

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

Hillsborough County Superior Court

State of New Hampshire

V.

Gerard Beloin

05-S-1305-7

DEFENDANT'S 10<sup>th</sup> MOTION TO DISMISS

NOW COMES Gerard Beloin, Pro Se and hereby respectfully requests the following relief:

A. That this Court dismisses the indictments, again, with prejudice, for a second time, based on the following NH statutes TITLE LXII, CRIMINAL CODE, CHAPTER 644, BREACHES OF THE PEACE AND RELATED OFFENSES, Section 644:9 Violation of Privacy. –

Paragraph V.

Paragraphs I and II shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, nor are paragraphs I and II intended to limit employees of governmental agencies or other entities, **public or private**, who, in the course and scope of their employment and supported by **articulable** suspicion, **attempt to capture any type of visual image, sound recording, or other physical impression** of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, **or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.**

B. This Defendant had “articulable suspicion” of illegal activity because Mr. Janigan repeatedly called this defendant on the morning of 12-13-2004 on my cell phone and informed me that I had to meet with him right away. **(EXHIBIT A)** In our telephone conversations Mr. Janigan said that “It is a matter of life and death, your life and your death.” I brought a tape recorder and a firearm to the meeting. On the recordings Mr. Janigan admits to making these threatening telephone calls.

When I recorded Mr. Janigan threatening to have me killed at the hands of police gunfire, we were on Factory St., a public thoroughfare, where he had no reasonable expectation of privacy. **(EXHIBIT B)** In the case of State V Pamela Smart, Cecilia Pierce, at the behest of and under the control of agents for the State of NH, recorded Pamela Smart admitting to the murder of her husband. These recordings were made without her knowledge, without her consent and **without a warrant.** These recordings were used in a court of law to sentence Pamela Smart to life in prison because they were made in a public place where Pamela Smart had no reasonable expectation of privacy.

C. Since the death threats were made to prevent me from speaking out against the wholesale bypassing of the structural codes, safety codes, building codes and fire code upgrades on a school, I was exposing a pattern of business practices adversely **affecting the public health or safety of our school children.** Since law enforcement officers, politicians and there “personal messengers” are the ones claiming to have killed Dr. Hieber and threatening to kill me, law enforcement officers, politicians and their “personal messengers” are the ones “talking about chumming people off of a 100 ft. f\*\*\*king fishing boat in Gloucester,” law enforcement officers, politicians and their “personal messengers” are the ones bragging about arson and threatening more arson, the recordings were perfectly legal because of the **threat affecting the health and safety of the public.**

WHEREFORE the Defendant Gerard Beloin requests that this honorable Court:

- A. Grant the Motion to Dismiss with prejudice for a second time.
- B. Grant such other and further relief as the Court deems fair and just.

Disrespectfully submitted, Pro Se



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Gerard Beloin  
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May 27, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was sent to Attorney Marianne P. Ouellet, Assistant Merrimack County Attorney, 4 Court Street, Concord, NH 03301, on this date, May 27, 2008

*Erard Beloin*

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