

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

State of New Hampshire

v.

Geno Marconi

218-24-CR-1426

Rule 2.11 Notice

This matter has recently been reassigned to the undersigned jurist. Trial is in November 2025.

Mr. Marconi was a witness in the case of State v. Roger Tropsf, which this jurist prosecuted when serving as an Assistant Attorney General between 2001 and 2006. The undersigned was not involved in the underlying Tropsf investigation (the case involved allegations of theft of funds by submitting false mileage forms while employed at the Port Authority), but was brought on to the case to serve as trial counsel about a month or two prior to the trial. Mr. Tropsf was acquitted. At the time, there was a related case against the former Director of the Port Authority, Tom Orf. The undersigned was familiar with that case, but has no specific recollection of any substantive involvement in that case. It is the Court's recollection that the Orf case resulted in a plea agreement (which was not handled by the undersigned). The two cases spun out an investigation of mismanagement at the Port Authority, and at the time of the Tropsf trial, Mr. Marconi had been named interim director (to replace Orf). He testified in the Tropsf trial.

During the following 20-25 years, the undersigned saw Mr. Marconi on 2-3 occasions at NH Bench/Bar Events that he attended with his wife. We would exchange pleasantries, but that is the extent of the contact.

More recently, in spring of 2024, I was briefly interviewed by NHDOJ about my involvement in the Tropsf/Orf prosecutions. While there were questions about Mr. Marconi's involvement in the Tropsf/Orf prosecutions, the present allegations were not disclosed or discussed.

This jurist has no information or knowledge about the pending case, other than what has been generally published in the newspapers.

Lastly, of course, the undersigned is familiar with Mr. Marconi's wife, but only from professional interactions and events after she became a judge.

I am disclosing this issue to the parties pursuant to Rule 2.11. See CODE OF JUDICIAL CONDUCT, R. 2.11 comment 5 ("A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonable consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.").

The Court does not believe that this requires recusal, but the Court is furnishing this information out of an abundance of caution. These types of intersections and overlaps happened in a small state like New Hampshire. The parties are given 10 days to file any pleadings based on this Notice.

The Court will not rule or take any action on the pending motions until after the 10-day period has lapsed and the Court has reviewed any filings related to this Notice.

SO ORDERED.



Date: July 8, 2025

Hon. David W. Ruoff