

EXHIBIT C

Part 1



AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE

18 Low Avenue
Concord, New Hampshire 03301
603-225-3080
www.aclu-nh.org

Devon Chaffee
Executive Director

June 1, 2018

VIA FIRST CLASS MAIL AND EMAIL (wshupe@exeternh.gov)

William Shupe
Chief of Police
Exeter Police Department
10 Front Street
Exeter, NH 03833

Re: Right-to-Know Request Regarding Criminal Defamation Charge Against Robert Frese

Dear Chief Shupe:

This is a Right-to-Know request to the Exeter Police Department (“the Department”) pursuant to RSA 91-A and Part I, Article 8 of the New Hampshire Constitution by the American Civil Liberties Union of New Hampshire (“ACLU-NH”). The ACLU-NH defends and promotes the fundamental principles embodied in the Bill of Rights and the U.S. and New Hampshire Constitutions. In furtherance of that mission, the ACLU-NH regularly conducts research into government activities in New Hampshire. We ask that your Department waive all fees associated with responding to this request. Please contact me to discuss the fee waiver in advance of preparing any copies.

Below are the specific requests:

1. All records—including incident reports, interview/police reports, call logs, police officer narratives, and audio/video recordings—concerning (i) the alleged criminal conduct committed by Robert Frese resulting in the charge of criminal defamation, and (ii) the criminal complaint filed against Mr. Frese for criminal defamation. This request includes the speech that Chief Shupe alleges is defamatory.
2. From April 1, 2018 to the present, all internal or external communications concerning Robert W. Frese.

In responding to this request, please consider the time limits mandated by the Right-to-Know law. In discussing those limits in *ATV Watch v. N.H. Dep’t of Res. & Econ. Dev.*, 155 N.H. 434 (2007), the New Hampshire Supreme Court has stated that RSA 91-A:4, IV requires that a public body or agency, “within 5 business days of the request, make such records available, deny the request in writing with reasons, or to furnish written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied.” *Id.* at 440.

If produced, these records must be produced irrespective of their storage format; that is, they must be produced whether they are kept in tangible (hard copy) form or in an electronically-stored format, including but not limited to e-mail communications. If any records are withheld, or any portion redacted, please specify the specific reasons and statutory exemption relied upon. See RSA 91-A:4, IV (official must “make such record available” or “deny the request in writing *with reasons*”) (emphasis added).

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible. Of course, if you have any questions or concerns, do not hesitate to contact me.

Very truly yours,



Gilles Bissonnette
ACLU-NH, Legal Director
Gilles@aclu-nh.org

Cc: Walter Mitchell
Patrol Captain Stephan Poulin, spoulin@exeternh.gov
Staff Captain Michael Munck, mmunck@exeternh.gov



EXETER POLICE DEPARTMENT

William D. Shupe – Chief of Police

PO Box 127 • Exeter, NH 03833-0127 • (603) 772-1212 • Fax (603) 778-7061
www.exeternh.gov/police

American Civil Liberties Union of New Hampshire
Gilles Bissonnette
ACLU-NH, Legal Director
18 Low Avenue
Concord, New Hampshire 03301

June 4, 2018

Dear Mr. Bissonnette:

We are in receipt of your June 1, 2018 request for documents pursuant to RSA 91-A.

Due to this being an open investigation we will be unable to respond to your request for "all records including incident reports, interview/police reports, police officer narratives, and or audio/video recording and the criminal complaint" concerning the alleged criminal conduct committed by Robert Frese. This report will become available upon closure.

We are able to release the dispatch log relating to Robert Frese.

The Exeter Police Department charges fifty cents per page for 91-A requests.

Sincerely,

Liz Thibeau
Office Manager
Exeter Police Department

Gilles Bissonnette

From: Gilles Bissonnette
Sent: Monday, June 11, 2018 12:35 PM
To: 'Liz Thibeau'
Subject: RE: 91-A REQUEST
Attachments: Exeter RTK Request.pdf

Ms. Thibeau,

Thank you for your letter. Given that the case has now been dismissed, we ask that responsive documents pursuant to the attached requests be produced. In addition to internal/external emails concerning Mr. Frese (including emails in which Chief Shupe is a party) and police reports, this request also includes (i) all communications to/from the Attorney General's Office concerning the charges, (ii) any arrest warrant applications, and (iii) communications between the prosecutor and Chief Shupe.

Please let me know when these documents will be produced.

Thank you in advance.

Best,

Gilles Bissonnette

Legal Director

American Civil Liberties Union of New Hampshire

18 Low Avenue, Concord, NH 03301

603.224.5591 x103 | gilles@aclu-nh.org

aclu-nh.org  



This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

From: Liz Thibeau [mailto:lthibeau@exeternh.gov]
Sent: Monday, June 4, 2018 2:47 PM
To: Gilles Bissonnette <gilles@aclu-nh.org>
Subject: 91-A REQUEST

Dear Mr. Bissonnette:

Please find attached response to your 91-A request dated June 1, 2018.

Sincerely,

--

Liz Thibeau

Office Manager

Exeter Police Department

lthibeau@exeternh.gov

***** CONFIDENTIALITY NOTICE*****

The information contained in this email may be legally privileged and confidential intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution, or copy of this email is strictly prohibited. If you have received this email in error, please notify by reply email and delete original. Thank You



EXETER POLICE DEPARTMENT

William D. Shupe – Chief of Police

PO Box 127 • Exeter, NH 03833-0127 • (603) 772-1212 • Fax (603) 778-7061
www.exeternh.gov/police

American Civil Liberties Union of New Hampshire
Gilles Bissonnette, ACLU-NH, Legal Director
18 Low Avenue
Concord, NH 03301

June 13, 2018

Dear Mr. Bissonnette,

We are in receipt of your June 11, 2018 request for documents pursuant to RSA 91-A, involving Robert Frese.

We are in the process of gathering the documents you requested, and anticipate that we will be able to fully respond within 30 business days.

We will keep you updated as our search progresses, and will let you know the cost of the records to be produced.

Sincerely,

Liz Thibeau
Office Manager
Exeter Police Department



EXETER POLICE DEPARTMENT

William D. Shupe – Chief of Police

PO Box 127 • Exeter, NH 03833-0127 • (603) 772-1212 • Fax (603) 778-7061
www.exeternh.gov/police

American Civil Liberties Union Of New Hampshire
Gilles Bissonnette, ACLU-NH, Legal Director
18 Low Avenue
Concord, NH 03301

July 13, 2018

Mr. Bissonnette,

Pursuant to your 91-A request dated June 11, 2018 involving Robert Frese, the documents are ready for you to pick up. There are a total of 108 pages and 2 CD's. The cost is fifty cents per page equaling \$55.00. This must be paid by check or money order to The Exeter Police Department. We require you to pick up the reports at the window of the police department, 20 Court Street. Proof of identification is required.

Sincerely,

Liz Thibeau
Office Manager
Exeter Police Department

MEMORANDUM

TO: Jane E. Young, Director of Public Protection
Lisa L. Wolford, Chief, Criminal Justice Bureau

FROM: Elizabeth A. Lahey, Civil Rights Unit

CC: Scott Gilbert, Investigator

DATE: June 4, 2018

RE: Analysis of criminal defamation charge against Robert Frese

Facts

On May 4, 2018, the Exeter Newsletter ran an article entitled “Retiring Exeter Officer’s Favorite Role: Mentoring Youth.” The article featured Officer Dan D’Amato and announced his retirement from the Exeter Police Department. On that same day, someone under the name of “Bob Williams” posted an online comment on the article stating, “This is the dirtiest most corrupt cop I have ever had the displeasure of knowing, he has committed perjury, false charges, conspiracy, false reports to law enforcement . . . Although the truth came out in court he and she were never charged, as the ‘Blue Wall’ of police cover up protected him, and the coward Chief Shupe did nothing about it . . .”

Detective Patrick Mulholland saw the comment on May 4, 2018, contacted the Exeter Newsletter, and requested that it be removed.¹ The Exeter Newsletter complied with the request. Within a couple of hours, a new comment appeared, this time under the name “Bob Exeter,” which stated, “The coward Chief Shupe did nothing about it and covered up for this dirty cop.”

