

LIST OF FACTS QUESTIONING THE CREDIBILITY OF CHIEF INVESTIGATOR G. MICHAEL BAHAN

In the 1990s Chief Investigator G. Michael Bahan was lambasted by numerous committee members that were part of at least 2 committees set up to investigate the failure of the Judge John Fairbanks investigation. Shortly after G. Michael Bahan concluded that Judge John Fairbanks had committed no crimes, Judge John Fairbanks skipped the country on the run from the FBI. He was one of the FBI's 10 most wanted criminals. He was prominently featured on the television show Americas Most Wanted. He stole millions from elderly clients and granted lenient sentences to young men in exchange for homosexual favors in his chambers. The words **"lying", "puzzling", "mysterious", "unbelievable", "failure", "disturbing", "suspicious", "implausible", "frustrating" and "political corruption"** were used in conjunction with G. Michael Bahan's name to describe his investigation of Judge John Fairbanks. These quotes are from Executive Council Members, Governors, NH State Senators, and NH State Representatives. I happen to concur and I'm in good company. Now, are all of these well respected individuals going to be called liars too?

Four short years after Judge John Fairbanks escaped justice, according to the police report, he committed suicide by tying a plastic shoe bag over his head and suffocating himself until he could not breathe. This type of death is a signature type of killing for organized crime.

Shortly after his failed investigation of Judge John Fairbanks, with a resume that should have gotten him fired, Investigator G. Michael Bahan was promoted to Chief Investigator.

G. Michael Bahan was the investigator in charge of investigating Prosecutor Kerry Steckowych and Mr. John Janigan for the murder of Dr. Craig Hieber. A one page report for each investigation concluded that neither has committed any crimes. In June of 2007 G. Michael Bahan was subpoenaed to testify at my trial. **Chief Investigator G. Michael Bahan, a lifelong resident of NH, is nowhere to be found. No one at the NH Attorney Generals Office will divulge his address.**

Chief Investigator G. Michael Bahan of the NH Attorney General's Office is now on the run from the law for failure to investigate the crimes of grand theft larceny, extortion, criminal threatening, arson and **murder** committed by Prosecutor Kerry Steckowych and other Goffstown Officials to cover up their crimes. All of this admitted to on tape by one of their "personal messengers". The "personal messenger" for Prosecutor Kerry Steckowych even goes into detail as to how they poisoned Dr. Hieber. After years of litigation, Dr. Hieber's cause of death has never been determined. No one in the NH media seems to care.

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Refund: 15.00
Invoice Number: 07-4242-CP
Invoice Date: 06/01/2007

603-487-5049

GERARD BELOIN vs BAHAN, M
Docket Number: 05-S-1305-7

| PERSON(S) SERVED & METHOD | DATE | TIME | SERVED BY |
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| BAHAN, MICHAEL Unable to Serve; SEE NOTE BELOW | 06/01/2007 | 03:45pm | none Back |

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November 14, 1996

Fairbanks Case Prober Puzzles, then Startles, NH Lawmakers

Author: ROGER TALBOT

CONCORD – A muddled explanation of why the Attorney General's Office was powerless to trace telephone calls made to relatives of Newport lawyer John C. Fairbanks while he was a fugitive left legislators puzzled yesterday.

G. Michael Bahan, chief investigator at the Attorney General's Office was asked why, given tips from an informant that Fairbanks was in touch with family, investigators were unable to determine where he may have been calling from.

Bahan told Fairbanks Study Committee he lacked "probable cause" to seek a court order to place "trap and trace" devices on the home telephone of Fairbanks' wife and four children. Bahan also claimed the attorney general's legal authority to trace incoming calls was "negated or lessened" by the fact that Fairbanks, the subject of a four-year international manhunt, had not been arrested before he fled.

The "trap and trace" equipment identifies the originating numbers of telephone calls. It does not intercept the conversation.

Bahan startled the committee when, in response to a question from Acting Chairman Nick Hart, R-Manchester, he acknowledged meeting with retired investigator Thomas H. Hannigan, who conducted the initial phase of the state's Fairbanks investigation.

