

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
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RULE 7 NOTICE OF DISCRETIONARY APPEAL

This form should be used only for an appeal from a final decision on the merits issued by a superior court or circuit court in (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A, except that an appeal from the first final order should be filed on a Rule 7 Notice of Mandatory Appeal form.

1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT

State of New Hampshire v. Anna Barbara Hantz-Marconi
217-2024-CR-01167

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

Merrimack County Superior Court
Hon. Martin P. Honigberg

3A. APPEALING PARTY: NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Brok-Alan Woodward-Griffith

471 Silver Street, #105
Manchester, NH, 03103

E-Mail address: **brokgrf@gmail.com**

Telephone number: **(603) 325-0749 ext**

3B. APPEALING PARTY'S COUNSEL: NAME, BAR ID NUMBER, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Pro Se - See 3A

E-Mail address: _____

Telephone number: _____

4A. OPPOSING PARTY: NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

State of New Hampshire - Attorney General

1 Granite Place South
Concord, NH, 03301

E-Mail address: **joe.m.fincham@doj.nh.gov**

Telephone number: **(603) 271-3671 ext**

4B. OPPOSING PARTY'S COUNSEL: NAME, BAR ID NUMBER, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Joe Fincham, #273596

Dan Jimenez, #273604

1 Granite Place South
Concord, NH, 03301

E-Mail address: **dan.a.jimenez@doj.nh.gov**

Telephone number: **(603) 271-3671 ext**

RULE 7 NOTICE OF DISCRETIONARY APPEAL

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

Defendant, Anna Barbara Hantz-Marconi
27 Parkman Brook Lane, Stratham, NH, 03885
Counsel: Richard Guerriero, #10530; Oliver Bloom, #10530; Jonathan Kotlier, PHV
Lothstein Guerriero, PLLC
39 Central Square, Suite 202, Keene, NH; richard@nhdefender.com; (603)352-5000

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING.

09/17/2025

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY.

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

Not Applicable to Appeal

8. APPELLATE DEFENDER REQUESTED?

YES or NO: No

IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND SUBMIT A CURRENT REQUEST FOR A LAWYER FORM (FINANCIAL STATEMENT). SEE SUPREME COURT RULE 32(4).

9. IS ANY PART OF CASE CONFIDENTIAL?

YES or NO: Yes

IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

Sealed materials requested under a petition for access under, inter alia, Part I, art. 8 of the New Hampshire Constitution - sealed by Court Order

10. IF ANY PARTY IS A CORPORATION LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

N/A

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE?

YES or NO: Yes

IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL? SEE SUPREME COURT RULE 15, COMMENT.

YES or NO: No

IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

RULE 7 NOTICE OF DISCRETIONARY APPEAL

13. NATURE OF CASE AND RESULT (Limit two pages double-spaced; please attach or include.)

For this section and section 14, you may choose to use the five-page, single-spaced Additional Information Pages form. The five-page Additional Information Pages form is available on the judicial branch website: [Forms - Supreme Court | New Hampshire Judicial Branch \(nh.gov\)](https://www.nh.gov/courts/forms)

14. ISSUES ON APPEAL (Limit eight pages double-spaced; please attach or include.)

You may choose to use the same five-page, single-spaced Additional Information Pages form identified in section 13.

The New Hampshire Supreme Court reviews each discretionary notice of appeal and decides whether to accept the case, or some issues in the case, for appellate review. The following acceptance criteria, while neither controlling nor fully describing the court's discretion, indicate the character of the reasons that will be considered.

1. The case raises a question of first impression, a novel question of law, an issue of broad public interest, an important state or federal constitutional matter, or an issue on which there are conflicting decisions in New Hampshire courts.
2. The decision below conflicts with a statute or with prior decisions of this court.
3. The decision below is erroneous, illegal, and unreasonable or was an unsustainable exercise of discretion.

Separately number each issue you are appealing and for each issue: (a) state the issue; (b) explain why the acceptance criteria listed above support acceptance of that issue; and (c) if a ground for appeal is legal sufficiency of evidence, include a succinct statement of why the evidence is alleged to be insufficient as a matter of law.

15. ATTACHMENTS

Attach to or include with this notice of appeal the following documents in order: (1) a copy of the trial court decision or order from which you are appealing; (2) the clerk's notice of the decision below; (3) any court order deciding a timely post-decision motion; and (4) the clerk's notice of any order deciding a timely post-decision motion.

Do not attach or include any other documents with this notice of appeal. Any other documents you wish to submit must be included in a separate Appendix, which must have a table of contents on the cover and consecutively numbered pages.

16. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading. To the extent that an unpreserved issue is raised as plain error, I hereby certify that I have specifically identified that issue as plain error in section 14.

/s/Brok-Alan Woodward-Griffith

Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Supreme Court Rules 5(1) and 26(2) and with Rule 18 of the Supplemental Rules of the Supreme Court.