On May 7, 2018, Detective Nadeau located the Facebook page for one “Robert William,” which included a photograph of a man that Detective Nadeau recognized as Robert Frese. The Facebook timeline associated with “Robert William” included a post stating, “the Exeter Police

¹ This conduct raises independent First Amendment concerns, as it appears Detective Mulholland took action under color of law to suppress speech based solely on content.

are corrupt and that the police got him banned.” Detective Nadeau also located another comment on the Exeter Newsletter by “Robert Williams” stating, “Chief Shupe is a coward who covers up for this dirty cop.”

On May 8, 2018, Detective Mulholland met with Frese about the posts. During that meeting, Frese stated that Officer D’Amato gave him “a bogus ticket on String Bridge.” Frese also stated that Officer D’Amato committed perjury during a hearing related to a restraining order when he lied about what Frese said during a traffic stop. Frese also claimed that Officer D’Amato’s daughter lied during the same hearing. Frese said that other than Officer Gagnon, every other Exeter officer that Frese had observed in court had lied.

Frese stated that he raised his concerns about Officer D’Amato with Chief Shupe and sought to file a complaint. According to Frese, Chief Shupe “did nothing.” Frese stated that he understood Chief Shupe’s inaction as covering up for Officer D’Amato and his daughter. Frese stated that Chief Shupe told him that he had a court date and could raise his concerns in that forum. Detective Mulholland subsequently discussed the incident with Chief Shupe, who recalled Frese coming to the complex and recalled that he told Frese to handle the issues in court. Chief Shupe also indicated that he was not aware of any criminal conduct committed by Officer D’Amato and denied that he had covered up any criminal conduct.

Based on the foregoing, Detective Mulholland determined that “no credible information exists to believe that Ofc. D’Amato committed the acts Frese suggests . . . Nor is there any credible information to suggest that Chief Shupe covered up said criminal acts.” Accordingly, as determined by Detective Mulholland, “the statements made publicly about Chief Shupe constitute[] Criminal Defamation of Character under RSA 644:11.”

On May 23, 2018, the Exeter Police Department drafted a complaint alleging that Frese “purposely communicated on a public website, in writing, information which he knows to be false and knows will tend to expose another person to public contempt, by posting that Chief Shupe covered up for a dirty cop.” The Exeter Police obtained an arrest warrant for Frese on the charge of criminal defamation. Detective Mulholland subsequently called Frese, who agreed to turn himself in. Frese was processed and given a court date on July 10, 2018.

Analysis²

Early criminal defamation laws prohibited defamatory comments about public or private citizens. *Fitts v. Kolb*, 779 F. Supp. 1502, 1506-07 (D. S.C. 1991); *Gottschalk v. State*, 575 P.2d 289, 291 (Alaska 1978). The prohibition against defamation served two purposes: first, the laws were deemed necessary to prevent political unrest arising from criticism of government officials; second, they were intended to maintain public order, which might otherwise be disrupted by duels or other violence brought on by criticism of private citizens. *Fitts*, 779 F. Supp. at 1507; *Gottschalk*, 575 P.2d at 291. Under these laws, any statement that tended to degrade or disgrace another—whether opinion or fact, truthful or false—was considered defamatory. *Garrison v. Louisiana*, 379 U.S. 64, 67-68 (1964); *Fitts*, 779 F. Supp. at 1507; *Gottschalk*, 575 P.2d at 291.

The common law of criminal defamation remained in force until well into the twentieth century. *Gottschalk*, 575 P.2d at 292. Then, in *New York Times v. Sullivan*, 376 U.S. 254 (1964), the United States Supreme Court held that civil sanctions could not be imposed based upon defamatory statements made concerning a public official unless the statements were false and made with “actual malice.” *Id.* at 280. The Court defined “actual malice” as making a

²² The background information regarding criminal defamation laws is derived primarily from *I.M.L. v. State*, 61 P.3d 1038 (Utah 2002).

statement “with knowledge that [the statement] was false or with reckless disregard of whether it was false or not.” *Id.* The Court reasoned that such a rule was necessary to maintain the principle that “debate on public issues should be uninhibited, robust, and wide-open, and . . . may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* at 270.

In *Garrison*, the Court subsequently held that the same rule applied to criminal defamation. The Court struck down Louisiana’s criminal libel statute, finding that the statute infringed upon protected speech by punishing false statements concerning public officials made without “actual malice.” 379 U.S. at 77-78. The Court further stated:

Even where the utterance is false, the great principles of the Constitution which secure freedom of expression in this area preclude attaching adverse consequences to any except the knowing or reckless falsehood. Debate on public issues will not be uninhibited if the speaker must run the risk that it will be proved in court that he spoke out of hatred; even if he did speak out of hatred, utterances honestly believed contribute to the free interchange of ideas and the ascertainment of truth.

Id. at 73. (emphasis added).

On its face, the New Hampshire criminal defamation statute complies with the *Garrison* actual-malice requirement by stating that person is guilty of criminal defamation if he purposely communicates to any person, orally or in writing, any information which he (1) *knows to be false*³ and (2) knows will tend to expose any other living person to public hatred, contempt or ridicule.” RSA 644:11 (emphasis added). However, in this case, the Exeter Police Department arrested and charged Frese without probable cause of actual malice—that is, that he made the statements at issue with knowledge that they were false.

³ Notably, the New Hampshire legislature did not codify the *Garrison* definition of “actual malice” in its entirety, omitting “with reckless disregard of whether it was false or not.”

“Probable cause to arrest exists when the arresting officer has knowledge and trustworthy information sufficient to warrant a person of reasonable caution and prudence in believing that the arrestee has committed an offense.” *Hartgers v. Town of Plaistow*, 141 N.H. 253, 255 (1998). “The determination of probable cause must be viewed in the light of factual and practical considerations of everyday life on which reasonable and prudent [persons], not legal technicians, act.” *State v. Jaroma*, 137 N.H. 562, 567 (1993) (quotation omitted).

Here, Frese took to the internet to express his personal opinion that Officer D’Amato is “dirty” and that Chief Shupe covered for him. All of the information available at the time of Frese’s arrest indicates that Frese believed his comments about Officer D’Amato and Chief Shupe were true. Frese provided Detective Mulholland with specific examples of Officer D’Amato’s conduct to support his statements that Officer D’Amato committed perjury and made false statements. Moreover, Frese recounted a situation, which Chief Shupe corroborated, in which Frese tried to file a complaint regarding his concerns about D’Amato and Chief Shupe told him to address it in court. Frese pointed to this incident to support his statement of a “cover up.”

The fact that members of the Exeter Police Department think that Frese’s statements are false does not somehow criminalize Frese’s speech. *Garrison*, 379 U.S. at 73. Even if Frese’s statements are demonstrably false, *Garrison* makes clear that Frese could not have engaged in criminal defamation unless he made the statements at issue with “actual malice”—that is, “with knowledge that [the statement] was false.” *Id.*; see RSA 644:11. The incident report makes clear that the Exeter Police Department failed to consider this requirement when determining whether to arrest and charge Frese. Instead, the Department

only considered whether there was credible information to support Frese's statements—specifically, Detective Mulholland expressly stated in his report that he brought the charge against Frese because there was no credible information that Frese's statements were true. But this is not the legal standard. Without probable cause of actual malice, Frese's arrest and the subsequent charges against him raised First Amendment concerns. See e.g., *Jenkins v. Rock Hill Local Sch. Dist.*, 513 F.3d 580, 588 (6th Cir. 2008) (“the right to criticize public officials is clearly protected⁴ by the First Amendment.”); *Glasson v. City of Louisville*, 518 F.2d 899, 904 (6th Cir. 1975) (“The right of an American citizen to criticize public officials and policies and to advocate peacefully ideas for change is the central meaning of the First Amendment.”); *Bourne v. Arruda*, 2011 U.S. Dist. LEXIS 62332, at 40 (D. N.H. June 10, 2011) (unpublished) (citing *Jenkins*).

⁴ Speech is generally protected by the First Amendment, with restrictions on only limited types of speech, such as obscenity, defamation, and fighting words, *R. A. V. v. St. Paul*, 505 U.S. 377, 382-83 (1992), none of which is applicable here.