"You had coffee with him this morning?" Hart said in surprise. "I've sent him requests to appear before our committee. He never answered. I thought he wasn't available. We want to talk to him."

Late yesterday, Hart said he had contacted Hannigan. The retired investigator has agreed to testify today at 1 pm, Hart said.

The attorney general's Fairbanks investigation began in December 1988 when Hannigan took a call from John H. Tweedy of Washington, who complained of Fairbanks' mismanagement of the trust fund of Tweedy's mentally disabled brother. Rather than ask Tweedy to bring his documents to Concord, Hannigan drove to Washington to talk with him.

Gov. Stephen E. Merrill, who was attorney general when the investigation began, recalled in his testimony on Tuesday that his staff was so busy it was common practice for complainants to meet with investigators at the Concord office.

"The thing that surprised me is that he drove to Washington, New Hampshire," Merrill said.

Merrill resigned as attorney general in February 1989, knowing nothing of his staff's investigation into the financial affairs of the prominent, respected Newport lawyer and district court judge.

That matter was not brought to my attention before I left," Merrill said, adding it was not unusual for him to be aware of investigations.

Among the attorney general's paper is a memo filed on March 29, 1989, that suggests Hannigan put little stock in Tweedy's complaint. Hannigan wrote to then-Assistant Attorney General Andrew W. Serell, who was heading the Fairbanks investigation, "I don't think Fairbanks is guilty of anything more than lousy management, especially failing to make annual (probate court) reports as required by law...I feel we should just interview Fairbanks and resolve the matter."

On April 21, 1989, Serell, in a handwritten note, suggested to Hannigan, "before you do too much digging, you should interview Fairbanks and see if he has answers to Tweedy's questions...If he does, that should end the matter."

Soon, other complaints surfaced and the investigation took on new life. It culminated Dec. 28, 1989, with indictments that charged Fairbanks stole \$1.8 million from elderly clients.

He disappeared the day the charges came down. After he committed suicide in March 1994 in Las Vegas, Nev., investigators found he had lived most of his fugitive years under an alias in Quebec City – while they chased dead-end leads from chilly Moose Jaw, Saskatchewan, to exotic Tortola, British Virgin Islands.

After Bahan testified yesterday, Hart and several other committee members said they may ask Attorney General Jeffery R. Howard to explain the limitations of the state's wiretap law.

The law is strict, permitting investigators to eavesdrop on conversations for no more than 10 days and only when they can convince a judge there is "probable cause" the telephone tapped is used "in connection with" a crime.

On the other hand, the law allows investigators to get a court order to "trap" incoming numbers for 60 days, requiring only they show "the information likely to be obtained is relevant to an ongoing criminal investigation."

Questioned by Rep. Alf E. Jacobsen, R-New London, and Benjamin J. DePecol, D-Keene, Bahan said he had "an indication" in August 1992 that Fairbanks was using a telephone charge card obtained from a daughter.

An analysis was done of family members' telephone toll call records, but it uncovered no questionable charge or outgoing calls. The toll records, however, provided no information on the incoming numbers of calls made to the homes of Fairbanks' relatives. That would have required a trap and trace authorization.

"This business about 'insufficient probable cause.' He was a fugitive? What was the probable cause you needed?" Jacobson asked.

Bahan replied:

"To get a trap and trace device, we would have to be looking for crimes, like avoiding prosecution, hindering apprehension or for escape. Because Mr. Fairbanks had not been arrested, it didn't allow us to use the statutory requirements the Legislature had put in (the law)...So we were limited to utilizing other investigative tools, like pulling the telephone toll records, until we could find enough probable cause..."

After Bahan had left, DePecol said, "Somebody in the Attorney General's Office blew it...It seems to me that they had all of the tools necessary to go ahead and find out if Fairbanks was giving his family a call and where it was coming from."

Said Jacobson:

"I don't know whether his is correct or not, but it seems strange that you couldn't get a trap and trace when the person has been indicted and he flees. The fact that a police officer hasn't put his hand on his shoulder seems to me to be the minimal part of it."

"Now that we've looked at the law...it doesn't seem like he gave us a plausible answer," said Rep. Evelyn S. Letendre, R-Bedford.