AMENDED 11/27/2025

Date

/s/Brok-Alan Woodward-Griffith

Appealing Party or Counsel

RULE 7 NOTICE OF DISCRETIONARY APPEAL

TRANSCRIPT ORDER FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court Rule 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. The parties will be provided with an electronic copy of the transcript in PDF-A format. A paper copy of the transcript may also be prepared for the court.

PROCEEDINGS TO BE TRANSCRIBED (Please confirm dates with Trial Court)					
PROCEEDING DATE (List each day separately, e.g. 5/1/11; 5/2/11; 6/30/11)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	LENGTH OF PROCEEDING (in .5 hour segments, e.g., 1.5 hours, 8 hours)	RATE (standard rate unless ordered by Supreme Court)	DEPOSIT
				X \$170.00	\$
				X \$170.00	\$
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				X \$170.00	\$
				TOTAL DEPOSIT	\$

PROCEEDINGS PREVIOUSLY TRANSCRIBED					
PROCEEDING DATE (List date of each transcript volume)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	NAME OF TRANSCRIBER	DO ALL PARTIES HAVE COPY (YES OR NO)	DEPOSIT FOR ADDITIONAL COPIES
					TBD
					TBD
					TBD

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you will be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

1 The trial court's actions also violated the Petitioner's Constitutional rights to counsel of
2 choice, due process, and a meaningful opportunity to be heard. The cumulative effect was a
3 sweeping denial of due process and an unlawful suppression of information vital to the public's
4 inherent right to oversee its government entities.
5

6 If not corrected, the order will have a chilling effect on:

- 7 a. The New Hampshire public's Constitutional right to an accountable and transparent
8 government under Part I., art. 8 of the N.H. Constitution;
9
10 b. The First Amendment of the United States Constitution and Part I, art. 22 of the New
11 Hampshire Constitution;
12
13 c. Advocacy and accountability to the public concerning judicial wrongdoing; and
14
15 d. The very foundational rights associated thereby of the New Hampshire and United
16 States Constitutions.

17 This appeal was timely filed to secure review and reversal of the unlawful actions of the
18 trial court, and to restore the Constitutional rights of the Petitioner and People of New
19 Hampshire. This case presents issues of first impression, important Constitutional matters, issues
20 of broad public importance, clear conflicts with controlling precedent, abuses of judicial
21 discretion, and unlawful outcomes. This appeal is highly likely to be accepted, and highly likely
22 to be successful, because:

- 23 A. The factual predicate is undisputed;
24
25 B. Procedural posture favors relief: the trial court has no further matters to address,
26 absent this petition;
27
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1 C. Requested relief is proportionate, just, and lawful: reversal of the trial court's decision
2 is necessary for procedural integrity and the Constitutional rights of the New
3 Hampshire Public; and

4
5 D. Governmental integrity and accountability concerns: the Court is obligated by the
6 New Hampshire constitution to ensure governmental transparency, accountability,
7 and access to public proceedings and court documents especially where a high-
8 ranking public official was found guilty of corruption.

9 Given these factors likelihood of acceptance and reversal is substantial, if not absolute,
10 restoring transparency, accountability, due process, and safeguarding public trust in New
11 Hampshire courts.
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1 **14. ISSUES ON APPEAL**

2 **ISSUE #1: Violation of the Constitutional Rights, including but not limited to**
3 **Counsel of Choice and Meaningful Due Process**

4 Whether the trial court committed reversible error by extinguishing Petitioner’s
5 Constitutional right to counsel of choice and due process without conducting the rigorous
6 analysis required by New Hampshire law, and without following the well-established and
7 defined procedural safeguards. This denial is presumptively prejudicial and violates Part I., art. 8
8 and art. 14 of the New Hampshire Constitution.
9

10
11 1. **ISSUE #2: Misplaced Reliance on Prior Sealing Orders in Violation of Constitutional**
12 **and Binding Precedential Requirements**

13 Whether the trial court erred by denying the petition for access based solely on prior sealing
14 orders – without applying the constitutional presumption of openness, without applying the
15 balancing test required by Keene Sentinel, supra, among others, and without affording Petitioner
16 or the Public an opportunity to contest closure.
17

18 2. **ISSUE #3: Violation of Binding Precedent and N.H. Rules of Criminal Procedure Rule**
19 **50, and Failure to Require Particularized Objections and Apply Least Restrictive**
20 **Means**

21 Whether the trial court violated Rule 50 of the N.H. Rules of Criminal Procedure, misapplied
22 same, and/or failed to properly adhere to procedural safeguards and least restrictive means such
23 as those required under Petition of Keene Sentinel, supra, among others, and then failing to hold
24 a mandatory hearing, resulting in presumed prejudice to constitutional rights and violating
25 binding precedent?
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1 3. **ISSUE #4: Denial of Attorney Fees and Costs Despite Bad Faith Conduct by Opposing**
2 **Counsel and Public Interest Benefits**