**Exeter Police Department
Arrest Report**

Page: 1
06/22/2018

**Arrest #: 18-129-AR
Call #: 18-8935
Warrant #: 18-54-WA
Incident #: 18-401-OF**

Date/Time Reported: 05/23/2018 @ 1248
Arrest Date/Time: 05/23/2018 @ 1248
Booking Date/Time: 05/23/2018 @ 1248



TN #:
Court: 10th.Cc.Brentwood.District Division
Court Date: 07/10/2018 @ 0800
Reporting Officer: Detective Patrick Mulholland
Booking Officer: Detective Patrick Mulholland
Approving Officer: Detective Sergeant Steven Bolduc

Signature: _____

Bail For Court: 10th.Cc.Brentwood.District Division
Personal Recognizance Set 1000.00
Personal Recognizance Set

Set: 05/23/2018 @ 1314

Bail Set By: KST Kevin St.James
Bail Unpaid:

Signature: _____

#	DEFENDANT (S)	SEX	RACE	AGE	SSN	PHONE
1	FRESE, ROBERT WILLIAM 43 HAYES MOBILE HOME PARK EXETER NH 03833	M	W	62	██████████	603-793-8633

Military Active Duty: N
HEIGHT: 508 WEIGHT: 164 HAIR: BROWN EYES: BROWN
BODY: SKINNY COMPLEXION: FAIR
DOB: 08/20/1955 PLACE OF BIRTH: WALTHAM, MA
STATE ID: 602042 FBI ID: 884087R9
LICENSE NUMBER: NH 08FER55201 ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 603-793-8633

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE
FATHER'S NAME: FRESE, RICHARD
MOTHER'S NAME: RUSHE, MARY
EMPLOYER/SCHOOL: UNEMPLOYED · 603-793-8633
OCCUPATION: UNEMPLOYED

Exeter Police Department
Arrest Report

Page: 2
06/22/2018

Arrest #: 18-129-AR
Call #: 18-8935
Warrant #: 18-54-WA
Incident #: 18-401-OF

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
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[RIGHTS/BOOKING CHECKS]

PHONE USED: N
ARRESTEE SECURED: N

FINGERPRINTED: Y
PHOTOGRAPHED: Y
SUICIDE CHECK: Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

#	OFFENSE(S)	ATTEMPTED	TYPE	CLASS
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LOCATION TYPE: Residence/Home/Apt./Condo Zone: Mill zone
TOWN OF
EXETER NH 03833

1	CRIMINAL DEFAMATION OF CHARACTER 644 11	N	B	Misdemeanor B
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#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
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1	SHUPE, WILLIAM 20 COURT ST EXETER NH 03833	M	W	49	██████████	603-772-1212
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DOB: ██████████
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

#	OTHER PROPERTIES	PROPERTY #	STATUS
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1	DVD BOOKING ROOM QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/24/2018	18-245-PR	Evidence (Not Nibrs Reportable)
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Mulholland
05-24-18

1. On May 23, 2018 I presented an arrest warrant to Judge LeFrancois for Robert Frese on the charge of Criminal Defamation. The warrant was subsequently granted and signed. I contacted Frese by phone and asked that he turn himself in. He indicated he would be right down.
2. At approximately 1245hrs. Frese arrived at the complex. In the lobby he stated that he has been waiting for this day referring to telling his version. I searched him in the lobby and escorted him to the booking room. I processed him on the warrant and he was given a court date of 7-10-18 as well as a copy of the complaint. BC St. James set bail at \$1000.00 PR. He further ordered no contact with interested parties. I asked Frese if he knew who the interested parties were. He stated members of the Exeter Police Dept. I advised him Chief Shupe. St. James further advised him of potential witness including Ofc. D'Amato and his daughter. Frese indicated he understood. Frese asked what he meant by contact and St. James explained any contact including through a third person, text, calls, gifts, flowers, notes, etc.
3. I had dispatch download the video footage from the booking process, which has been stored on a DVD. I entered that into evidence with PCT# 18-245-PR. The video does not record audio.



**Exeter Police Department
Incident Report**

Page: 1
06/22/2018

Incident #: 18-401-OF

Date/Time Reported: 05/04/2018 0800
Report Date/Time: 05/07/2018 1442
Status: Incident Closed By Arrest

Reporting Officer: Detective Patrick Mulholland
Additional Cases: 18-129-AR

Signature: _____

#	SUSPECT (S)	SEX	RACE	AGE	SSN	PHONE
1	FRESE, ROBERT WILLIAM 43 HAYES MOBILE HOME PARK EXETER NH 03833	M	W	62	██████████	603-793-8633

Military Active Duty: N
HEIGHT: 508 WEIGHT: 158 HAIR: BROWN EYES: BROWN
BODY: SKINNY COMPLEXION: FAIR
DOB: 08/20/1955 PLACE OF BIRTH: WALTHAM, MA
STATE ID: 602042 FBI ID: 884087R9
LICENSE NUMBER: NH 08FER55201 ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 603-793-8633
Home Phone 603-706-5083
Home Phone 603-778-6885
Work Phone (Primary) 603-793-8633

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE

FATHER'S NAME: FRESE, RICHARD
MOTHER'S NAME: RUSHE, MARY

EMPLOYER/SCHOOL: UNEMPLOYED · 603-793-8633

OCCUPATION: UNEMPLOYED

#	OFFENSE (S)	ATTEMPTED	TYPE	CLASS
1	LOCATION TYPE: Residence/Home/Apt./Condo Zone: Mill zone HAYES MOBILE HOME PARK EXETER NH 03833 CRIMINAL DEFAMATION OF CHARACTER 644 11 OCCURRED: 05/03/2018 1900	N	Misdemeanor	B

Exeter Police Department
Incident Report

Page: 2
06/22/2018

Incident #: 18-401-OF

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	SHUPE, WILLIAM 20 COURT ST EXETER NH 03833	M	W	49	[REDACTED]	603-772-1212
	DOB: [REDACTED]					
	ETHNICITY: Not of Hispanic Origin					
	RESIDENT STATUS: Resident					
	VICTIM CONNECTED TO OFFENSE NUMBER(S): 1					
	RELATION TO: FRESE ROBERT					
		Stranger				

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	CD W/ RECORDING QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 06/04/2018	18-277-PR	Evidence (Not Nibrs Reportable)
	VALUE:		

Mulholland
05-09-18

1. On May 4, 2018 an article was posted online at the Exeter Newsletter titled "Retiring Exeter Officer's favorite role: mentoring youth". The article also showed a photo of Ofc. Dan D'Amato, which is the focus of the article as he announced his retirement.

2. A comment section is located under the article. One comment was attached to the article that was made by a subject named Bob William. The portion of the comment that is relevant is as follows:

- This is the dirtiest most corrupt cop I have ever had the displeasure of knowing, he has committed perjury, false charges, conspiracy, false reports to law enforcement...

- Although the the truth came out in court he and she were never charged, as the "Blue wall" of police cover up protected him, and coward Chief Shupe did nothing about it..

3. I observed this comment at approximately 0800hrs. on 05-04-18 and it stated that it was posted 13 hours ago, which would indicate 05-03-18 at approximately 1900hrs. I am aware that the name Bob William is used by the following subject:

Robert Frese
08-20-55

as he has posted comments before.

4. Given the content of the comments a request was made to the Exeter Newsletter and they deleted the comments from the article. Within a couple hours a very similar comment was posted from a subject named Bob Exeter. That was forwarded to me by Chief Shupe. One of the lines read:

- The coward Chief Shupe did nothing about it and covered up for this dirty cop.

5. On 05-07-18 Det. Nadeau was then able to locate a facebook page for Robert William. It had a photo of a subject recognized to be Frese. A post on his timeline states that he posted the Exeter Police are corrupt and that the police got him banned. I attached the article, comments and Facebook screen shots to this report. Det. Nadeau also located another post by Robert William on the Exeter Newsletter Facebook page that has a similar comment. In that posting he states that Chief Shupe is a coward who covers up for his dirty cops.

6. I discussed with Chief Shupe the comments in regards to him being corrupt and covering up alleged crimes of other officers. He expressed his concern regarding the comments as they are false and baseless and were made in a public forum. We reviewed the statute for Criminal Defamation under RSA 644:11 and believed that Frese crossed a line from free speech to a violation of law.