03-24-1994

Sometimes they are criminals, attracted to the glamour of not going back. Judge John C. Fairbanks, 70, of New Hampshire, stole \$1.8 million from his law clients, disappeared on December 28, 1989, the day after he was indicted, and hid out for years. On Thursday, March 24, 1994, Fairbanks checked into the MGM Grand under an assumed name. On Sunday, he was found dead.

Judge John C. Fairbanks was not a casual man. He succeeded at everything he set out to do. His suicide note, written to his son, was taped to the mirror. This means Fairbanks got to take a good look at himself before he went.

This is almost myth. Fairbanks's actions say to the desperate: I had the thrill of stealing millions. I had the thrill of never going back. If you're going to check out, do it in the city of instant gratification, in the biggest hotel in the world. Do it in Las Vegas.

The reality is that Judge John C. Fairbanks killed himself by putting a hotel shoe bag over his head. The bag was plastic, with a drawstring, the kind normally hung outside a room and filled with a pair of shoes that need polishing. He used rubber bands around his neck to attach the bag securely. It was an off-white color, and presumably he could see neither light nor dark as parts of the bag slid into his mouth, toward his throat, and up into his nasal cavities. Perhaps children were running down the hall outside his room as he suffocated. Perhaps their parents were arguing over lost money in the casino. Judge John C. Fairbanks died in silence. Alone.

Politically connected, respected, well-bred and born to privilege and honor, Fairbanks left a legacy that has become a cautionary tale about the wages of sin and the abuse of power. A decade ago this month he was summoned to a court hearing regarding suits brought against him by

former clients. Today, everyone in his home town of Newport seems to have a story about his life and every report of judicial misconduct refers back to his crimes. Strong community bonds unwillingly sustain the saga of his sad final years.

Small-town Scandal Still Casts a Long, Dark Shadow

BY PAUL MONTGOMERY

Long before the O.J. Simpson trial and Monicagate there was John Clough Fairbanks, an exceedingly non-descript probate attorney and mild-mannered part-time Newport District Court judge who secretly and shamelessly pillaged the life savings of some of his clients — including his own sisters — before scurrying away to Canada to avoid being punished for his crimes.

It has been a decade since Fairbanks slipped north out of the country to live in hiding, and six years since he was found dead at age 70 in a Las Vegas hotel room, a victim of self-induced suffocation. Like the Simpson fiasco and the mind-numbing embarrassment of the Clinton-Lewinsky-Starr affair, Fairbanks, here in New Hampshire, early on, contributed to the coarsening of how some now perceive the legal system.

When he ran off in December 1989 he took not only ill-gotten money from trusting clients, he also stole a substantial portion of the public's eroding faith in judges, lawyers, and the courts.

It's estimated that, over the years, Fairbanks, as an estate lawyer, stole more than \$1.8 million from the accounts of the people he was hired to look after. The money is believed to have been frittered away through bad investments. As many as 20 people lost all or part of their life sav-

ings to the bald little fellow in the horn-rimmed glasses.

While on the run and after his death, Fairbanks, because he had been a judge, has been portrayed as a man of great power and influence in the small Sullivan County community where he lived with his family. But in reality, while he was prominent, he had no significant power in his public dealings sitting behind the bench. He was a part-time judge in a small district court who heard misdemeanor cases. Shoplifters, juvenile delinquents, and drunken drivers were the people who passed before him.

Among police he was known as a judge who would not apply the law according to the statutes; rather he was viewed as a lenient mediator who used his own moral code to decide a defendant's guilt and subsequent penalty, explains Marc Hathaway, Sullivan County attorney. "Sometimes I think John Fairbanks was torn between applying the law and applying his own sense of what was appropriate in a given instance. Those things can sometimes conflict," Hathaway says. "He was probably more inclined to give defendants breaks than perhaps the facts would warrant."