3 Whether the trial court erred by denying Petitioner access, and then denying attorney fees
4 and costs where parties opposing disclosure acted in bad faith by failing to provide the required
5 particularized and specific sealing justifications, and where the Petition provided a substantial
6 public benefit by seeking and securing transparency in a case involving serious judicial
7 misconduct and a guilty finding of public corruption by one of the State's highest Judicial
8 Officers.
9

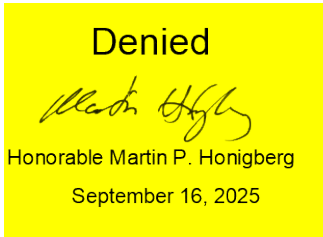
10 Respectfully submitted,

11 This 27th of November, 2025,

12 **/s/Brok-Alan Woodward-Griffith**

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Clerk's Notice of Decision
Document Sent to Parties
on 09/17/2025



STATE OF NEW HAMPSHIRE
SUPERIOR COURT
MERRIMACK COUNTY, SS

Case No.: 217-2024-CR-1167

STATE OF NEW HAMPSHIRE,
vs.
ANNA BARBARA HANTZ MARCONI,

**MOTION TO RECONSIDER ORDER ON
PETITION FOR ACCESS, AND
REQUEST FOR COSTS AND FEE
AWARD**

NOW COMES Petitioner, Brok-Alan Woodward-Griffith (“Griffith”, “Petitioner”), *pro se*, and hereby respectfully moves this Honorable Court to reconsider the August 28th, 2025 *Order on Petition to Access Sealed Court Records* (the “Order”). In addition, Petitioner humbly and respectfully requests that he be awarded costs and reasonable fees, in being forced to file this instant motion. As this motion does not exceed ten (10) pages, no separate memorandum is included. Petitioner states in support as follows.

BACKGROUND

1. On August 4th, 2025, Petitioner filed to request access to certain sealed court records. See Doc. 125.
2. On August 18th, 2025, this Honorable Court issued an interim order (hereinafter, “*Interim Order*”), requiring that the State and Defendant respond to the Petition. See *Interim Order on Petition to Access Sealed Court Records*, August 18th, 2025. (Also attached as **Exhibit 1**).
3. On August 19th, 2025, the State and Defendant jointly submitted a response to the Court’s *Interim Order*. See Doc. 132. (Also attached as **Exhibit 2**).
4. At no time did the State nor the Defendant object to Plaintiff’s petition.

MOTION TO RECONSIDER ORDER ON PETITION FOR ACCESS, AND REQUEST FOR COSTS AND FEE
AWARD - 1

- 1 5. Within the response to the Court’s *Interim Order* furnished by State and Defendant (Doc.
2 132), the State and Defendant engaged in sanctionable conduct, by misstating the facts and
3 law to this Honorable Court. See New Hampshire Rules of Professional Conduct, Rule
4 3.3(a)(1)(2); Also Rule 8.4(a), (c), (f).
5
6 6. As a result of the deceptive joint-filing by the State and Defendant (Doc. 132), the Honorable
7 Court was misled into entering an erroneous order on Petitioner’s request for access, denying
8 same. See *Order on Petition to Access Sealed Court Records*, August 18th, 2025.
9
10 7. In sum, the State and Defendant, by and through the deceptive and misleading joint reply
11 (Doc. 132), managed to successfully lead this Honorable Court on a long walk up the garden
12 path – and to an erroneous conclusion, and order.

ARGUMENT

- 14 8. As a threshold argument, the joint-response submitted by the State and Defendant failed to
15 contain an affidavit, and relied on facts outside of the pleadings, to which to the Court could
16 not take judicial notice. Accordingly, to the extent the Court relied on any facts submitted in
17 the motion to prepare the *Order*, this is a reversible error, and grounds for reconsideration.
18
19 9. Pursuant to the paragraph above, any suggestion that the parties submitted objections to
20 Petitioner via email is disputed. To the extent Petitioner was required to respond to such
21 objections via email, Petitioner respectfully states that any objections submitted by the State
22 and the Defendant, to Petitioner, via email, may be deemed overruled by the Petitioner.

I. Errors by the Court in the Order

25 Respectfully noting that the *Order* is brief, and lacks any supporting legal authority for the
26 conclusions arrived at by the Court – the *Order* nonetheless makes several substantial, and
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1 reversible, errors of law. Petitioner respectfully argues these errors must be addressed and
2 properly reversed on reconsideration.