SUPPLEMENTAL NARRATIVE#1 FOR DETECTIVE PATRICK T MULHOLLAND
Ref: 18-401-OF

Mulholland
05-11-18
Supplemental #1

1. On May 8, 2018 at approximately 1400hrs. Det. Nadeau and I went to 43 Hayes TRPK. I made verbal contact with Robert Frese through a screen window. I advised Frese that I wanted to talk with him regarding the comments he posted in the newspaper. He agreed and was willing to meet me at the complex.
2. At approximately 1425hrs. Frese arrived at the complex. I escorted him into the interview room. I recorded my conversation with his permission. I advised him that he was free to leave and did not have to answer my questions. Frese stated that he has consistently been posting since 2013 when he (D'Amato) gave him a bogus ticket on String Bridge. He stated that the most recent postings were on the comment section online. He admitted that he uses the name Bob William. He also stated that he uses ExeterBob@yahoo.com. When asked he stated that D'Amato committed Perjury. I asked him if Chief Shupe covered that up and he stated, "Right". He stated D'Amato got his daughter to make false statements to the court to get an RO against him.
3. He stated everything in her statement was false. It should be noted that the RO was issued by the court at that time. Frese advised that D'Amato testified at his daughter's hearing, which is when he claims the perjury occurred. He indicated that D'Amato lied in regards to what Frese said during the traffic stop. He advised that other than Ofc. Gagnon every cop from Exeter he has been in court with has lied.
4. Frese advised that he came into the complex to talk with then Capt. Shupe. He wanted to file a complaint and stated that Capt. Shupe did nothing. He stated that Capt. Shupe covered up for D'Amato and his daughter. He stated that Capt. Shupe did not hear his side. He admits that Capt. Shupe advised him that he had a court date and take care of it then or something to that effect. Frese stated that he wanted to report a crime, he stated it was derelict of duty, cowardice, cover up, whatever you want to call it. I asked if he had any other evidence to prove his accusations. He advised just his testimony. Frese then added that it is either derelict of duty or covering up. One or the other or both. I pointed out that in his own words he doesn't know what it is. He stated that he knows it's at least dereliction of duty. Frese however, documented his comments online stating that Chief Shupe was covering up criminal activity. Refer to his recorded statement for complete details. That has been attached to this report.
5. I discussed this information with Chief Shupe. He recalls Frese coming into the complex and telling him to handle his issues in court on his appropriate court date. He advised that he is not aware of any criminal acts by Ofc. D'Amato nor has he covered up any criminal conduct by him. Based on the above information no credible information exists to believe that Ofc. D'Amato committed the acts Frese suggests. Nor is there any credible information to suggest that Chief Shupe covered up said criminal acts. Given that the statements made publicly about Chief Shupe constitutes Criminal Defamation of Character under RSA 644:11.

Mulholland
06-04-18
Supplemental #2

1. On June 4, 2018 at approximately 0920hrs. I contacted Robert Frese by phone at 793-8633. This was the same number I called when I asked him to turn himself in on his arrest warrant on 05-23-18. On this day a male subject answered the phone. I recognized his voice to be Frese and when asked if it was Bob he stated it was. I pointed out to him that I was calling from a recorded line. I advised him I wanted to talk with him and asked if that was okay. He said sure.

2. The purpose of my call was to gather information from Frese as to his location when he posted the comments about Chief Shupe that we had discussed during his interview. I mentioned to him that I received a call from a reporter in an effort to solicit conversation about his social media postings and the locations he does that in. During the course of the conversation Frese advised that he didn't recall where he was when he posted the comments about Chief Shupe. He stated that he could be anywhere that had wifi. He stated that it could be Exeter, Stratham, Epping.

3. Refer to the recording for complete details. That has been entered into evidence with PCT# 18-277-PR.

4. I reviewed the article posted on the Exeter Newsletter Facebook page regarding Ofc. D'Amato's retirement. Five comments were still present under the article. I noted the following times (Curser over the day/time tab) that people posted comments listed as most relevant.

Laurie Bramlitt	05-04-18	1848hrs.
Janis Sheldon	05-04-18	1733hrs.
Nancy Klein	05-04-18	1414hrs.
Laura martin	05-04-18	0959hrs.
Charles Lavelle	05-04-18	0939hrs.

The article was posted on 05-04-18 at 0920hrs. Frese's comments were posted above Bramlitt, which would indicate that he posted his comments after 1848hrs. I attached screen shots of the screen showing the Bramlitt and Lavelle times.

5. I will be drafting search warrants for the social media site(s) involved in this case to further document identifications, locations, dates, times, etc.

For Date: 05/23/2018 - Wednesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Duplicate</u>
18-8935	1248	Walk-In - SERVE WARRANT	Arrest(s) Made	
Call Taker:	Dispatcher Timothy J Galvin			
Location/Address:	[EXE 49] PUBLIC SAFETY COMPLEX - 20 COURT ST			
Party Entered By:	05/23/2018 1249 Dispatcher Timothy J Galvin			
Calling Party:	FRESE, ROBERT WILLIAM @ 43 HAYES MOBILE HOME PARK - EXETER, NH 03833 603-793-8633			
ID:	Detective Patrick T Mulholland			
	Disp-12:49:31		Arvd-12:55:23	Clrd-13:17:16
Narrative:	frese, robert 08/20/1955 turning himself in on a warrant for public defamation. 1250 bc smith called, unavailable. 1251 bc st james called, enrt. 1316 released on \$1000 pr			
Refer To Arrest:	<u>18-129-AR</u>			
Arrest:	FRESE, ROBERT WILLIAM			
Address:	43 HAYES MOBILE HOME PARK EXETER, NH			
Age:	62			
Charges:	CRIMINAL DEFAMATION OF CHARACTER			



Exeter Police Department
Warrant Report

Page: 1
05/21/2018

Warrant #: 18-54-WA
Incident #: 18-401-OF

Requesting Officer: Detective Patrick Mulholland
Application Date: 05/21/2018
Warrant for: ROBERT FRESE

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
---	------------	-----	------	-----	-----	-------

1	FRESE, ROBERT WILLIAM 43 HAYES MOBILE HOME PARK EXETER NH 03833	M	W	62	[REDACTED]	603-793-8633
---	---	---	---	----	------------	--------------

Military Active Duty: N
 HEIGHT: 508 WEIGHT: 158 HAIR: BROWN EYES: BROWN
 BODY: SKINNY COMPLEXION: FAIR
 DOB: 08/20/1955 PLACE OF BIRTH: WALTHAM, MA
 STATE ID: 602042 FBI ID: 884087R9
 LICENSE NUMBER: NH 08FER55201 ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE
 FATHER'S NAME: FRESE, RICHARD
 MOTHER'S NAME: RUSHE, MARY
 EMPLOYER/SCHOOL: UNEMPLOYED · 603-793-8633
 OCCUPATION: UNEMPLOYED

#	OFFENSE(S)	ATTEMPTED	TYPE	CLASS
---	------------	-----------	------	-------

	LOCATION TYPE: Residence/Home/Apt./Condo HAYES MOBILE HOME PARK EXETER NH 03833		Zone: Mill zone	
1	CRIMINAL DEFAMATION OF CHARACTER 644 11 OCCURRED: 05/03/2018 1900	N	Misdemeanor	B

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

1	SHUPE, WILLIAM 20 COURT ST EXETER NH 03833	M	W	00	NOT AVAIL	603-772-1212
---	--	---	---	----	-----------	--------------

DOB: NOT AVAIL
 ETHNICITY: Not of Hispanic Origin
 RESIDENT STATUS: Resident
 VICTIM CONNECTED TO OFFENSE NUMBER(S): 1
 RELATION TO: FRESE ROBERT Stranger

The State of New Hampshire
10th Cc. BRENTWOOD DISTRICT DIVISION COURT
Warrant

NO. _____
Rockingham, SS

To the Sheriff, or his Deputy or any State, City or Town Police Officer in the State:

WHEREAS: Detective Patrick Mulholland of the Exeter Police Department

in the County of Rockingham has exhibited to me, David G. LeFrancois

a Justice of the Peace in the County of Rockingham, his complaint, upon oath against

Robert Frese DOB:08-20-55

of 43 Hayes Mobile Home Park Exeter, NH in the county of Rockingham

On the charge of: Criminal Defamation RSA 644:11

WE COMMAND YOU to take Robert Frese

(If found to be in your precinct) and bring him/her before the 10th Cc. Brentwood District Division Court.

AND WE FURTHER COMMAND YOU to summon _____

to appear and testify what he knows relating to the Complaint, when you have the Defendant

before the 10th Cc. Brentwood District Division Court for trial.

Dated the 23 day of May 2018

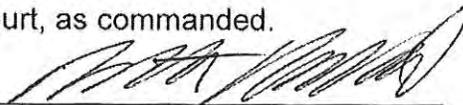

Justice of the Peace
David G. LeFrancois

Rockingham, SS May 23, 2018

I have arrested Robert Frese

and summoned Robert Frese

and now have him/her before the 10th Cc. Brentwood District Division Court, as commanded.


