

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Scott Walter Murray

2. **Position:** State the position for which you have been nominated.

United States Attorney for the District of New Hampshire

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Merrimack County Attorney's Office
4 Court Street
Concord, NH 03301

Residence: Dunbarton, NH

4. **Birthplace:** State date and place of birth.

1954; Rochester, NH

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Franklin Pierce Law Center, August 1978 – May 1981
Juris Doctor, May 9, 1981

University of New Hampshire, May 1977 – August 1978
Master of Public Administration, December 17, 1978

University of New Hampshire, September 1972 – December 1976
Bachelor of Arts, *cum laude*, December 19, 1976

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name

and address of the employer and job title or description.

Merrimack County, New Hampshire
333 Daniel Webster Highway, Boscawen, NH 03303
Merrimack County Attorney, January 2011 – present

City of Concord, New Hampshire
41 Green Street, Concord, NH 03301
Concord City Prosecutor, January 1983 – January 2011

New Hampshire Department of Safety
Hazen Drive, Concord, NH 03305
Legal Intern, July 1980 – January 1983

Southern New Hampshire Services
329 Mast Road, Goffstown, NH 03045
CETA Summer Youth Employment Program Monitoring Coordinator, Summer 1980

Southern New Hampshire Services
329 Mast Road, Goffstown, NH 03045
CETA Summer Youth Employment Program Monitoring Coordinator, Summer 1979

Southern New Hampshire Services
329 Mast Road, Goffstown, NH 03045
Intern, Summer 1978

University of New Hampshire, Department of Political Science
20 Academic Way, Durham, NH 03824
Graduate Assistant, September 1977 – May 1978

General Electric, Corp.
130 Main Street
Somersworth, NH 03878
Janitor, 1977

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

County Attorney of the Year, New Hampshire Association of Counties, 2016

Achievement Award, National Association of Counties, Awarded to Merrimack County, N.H. for Diagnosing and Treating Addiction Program I initiated during my first term in office, 2013

Graduate Assistantship, University of New Hampshire, 1977 – 1978 Academic Year

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

New Hampshire Bar Association

Member, 1981 – present

Committee on Cooperation with the Courts, 2012 – present

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New Hampshire Bar, October 21, 1981 – present

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

New Hampshire Supreme Court, October 21, 1981

United States District Court for the District of New Hampshire, October 21, 1981

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Citizens Advisory Board to New Hampshire State Prison for Women

Member 2013 – Present

Appointed to two three year terms by Governor Maggie Hassan

National District Attorney's Association

Member 1990 (est.) – present

Health Club of Concord

2013 (est.) – present

Racquet Club of Concord

1985 (est.) – 1998

New Hampshire Coalition Against Domestic And Sexual Violence

Member of the Board of Directors, 1996 – 2002 (two three-year terms)

New Hampshire Task Force To Prevent Child Abuse (Organization no longer exists)

Member, Board of Directors, 1994 – 1996 (est.)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

“State v. Akers and Fox: Limiting Vicarious Criminal Liability In New Hampshire,” New Hampshire Bar Journal, July 1980. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have been able to recall the following:

As both Concord City Prosecutor and Merrimack County Attorney, I have appeared before committees of the New Hampshire Legislature, testifying on proposed changes to criminal law and related issues. I have been unable to locate committee testimony on the New Hampshire Legislature's website and do not believe that testimony is transcribed. Accordingly, I am providing my recollection regarding testimony I have provided in that forum:

Testimony in support of construction of a new Merrimack County Superior Court building in downtown Concord, before the New Hampshire Legislature, February 2016 (and on at least one other occasion). Copy not available.

Letter submitted in lieu of testimony in support of a bill that would prohibit the sexual abuse of animals, before the New Hampshire Legislature, July 2016. Copy supplied.

Testimony in favor of a bill that banned the use of cell phones for persons driving automobiles (distracted driving), before the New Hampshire Legislature, 2014. Copy not available.

Testimony against a bill that would have limited judges' ability to impose consecutive sentences for felony offenses, before the New Hampshire Legislature,

March 2012. Copy not available.

