- 9  
10  
11 6. One actionable “right” that the New Hampshire Supreme Court affirmed as a basis for  
12 intervention was the right to request access to sealed court records. Petition of Keene  
13 Sentinel, 136 N.H. 121, 125 (1992).
- 14  
15 7. Another actionable right, that belongs to every citizen in the State of New Hampshire, is  
16 provided by N.H. RSA 91-A:1. “Openness in the conduct of public business is essential to a  
17 democratic society. The purpose of [Chapter 91-A] is to ensure both the greatest possible  
18 public access to the actions, discussion and records of all public bodies, and their  
19 accountability to the people.” Moreover, N.H. RSA 91-A:7-b provides that “any party  
20 aggrieved by a violation of this chapter shall have the option to... petition the superior  
21 court.”
- 22  
23 8. The alleged misconduct by The Accused, in her capacity as a public official, member of a  
24 governing body, and a New Hampshire Supreme Court Justice, **demand**s the utmost  
25 transparency, and moreover – because Marconi’s misconduct extends far beyond just an  
26 alleged attempt to interfere with her husband’s investigation, seeking alleged improper  
27 influence and/or favors from Governor Sununu, but extends to undeniably improper actions  
28

1 taken by her, and other members of the New Hampshire Supreme Court, Griffith has an  
2 absolute right to review any confidential materials in this instant case. See, e.g. N.H. Const.  
3 part I, art. 8: “All power residing originally in, and being derived from, the people, all the  
4 magistrates and officers of government are their substitutes and agents, and at all times  
5 accountable to them.” and Art. 10: “Government being instituted for the common benefit,  
6 protection, and security, of the whole community.”  
7

8 **INTERVENOR HAS A DIRECT INTEREST AND RIGHT AT STAKE**

- 9  
10 9. On weight of the authorities above, Griffith has a direct and actionable right at stake in this  
11 instant criminal litigation, because allegedly, Marconi spoke, in some form, to Governor  
12 Sununu, the words “the investigation into [her husband] needed to wrap up quickly because  
13 she was recused from important cases pending or currently pending before the New  
14 Hampshire Supreme Court.” (See Indictment at ¶ 5, CID 2257290C).  
15  
16 10. Therefore, it is difficult, if not impossible, to believe that the Attorney General made no  
17 inquiry as to what “important cases pending” Marconi was allegedly referring to when  
18 speaking with Governor Sununu. Furthermore, it begs the suspension of disbelief that  
19 Marconi, who is presumed to know the law and her ethical duties and responsibilities, would  
20 take such an extreme step of meeting with Governor Sununu in the first place – to allegedly  
21 squash an investigation into her husband. As there is a direct and causal link between  
22 Marconi’s actions in being recused from “important cases pending” and the actions she  
23 allegedly took in meeting with Governor Sununu concerning her husband’s investigation  
24 and/or her recusal – it would stand to reason that the Attorney General made a thorough and  
25 dutiful inquiry into Marconi’s motivations. “Because persons rarely explain to others the  
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1 inner workings of their minds or mental processes, a culpable mental state must, in most  
2 cases, be proven by circumstance evidence.” State v. Bellville, 166 NH 58, 62 (2014)

3 11. Moreover, at this procedural standpoint, **it is not disputed**, by Marconi or the State, that the  
4 reason for Marconi’s meeting with Governor Sununu was her recusal from “important  
5 cases,” due to being on leave from her Supreme Court duties, on account of the investigation  
6 into her husband, Geno Marconi.  
7