Name of Officer
Detective
Title of Officer

SUPPORTING AFFIDAVIT For REQUEST To ISSUE ARREST WARRANT

INSTRUCTIONS: A person seeking an arrest shall appear personally before any Justice or Justice of the Peace, and shall give an affidavit in the form herein after prescribed. The affidavit shall contain facts, information and circumstances upon which such person relies to establish probable cause for the issuance of the SUMMONS, and the affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of the substance of any oral statements under oath supplementing the affidavit or arrange for a transcript to be made of such oral statements.

State of New Hampshire

ROCKINGHAM COUNTY

10th CC BRENTWOOD DISTRICT DIVISION

May 21, 2018

I, Detective Patrick Mulholland, being duly sworn, herewith make application for the issuance of an arrest warrant against the defendant:

Robert Frese
DOB: 08-20-55

I have information that a crime (or offense) has been committed by the defendant as follows: (describe source, facts indicating reliability and credibility of source, and nature of information; if based on personal knowledge, so state).

Criminal Defamation RSA 644:11

1. That on May 4, 2018 an article was posted online on the Exeter Newsletter website titled "Retiring Exeter Officer's favorite role: mentoring youth". The article also showed a photo of Ofc. Dan D'Amato, which is the focus of the article as he announced his retirement.

2. That a comment section is located under the article. One comment was attached to the article that was made by a subject named Bob William. The portion of the comment that is relevant is as follows:

- This is the dirtiest most corrupt cop I have ever had the displeasure of knowing, he has committed perjury, false charges, conspiracy, false reports to law enforcement...
- Although the truth came out in court he and she were never charged, as the "Blue wall" of police cover up protected him, and coward Chief Shupe did nothing about it.

3. That I observed this comment at approximately 0800hrs. on 05-04-18 and it stated that it was posted 13 hours ago, which would indicate 05-03-18 at approximately 1900hrs. I am aware that the name Bob William is used by the following subject:

Robert Frese
08-20-55

as he has posted comments before.

4. That given the content of the comments a request was made to the Exeter Newsletter and they deleted the comments from the article. Within a couple hours a very similar comment was posted from a subject named Bob Exeter. That was forwarded to me by Chief Shupe. One of the lines read:

- The coward Chief Shupe did nothing about it and covered up for this dirty cop.

A third posting on the Exeter Newsletter's Facebook page from Bob William also stated that Chief Shupe is a coward who covers up for his dirty cops.

5. That on 05-07-18 Det. Nadeau was able to locate a facebook page for Robert William. It had a photo of a subject recognized to be Frese. A post on his timeline states that he posted the Exeter Police are corrupt and that the police got him banned.

6. That I discussed with Chief Shupe the comments in regards to him being corrupt and covering up alleged crimes of other officers. He expressed his concern regarding the comments as they are false and baseless and were made in a public forum. We reviewed the statute for Criminal Defamation under RSA 644:11 and believed that Frese crossed a line from free speech to a violation of law.

7. That on May 8, 2018 at approximately 1425hrs. I interviewed Frese at the complex. I advised him that he was free to leave and did not have to answer my questions. Frese stated that he has consistently been posting since 2013 when he (D'Amato) gave him a bogus ticket on String Bridge. He stated that the most recent postings were on the comment section online. He admitted that he uses the name Bob William as well as ExeterBob @yahoo.com. When asked he stated that D'Amato committed Perjury. I asked him if Chief Shupe covered that up and he stated, "Right". He stated D'Amato got his daughter to make false statements to the court to get an RO against him.

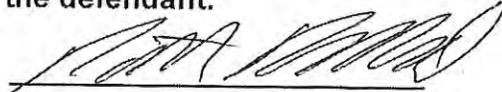
8. That he stated everything in her statement was false. It should be noted that the RO was issued by the court at that time. Frese advised that D'Amato testified at his daughter's hearing, which is when he claims the perjury occurred. He indicated that D'Amato lied in regards to what Frese said during the traffic stop. He advised that other than Ofc. Gagnon every cop from Exeter he has been in court with has lied.

9. That Frese advised that he came into the complex to talk with then Capt. Shupe. He wanted to file a complaint and stated that Capt. Shupe did nothing. He stated that Capt. Shupe covered up for D'Amato and his daughter. He stated that Capt. Shupe did not hear his side. He admits that Capt. Shupe advised him that he had a court date and to take care of it then or something to that effect. Frese stated that he wanted to report a crime, he stated it was derelict of duty, cowardice, cover up, whatever you want to call it. I asked if he had any other evidence to prove his accusations. He advised just his testimony. Frese then added that it is either derelict of duty or covering up. One or the other, or both. I pointed out that in his own words he doesn't know what it is. He stated that he knows it's at least dereliction of duty. Frese however, documented his comments online stating that Chief Shupe was covering up criminal activity.

10. That I discussed this information with Chief Shupe. He recalls Frese coming into the complex and telling him to handle his issues in court on his appropriate court date. He advised that he is not aware of any criminal acts by Ofc. D'Amato nor has he covered up any criminal conduct by him. Based on the above information no credible information exists to

believe that Ofc. D'Amato committed the acts Frese suggests. Nor is there any credible information to suggest that Chief Shupe covered up said criminal acts. Given that the statements made publicly about Chief Shupe constitutes Criminal Defamation under RSA 644:11.

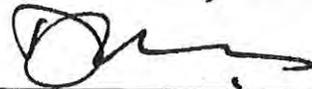
Wherefore, I request that the court to issue an ARREST WARRANT and order a duly authorized officer to serve the summons to the defendant.



Detective Patrick Mulholland

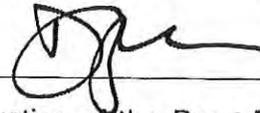
The above named, Patrick Mulholland, personally appeared or transmitted a signed copy of the documents by facsimile or electronic transmission and made oath, either in person or by telephone attesting that the foregoing affidavit is true.

Before me this 23 day of May 2018 at 10:35 AM



David G. LeFrancois
Justice of the Peace

And I, David G. LeFrancois, Justice ~~of the Peace~~, have personally examined the Complaint against the aforesaid defendant, any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude that there (is) (is not) sufficient probable cause for the issuance of the arrest warrant sought. Therefore, the warrant is (granted) (denied) and the warrant (is) (is not) issued.



Justice ~~of the Peace~~ David G. LeFrancois

Notes of Issuing Magistrate:

Probable cause is defined as: "An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that the accused person had committed the crime charged."

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: 10th Judicial District Court

Case Name: Case Robert

Case Number:
(if known)

BOND IN CRIMINAL CASE

Offense(s) Charged:

Agency Case Number: 18-127112

Police Dept. FD-1

Date of Offense May 3, 2018

Received of _____

Amount \$ _____

CASH BAIL / CORPORATE SURETY BAIL BOND to secure defendant's compliance with the Conditions of Bail written below.

* * *

PERSONAL RECOGNIZANCE The defendant agrees s/he is indebted to the State of New Hampshire in the amount of \$ 1,000.00 Personal Recognizance Bail to secure defendant's compliance with the Conditions of Bail written below.

CONDITIONS OF BAIL

1. The defendant shall appear in this court to answer this charge at 9:00 AM PM on July 10, 2018
2. The defendant shall appear in any New Hampshire Court to answer this charge when notified to report to the court.
3. The defendant immediately shall notify any New Hampshire Court in which this case is pending of any change of address.
4. The defendant shall keep the peace and be of good behavior. Ref.
5. Other: See Order & Conditions

If the defendant complies with the Conditions of Bail, this obligation shall be null and void on final disposition of this charge.

If the defendant does not comply with any condition(s) Cash Bail shall be forfeited to the State and execution may issue against the defendant for Personal Recognizance and against the corporate surety or surety. In addition, the court may order the arrest of the defendant.