Testimony in support of the extension of the NH District Court Jury Project that provided jury trials for misdemeanor defendants in Merrimack and Rockingham counties, before the New Hampshire Legislature, 2000 (est.). Copy not available.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I frequently use the text of a speech from a prior event, speak without notes, or speak from a handwritten outline. I did not retain the handwritten outlines and have attached all documentation that I could find. Despite my searches, there may be other materials or events I have been unable to identify, find, or remember. I have located the following:

October 18, 2016, Candidates' night event
Franklin, NH, VFW
26 Peabody Place
Franklin, NH 03235

The topic related to developments in the Merrimack County Attorney's Office with an emphasis on the impact that the opioid crisis was having in the area.

I have attended this event during each of my four election campaigns and my discussions have related to local criminal justice issues. Prior dates for this event included October 18, 2014, October 10, 2012, and October 2010. (est.)

Copy not available.

January 21, 2016, "Law Enforcement for Christie"
388 Daniel Webster Highway
Boscawen, NH 03303

I participated in a panel discussion with Governor Chris Christie and others on the opiate crisis.

Copy not available.

January 20, 2015, American Rental Association of New Hampshire, Association Meeting
354 Sheep Davis Road
Concord, NH 03301

I discussed New Hampshire law relating to retail theft.
Copy not available.

February 15, 2015, Anti-School Violence Conference
New Hampshire Department of Safety, Division of Motor Vehicles,
23 Hazen Drive
Concord, NH 03301

My discussion was directed at raising awareness of the dangers associated with school violence, with emphasis on an incident that occurred in Concord in 1985.
Copy not available.

October 2014 (est.), Candidates' Night Event
Chichester Grange
54 Main Street
Chichester, NH 03258

Speaking topic related to events in the Merrimack County Attorney's Office and discussion of local criminal justice issues.
Copy not available

1990's (est)
Concord Police Department's Citizen Police Academy
35 Green Street
Concord, NH 03301

This was an annual event for several years at which I would give an evening lecture. The topic was an overview of prosecuting a case in the NH District Court.
Copy of teaching outline supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

During my tenure as a prosecutor, I have made numerous comments to the press, generally relating to cases prosecuted by my office and criminal justice issues. I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following:

August 26, 2017, Concord Monitor, "Success of Felonies First in Merrimack County Up for Debate." Copy supplied.

August 19, 2017, Concord Monitor, "Merrimack County to Launch Drug Court." Copy supplied.

September 11, 2016, Concord Monitor, "New Hampshire Prosecutors Vow to

hold Dealers Accountable.” Copy supplied.

September 1, 2016, Concord Monitor, “Chichester Man Sentenced to 15 years to life.” Copy supplied.

July 23, 2016, Concord Monitor, “Merrimack County to Streamline Felony Proceedings.” Copy supplied.

June 15, 2016, Concord Monitor, “Merrimack County Mulls a drug court.” Copy supplied.

May 10, 2016, Concord Monitor, “Labrie’s Lawyer Raises Roommate’s Behavior.” Copy supplied.

March 29, 2016, “The Exchange” (A radio talk show on New Hampshire Public Radio). A recording of the show is available at www.nhpr.org/nhs-sentencing-laws-mandatory-minimums-marijuana.

March 18, 2016, NH Public Radio, “Bail Revoked for St. Paul’s Grad.” Copy supplied.

January 21, 2016, Union Leader, “In Boscawen, Christie critical of Obama on Law enforcement.” Copy supplied.

October 15, 2015, NH Bar News, “Major Changes in NH’s Criminal Justice System.” Copy supplied.

September 29, 2015, Concord Monitor, “Trying to break the cycle of crime and addiction.” Copy supplied.

September 1, 2015, WKXL Radio, This was an interview involving discussion of the recently concluded case of State v. Owen Labrie. My remarks related to the verdict and procedural issues in the case. Copy not available.

August 29, 2015, Valley News, “Teen Acquitted of Felony rape.” Copy supplied.

April 15, 2015, “The Exchange.” A recording of the show is available at www.nhpr.org/post/reconsidering-nh-sentencing-laws#stream/0.

November 7, 2013, Concord Monitor, “Third Torture Suspect Sentenced to 18 to 60.” Copy supplied.

March 24, 2013, Fosters.com, “Lee Shooting Shows Tension Around Public Information Laws.” Copy supplied.

March 17, 2013, Concord Monitor, “Predator law used sparingly.” Copy

supplied.