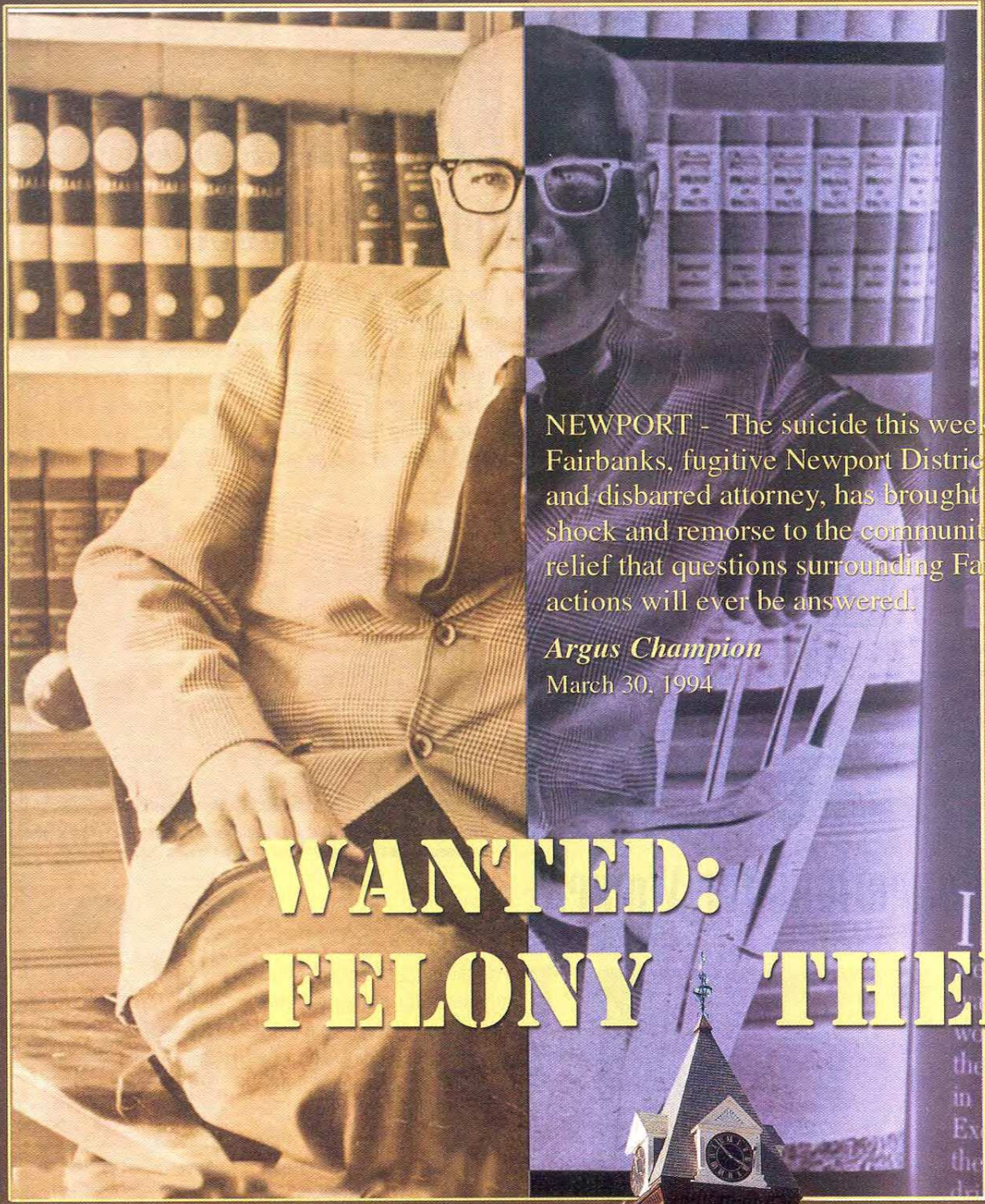
Fairbanks' power, like his sneak-thievery, was nebulous — difficult to detect and well concealed from public view. As a lawyer he handled estate planning in probate court — not the most exciting law

practice, but Fairbanks managed to make it far more interesting than anyone could have ever imagined.

In one case he stole money from a blind, retired farmer. In another, Fairbanks was able to convince a woman on her deathbed to sign over her estate to him. Five days after she put pen to paper, she died. According to officials, the woman was in no condition to make such a decision. But she did, thanks to her trust in John Fairbanks.