8 12. Because Marconi’s denial of Griffith’s first appeal in Griffith’s case against Connection was  
9 a blatant abuse of Marconi’s ethical duties, obligations, and constitutional mandate, namely,  
10 that the New Hampshire Supreme Court must give clarity to the law and statutes of the State  
11 of New Hampshire, and fairly, equally, and justly apply those same laws between litigants,  
12 Griffith has a direct and apparent interest and right to know what further testimony may have  
13 given, and what other witnesses may have testified about Marconi’s conduct, and what other  
14 materials may have been gathered. This right is supported by the fact that, not only was  
15 Griffith’s counterclaims against PC Connection, Inc., potentially valued in excess of  
16 \$90,000,000, Griffith’s appeal **was one of those very important cases** that had been before  
17 The Accused, which she ruled upon, and was presumptively anticipated to be before The  
18 Accused again, shortly, on another appeal.  
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21 13. Moreover, because of Justice Marconi’s position, power, influence, and the fact that Justice  
22 Marconi’s succeeded in influencing the other N.H. Supreme Court Justices to unwittingly  
23 back her improper denial of Griffith’s first appeal on improper grounds, mandates **full**  
24 transparency of the evidence in this action, including the Grand Jury materials. This well  
25 within the constitutional rights and interests of **every** citizen of the State of New Hampshire –  
26 not just Griffith.  
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1 14. Upon information and belief, the grand jury materials, and any other materials and evidence  
2 in the possession, custody, and control of the New Hampshire Attorney General’s office,  
3 have a direct and causal relationship to Griffith’s defense, and counterclaims, against PC  
4 Connection, Inc. (Case No. 216-2023-CV-00220, N.H. Super. Ct. Hillsborough North), and  
5 therefore, Griffith has, on the weight of authorities, a demonstrated right and interest in this  
6 proceeding, and confidential evidence, testimony, and materials therein.  
7

8 15. Furthermore, Griffith has alleged in new legal action, Case No. 216-2025-CV-00187 (Hillsb.  
9 Super. North), that Justice Marconi and Patricia Gallup, and/or Christopher H.M. Carter,  
10 ESQ., or those working in conjunction and/or in tandem with same, engaged in a civil  
11 conspiracy with Justice Marconi to deprive Griffith of his due process rights, in direct  
12 violation of 42 U.S.C. §§ 1983, 1985, and accepted bribes and/or other means of financial  
13 influence to commit same.  
14

15 **IF INTERVENOR’S RIGHTS ARE NOT ADEQUATELY REPRESENTED,**

16 **INTERVENTION IS PROPER**

17  
18 35. Generally, an intervenor’s rights are adequately represented by government. Public Service  
19 Co. of New Hampshire v. Patch, 136 F.3d 197, 207 (1<sup>st</sup> Cir. 1998). However, if an intervenor  
20 can demonstrate that such rights are not adequately represented, then intervention may be  
21 granted, and “applicant for intervention need only make a minimal showing that the  
22 representation afforded by existing parties likely will prove inadequate.” Id. at 207. Further,  
23 if the existing party is a governmental agency, “the burden of persuasion is ratcheted  
24 upward[s]” and the proposed intervenor must “make a strong affirmative showing” that the  
25 government agency is not protecting those interests. Id. at 207. To overcome such  
26 assumption, the intervenor must “demonstrate adversity of interest, collusion, or  
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1 nonfeasance” in the existing representation (Moosehead Sanitary Dist. V. S.G. Phillips Corp.,  
2 610 F.2d 49, 54 (1<sup>st</sup> Cir. 1979), but such a demonstration is not exclusive to those three  
3 factors. (See Dagget v. Comm’n on Gov’t Ethics and Election Practices, 172 F.3d 104, 111  
4 (1<sup>st</sup> Cir. 1994) Further, “[A] person who seeks to intervene in a case must have a right  
5 involved in the trial and his interest must be ‘direct and apparent’; such as would suffer if not  
6 indeed be sacrificed were the court to deny the privilege.” Snyder v. N.H. Savings Bank,  
7 134 NH 32, 34 (1991)  
8

9 36. First, and most importantly, neither the State nor Defendant have an interest in preserving  
10 and/or representing Griffith’s presumed *personal* rights to sealed court records, which  
11 include, *inter alia*, the Grand Jury materials. Moreover, the State does not have an interest in  
12 *providing* those materials to Griffith either, therefore rendering the State truly disinterested as  
13 to Griffith’s rights. As the State has indicated that the investigation into Marconi is  
14 complete,<sup>5</sup> the State has no interest in protecting those same materials from Griffith’s, or the  
15 public’s, view, although Griffith’s right and interest in seeing those materials is far more  
16 pressing and urgent, but no less valid, than the Public’s. Additionally, there is a presumed  
17 adversity of interest as to disclosure of Grand Jury materials, by the Defendant, but this issue  
18 was not raised by Defendant, and not presently before the Court.  
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21 37. Second, this Honorable Court could, and should, find that collusion *against* Griffith’s rights  
22 and interests has occurred. The Defendant moved, with the State’s *assent*, to completely  
23 remove Griffith’s motion from the record (Doc. 22). The State assenting to such a motion is  
24 both puzzling and deeply troubling, as the Defendant’s motion sought to both protect Justice  
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28 <sup>5</sup> <https://www.doj.nh.gov/news-and-media/state-new-hampshire-v-anna-barbara-hantz-marconi>