February 2, 2012, Union Leader, "Jury Convicts Woman Who Left Infant in Car."
Copy supplied.

October 17, 2011, Boston Globe, "Distracted Driver Is Sentenced in Fatality."
Copy supplied.

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Merrimack County Attorney
Elected 2010, 2012, 2014, 2016

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

New Hampshire State Republican Committee, Member, 2010 – present

Merrimack County Republican Committee, Member, 2010 – present

During the 2016 Presidential Primary, I agreed to serve as a delegate for Governor Chris Christie at the Republican National Convention in Cleveland. I did not serve as a delegate however, as Governor Christie did not prevail in the New Hampshire Presidential Primary. I also served as a member of the steering committee for "Law Enforcement for Christie" during the New Hampshire Primary campaign.

During the 2008 presidential election I served as local (Dunbarton, NH) chair for Senator John McCain. This was largely an honorary position.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a judicial law clerk.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Merrimack County, New Hampshire
333 Daniel Webster Highway, Boscawen, NH 03303
Merrimack County Attorney, January 2011 – present

City of Concord, New Hampshire
41 Green Street, Concord, NH 03301
Concord City Prosecutor, January 1983 – January 2011

New Hampshire Department of Safety
Hazen Drive, Concord, NH 03305
Legal Intern, July 1980 – January 1983

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My law practice has always related to criminal law and prosecution.

Between my admission to the Bar in October 1981 and my appointment as Concord City Prosecutor in January 1983, I continued to work for the New Hampshire Department of Safety as a legal intern. At that time, the Department of Safety included the Division of State Police, Division of Motor Vehicles and Division of Safety Services. In that capacity, I drafted administrative rules and attended hearings relating to their adoption. I also drafted proposed legislation for submission to the New Hampshire Legislature and assisted Safety Inspectors with pending motor vehicle court cases.

As Concord City Prosecutor between January 1983 and January 2011, I prosecuted criminal cases in the Concord District Court. Initially, my office prosecuted cases for the City of Concord, but by 1996 had expanded to include three of the surrounding towns as well. I appeared for the State in a small number of administrative hearings at the New Hampshire Department of Safety and handled a small number of civil cases in which the City of Concord was a party. When I began, I was the only prosecutor employed by the City of Concord. By 1996, my duties included the supervision of three assistant city prosecutors and support staff.

As Merrimack County Attorney since January 2011, my practice has exclusively involved criminal prosecution. I am the chief law enforcement officer in Merrimack County, with general supervisory authority over police agencies within the county. I directly supervise 17 assistant county attorneys and 26 support staff. My office convenes a Grand Jury each month and prosecutes felonies, misdemeanors and violation level offenses in the Merrimack County Superior Court. We also prosecute cases in five Circuit Courts for 19 of the 27 towns in Merrimack County.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

With the exception of a small number of civil cases in which I represented the City of Concord, New Hampshire, my only client has been the State of New Hampshire.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|-------|
| 1. federal courts; | 0 % |
| 2. state courts of record; | 99% |
| 3. other courts; | 0 % |
| 4. administrative agencies | < 1 % |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------|
| 1. civil proceedings; | < 1 % |
| 2. criminal proceedings. | 99 % |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As Concord City Prosecutor, I appeared before the Concord District Court virtually every business day. This practice included the trial of a wide variety of cases ranging from motor vehicle violations to offenses arising under the New Hampshire Criminal Code, as well as city ordinance violations. Most of these were bench trials, although between 1994 and 2001, I participated in the District Court Jury Trial Project. My recollection is that I prosecuted six jury trials as lead counsel and two as co-counsel. Since becoming Merrimack County Attorney, I have prosecuted cases in the Superior Court. I have been involved in two felony jury trials, with one as lead counsel and one as co-counsel. With regard to bench trials, it would be impossible for me to calculate the total number tried to verdict, as I did not keep a record. In New Hampshire during this time period, virtually all criminal cases originated in the District Courts and the Concord District Court handled a very high volume of cases. On average, I tried several cases per week before a judge during my tenure as Concord City Prosecutor. Over the course of my twenty-eight years, the total would easily have exceeded a thousand cases.

i. What percentage of these trials were:

- | | |
|-------------|------|
| 1. jury | 1 % |
| 2. non-jury | 99 % |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. State of New Hampshire v. Benjamin Bundy
Merrimack County Superior Court Docket # 16-CR-532
Judge: Honorable Diane Nicolosi
Date of Representation: January 2016 – August 2016

Co-counsel: George B. Waldron, Esq.
4 Court Street
Concord, NH 03301
603-228-0529

Opposing Counsel: James D. Rosenberg, Esq.
Shaheen & Gordon
107 Storrs Street
Concord, NH 03301
603-225-7262

I prosecuted this case with the aid of Assistant County Attorney George Waldron. The indictments included Sale of a Controlled Drug Death Resulting, Causing or Aiding Suicide, Sale of Controlled Drug, and Falsifying Physical Evidence. The defendant sold heroin/fentanyl to a young man resulting in his death and later provided his girlfriend with a quantity of drugs to facilitate her suicide. The defendant ultimately plead guilty to the Death Resulting and Aiding Suicide charges and was sentenced to serve 15 years to life in prison.

My involvement began with reviewing the evidence, including interviewing the State Medical Examiner. I made charging decisions and also appeared in the Concord Circuit Court for a bail hearing. Following indictment, I negotiated with defense counsel, discussed the case with the victim's family, and appeared in superior court for a sentencing hearing. At the sentencing I urged the judge to impose a life sentence.

2. State of New Hampshire v. Samantha Heath
Merrimack County Superior Court Docket # 14-CR-071
Judge: Honorable Larry Smukler
Date of Representation: January 2014 – March 2015

Co-Counsel: George B. Waldron, Esq.
4 Court Street
Concord, NH 03301
603-228-0529

Opposing Counsel: Elizabeth Mulholland
Pastori & Krans
70 Commercial Street, Suite 203
Concord, NH 03301
603-369-4769

I prosecuted the case in conjunction with Assistant County Attorney George Waldron. The defendant was indicted for Attempted Murder, First Degree Assault, and Reckless Conduct after an incident including an attack with a knife

and multiple stab wounds. The case resolved with a capped plea of guilty to Attempted Murder. The defendant was sentenced to 20 years to life in prison.

My involvement included reviewing the physical evidence with police and forensic laboratory personnel and making a charging decision. I also accompanied state police to prison to receive a proffer from the defendant and her counsel. As part of case preparation, I had discussions with the victim and her mother and negotiated with defense counsel. In Superior Court, I addressed the judge in support of the State's request for the imposition of a life sentence.

3. State of New Hampshire v. Daniel Boothby
Merrimack County Superior Court Docket # 13-CR-571
Judge: Honorable Richard McNamara
Date of Representation: June 2013 – November 2013

Co-Counsel: None

Opposing Counsel: John M. Draghi, Esq.
37 Washington Street
Concord, NH 03301
603-225-6629

I prosecuted this attempted theft by gang members who were trying to steal heroin that was being brought into the City of Concord. The victim transported the drugs from Massachusetts for distribution. The defendant was indicted for Robbery, First Degree Assault, and Kidnapping. I consulted with police, reviewed the evidence, and made charging decisions. I also negotiated a plea with defense counsel.

The defendant plead guilty and received an extended term of confinement of 7 ½ to 30 years. I represented the State in Superior Court in support of a request for imposition of the sentence.

4. State of New Hampshire v. Daniel Cantrell
Merrimack County Superior Court Docket # 13-CR-456
Judge: Honorable Larry Smukler
Date of Representation: April 2013 – November 2013

Co-Counsel: George B. Waldron, Esq.
4 Court Street
Concord, NH 03301
603-228-0529

Opposing Counsel: John M. Draghi, Esq.
37 Washington Street
Concord, NH 03301

I prosecuted the case in conjunction with Assistant County Attorney George Waldron. This case involved the torture of an eighteen-year-old male victim. The indictments included multiple counts of First and Second Degree Assault, Criminal Restraint, and Witness Tampering. The defendant had acted in conjunction with two other individuals to inflict burns and other serious bodily injury on the victim.

I reviewed the evidence, drafted the indictments, met with the victim and police and negotiated a plea with defense counsel. The case resolved as a guilty plea to several counts, with the imposition of an extended term of confinement of 18 to 60 years in prison.