3 First, the Court inexplicably states that “the Keene Sentinel newspaper was represented by
4 counsel” and that “the Court’s process specified that meeting with the Court could be attended
5 only by counsel as representatives,” further stating that this is a “problem” with “Griffith’s”
6 argument. See Order, Exh. 1, pg. 2. Given that Petitioner, Griffith, *is counsel*, Petitioner fails to
7 see the reasoning or meaning of this observation by the Court. Moreover, both the New
8 Hampshire and United States Constitution enshrines the right to counsel, and counsel of choice,
9 including the inviolable right to self-representation. See e.g. U.S. Const. 6th Amend.; N.H. Const.
10 Part I., art. 14, 15. Respectfully, the only conclusion that can be gleaned here, is that the Court,
11 in some way, was stating that Petitioner has no right to counsel of his choosing. Secondly, the
12 Court offers no explanation as to why Petitioner, as counsel, would not be able to attend an *in*
13 *camera* proceeding, and further, concludes that Keene Sentinel, supra, somehow forbids this (it
14 does not). This all amounts to reversible error – and crucially – does not forbid an *in camera*
15 proceeding with Petitioner.
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19 Second, the Court states, in error, that N.H. Rules of Criminal Procedure, Rule 50, is the
20 “latest directive” from the New Hampshire Supreme Court, and concludes that this overrules the
21 procedure in Petitioner of Keene Sentinel, 136 N.H. 121 (1992) and its progeny. This also
22 amounts to reversible error. The law in question here is Constitutional in nature, and therefore
23 the controlling law – not Court rules. Court rules are advisory in nature, and subject to certain
24 discretionary waiver by the Court. See N.H. R. Crim. Proc. Rule 1(a), Also “Comment”.
25

26 In the alternative, because Keene Sentinel, 136 N.H. at 130-131 prescribed these rules based
27 on the protections afford by Part I, Article 8, and Article 22 (See Id. at 126) of the New
28

1 Hampshire Constitution, any interpretation of the new Rules of Criminal Procedure that seeks to
2 overrule the settled case-law is rendered an advisory opinion. See Opinion of the Justices, 167
3 N.H. 539, 541-542 (2015) (an advisory opinion is one issued by the Supreme Court, and is not
4 one rooted in an active controversy, and therefore is not binding precedent.) Because court rules
5 are issued by the Supreme Court as a procedural opinion, and not one rooted in an “active
6 litigated case,” these rules do not have the power or authority to overrule settled case law. *Id.*

8 *Arguendo*, even if this Honorable Court were to consider the court rules overrule precedential
9 common law, the well-settled case law in New Hampshire requires that all court rules are to be
10 interpreted “to avoid conflict with constitutional rights wherever reasonable possible.” Lamarche
11 v. McCarthy, 158 N.H. 197, 201 (2008). By interpreting Criminal Rule 50 to overrule the
12 procedure outlined in Keene Sentinel, *supra*, which was rooted in *de novo* constitutional analysis,
13 this Honorable Court has entered an unreasonable ruling which not only interferes with
14 constitutional rights, but ignores the well-settled precedent.

16 Third, even if the Court were permitted to waive the procedure outlined in Keene Sentinel,
17 *supra*, it still failed to properly follow the proper reasoning, and failed to permit meaningful
18 adversarial testing. In the final paragraph of the *Order*, the Court did not have any arguments
19 from the petitioner as to why the materials should be unsealed. Moreover, in direct violation of
20 Keene Sentinel, 136 N.H. at 129, this Court also simply relied on the original motions to seal,
21 without allowing any counterargument. This amounts to reversible error. (“Our reading of the
22 court's order in this case indicates that it deferred to the original orders to seal and incorrectly
23 placed the burden on the petitioner to show that it had a right of access to these records.
24 Therefore, it appears that insufficient safeguards were used in the decision-making process to
25 protect the guarantees of part I, articles 8 and 22 of the State Constitution.”) *Id.* Furthermore, the
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1 State and Defendant offered no controlling legal authority that required the grand jury materials
2 be kept under seal in the first instance – and likewise, the court erroneously prevented
3 meaningful adversarial testing on same.
4

5 Accordingly, Petitioner respectfully states that the *Order* must be reversed, and *in camera*
6 hearing must be held.

7 **II. The State and Defendant Mistate and/or Conceal the Relevant Law**

8 Stated prior, the Court was led to an incorrect conclusion by the deception of the State and
9 the Defendant, in filing the response. The New Hampshire Rules of Professional misconduct
10 forbid an attorney to conceal from, or fail to disclose to, the tribunal “legal authority in the
11 controlling jurisdiction known to the lawyer to be directly adverse to the position of the client,
12 and not disclosed by opposing counsel.” See N.H. R. of Prof. Cond. Rule 3.3(a). The comment
13 under Rule 3.3 continues to explain that a “lawyer must not allow the tribunal to be misled by
14 false statements of law or fact or evidence the lawyer knows to be false,” and further that “legal
15 argument based on a knowingly false representation of the law constitutes dishonesty towards
16 the tribunal.” See *Id.*, “Comment”, [2][4]. Here, the State and the Defendant have relied
17 *exclusively* on arguing that the New Hampshire Rules of Criminal Procedure Rule 50 properly
18 allow the Court to evade the required of Petition of Keene Sentinel, 136 N.H. 121 (1992). This is
19 a false representation of the law by the State and Defendant.
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22 The State and Defendant’s joint response (Doc. 132, **Exhibit 2**) speaks for itself, but
23 highlighted briefly: ¶¶ 4-8 of the joint response directly argue on basis of N.H. R. Crim. Proc. R.
24 50. Nowhere do the parties offer any explanation as to how, or why, Rule 50 somehow overrides
25 the Common Law, the RSA’s, or the New Hampshire Constitution.
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1 In sum, this response, submitted by the State and Defendant, is a deliberate misstatement of
2 the law, and thus initially led this Court down the wrong path. Accordingly, Petitioner should be
3 awarded costs and reasonable counsel fees for being forced to file this instant motion.
4