1 Marconi from disclosure of sealed court records, *and* deprive Griffith of his rights, and  
2 constitutional rights, to those materials (Petition of Keene Sentinel, 136 NH 121, 125 (1992);  
3 see also NH Const. Part I, Art. 14, Art. 15 – enshrining the right to evidence and to produce  
4 such evidence). Moreover, “any member of the public... has standing, without being made a  
5 party to a case, to request access to court records.” *Id.* at 125. Although Griffith has argued  
6 that intervention is the appropriate procedure, arguments to the contrary are likewise  
7 forestalled by Keene Sentinel: “this is a question of form and not substance... choice of  
8 procedure should not jeopardize... pursuit of a potentially meritorious claim.” *Id.* at 125.<sup>6</sup>  
9 This creates an additional vexatious problem for the Court in this instant action, as the State  
10 has seemingly aligned itself with the Defendant’s interests in non-disclosure, which is against  
11 the New Hampshire Department of Justice’s (“NHDOJ”) duty to the citizens of New  
12 Hampshire. (See, e.g. Reid v. N.H. Attorney Gen., 169 NH 509, 532 (2016), “We recognize  
13 that [t]he public has a significant interest in knowing that a government investigation is  
14 comprehensive and accurate.”)<sup>7</sup>

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18 38. Griffith’s interest in this case is now heightened, as the State and Marconi have *prima facie*  
19 colluded to *hide the grand jury materials from the public’s view*, by virtue of jointly filing  
20 the Mot. to Strike (Doc. 22). This raises ample questions, and demonstrates nonfeasance.

21 39. Fourth, Intervenor’s direct an apparent interest in the trial, at this procedural standpoint,  
22 cannot be credibly disputed by the other parties. Like the reasoning applied in Synder, *supra*  
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26 <sup>6</sup> See also In re Proposed Rules of Civil Procedure, 139 NH 512, 516 (1995) “judgement, and any  
27 necessary process for carrying it into effect, being directed to the ends of justice, cannot be obstructed by imaginary  
28 barriers of form.”

<sup>7</sup> Reid, at 532, further noting “it [is] difficult to understand how there could not be a substantial  
public interest in disclosure of documents regarding the manner in which the [Department of Justice] handled high  
profile allegations of public corruption about an elected official.”

1 135 NH at 35, there exists a heightened risk to Griffith’s personal rights in this proceeding,  
2 namely, that Justice Marconi seeks to summarily dispose of the proceedings to dismissal. If  
3 the court were to deliver an unfavorable ruling to the State at this stage of the trial, this would  
4 directly and substantially prejudice Griffith, his constitutional rights, and his rights to due  
5 process. Moreover, Intervenor’s interest in seeking sealed court records would be considered  
6 a sufficient interest to grant him standing as intervenor, even if for limited purpose, such as it  
7 did in Keene Sentinel, supra, despite the Keene Sentinel having “no direct and apparent  
8 interest as would a party in the subject matter of the underlying litigation.” When the State,  
9 thus far, has put forth a lackluster effort in prosecuting this case, and defending the case from  
10 dismissal, granting Griffith intervenor standing is even more compelling.  
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13 **TRANSPARENCY AND ACCOUNTABILITY ARE ADDITIONAL COMPELLING**