5. State of New Hampshire v. Tara Black
Merrimack County Superior Court Docket # 12-CR-408, 12-CR-655
Judge: Honorable Richard McNamara
Dates of Representation: May 2012 –January 2013

Co-Counsel: None

Opposing Counsel: Elizabeth Mulholland, Esq.
Pastori & Krans
70 Commercial Street, Suite 203
Concord, NH 03301
603-369-4769

I prosecuted a defendant for conspiring with an inmate to mail drugs into a prison. She committed the crime while out on bail for the Habitual Offender felony, and the drugs were seized by prison authorities. The grand jury returned indictments for Operation of a Motor Vehicle as a Habitual Offender and Delivery of Articles (drugs) into the New Hampshire State Prison. As part of my representation, I reviewed evidence, drafted a motion to revoke bail, negotiated with defense counsel, and appeared before the court for sentencing. The defendant plead guilty and was given a 1 to 4 year sentence to the N.H. State Prison, along with additional suspended prison time and counseling.

6. The State of New Hampshire v. Heidi Delisle
Merrimack County Superior Court Docket # 12-CR-150, 12-CR-00858
Judge: Honorable Larry Smukler
Date of Representation: January 2012 – March 2013

Co-Counsel: Rachel Harrington, Esq. (Former Assistant County Attorney)
4 Court Street
Concord, NH 03301

603-715-5705

Opposing Counsel: Robin Davis, Esq.
N.H. Public Defender's Office
10 Ferry Street
Concord, NH 03301
603-224-1236

I prosecuted the case with the aid of former Assistant County Attorney Rachel Harrington who presented the plea to the Court. I reviewed evidence, consulted with police, made charging decisions, and negotiated the disposition with defense counsel. The case involved a defendant who was already out on bail for felony theft, driving a vehicle erratically on an interstate highway while under the influence of drugs and while in possession of heroin.

The case was resolved with a plea of guilty and a 1 to 4 year term at the New Hampshire State Prison. The defendant also lost her license to drive.

7. The State of New Hampshire v. Carissa Williams
Merrimack County Superior Court Docket # 11-CR-259
Judge: Honorable Larry Smukler
Date of Representation: March 2011 – August 2012

Co-Counsel: George B. Waldron, Esq.
4 Court Street
Concord, NH 03301
603-228-0529

Opposing Counsel: Tracy Scavarelli, Esq.
N.H. Public Defender's Office
10 Ferry Street
Concord, NH 03301
603-224-1236

I prosecuted the case in conjunction with Assistant County Attorney George Waldron. Indictments included Second Degree Assault, Endangering the Welfare of a Child, Criminal Trespass, and Simple Assault. This was a road rage incident on an interstate highway. The defendant invaded the victim's car and assaulted her with a Taser, inflicting an electric shock on her.

A jury convicted the defendant of all counts. My involvement included consulting with the police and state medical examiner, reviewing physical evidence, and making a charging decision. I appeared for the State before the jury and presented the State's sentencing recommendation following verdict. The defendant was sentenced to an extended term of confinement, totaling 5 to 14 years in prison with 1 ½ to 7 years suspended.

8. The State of New Hampshire v. Andrew McCrea
Concord District Court Docket # 2002-CR-08821
Judge: Honorable Michael Ryan
Date of representation: November 2002 – January 2003

Co-Counsel: None

Opposing Counsel: Mark Sisti, Esq.
Sisti Law Offices
387 Dover Road
Chichester, NH 03258
603-224-4220

This was an extradition proceeding resulting from the arrest of a fugitive from justice in Concord and the State of California's request for his return. The defendant was charged with capital murder for killing a police officer in Red Bluff, California. My involvement included consulting with Concord Police, as well as federal law enforcement authorities and the District Attorney's Office for Tehama County. I appeared before the judge in the District Court, establishing the defendant's identity, request for extradition and requesting "no bail" status.

After the arrival of the Governor's Warrant, I coordinated with the Merrimack County Attorney's Office on the defendant's Habeas Corpus petition and claim of incompetency. Ultimately, the defendant was successfully extradited and was tried and sentenced to death in California.