By many accounts, for years, Fairbanks was untouchable in his corruption. During part of his long 40-year tenure as a lawyer and as a meek judge of 33 years in Newport, Fairbanks was to deceive ruthlessly the most naive of people — flinty Yankees near the end of their days — and with those acts John Fairbanks wrought wholesale changes in how the state regulates its officers of the court. In his absence as a fugitive and later after his death, Fairbanks rocked the granite foundation of New Hampshire's legal system.

While Fairbanks' criminal influence was limited in the Newport area and to whom he could sucker, he was politically astute when it came to the powers of the New Hampshire Republican party. According to Benjamin De Pecol, Fairbanks used that political influence in Republican circles to keep [CONTINUED ON PAGE 12] ►

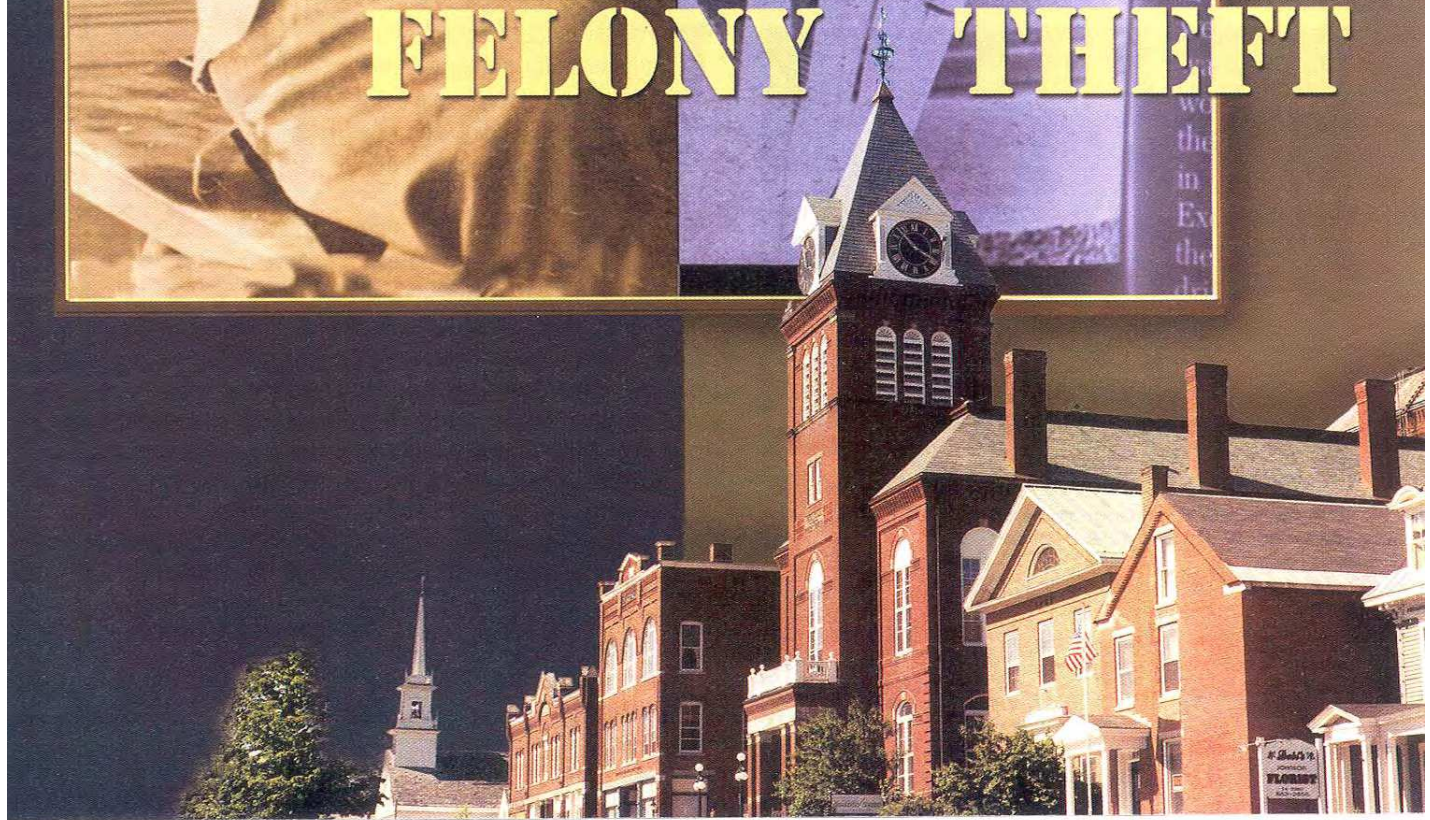


NEWPORT - The suicide this week of John C. Fairbanks, fugitive Newport District Court judge and disbarred attorney, has brought feelings of shock and remorse to the community, but little relief that questions surrounding Fairbanks' actions will ever be answered.

Argus Champion

March 30, 1994

WANTED: FELONY 'THEFT'



[CONTINUED FROM PAGE 8] ► investigators at bay even as suspicion arose that he was stealing from his clients.

De Pecol, a Democratic legislator from Keene, served on the Committee To Study The Investigation of John C. Fairbanks and Others, as well as the Fairbanks Study Committee.

To this day, De Pecol is adamant that officials covered up allegations involving Fairbanks and his corruption long before he ran from the law. So, too is Cornish's Peter Burling, a senior Democrat in New Hampshire politics. "There is no question that an old boy network was at work here," Burling declares. "John Fairbanks was protected from being arrested and from being pursued." Burling says that Fairbanks' party connections were familial and that his influence was so understated that it never really came to the fore of public attention. "He was a Republican well up in the party," De Pecol says. "And he used those connections to his advantage."