5 III. Award of Fees

6 Petitioner respectfully submits there are two bases for awarding fees – frivolous and
7 unreasonable conduct by the litigants, and substantial benefit theory.

8 Under substantial benefit theory, “an award of attorney fees to the prevailing party where the
9 action conferred a substantial benefit on not only the plaintiffs who initiated the action, but on
10 the public as well.” See Jerusum v. WBTSCC Ltd. Pship, 169 N.H. 469, 483 (2016). Here,
11 Petitioner has been required to undertake the protection of the New Hampshire public’s
12 Constitutional rights to seek these confidential materials, and the Attorney General’s office has
13 shirked its constitutional responsibility in “protection of the public interest.” Id. Further, the State
14 has colluded with the Defendant, through the joint response (Exhibit 2) to prevent these
15 materials from being released to the public, without colorable argument or legal authority. In
16 addition, the State participated in misleading the court to enter the *Order*. Accordingly, Petitioner
17 should prevail, and should be awarded his counsel and reasonable attorney fees.
18

19 In addition, costs and reasonable attorney fees may be awarded “where litigation is instituted
20 or unnecessarily prolonged through a party’s oppressive, vexatious, capricious or bad faith
21 conduct... [or to] those who are forced to litigate against an opponent whose position is patently
22 unreasonable.” See Kukene v. Genuardo, 145 N.H. 1, 3 (2000) (citing Clipper Affiliates v.
23 Chechovich, 138 N.H. 271, 278 (1994)). The State and the Defendant’s behavior, in submitting
24 the frivolous response, which failed to address the issued, and misled the Court as to the
25 appropriate procedure, laws, and rules, results in unreasonable, arbitrary and vexatious behavior.
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1 Moreover, the State has inexplicably, and unreasonably, shirked its mandated responsibility to
2 the State of the New Hampshire.

3 Accordingly, Petitioner respectfully submits that in conjunction with reconsidering the
4 *Order*, the Petitioner be awarded costs and reasonable counsel fees to Petitioner, from the State
5 and Defendant.
6

7 **CONCLUSION & PRAYER FOR RELIEF**

8 In sum, Petitioner humbly and respectfully states that this Court's *Order* (**Exhibit 1**) must
9 be reconsidered, and the Petitioner be granted *in camera* hearing, in complying with the express
10 mandate as prescribed in Keene Sentinel, supra. Furthermore, Petitioner humbly and respectfully
11 requests that this court award Petitioner costs and reasonable counsel fees under the substantial
12 benefit theory, and/or on account of the State and Defendant's unreasonable conduct.
13

14 **WHEREFORE**, without prejudice and without waiving any rights, Petitioner humbly
15 and respectfully requests that this Honorable Court:

- 16
- 17 a. Reconsider the *Order* (**Exhibit 1**);
 - 18 b. Schedule *In Camera* hearing on the contested documents;
 - 19 c. Award Petitioner's costs and counsel fees;
 - 20 d. Any such other and further relief as this Honorable Court deems just, necessary,
21 equitable, and proper.
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1 Respectfully submitted,

2 Dated this 8th of August, 2025.

3
4 /s/Brok-Alan Woodward-Griffith

5

Brok-Alan Woodward-Griffith, *pro se*

6 471 Silver Street, Apt. 105

7 Manchester, NH, 03103

8 brokgrf@gmail.com

9 603.325.0749

10 **CERTIFICATE OF SERVICE**

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

13 /s/**Brok-Alan Woodward-Griffith**

14 **FACTUAL AVERMENT**

15 I hereby make oath and swear that the facts
16 and allegations contained herein are true and
17 accurate to the best of my knowledge, belief,
18 and ability, without waiving the right to
19 amend same as facts and circumstances so
20 dictate. Further affiant sayeth naught.

