

Interview Guide

The New Hampshire Citizens Commission on the State Courts would like to ask you some questions about the state courts, including the Supreme Court, the Superior Court, the District Court and the Probate Court. We ask that you limit your responses to experiences with the state courts and not with state or local police or other law enforcement agencies.

RE: New Hampshire Statute

Re: Theft of Lost or Mislaid Property/ A person commits theft when:

- 1.) He obtains property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return the same to the owner, and
- 2.) He has the purpose to deprive the owner of such property when he obtains the property or at any time prior to taking the measures designated in paragraph 1.

1. What experiences do you have with the state courts?

I am submitting a personal experience.

2. Where do you get information about the state courts?

This is a personal experience, regarding district court: Small Claims: Personal phone consultations, of area district court administrators.

3. How much do you know about how the state courts operate?

Personal experiences, news media coverage, lay people, advocates, attorneys, friends, Internet, business men and women, state agencies. Court documents.

4. Are you concerned about the expense of going to court?

I'm concerned, but the business person that has deprived me of \$2,695.00 does not seem very concerned. One administrator within the Manchester, N.H. district court does not believe he is a criminal. Another administrator admitted that if he knows the system, he will use the system. He is a realtor that proudly boasts that he has been in business for 25 years in the State of N.H. If someone has to admit that the system can be used by a business man, than maybe we should fix the system.

5. What different challenges are the state courts facing today?

I would hope to see the court system work for the "people," effectively, without unnecessary delay tactics.

6. What is the most positive thing you have heard about the state courts? What is the most negative thing you have heard about the state courts.

After speaking with some district court administrators, I am pleased to know that some courts do not delay civil claims, because of criminal matters. Milford District court would not delay a small claims hearing longer than one month or two, after the defendant had been served the complaint. Auburn District Court has a very heavy load of criminal cases, yet they still manage to hear small claim cases within a two month time frame. It did vary, but Manchester District Court will not hear a small claims case for eight months after the defendant refused to pick up certified mail. You file in the spring and your hearing may be scheduled sometime in the fall. Merrimack District Court is running similar a scheduling. If the defendant was served by a sheriff, then you could expect a six to eight month time frame before a hearing would be scheduled. I have requested all the statistics, including how many judges, administrators, clerks, case loads, etc., etc., of Manchester District Court. I believe this commission should audit all the courts. I also asked if the administrators thought that they needed more staff. They did not seem to believe that was a concern.

I was not impressed to know that state administrators believe that eighteen year old young adults should be severely reprimanded, and that business men should not.

Additional Comments:

Re: Case Number SC-05-162
Manchester District Court
35 Amherst Street
Manchester, N.H.

I had requested intervention from the N.H. Realtors Commission and the Hillsborough County Attorney's Office in Manchester, N.H. If my son/daughter, or I deprived someone of their property, with malicious intent and purpose, I believe it would be considered a "felony." I was told by the N.H. Realtors Commission to have him arrested. They refused to release the names of the members that do serve on the N.H. Realtors Commission and they would not release any of the Rules and Regulations. I requested dates and times that the commission would meet, but they would not send me a schedule and they would not allow me to go before this group of representatives. I don't believe the courts would have to be tied up with this matter if some agencies would take some responsibility. I was very disappointed with the attitude of the Hillsborough County Attorney's Office. A (Grand Jury) would of indicted this man, for stealing funds from a widow and her children. After numerous months of letters and documentation, the director of the N.H. Realtors Commission sent me a booklet. This matter should and could have been so easily resolved at an administrative level of governing, but they stonewalled this process. I have contacted Attorney (NAME OMITTED) and I have sent all the information on to Governor Lynch. (NAME OMITTED), of (BUSINESS NAME OMITTED), on Second Street in Manchester, N.H. does reside in Merrimack, N.H. The matter is now filed in small claims court. The Town of Merrimack, N.H. could of rebated me my property tax dollars, but Chief Mulligan was representing a position of Town Manager and he would not rebate my tax money. (NAME OMITTED) made a very nice profit on his business deal and he refuses to return my money. He also took money from the new property owners. I believe he is now in violation of federal tax laws. That concerns me. The delay in accessing my money for my son is annoying, to say the least. I rode by (NAME OMITTED)'s

home in Merrimack, N.H. Shame on Mr. (NAME OMITTED)! Maybe if this was addressed as a crime, which it is, then the matter would of already been moving along in District or Superior Court.

Sincerely,
Elizabeth A. Rawnsley