

STATE OF NEW HAMPSHIRE

Superior Court

Merrimack, ss.

December Term, 2024

State of New Hampshire

No. 217-2024-CR-1167

v.

Anna Barbara Hantz Marconi

ASSENTED-TO MOTION TO STRIKE PLEADINGS
OF PURPORTED INTERVENOR BROK-ALAN WOODWARD-GRIFFITH

The Accused, with the assent of the State, respectfully requests that this Court strike from the record all pleadings filed by purported intervenor Brok-Alan Woodward-Griffith because he has no standing to intervene in a criminal case, as explained below:

1. Hours prior to this Court's December 2, 2024, hearing on a defense motion, pro se intervenor Brok-Alan Woodward-Griffith filed an appearance and a motion to intervene.

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2. This Court rejected Mr. Brok-Alan Woodward-Griffith's appearance that same day.

3. Nonetheless, Mr. Brok-Alan Woodward-Griffith appeared at the hearing and sat at counsel table behind the State's attorneys.

4. Later that afternoon, after review of his filing, the Court rejected his motion to intervene, explaining that "the Court is unable to accept [his] filing in Docket # 17-2024-CR-1167" as this "matter is a criminal matter and NH Rule of Civil Procedure 15 does not apply." Instead, it directed Mr. Woodward-Griffith to file a motion in 216-2023-CV-220, his own case, "seeking the material [he] requested in this pleading."

5. Mr. Woodward-Griffith has now, on December 9, 2024, filed two additional motions, first a "Motion to Disqualify Attorney Guerriero [sic] and Defense Counsel," and second, an

“Intervenor’s Objection to Defendant Marconi’s Motion to Disqualify the New Hampshire Attorney General’s Office and to Dismiss All Indictments.”

6. The Defense, with the assent of the State, respectfully moves to strike Mr. Woodward-Griffith’s pleadings from the record.

7. As explained by the New Hampshire Supreme Court, “[a]s a general proposition, ‘a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.’” *Petition of Lath*, 169 N.H. 616, 622 (2017) (quoting *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973)). Even victims, those most affected by a criminal disposition, have “no right to intervene in the criminal case of the accused” or “to appeal the substantive rulings of the trial court.” *Lath*, 169 N.H. at 622 (cleaned up, quotations and citations omitted).

8. “Generally, a non-party has no right to intervene in a criminal case” and “[t]here is no procedural rule that allows for such intervention.” *In re Rubenzer*, No. 2015-0037, 2015 N.H. LEXIS 157 (Sep. 24, 2015) (non-precedential opinion). *See also Rullo v. Rullo*, 121 N.H. 299, 300 (1981) (explaining that estate, which alleged that criminal defendant had engaged in trespass and negligence, “had no opportunity or *right to intervene in the [defendant’s] criminal case*”) (emphasis added).

9. As the Idaho Court of Appeals has explained, the “inability of non-parties to intervene in a criminal case recognizes that the considerations underlying invention in a civil case are not applicable to a criminal proceeding.” *State v. Johnson*, 167 Idaho 454, 458 (2020) (citing *People v. Ham*, 734 P.2d 623, 625 (Colo. 1987)).

10. Nor does Mr. Woodward-Griffith’s intervention fall within two exceptions identified in *Rubenzer*. This is not an instance where “courts ‘sometimes permit the press to intervene in a criminal case where a decision to close criminal proceedings to the public may affects its First Amendment Rights.’” *Rubenzer* at *5-6 (quoting *United States v. Carmichael*, 342 F. Supp. 2d

1070, 1072 (M.D. Ala. 2004). Nor is it an instance where “third parties may be allowed ‘to intervene in a criminal trial to challenge a request for production of documents on the ground of privilege.’” *Rubenzler* at *6 (quoting *Carmichael*, 342 F. Supp. 2d at 1072).

11. Instead, Mr. Woodward-Griffith appears to be attempting to intervene to gather evidence for his own civil case. But that is not what any of the exceptions to the general rule allow and why Mr. Woodward-Griffith can cite no rule of criminal procedure or other authority that would allow for such unprecedented intervention in a criminal case. That is, again, precisely why this Court explained to Mr. Woodward-Griffith that this “matter is a criminal matter and NH Rule of Civil Procedure 15 does not apply,” and instead, he should file a motion in 216-2023-CV-220, his own case, “seeking the material [he] requested in this pleading.”

12. Counsel for the Accused communicated with Assistant Attorney General Joe Fincham regarding this motion. Attorney Fincham assents to this motion on behalf of the State.

WHEREFORE, the Accused, with the assent of the State, respectfully requests that the Court strike Brok-Alan Woodward-Griffith’s pleadings from the record of this case because he lacks standing to intervene. In the alternative that the Court denies this assented-to motion, the defense will file an objection to the motion(s) filed by Brok-Alan Woodward-Griffith.

Dated this 10th day of December, 2024.

Respectfully submitted,

/s/ Richard Guerriero
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CERTIFICATE OF SERVICE

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

/s/ Richard Guerriero