21 /s/**Brok-Alan Woodward-Griffith**

EXHIBIT 1

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack County

Merrimack Superior Court

State v. Anna Barbara Hantz Marconi

217-2024-CR-01167

ORDER ON PETITION TO ACCESS SEALED COURT RECORDS

The Court has reviewed the State's and the Defendant's joint response (Doc. 132) to the Court's interim order (Doc. 131) on Mr. Griffith's "Petition to Access Sealed Court Records" (Doc. 125). The Court has also reviewed (again) the various motions to seal and the pleadings that were filed with the motions to seal. See Docs. 43, 104, 108, 112 (motions to seal), and Docs. 46, 47, 105, 109, 113 (unredacted sealed filings). As explained briefly below, the Court is ordering that the motions to seal should be made available to the public, effective in 10 days as required by N.H. R. Crim. P. 50(e)(5); and keeping the unredacted sealed filings confidential.

Motions to Seal. The State and the Defendant (i.e., the parties in this case) take no position on the unsealing of the motions to seal. The only reason the Court put them under seal was N.H. R. Crim. P. 50(d)(5). The Court agrees with the parties that the motions to seal do not themselves contain confidential information. They "merely describe how the underlying motions refer to confidential grand jury material subject to a protective order." See Doc. 132 ¶ 6. The Court hereby orders that the motions to seal, which are Docs. 43, 104, 108, and 112, be unsealed in the Court's files and made available to the public. As required by N.H. R. Crim. P. 50(e)(5), the effective date of the unsealing of the motions to seal will be 10 days from the Clerk's notice of decision.

Unredacted filings that are currently under seal. The parties object to the request to unseal the underlying filings. Mr. Griffith argues that under Petition of Keene Sentinel,

136 N.H. 121, 130-31 (1992), when there is a disagreement about disclosure, the Court is required to convene a chambers conference that would include him and counsel to the respective parties to examine each document. There are at least two problems with Mr. Griffith's argument. First, the Keene Sentinel newspaper was represented by counsel and the Court's process specified that the meeting with the Court could be attended only by counsel as representatives, not by the clients or other individuals. Second and more fundamental, Keene Sentinel is not the Supreme Court's latest directive to the Superior Courts on this issue. Today, access to confidential filings in criminal cases is governed by N.H. R. Crim. P. 50(e). Under subpart (e)(3) of that rule, "The Court shall examine the document in question together with the motion to unseal and any objections thereto to determine whether there is a basis for nondisclosure and, if necessary, hold a hearing thereon."

Here, the Court finds that the issues are presented clearly and fully and that no hearing is necessary. Per paragraph 7 of their joint response (Doc. 132), the parties assume the Court reviewed the underlying pleadings when they were filed and recognized that they contained references to confidential grand jury information that was redacted from the public versions of those same documents. The parties are correct. That review was the basis for the Court's approval of the motions to seal. Having reviewed the documents again in connection with the instant petition, and having considered the authorities cited by the parties in paragraph 4 of their joint response as well as the Court's prior orders regarding the need to protect grand jury materials, the Court finds that the redacted information is confidential and rules that the unredacted documents (Docs. 46, 47, 105, 109, 113) should remain sealed.

So ordered.

August 28, 2025
Date

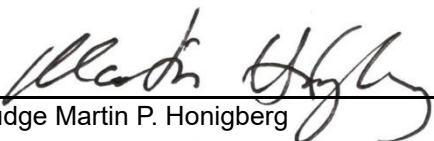

Judge Martin P. Honigberg

EXHIBIT 2

STATE OF NEW HAMPSHIRE

Superior Court

Merrimack, ss.

August Term, 2025

State of New Hampshire

No. 217-2024-CR-1167

v.

Anna Barbara Hantz Marconi

JOINT RESPONSE TO INTERIM ORDER
ON PETITION TO ACCESS SEALED COURT RECORDS

The State of New Hampshire and the accused, Justice Anna Barbara Hantz Marconi, respectfully and jointly respond to this Court's August 18, 2025 Interim Order on purported intervenor Brok-Alan Woodward-Griffith's Petition to Access Sealed Court Records. The parties note that there was no intended request to keep the various motions to seal out of the public record. Therefore, the parties take no position on the request for the Court to allow public access to the motions to seal. However, the parties object to placing the remaining sealed / unredacted pleadings in the public record because they are confidential since they refer to grand jury proceedings which are subject to a protective order.

BACKGROUND AND ARGUMENT

1. On August 4, 2025, serial and purported intervenor Brok-Alan Woodward-Griffith filed a Petition to Access Sealed Court records, specifically, nine documents (docs. # 43, 46, 37, 104, 105, 108, 109, 112, 113). *See Petition to Access Sealed Court Records* (Aug. 4, 2025) (doc. # 125) at ¶ 1; *Interim Order* (Aug. 18, 2025) (doc. # 131).

2. On August 18, 2025, this Court renewed its denial of Mr. Woodward-Griffith's access to grand jury materials for the reasons stated in prior orders. *See Interim Order*. This Court recognized that there are two sets of confidential documents, five confidential pleadings (docs. #

46, 47, 105, 109, 113) and four motions to seal (docs. # 43, 104, 108, 112), the latter of which were “placed under seal without separate motion in order to facilitate specific arguments about why’ the other sealed documents should have been kept confidential.” *Id.* (quoting N.H. R. Crim. P. 50(d)(5)).