14 **REASONS TO GRANT INTERVENOR STANDING**

15 40. In addition, or in the alternative, there is a compelling reason to grant Intervenor status to  
16 Griffith as a citizen and member of the public. This instant case at bar is one which demands  
17 total transparency and accountability to the public, both as to the actions of Justice Marconi,  
18 and as to the actions of the NHDOJ in investigating the alleged corruption. Moreover, both  
19 Justice Marconi and the NHDOJ, by virtue of holding public power, necessarily should  
20 expect close public scrutiny. (See, e.g., Bos Globe Media Partners v. Dep’t of Crim. Just.  
21 Info. Servs., 484 Mass. 279, 292, “[M]embers of the judiciary occupy positions of special  
22 public trust. By assuming their unique positions of power and authority within our  
23 communities, [they] must comport themselves in accordance with the laws that they are  
24 sworn to enforce and behave in a manner that brings honor and respect for rather than public  
25 distrust of law enforcement personnel... Accordingly, the public has a vital interest in  
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1 ensuring transparency where the behavior of these public officials fails to comport with the  
2 heightened standards attendant to their office.”; Prof'l Firefighters v. Local Gov't Center, Inc.,  
3 159 NH 699, 709 (2010) “Public scrutiny can expose corruption, incompetence, inefficiency,  
4 prejudice, and favoritism.”; NHCLU v. City of Manchester, 149 NH 437, 442 (2003) “[t]he  
5 public has a strong interest in disclosure of information pertaining to its government  
6 activities.”; Union Leader Corp. v. van Zanten, No. 216-2019-CV-00009 (Hillsb. Cty. Sup.  
7 Ct., Northern Dist., Jan. 24, 201) “[t]he public has a broad interest in the manner in which  
8 public employees are carrying out their functions.” Reid, supra 169 NH at 532, “We  
9 recognize that [t]he public has a significant interest in knowing that a government  
10 investigation is comprehensive and accurate... it [is] difficult to understand how there could  
11 not be a substantial public interest in disclosure of documents regarding the manner in which  
12 the [Department of Justice] handled high profile allegations of public corruption about an  
13 elected official.”; See also Justice Brandeis’ famous quote, “Sunlight is said to be the best of  
14 disinfectants.”)

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18 **DEFENDANT & THE STATE FAILED TO ADVANCE A VALID ARGUMENT**  
19 **AGAINST GRIFFITH’S INTERVENTION**

20 41. Even if the Court were to consider intervention in a criminal case against a national backdrop  
21 regarding the “proper procedure” for exercising the right to sealed court records, as  
22 Defendant attempts by citing State v. Johnson, 167 Idaho 454 (2020) within the Mot. to  
23 Strike/Objection, this only presents a “patchwork quilt” of differing procedures, with varying  
24 degrees of formality. However, there is strong support for intervention being the correct  
25 procedure across jurisdictions. For example, in Holland v. Eads, 614 So. 2d 1012, 1014 (Ala.  
26 1993), the Alabama Supreme Court held that, whether civil or criminal, “a motion to  
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1 intervene is the procedurally correct means to seek the opening of a sealed court file.” Illinois  
2 likewise recognizes intervention as the proper avenue, despite being a mechanism civil  
3 procedure. (See People v. Kelly, 397 Ill. App. 3d 232, 243-244 (Ill. App. Ct. 2009) “We find  
4 that, in Illinois, intervention is the proper vehicle.”) If the Court were to look at the federal  
5 circuits, there is additionally no clear consensus. As Griffith argued prior, this is a novel issue  
6 in New Hampshire law, and as such, there are no direct citations. Nonetheless, the approach  
7 the New Hampshire courts have used in cases such as Keene Sentinel and Synder, supra, are  
8 sound, and applicable to intervention in the criminal context. Moreover, when addressing this  
9 novel issue, this comports with New Hampshire’s long-held legal beliefs of “substance over  
10 form.”  
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13 42. The Defendant’s reliance on the smattering of New Hampshire and alternate jurisdiction  
14 caselaw is misplaced and irrelevant to the circumstances at hand. Even if the Court were to  
15 entertain In re Rubenzer, No. 2015-0037, 2015 NH LEXIS 157 (Sep. 24, 2015), this decision  
16 broadly supports, as argued prior, Griffith’s position as intervenor – he has an undeniable and  
17 direct interest in the outcome of this case, at this present procedural standpoint, and a right at  
18 stake, which impacts fundamental fairness, due process, and implicates Griffith’s  
19 constitutional rights. The Defendant’s citation of Petition of Lath, Rullo v. Rullo, are  
20 likewise misplaced, and inapplicable to the facts and circumstances here.  
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22