Hathaway, the longtime prosecutor in Sullivan County, sees the situation in a far less nefarious light than do De Pecol and Burling, but he readily admits Fairbanks did irreparable harm to the public trust. "When people in positions of special responsibility and privilege seriously abuse that privilege as John Fairbanks did, that erodes the credibility of anybody else whose doing like or similar work, and it's a problem that's endemic today," Hathaway says. "I also believe he had a profound impact on the relationship of the judiciary as a whole and the legislature and the public. It's a sad thing, when perhaps the most famous judge in the state of New Hampshire — outside of [Supreme Court] Judge Souter — is known for embezzling money."

Stillman Rogers, Cheshire County Superior Court clerk, believes the Fairbanks case and another case just before it, which involved a local lawyer who embezzled from clients and ultimately served prison time, combined to make the mysteries and vagaries of the legal profession, in the layman's eyes, more sinister and less sacred. "The public doesn't know

Legislature got involved, investigating allegations of official coverup, the case has remained in the spotlight. "It's not like Fairbanks happened and went away," Rogers says. "Fairbanks has been pounding away at the bar for years."

In a report issued early last year, a 10-member legislative committee concluded that accusations of Fairbanks' thefts along

with allegations that the judge indulged himself in homosexual liaisons, rewarding such favors with lenient sentences, were not taken seriously by the executive branch before he absconded, and they found the failure of the New Hampshire Attorney General's Office to find the fugitive judge "highly disturbing and suspicious."

De Pecol says the committee was frustrated by a lack of power to investigate fully how the Fairbanks case was handled. "I had no investigative talent, no money, and no staff," De Pecol says. "In my mind, this was a political corruption case. We were looking at Fairbanks and we were focused on the wrong subject. It was very frustrating." In one of the reports, De Pecol wrote, "The New Hampshire State Police and the New Hampshire Attorney General's Office had early and repeated reports of unethical and illegal

actions taken by Judge Fairbanks." Despite that "the committee could not find any further action being taken." State officials have consistently denied any coverup.

Burling, whose wife is a judge, says that out of the Fairbanks saga has come some good.