3. This Court then asked the parties “to respond to Mr. Griffith’s Petition regarding all the documents he seeks and to include specifically their positions on whether the motions to seal should remain confidential.” *Interim Order* (Aug. 18, 2025).

4. Docs. # 46, 47, 105, 109, 113) “refer[] to grand jury materials which are subject to a protective order.” (citing N.H. Super. Ct. R. 13B; N.H. R. Crim. P. 8(b)(6); N.H. Sup. Ct. R. 52; *State v. Purrington*, 122 N.H. 458, 462 (1982); *State v. Damiano*, 124 N.H. 742, 748 (1984)).

The State and the defense agree that these pleadings must remain confidential. *See id.* *See also* N.H. R. Crim. P. 50(c)(3)(A) (describing how grand jury material is “the type of information that should ordinarily be treated as ‘confidential information’”); *Interim Order* (“To the extent Mr. Griffith is renewing his request for access to grand jury materials, that request is DENIED for the reasons stated in prior orders.”).

5. As to whether the motions to seal, Docs. # 43, 104, 108, and 112, should remain confidential, the defense and the State take no position, bearing in mind that there was no request to seal the separate motions to seal themselves.

6. The parties recognize that N.H. R. Crim. P. 50(d)(5) provides that the “motion to seal shall itself automatically be placed under seal without separate motion in order to facilitate specific arguments about why the party is seeking to maintain the confidentiality of the document or confidential information.” However, the motions to seal do not contain confidential information and merely describe how the underlying motions refer to confidential grand jury material subject to a protective order. The motions to seal specify the authority for the

confidentiality, *see* N.H. R. Crim. P. 50(d)(2), as well as the duration of the confidentiality. *See* N.H. R. Crim. P. 50(d)(3).

7. In granting the original motions to seal, the defense and the State believe this Court recognized that the underlying pleadings contain confidential material referring to grand jury proceedings. Thus, the parties believe this Court has already examined the documents in question “to determine whether there is a basis for nondisclosure” when it granted the motions to seal. Furthermore, this Court’s Interim Order reiterated to Mr. Woodward-Griffith that he has no right to access to grand jury materials. Thus, the parties believe that a hearing is unnecessary. N.H. R. Crim. P. 50(e)(3). They further believe that the above-cited authorities and facts “support the decision of nondisclosure.” N.H. R. Crim. P. 50(e)(4).

8. Finally, the defense and the State note that N.H. R. Crim. P. 50(e)(2) requires that the person filing a motion to unseal shall have the burden to establish that notice of the motion to unseal was provided to all parties. Mr. Woodward-Griffith represented in an August 18, 2025 email to Merrimack County Clerk Uhouse that “no party has objected” to his petition to unseal. That is not accurate.

9. On August 1, 2025, Mr. Woodward-Griffith solicited the State and the defense for their respective positions on his motion to unseal (among other matters). Contrary to Woodward-Griffith’s representation to Clerk Uhouse, Attorney Guerriero told Mr. Woodward-Griffith on August 4, 2025 that

Respectfully, on behalf of our client, we object to your continued efforts to intervene in and disrupt the proceedings in this case. The Court has correctly ordered that you have no right to intervene in or disrupt this proceeding. We also disagree with your description of the status of the matter at the New Hampshire Supreme Court. Finally, you should be aware that we may request attorney fees, costs, and other relief if your efforts to intervene persist. Please note our position verbatim in any documents you file.

10. Likewise, Attorney Jimenez responded on that same day: “The State objects to your continued intervention and any of the below proposed pleadings. The State also reserves the right to request attorney’s fees, costs, and any other relief as it may deem appropriate.”

11. Mr. Woodward-Griffith nowhere acknowledged these objections.

12. Defense counsel communicated with counsel for the State who gave their permission to sign this pleading on their behalf.

WHEREFORE the defense and the State take no position on whether the motions to seal (docs. # 43, 104, 108, 112) should remain confidential, but the defense and the State object to any disclosure of the underlying pleadings (docs. # 46, 47, 105, 109, 113).

Dated this 19th day of August, 2025.

Respectfully submitted,

/s/ Dan A. Jimenez

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Jonathan Kotlier

Pro Hac Vice, by 2024-10-23 order of this court
Nutter, McClennen & Fish
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Boston, MA 02210
(617)- 439-2000

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. Paper copies and PDF copies are also being conventionally mailed and emailed to Mr. Brok-Alan Woodward-Griffith.