23 43. Further, the Defendant has made no showing that there is an alternate procedure or remedy  
24 available to Griffith to exercise and protect these rights. To the extent the Defendant, or the  
25 Court, relied on some factual assertions involving this Court’s clerk office in the Motion to  
26 Strike (Doc. 22, ¶¶ 2, 4), these facts have been “pulled out of thin air,” are not supported by  
27 affidavit or the record, and to the extent required, are wholly denied.  
28

1 44. Finally, simply because N.H. Super. Ct. R. 15 implicates intervention in a “civil” context –  
2 this is not automatically disqualifying. Courts of a general jurisdiction in New Hampshire  
3 have inherent rule-making authority to manage proceedings as justice may require – and this  
4 power is discretionary. Garabedian v. William Company, 106 N.H. 156, 157 (1965). This  
5 authority would permit invoking or modifying Rule 15 as this Honorable Court sees fit, and  
6 granting intervenor standing. (See also N.H. Super. Ct. R. 1(d), and Comment (a)). In the  
7 alternative, if this Honorable Court is not persuaded by the arguments herein, and this  
8 becomes an appeal, the Court has the power to appoint Griffith as *amicus*, so that he may  
9 address some of the glaring deficiencies in the State’s present effort – mainly, preventing  
10 dismissal, and from preventing the Court from ruling on motions offered by Defense counsel,  
11 Mr. Guerriero, before it has been thoroughly examined as to whether Mr. Guerriero’s conflict  
12 of interest could taint this proceeding.<sup>8</sup> (See Strasser, 432 F.2d at 569; Verizon New England  
13 v. Me. PUC, 229 F.R.D. 335, 338 (D. Me. 2005); Alliance of Auto Mfrs. v. Gwadowsky, 297  
14 F. Supp.2d 305, 306-307 (D. Me. 2003), all for the proposition that the court retains inherent  
15 authority to appoint *amicus curiae* at its discretion for the benefit of the Court).  
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19 **INTERVENOR HAS NO ALTERNATIVE ADEQUATE REMEDY AT LAW – THE**  
20 **MOTION TO INTERVENE IS THE PROPER MECHANISM**

21 46. Turning to the questions of whether the motion to intervene is the proper mechanism, and of  
22 whether intervenor has no other remedy at law – the answer to both is in the affirmative.  
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28 <sup>8</sup> Griffith respectfully notes that, in what is believed an unpublished opinion, this Honorable Court has allowed *amicus* when the State is not fully defending a right or interest. (See Tweed, et al v. Town of Nottingham, et al, Case No. 218-2019-CV-0398 (N.H. Super. Ct. April 16<sup>th</sup>, 2020).

1 47. First, as cited above in Brzica, supra, the “right of a party to intervene in pending litigation in  
2 this state has been rather freely allowed as a matter of practice.” Moreover, N.H. RSA  
3 Chapter 91-A, despite enumerating a right of the citizens of New Hampshire to “ensure both  
4 the greatest possible public access” to government records to ensure “their accountability to  
5 the people,” N.H. RSA 91-A:5 I. exempts the records of “grand and petit juries.”

7 48. Therefore, there is no redress for Griffith to access the Grand Jury materials under a FOIA  
8 request, without, presumably, extensive litigation, which, arguendo, Griffith would  
9 potentially have to name, as Defendant: The State of New Hampshire, The Attorney General's  
10 Office, the individuals acting in such departments in such capacities – furthermore,  
11 potentially Marconi herself, Governor Sununu – perhaps even this trial court. Stated  
12 differently, if this appeal were denied, Griffith would be forced to file additional litigation in  
13 preservation of his constitutional rights. This is an unworkable situation, is against the  
14 interest of justice, and risks turning this proceeding into a media circus. Such is not the  
15 Intervenor’s intention. Griffith seeks only to access materials that, upon information and  
16 belief, are directly relevant to Griffith’s multiple litigations against PC Connection, pending  
17 in Hillsborough Superior Court North.

19 49. Accordingly, for the facts, allegations, arguments, and authorities herein, Griffith respectfully  
20 states that granting intervenor standing is proper and warranted.  
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24 Respectfully submitted,

25 On this 19<sup>th</sup> Day of March, 2025,

26 /s/Brok-Alan Woodward-Griffith  
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