Date 5/23/18

Time 1:30

Bail Commissioner / Clerk of Court

\$ 40.00

Bail Commissioner's Fee

Defendant Robert

Address 1315

3233

Corporate Surety or Surety

Address

The State of New Hampshire COMPLAINT

Case Number: _____

Charge ID: _____

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input type="checkbox"/> CLASS A	<input checked="" type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
	FELONY	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> SPECIAL <input type="checkbox"/> UNCLASSIFIED (non-person)

You are to appear at the: **10th.Cc.Brentwood.District Division** Court,
 Address: **10 RTE 125 , Brentwood, NH** County: **Rockingham**
 Time: **8:00 AM** Date: **7-10-18**

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT : PLEASE PRINT

FRESE	ROBERT	WILLIAM
Last Name	First Name	Middle
43 HAYES MOBILE HOME PARK	EXETER	NH 03833
Address	City	State Zip
M W 5 0 8	1 5 8	BROWN BROWN
Sex	Race	Height
08/20/55	08FER55201	NH
DOB	License #:	OP License State
<input type="checkbox"/> COMM. VEH.	<input type="checkbox"/> COMM. DR. LIC.	<input type="checkbox"/> HAZ. MAT. <input type="checkbox"/> 16+PASSENGER

AT: HAYES MOBILE HOME PARK, EXETER NH

On btwn May 3 and 4, 2018 in Rockingham County NH, did commit the offense of:

RSA Name: **CRIMINAL DEFAMATION OF CHARACTER**

Contrary to RSA: **644:11**

Inchoate:

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

purposely communicated on a public website, in writing, information which he knows to be false and knows will tend to expose another person to public contempt, by posting that Chief Shupe covered up for a dirty cop.

against the peace and dignity of the State.

SERVED IN HAND



Complainant Signature

Det. Patrick Mulholland

Complainant Printed Name

Exeter PD

Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.1).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date

Justice of the Peace

NHJB-2962-D (6/27/2016)

EXE029

Case Number:

Charge ID:



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Newest



Bob William 4:27 PM

This is the dirtiest most corrupt cop I have ever had the displeasure of knowing, he has committed perjury, false charges, conspiracy, false reports to law enforcement, along with his known prostitute daughter who went by the name Isabella Soprano and now goes by the name Angela Greene. Although the truth came out in court he and she were never charged, as the "Blue Wall" of police cover up protected him, and the coward Chief Shupe did nothing about it. D'Amato has nothing to be proud of and will be missed by no one. I picked up his drunk wife on a number of occasions and got her home safely. Good riddance to this creep.

13 hours ago

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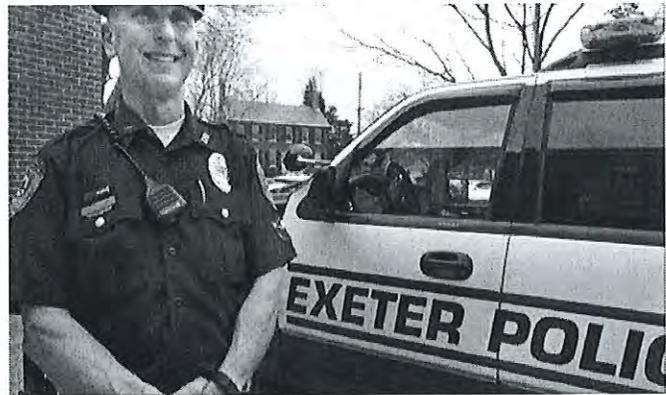
3

1 Share

Write a comment... Press Enter to post.

Exeter News-Letter May 4

Police officer [redacted] officially retired from the Exeter Police Department after 23 years of service and was honored with a luncheon with town officials, members of the police and fire departments, and his family.



Retiring Exeter officer's favorite role: mentoring youth

EXETER — Police officer Dan D'Amato said his favorite part of his job was mentoring young people he helped in his more than two decades working

https://www.facebook.com/exeternewsletter/posts/2152422588106921





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Nicholas J. Mertinooke and 49 others Most Relevant

16 Shares

Write a comment...

Press Enter to post

Laurie Bramlitt Awesome job , he is the best ! Be well and enjoy

Like Reply 4w

Janis Sheld... Thank you for your service!

Like Reply 4w

Nancy Klein Congratulations

Like Reply 4w

Laura Martin Ashley Beth

Like Reply 4w

Charles Lavallee Shannon

Like Reply 4w

Write a comment...

Exeter News-Letter May 2

Exeter BOS site walk of Swasey Park

EXETER NEWS-LETTER

FOUNDED 1831

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@exeternewsletter

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mentoring young people he helped in his more than two decades working SEACOASTONLINE.COM

Like Comment Share

Nicholas J. Mertinooke and 49 others Most Relevant

16 Shares

Write a comment... Press Enter to post.

Laurie Bramlitt Awesome job , he is the best ! Be well and enjoy

Janis Sheldon Enjoy your retirement Thank you for your service!

Nancy Klein Congratulations

Laura Martin Ashley Beth

Charles Lavallee Shannon

Write a comment... Friday, May 4, 2018 at 9:39am

Exeter News-Letter May 2

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

Town
of
Exeter



Patrick Mulholland <pmulholland@exeternh.gov>

FW: complaint of Exeter NH police

8 messages

Flanagan, Todd M <Todd.Flanagan@doj.nh.gov>

To: "pmulholland@exeternh.gov" <pmulholland@exeternh.gov>

Fri, May 11, 2018 at 3:38 PM

Patrick,

Hope all is well...

Attached is an email sent to our office from a Robert Frese. I am guessing that he has had a number occasions to have contact with Exeter PD. Can you review this and give me a call next week or so. I just need to be able to formulate a response to him.

Thank You and have a good weekend,

Todd

Todd M. Flanagan

Deputy Chief, Investigator

NH Department of Justice

Office of the Attorney General

33 Capitol Street

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

Concord, NH 03301

(603) 271-1208

Fax (603) 271-2110

EXE035

Statement of Confidentiality

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and is intended for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at (603) 271-3658 or reply to justice@doj.nh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

From: Peasley, Mary M
Sent: Thursday, May 10, 2018 12:32 PM
To: Flanagan, Todd M
Subject: FW: complaint of Exeter NH police

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM
To: Invest Info
Subject: complaint of Exeter NH police

From:

Robert Frese

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

43 Hayes Park

Exeter NH 03833

603-793-8633

exeterbob@yahoo.com

DOJ:

Spoke with someone this morning who advised to send this.

On Sunday last I responded to a Craigslist ad for free items at the side of the road on Beech Hill Road in Exeter. As I stopped there a woman came out swearing at me and eventually said "get the fuck out of here or I'll fucking kill you". I then recognized her as Angela Greene aka Isabella Soprano, a known prostitute and pornographic actress, and also the daughter of recently retired Exeter police officer Dan D'Amato. These two have conspired in the past and falsely accused me of a number of things which were not true, and were dismissed in court. The state police said I would have to make the complaint to Exeter police first and if they did nothing then appeal to you folks. I did make a written complaint to Exeter police and as of this date they have done nothing other than serve me with a trespass notice and restraining order for Angela Greene. I sought a restraining order against her but the court denied mine, but gave her one which I find odd, and the same judge, Mark Weaver. A detective Mulholland of Exeter police showed up at my house this week, I assumed to investigate my complaint against Greene. After we spoke he said he would be seeking a complaint against me for criminal defamation for my comments on social media as to my difficulties and harassment by them over the years. I have been posting about these difficulties for years and all of sudden it's a crime? This is just more harassment and targeting of myself by the Exeter police and it has had a drastic effect on my quality of life. I am sometimes afraid to go out of the house as I don't know what they will come up with next. I have been stopped walking a dog, bicycling, followed. They have come by after midnight shining a spotlight on my home only without any request by me to do so. Knowing I am on federal probation they have complained to him and run my license plate number in the middle of the night when I am home in bed just to send up a red flag. This is an ongoing problem despite my repeated complaints to them and the town selectmen with no action or reply ever taken. I have sought help from a psychiatrist who prescribed medication, I also see a therapist and case worker and attend self help groups. It's a shame when with all going on these days the only criminal element I have to worry about is the Exeter police. I have no issues with any other police departments and get along just fine with them. It is Exeter all along who has been the problem, many false and exaggerated charges over the years, on one occasion they charged me with receiving stolen property from the sidewalk around trash day for the price of 4 trash bags which amounted to \$4.00, naturally the case was dismissed but not before I spent the night in jail on \$500.00 cash bail! On another occasion they charged me with receiving stolen property for picking trash out of a trash receptacle even after the store manager admitted discarding them! The list goes on and on has given me anxiety and justifiable paranoia as I don't know what they will come up with next. I live alone in a 58 year old trailer in a trailer park and just want to be left alone. It's a shame I have to live like this, and that most of my talks with those treating me for mental health issues revolve around my difficulties with Exeter police, and not the core issues that need to be resolved. I would like your help as I cannot do this alone with the cards stacked against me.