Disciplinary proceedings against lawyers and judges — once shrouded in complete secrecy as not to undermine the public trust — are much more open now. Thanks to changes in the rules, once the Judicial Conduct Committee or Professional Conduct Committee find

The Downward Spiral

- + December 1988: John Tweedy of Washington, NH asks the attorney general's office to investigate Fairbank's.
- + June 1989: Fairbanks resigns. Former clients begin filing lawsuits charging him with theft.
- + August 1989: Fairbanks fails to show for a court hearing.
- + September 1989: Fairbanks is forced into bankruptcy. Assistant Attorney General Andrew Serrell steps down as head of the investigation against Fairbanks, then takes a job offer from the firm representing him.
- + October 1989: Fairbanks doesn't appear for his bankruptcy hearing.
- + December 27, 1989: Fairbanks is indicted for stealing \$1.8 million. The attorney general's office informs his lawyer — now U.S. District Court Judge Paul Barbadoro — to arrange his surrender.
- + December 28, 1989: Fairbanks disappears from his seasonal home in Ogunquit, Maine.
- + April 1990: Fairbanks is disbarred.
- + April 1991: Fairbanks' wife Miriam files for divorce.
- + November 1991: Former clients agree to a settlement with Fairbanks' family that pays 15 cents on the dollar.
- + June 1993: Lawmakers appropriate a \$20,000 reward for his capture.
- + February 1994: a judge allows payment of \$232,000 to bankruptcy trustee Victor Dahar, who secures nearly \$1 million for creditors. Some receive about 21 cents on the dollar.
- + March 27, 1994: Fairbanks is found dead in room 21312 of the Las Vegas MGM Grand Hotel. Sunapee Police Chief Alan Soucy happens to be there for a police seminar and helps identify the body.

what lawyers do, so the public tends to look with suspicion upon lawyers," Rogers says. "It's not like a garage mechanic where you take the car and it gets fixed. So there's a natural suspicion anyway. Things like Fairbanks and the political fallout from the Fairbanks case therefore tend to cast doubt on the entire profession. There has been a general drop in appreciation for what lawyers do."

The good deeds lawyers perform — pro bono work, for instance — are overshadowed by the bad acts of the very few, Rogers says. And because the New Hampshire

enough evidence to warrant formal misconduct charges against a judge or lawyer, a public hearing is held and the decision is made in the open. Before, any person bringing a complaint faced contempt of court charges for even talking in public about allegations against an accused lawyer or judge.

But while there's a new openness, there is also a loss of honor and faith. Hathaway says, "There was a level of trust that existed because you were an attorney, you were an officer of the court. You hear that phrase, but it is no small thing. It is a position of trust and it means that you're expected to do the right things and you're expected to be honest with the court and when John Fairbanks abused that trust ... people no long assume that judges and lawyers will act honorably. John Fairbanks' acts resonate and do harm that in some way outweighs the good that has been done by judges and lawyers for hundreds of years.

"Now we have in place a system of rules and regulations and procedures and the absolute rigorous enforcement of them to simply catch the next John Fairbanks," — a sad state of affairs, says Hathaway. "That's really a bedrock change."

Hathaway acknowledges that Fairbanks' victims suffered great harm in their financial losses — many getting back only pennies on the dollar — but, he says, the entire state was dealt a blow by Fairbanks' arrogance. "That loss of innocence, perhaps, is the greatest harm he has done," Hathaway says. "You can't get it back."



Left: A portrait of Fairbanks at Dartmouth College around 1946. He graduated with a BA and was cited for his qualities of leadership.

Right: The Newport District Courthouse where Fairbanks presided.

Paul Montgomery is a freelance writer living in Keene.



A "Newport Profile" in the October 1967 issue of NH Profiles portrayed Fairbanks as an accomplished jurist who might follow in the footsteps of his father, a two-time NH Executive Council member. The profile concluded, "...he is the embodiment of a New Hampshireman content with his way of life."

"I hope someone does a study of the investigation because it's a textbook example of how a case can be mishandled."

— Rep. Peter Burling D-Cornish

"...Unsolved Mysteries," "America's Most Wanted," "Hard Copy," and other television crime programs came to Newport to chronicle the life and times of the fugitive judge, which included allegations of sexual misconduct as well as embezzlement.

— Argus Champion Mark DiPietro



Above: One of the Fairbankses' former residences overlooking the Sugar River and the church steeple of Newport.



Left: Fairbanks (at right) on the Newport Board of Selectmen in 1961 with Chairman Maurice Cummings (center) and Phillip Hackwell.