/s/ Richard Guerriero
Richard Guerriero

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack County

Merrimack Superior Court

State v. Anna Barbara Hantz Marconi

217-2024-CR-01167

ORDER ON PETITION TO ACCESS SEALED COURT RECORDS

The Court has reviewed the State's and the Defendant's joint response (Doc. 132) to the Court's interim order (Doc. 131) on Mr. Griffith's "Petition to Access Sealed Court Records" (Doc. 125). The Court has also reviewed (again) the various motions to seal and the pleadings that were filed with the motions to seal. See Docs. 43, 104, 108, 112 (motions to seal), and Docs. 46, 47, 105, 109, 113 (unredacted sealed filings). As explained briefly below, the Court is ordering that the motions to seal should be made available to the public, effective in 10 days as required by N.H. R. Crim. P. 50(e)(5); and keeping the unredacted sealed filings confidential.

Motions to Seal. The State and the Defendant (i.e., the parties in this case) take no position on the unsealing of the motions to seal. The only reason the Court put them under seal was N.H. R. Crim. P. 50(d)(5). The Court agrees with the parties that the motions to seal do not themselves contain confidential information. They "merely describe how the underlying motions refer to confidential grand jury material subject to a protective order." See Doc. 132 ¶ 6. The Court hereby orders that the motions to seal, which are Docs. 43, 104, 108, and 112, be unsealed in the Court's files and made available to the public. As required by N.H. R. Crim. P. 50(e)(5), the effective date of the unsealing of the motions to seal will be 10 days from the Clerk's notice of decision.

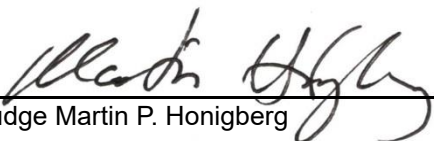
Unredacted filings that are currently under seal. The parties object to the request to unseal the underlying filings. Mr. Griffith argues that under Petition of Keene Sentinel,

136 N.H. 121, 130-31 (1992), when there is a disagreement about disclosure, the Court is required to convene a chambers conference that would include him and counsel to the respective parties to examine each document. There are at least two problems with Mr. Griffith's argument. First, the Keene Sentinel newspaper was represented by counsel and the Court's process specified that the meeting with the Court could be attended only by counsel as representatives, not by the clients or other individuals. Second and more fundamental, Keene Sentinel is not the Supreme Court's latest directive to the Superior Courts on this issue. Today, access to confidential filings in criminal cases is governed by N.H. R. Crim. P. 50(e). Under subpart (e)(3) of that rule, "The Court shall examine the document in question together with the motion to unseal and any objections thereto to determine whether there is a basis for nondisclosure and, if necessary, hold a hearing thereon."

Here, the Court finds that the issues are presented clearly and fully and that no hearing is necessary. Per paragraph 7 of their joint response (Doc. 132), the parties assume the Court reviewed the underlying pleadings when they were filed and recognized that they contained references to confidential grand jury information that was redacted from the public versions of those same documents. The parties are correct. That review was the basis for the Court's approval of the motions to seal. Having reviewed the documents again in connection with the instant petition, and having considered the authorities cited by the parties in paragraph 4 of their joint response as well as the Court's prior orders regarding the need to protect grand jury materials, the Court finds that the redacted information is confidential and rules that the unredacted documents (Docs. 46, 47, 105, 109, 113) should remain sealed.

So ordered.

August 28, 2025
Date


Judge Martin P. Honigberg

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Merrimack County

Merrimack Superior Court

State v. Anna Barbara Hantz Marconi

217-2024-CR-01167

INTERIM ORDER ON PETITION TO ACCESS SEALED COURT RECORDS

The Court has received a "Petition to Access Sealed Court Records" from Brok-Alan Woodward-Griffith ("Mr. Griffith"). See Doc. 125. To the extent Mr. Griffith is renewing his request for access to grand jury materials, that request is DENIED for the reasons stated in prior orders.

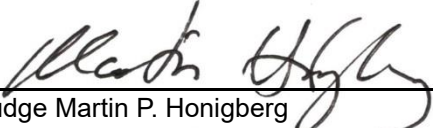
The Court recognizes that Mr. Griffith is making a new request under Rule 50(e) of the New Hampshire Rules of Criminal Procedure for access to documents or portions of documents that have been determined to be confidential. See N.H.R. Crim. P. 50(e)(1). Specifically, Mr. Griffith seeks access to the sealed documents with the following index numbers: 43, 46, 47, 104, 105, 108, 109, 112, and 113. Of those, documents 43, 104, 108, and 112 are motions to seal that were "placed under seal without separate motion in order to facilitate specific arguments about why" the other sealed documents should have been kept confidential. See N.H.R. Crim. P. 50(d)(5).

The Court asks the parties to respond to Mr. Griffith's Petition regarding all the documents he seeks and to include specifically their positions on whether the motions to seal should remain confidential. See N.H.R. Crim. P. 50(e)(3), (4), (5). The parties shall file their responses by close of business on August 27, 2025.

So ordered.

August 18, 2025

Date



Judge Martin P. Honigberg