I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Patrick Mulholland <pmulholland@exeternh.gov>

To: Michael Murnck <mmurnck@exeternh.gov>, Stephan Poulin <spoulin@exeternh.gov>, Steven Bolduc <sbolduc@exeternh.gov>, William Shupe <wshupe@exeternh.gov>, Bruce Page <bpage@exeternh.gov>, Evan Nadeau <enadeau@exeternh.gov>, Michael Oconnor <mcoconnor@exeternh.gov>

Mon, May 14, 2018 at 7:37 AM

----- Forwarded message -----
From: **Flanagan, Todd M** <Todd.Flanagan@doj.nh.gov>
Date: Fri, May 11, 2018 at 3:38 PM
Subject: FW: complaint of Exeter NH police
To: "pmulholland@exeternh.gov" <pmulholland@exeternh.gov>

EXE037

Patrick,

Hope all is well...

Attached is an email sent to our office from a Robert Frese. I am guessing that he has had a number occasions to have contact with Exeter PD. Can you review this and give me a call next week or so. I just need to be able to formulate a response to him.

Thank You and have a good weekend,

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Todd M. Flanagan
Deputy Chief, Investigator
NH Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
(603) 271-1208

Statement of Confidentiality.

EXE038

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Subject: complaint of Exeter NH police

From:

Robert Frese

43 Hayes Park

Exeter NH 03833

DOJ:

Spoke with someone this morning who advised to send this.

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I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Det. Patrick Mulholland**Exeter Police Department****20 Court St. Exeter, NH 03833**

Dispatch (603)772-1212

Office (603) 773-6146

EXE040

Michael Munck <mmunck@exeternh.gov>

To: pmulholland@exeternh.gov

Mon, May 14, 2018 at 7:37 AM

I will be away 05/11/18 - 05/21/18. I will respond any e-mails when I return. Thank you.

Captain Michael P. Munck
Criminal Investigation Division
Exeter Police Department
(603) 773-6144 (direct)
(603) 772-1212 (dispatch)
(603) 778-7061 (fax)
mmunck@exeternh.gov
<http://exeternh.gov/police>



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Patrick Mulholland <pmulholland@exeternh.gov>

To: "Flanagan, Todd M" <Todd.Flanagan@doj.nh.gov>

Mon, May 14, 2018 at 7:48 AM

Hi Todd,

I attached Frese's IMC contact sheet with us for your review. Feel free to give me a call 773-6146.

I attached a link to a news article involving him as well.

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

http://www.seacoastonline.com/news/20170814/alleged-trump1-hit-and-run-driver-arrested_just_as_an_FYI.

On Fri, May 11, 2018 at 3:38 PM, Flanagan, Todd M <Todd.Flanagan@doj.nh.gov> wrote:

Patrick,

Hope all is well...

Attached is an email sent to our office from a Robert Frese. I am guessing that he has had a number occasions to have contact with Exeter PD. Can you review this and give me a call next week or so. I just need to be able to formulate a response to him.

Thank You and have a good weekend,

Todd

Todd M. Flanagan

Deputy Chief, Investigator

NH Department of Justice

Office of the Attorney General

33 Capitol Street

Concord, NH 03301

(603) 271-1208

Fax (603) 271-2110

EXE041

Statement of Confidentiality

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

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EXE042

From: Peasley, Mary M
Sent: Thursday, May 10, 2018 12:32 PM
To: Flanagan, Todd M
Subject: FW: complaint of Exeter NH police

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM
To: Invest Info
Subject: complaint of Exeter NH police

From:
Robert Frese
43 Hayes Park
Exeter NH 03833
603-793-8633
exeterbob@yahoo.com

DOJ:

Spoke with someone this morning who advised to send this.

EXE043

On Sunday last I responded to a Craigslist ad for free items at the side of the road on Beech Hill Road in Exeter. As I stopped there a woman came out swearing at me and eventually said "get the fuck out of here or I'll fucking kill you". I then recognized her as Angela Greene aka Isabella Soprano, a known prostitute and pornographic actress, and also the daughter of recently retired Exeter police officer Dan D'Amato. These two have conspired in the past and falsely accused me of a number of things which were not true, and were dismissed in court. The state police said I would have to make the complaint to Exeter police first and if they did nothing then appeal to you folks. I did make a written complaint to Exeter police and as of this date they have done nothing other than serve me with a trespass notice and restraining order for Angela Greene. I sought a restraining order against her but the court denied mine, but gave her one which I find odd, and the same judge, Mark Weaver. A detective Mulholland of Exeter police showed up at my house this week, I assumed to investigate my complaint against Greene. After we spoke he said he would be seeking a complaint against me for criminal defamation for my comments on social media as to my difficulties and harassment by them over the years. I have been posting about these difficulties for years and all of sudden it's a crime? This is just more harassment and targeting of myself by the Exeter police and it has had a drastic effect on my quality of life. I am sometimes afraid to go out of the house as I don't know what they will come up with next. I have been stopped walking a dog, bicycling, followed. They have come by after midnight shining a spotlight on my home only without any request by me to do so. Knowing I am on federal probation they have complained to him and run my license plate number in the middle of the night when I am home in bed just to send up a red flag. This is an ongoing problem despite my repeated complaints to them and the town selectmen with no action or reply ever taken. I have sought help from a psychiatrist who prescribed medication, I also see a therapist and case worker and attend self help groups. It's a shame when with all going on these days the only criminal element I have to worry about is the Exeter police. I have no issues with any other police departments and get along just fine with them. It is Exeter all along who has been the problem, many false and exaggerated charges over the years, on one occasion they charged me with receiving stolen property from the sidewalk around trash day for the price of 4 trash bags which amounted to \$4.00, naturally the case was dismissed but not before I spent the night in jail on \$500.00 cash bail! On another occasion they charged me with receiving stolen property for picking trash out of a trash receptacle even after the store manager admitted discarding them! The list goes on and on has given me anxiety and justifiable paranoia as I don't know what they will come up with next. I live alone in a 58 year old trailer in a trailer park and just want to be left alone. It's a shame I have to live like this, and that most of my talks with those treating me for mental health issues revolve around my difficulties with Exeter police, and not the core issues that need to be resolved. I would like your help as I cannot do this alone with the cards stacked against me.

I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Det. Patrick Mulholland

Exeter Police Department

20 Court St. Exeter, NH 03833

Dispatch (603)772-1212

Office (603) 773-6146

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

 Frese.xps
389K

EXE044

Mon, May 14, 2018 at 8:57 AM

Flanagan, Todd M <Todd.Flanagan@doj.nh.gov>
To: "pmulholland@exeter.nh.gov" <pmulholland@exeter.nh.gov>
Cc: "Chief William Shupe (wshupe@town.exeter.nh.us)" <wshupe@town.exeter.nh.us>

Patrick,

Attached is my response to Mr. Frese's complaint.

Regards,

Todd

Todd M. Flanagan
Deputy Chief, Investigator
NH Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
(603) 271-1208
Fax (603) 271-2110

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

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EXE045

From: Flanagan, Todd M
Sent: Monday, May 14, 2018 8:55 AM
To: 'Robert William'
Subject: RE: complaint of Exeter NH police

Mr. Frese,

We sometimes receive complaints from people who perceive that they are being targeted by the police. Often times, when we look deeper into the situation, it is discovered that the police are merely doing their job and it is actually the conduct of the complainant that is requiring the police response and subsequent contacts.

In looking into this, I have found this to be the case in your situation. Your complaint has therefore been determined to be unfounded.

Regards,

Todd Flanagan

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM
To: Invest Info
Subject: complaint of Exeter NH police

From:

Robert Frese

43 Hayes Park

Exeter NH 03833

603-793-8633

exeterbob@yahoo.com

DOJ:

Spoke with someone this morning who advised to send this.