9. State of New Hampshire v. Jeffrey McKerley
Concord District Court Docket # 95-JT-7
Judge: Honorable Michael F. Sullivan (Deceased)
Date of representation: March 8, 1995

Co-Counsel: None

Opposing counsel: Dennis Pizzimenti, Esq. (Deceased)

This case was my first jury trial and the first jury trial conducted in the Concord District Court as part of the State's pilot District Court Jury Project. The Project was intended to eliminate the State's two-tier system for misdemeanors by providing jury trials in the New Hampshire District Courts. The defendant was charged with Driving a Vehicle While Under the Influence of Alcohol Subsequent Offense and Criminal Trespass for climbing into a building through a window.

My involvement included consultation with police and civilian witnesses, as well as trying the case before a jury in the Concord New Hampshire District Court. The defendant was acquitted of the DWI charge and convicted of the Criminal

Trespass.

10. State of New Hampshire v. Vance Kelly
Concord District Court Docket # 84-06680
Judge: Honorable Arthur E. Robbins
Date of Representation: September 1984

Co-Counsel: None

Opposing Counsel: Honorable Steven J. McAuliffe
U.S. District Court
55 Pleasant Street
Concord, NH 03301
603-225-1423

I successfully prosecuted the Commissioner of the New Hampshire Department of Labor for Driving While Intoxicated. The case involved the operation of a state vehicle on an interstate highway while the operator was under the influence. The case came to the attention of police after the defendant struck a guardrail and then drove directly to his state office where he was subsequently arrested.

I appeared before the judge in the Concord District Court on the defense motion to suppress evidence and also at hearings for appeal to the New Hampshire Superior Court and sentencing.

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

For most of my career, I have supervised other prosecutors and support staff. Accordingly, I have held positions that significantly influenced litigation of criminal cases. Prior to leaving the Concord City Prosecutor's Office in 2011, I was responsible for three assistant prosecutors, along with a clerk, two secretaries, and a victim advocate. Also, I was required to appear in court virtually every work day to present a wide variety of cases. These included cases arising under both the state motor vehicle and criminal codes, as well as city ordinance violations. During my tenure in this position, I tried hundreds of cases to judges and a small number to juries. I also represented the State at arraignments, bail hearings, probable cause hearings for felonies, extradition proceedings, and juvenile hearings. In addition, I prosecuted petitions in several administrative license suspension hearings at the New Hampshire Department of Safety Bureau of Hearings. My responsibilities included providing advice to four police departments regarding criminal investigations, as well as reviewing search warrant applications.

As Merrimack County Attorney, I supervise a staff of 43, which includes seventeen prosecutors, two investigators, and support staff in three divisions, including the County Attorney's Office, Merrimack County Diversion Program, and Merrimack County Pretrial Services, which supervises defendants who are released on bail pre-trial. I am responsible for an aggregate operating budget of approximately \$4 million. In addition, I address each new session of the Merrimack County Grand Jury and have made it a point to personally present cases to that body on a regular basis. I also have appeared in the Superior Court in a variety of matters, including jury trials, plea and sentencing hearings, probation violation hearings, and dispositional hearings. As chief law enforcement officer in the County, I have general supervisory authority over police agencies and accordingly consult with police chiefs, state police, the sheriff and other police personnel on a regular basis. These consultations routinely involve legal advice relating to pending criminal investigations.

I have not performed any lobbying activities.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught classes at a college or law school.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

By virtue of my employment with the City of Concord and Merrimack County, I have participated in the New Hampshire Retirement System. This is a defined benefit retirement program which will provide income upon my retirement.

I have participated in IRC Section 457 deferred compensation programs through both the City of Concord and Merrimack County. Upon my retirement these will provide an undefined income.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar

year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See my SF 278 as provided to the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Governmental Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Since my admission to the Bar in 1981 I have been engaged in public service. This has included employment with the State of New Hampshire, The City of Concord and Merrimack County.

I have served as a judge for mock trials in the Merrimack County Juvenile Diversion Teen Court program and the Concord Chamber of Commerce's Leadership Greater Concord Court segment. While Concord City Prosecutor I served as an instructor for the Concord Police Department's Citizen Police Academy. I also served as a coach for the Tri-Town Soccer League during the years when my son was a participant, which I estimate to be from 2003 to 2008.

AFFIDAVIT

I, Scott W. Murray, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

11/30/17
(DATE)

Scott W. Murray
(NAME)

[Signature]
(NOTARY)

