
From: Shawn Sweeney [mailto:ssweeney@hcnh.org]
Sent: Thursday, July 8, 2021 1:20 PM
To: jcoughlin@hcnh.org
Cc: jraiche@hcnh.org
Subject: Mark Hayward Questions (State v. Tyler Jones)

John,

I'm in Grand Jury from 2:30 to 3:30.

Mark Hayward asked the following **bolded** questions regarding one of JR's cases [State v. Tyler Jones]. The answers I suggest are in *italics*:

- **Why the conditional nolle pros? Please be specific about why. As I said, he told me the alleged victims in the case either couldn't be found or wouldn't cooperate.**

Cases are often nol prossed or dismissed due to uncooperative witnesses. We are unable to prove a case without witnesses.

- **During bail hearings, prosecutors routinely divulge a person's criminal records. Did he have anything serious on his record? (I think I'm correct to assume that if he had a felony conviction, he would have been charged with felon in possession, correct?)**

It is very likely that the defendant would have been charged as a felon in possession of the firearm if he did have a qualifying felony. It's safe to assume that he did not have a qualifying felony.

- **You opted not to prosecute a man charged with criminal threatening with a rifle. Do you think he is a danger to the community?**

Any person who commits criminal threatening with a firearm is, at least at the time of the offense, a danger to the community.

- **Did you try to indict this case? If so, what was the outcome?**

Grand Jury proceedings are not public.

- **What role did his race -- he is African American -- play in this case?**

I did not know anything about his race until I read your question. When it comes to deciding whether to go forward with a case, our ability to present evidence to prove every element of the offense beyond a reasonable doubt is the controlling factor. I cannot think of any reason that a person's race would enter into the analysis at all.

- **Manchester police put out a press release and mug shot accusing him of a crime. Your office did not put out any notice that he is innocent. (Please don't mince words, If someone is innocent until proven guilty, by your action (or better yet lack of action), he is innocent.) How is that fair for him or anyone else?**

Please contact the Manchester Police Department for information or comment on their policies. You have probably noticed that we issue very few press releases. We generally notify the press of significant events that affect the entire community. The disposition of each of the many cases that our office is handling at any given time is available to the public from the courts.

I am not mincing words when I say that a conditional nol pros, although not an admission of guilt, is certainly not a signal of innocence. A conditional nol pros is an agreement between the prosecutor and the defendant whereby the defendant agrees to meet some conditions and the prosecutor agrees to withdraw the charges if the defendant meets the conditions.

If a person commits a crime and the prosecutor does not have admissible evidence to prove all of the elements of the offense beyond a reasonable doubt, that does not mean that the person is innocent. That simply means that the person was able to avoid criminal consequences for their crime.

- **Please let me know your office's policy on publicizing nolle pros, innocent verdicts, or plea bargains down to nothing. Dennis Hogan said he would never issue a press release when someone was found not guilty. Do you think prosecutors have a moral obligation to do so? Why or why not?**

There is a world of difference between "innocent" and "not convicted". It would be misleading to use the two interchangeably. Innocence is only one of many reasons that a person might not be convicted.

- **Do you think MPD has an obligation to follow up in such cases?**

Again, I will refer you Manchester Police for comment on their policies.

Shawn



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