On Sunday last I responded to a Craigslist ad for free items at the side of the road on Beech Hill Road in Exeter. As I stopped there a woman came out swearing at me and eventually said "get the fuck out of here or I'll fucking kill you". I then recognized her as Angela Greene aka Isabella Soprano, a known prostitute and pornographic actress, and also the daughter of recently retired Exeter police officer Dan D'Amato. These two have conspired in the past and falsely accused me of a number of things which were not true, and were dismissed in court. The state police said I would have to make the complaint to Exeter police first and if they did nothing then appeal to you folks. I did make a written complaint to Exeter police and as of this date they have done nothing other than serve me with a trespass notice and restraining order for Angela Greene. I sought a retraining order against her but the court denied mine, but gave her one which I find odd, and the same judge, Mark Weaver. A detective Mulholland of Exeter police showed up at my house this week, I assumed to investigate my complaint against Greene. After we spoke he said he would be seeking a complaint against me for criminal defamation for my comments on social media as to my difficulties and harassment by them over the years. I have been posting about these difficulties for years and all of sudden it's a crime? This is just more harassment and targeting of myself by the Exeter police and it has had a drastic effect on my quality of life. I am sometimes afraid to go out of the house as I don't know what they will come up with next. I have been stopped walking a dog, bicycling, followed. They have come by after midnight shining a spotlight on my home only without any request by me to do so. Knowing I am on federal probation they have complained to him and run my license plate number in the middle of the night when I am home in bed just to send up a red flag. This is an ongoing problem despite my repeated complaints to them and the town

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EXE047

I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Patrick Mulholland <pmulholland@exeter.nh.gov>
To: "Flanagan, Todd M" <Todd.Flanagan@doj.nh.gov>

Mon, May 14, 2018 at 9:06 AM

Thanks, let me know if you need anything else.

On Mon, May 14, 2018 at 8:57 AM, Flanagan, Todd M <Todd.Flanagan@doj.nh.gov> wrote:

Patrick,

Attached is my response to Mr. Frese's complaint.

Regards,

Todd

Todd M. Flanagan

Deputy Chief, Investigator

NH Department of Justice

Office of the Attorney General

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

33 Capitol Street

Concord, NH 03301

(603) 271-1208

Fax (603) 271-2110

EXE048

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From: Flanagan, Todd M
Sent: Monday, May 14, 2018 8:55 AM
To: 'Robert William'
Subject: RE: complaint of Exeter NH police

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In looking into this, I have found this to be the case in your situation. Your complaint has therefore been determined to be unfounded.

Regards,

Todd Flanagan

EXE049

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM
To: Invest Info
Subject: complaint of Exeter NH police

From:

Robert Frese

43 Hayes Park

Exeter NH 03833

603-793-8633

exeterbob@yahoo.com

DOJ:

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Det. Patrick Mulholland

Exeter Police Department

20 Court St. Exeter, NH 03833

Dispatch (603)772-1212

Office (603) 773-6146

Patrick Mulholland <pmulholland@exeternh.gov>

To: William Shupe <wshupe@exeternh.gov>, Steven Bolduc <sbolduc@exeternh.gov>, Bruce Page <bpage@exeternh.gov>, Stephan Poulin <spoulin@exeternh.gov>, Michael Munck <mmunck@exeternh.gov>, Evan Nadeau <enadeau@exeternh.gov>

See attached response from Flanagan.

Tue, May 15, 2018 at 7:25 AM

6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

----- Forwarded message -----

From: Flanagan, Todd M <Todd.Flanagan@doj.nh.gov>
Date: Mon, May 14, 2018 at 8:57 AM
Subject: FW: complaint of Exeter NH police
To: "pmulholland@exeter.nh.gov" <pmulholland@exeter.nh.gov>
Cc: "Chief William Shupe (wshupe@town.exeter.nh.us)" <wshupe@town.exeter.nh.us>

EXE051

Patrick,

Attached is my response to Mr. Frese's complaint.

Regards,

Todd

Todd M. Flanagan

Deputy Chief, Investigator

NH Department of Justice

Office of the Attorney General

33 Capitol Street

Concord, NH 03301

(603) 271-1208

Fax (603) 271-2110

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6/26/2018

Town of Exeter, NH Mail - FW: complaint of Exeter NH police

not the intended recipient and destroy all copies of this electronic message and any attachments.

EXE052

From: Flanagan, Todd M
Sent: Monday, May 14, 2018 8:55 AM
To: 'Robert William'
Subject: RE: complaint of Exeter NH police

Mr. Frese,

We sometimes receive complaints from people who perceive that they are being targeted by the police. Often times, when we look deeper into the situation, it is discovered that the police are merely doing their job and it is actually the conduct of the complainant that is requiring the police response and subsequent contacts.

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Regards,

Todd Flanagan

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM

To: Invest Info

Subject: complaint of Exeter NH police

From:

Robert Frese

43 Hayes Park

Exeter NH 03833

603-793-8633

exeterbob@yahoo.com

DOJ:

Spoke with someone this morning who advised to send this.

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EXE054

I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Det. Patrick Mulholland

Exeter Police Department

20 Court St. Exeter, NH 03833

Dispatch (603)772-1212

Office (603) 773-6146

Patrick Mulholland <pmulholland@exeternh.gov>

To: Peter Tilton <ptilton@exeternh.gov>

Wed, May 16, 2018 at 1:42 PM

----- Forwarded message -----

From: **Flanagan, Todd M** <Todd.Flanagan@doj.nh.gov>

Date: Fri, May 11, 2018 at 3:38 PM

Subject: FW: complaint of Exeter NH police

To: "pmulholland@exeternh.gov" <pmulholland@exeternh.gov>

Patrick,

Hope all is well...

Attached is an email sent to our office from a Robert Frese. I am guessing that he has had a number occasions to have contact with Exeter PD. Can you review this and give me a call next week or so. I just need to be able to formulate a response to him.

EXE055

Thank You and have a good weekend,

Todd

Todd M. Flanagan

Deputy Chief, Investigator

NH Department of Justice

Office of the Attorney General

33 Capitol Street

Concord, NH 03301

(603) 271-1208

Fax (603) 271-2110

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From: Peasley, Mary M
Sent: Thursday, May 10, 2018 12:32 PM
To: Flanagan, Todd M
Subject: FW: complaint of Exeter NH police

From: Robert William [mailto:exeterbob@yahoo.com]
Sent: Thursday, May 10, 2018 12:28 PM
To: Invest Info
Subject: complaint of Exeter NH police

From:

Robert Frrese
43 Hayes Park
Exeter NH 03833
603-793-8633
exeterbob@yahoo.com

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Spoke with someone this morning who advised to send this.

On Sunday last I responded to a Craigslist ad for free items at the side of the road on Beech Hill Road in Exeter. As I stopped there a woman came out swearing at me and eventually said "get the fuck out of here or I'll fucking kill you". I then recognized her as Angela Greene aka Isabella Soprano, a known prostitute and pornographic actress, and also the daughter of recently retired Exeter police officer Dan D'Amato. These two have conspired in the past and falsely accused me of a number of things which were not true, and were dismissed in court. The state police said I would have to make the complaint to Exeter

police first and if they did nothing then appeal to you folks. I did make a written complaint to Exeter police and as of this date they have done nothing other than serve me with a trespass notice and restraining order for Angela Greene. I sought a restraining order against her but the court denied mine, but gave her one which I find odd, and the same judge, Mark Weaver. A detective Mulholland of Exeter police showed up at my house this week, I assumed to investigate my complaint against Greene. After we spoke he said he would be seeking a complaint against me for criminal defamation for my comments on social media as to my difficulties and harassment by them over the years. I have been posting about these difficulties for years and all of sudden it's a crime? This is just more harassment and targeting of myself by the Exeter police and it has had a drastic effect on my quality of life. I am sometimes afraid to go out of the house as I don't know what they will come up with next. I have been stopped walking a dog, bicycling, followed. They have come by after midnight shining a spotlight on my home only without any request by me to do so. Knowing I am on federal probation they have complained to him and run my license plate number in the middle of the night when I am home in bed just to send up a red flag. This is an ongoing problem despite my repeated complaints to them and the town selectmen with no action or reply ever taken. I have sought help from a psychiatrist who prescribed medication, I also see a therapist and case worker and attend self help groups. It's a shame when with all going on these days the only criminal element I have to worry about is the Exeter police. I have no issues with any other police departments and get along just fine with them. It is Exeter all along who has been the problem, many false and exaggerated charges over the years, on one occasion they charged me with receiving stolen property from the sidewalk around trash day for the price of 4 trash bags which amounted to \$4.00, naturally the case was dismissed but not before I spent the night in jail on \$500.00 cash bail! On another occasion they charged me with receiving stolen property for picking trash out of a trash receptacle even after the store manager admitted discarding them! The list goes on and on has given me anxiety and justifiable paranoia as I don't know what they will come up with next. I live alone in a 58 year old trailer in a trailer park and just want to be left alone. It's a shame I have to live like this, and that most of my talks with those treating me for mental health issues revolve around my difficulties with Exeter police, and not the core issues that need to be resolved. I would like your help as I cannot do this alone with the cards stacked against me.

I Robert Frese declare the above to be and true and accurate account as to what's transpired.

Det. Patrick Mulholland

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