

ROCKINGHAM, SS.

STATE OF NEW HAMPSHIRE

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ROCKINGHAM
SUPERIOR COURT
SUPERIOR COURT

2009 JUN 12 P 2: 27

v.

JESSE T. BROOKS

09-S-319, 08-S-579, 07-S-2885

Notice of Defenses

Pursuant to Superior Court Rules 100 and 101, Defendant Jesse T. Brooks, by and through counsel, hereby files this Notice of Defenses regarding charges in the indictment against him dated February 4, 2009 (09-S-319).

1. On November 9, 2007, Defendant Jesse Brooks was indicted on one count of conspiracy to commit capital murder (RSA 629:3; 630:1, I(c)) (No. 07-S-2885). On January 17, 2008, Defendant filed a Notice of Defenses in response to that indictment. On March 5, 2008, Defendant was re-indicted on one count of conspiracy to commit capital murder (RSA 629:3 I, IV; 630:1, I(b), (c)) (No. 08-S-579). The March 2008 Indictment added new factual allegations and included a new legal theory of the crime charged (under the kidnapping provision of the capital murder statute, RSA 630:1, I(b)). On June 11, 2008, Defendant filed a revised Notice of Defenses. On February 4, 2009, Defendant was indicted a third time on one count of conspiracy to commit murder (RSA 629:3, I, IV; 630:1, I(b), (c)) (09-S-319). Indictment 09-S-319 stated new factual allegations. Accordingly, Defendant now files this revised Notice of Defenses.

2. Alibi (Superior Court Rules 98, 100). The Defendant may rely upon the defense of alibi in response to Indictment 09-S-319. Indictment 09-S-319 alleges that the crime occurred “at various locations in the County of Rockingham” during a time period that spans approximately twenty-three months. During most of that period, Defendant was located in Las

Vegas, Nevada and California. Because Indictment 09-S-319 fails to allege specifically when and where the Defendant joined the conspiracy charged, and fails to identify the date, time, and location of the overt acts alleged in that Indictment to have been committed by Defendant in furtherance of the alleged conspiracy, the Defendant is unable to proffer further specifics regarding this defense at this time. To the extent that the State provides this information and/or identifies additional overt acts in furtherance of the alleged conspiracy to which the Defendant may rely on the defense of alibi, counsel for the Defendant will timely supplement this Notice.

3. Counsel for Defendant are reviewing the discovery that they continue to receive from the State. Defendant reserves the right to assert additional defenses and to supplement this notice accordingly pursuant to Rule 98.



JESSE T. BROOKS
Signed as to Notice of Alibi in Paragraph 2
pursuant to Superior Court Rule 100

Respectfully submitted,
JESSE T. BROOKS,
By his attorneys,

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