

THE STATE OF NEW HAMPSHIRE

COOS, SS

SUPERIOR COURT

State of New Hampshire

v.

Jeffrey Woodburn
214-2019-CR-00007

**OBJECTION TO STATE'S REQUEST FOR IMPOSITION OF SENTENCE AND
REQUEST FOR SENTENCE MODIFICATION**

NOW COMES the defendant, Jeffrey Woodburn, by and through counsel, Mark L. Sisti, Esq., and Objects to the State's Request to Impose Sentence and Further Requests that the Previous Sentence in this matter be Modified to Reflect the Present Reality of What Charges and Convictions Exist in 2024 that did not Exist at the Time of the Original Sentencing.

As grounds the defendant states as follows:

1. Of all the charges originally brought against Jeff Woodburn, only two (2) charges have survived the scrutiny of Jury Trial and Appellate review.
2. The only two (2) convictions that originated from the events in 2017 that are subject to Sentencing are Misdemeanor A Criminal Mischief convictions, not violent in nature with no allegations of bodily harm.
3. During the original Sentencing, the Court saw Jeff Woodburn through the lens of an individual that had not only the property related misdemeanors, but also assault related misdemeanors. The domestic violence aspect of this case no longer exists. The Court now has before it two (2) minor property related crimes committed by a man with zero criminal record prior to these offenses and zero criminal record after these offenses.
4. The kicking of a dryer door and residential door hardly requires actual incarceration in light of the history of this case and the character of Jeffrey Woodburn. The seriousness of the offenses standing alone are minor. The criminal history of the defendant is non-existent; the need for punishment after all these years does not exist; no articulated rehabilitation focus has been forwarded and the deterrent effect of this process has been addressed. He has not offended in the past six to seven years.
5. He has addressed any and all counseling needs since April 17, 2028, until present and is not considered a risk with regard to any future domestic issues. (See Letter attached, Attachment A).
6. No other individual facing first offense level cases with the characteristics of Jeff Woodburn would be subjected to incarceration. There are no such cases that the State could point to.

7. He is a 59-year-old, raised his whole life in New Hampshire, with no other criminal record. He has no violent history. He has been a dedicated public servant for years, an educator and a man involved in community service. His entire family resides in this State, and he has had no issues with law enforcement since these charges were brought. In most cases like this, the disposition would be Diversion or filing the matter without a finding conditioned on counseling. He is in counseling.

8. Letter of support have been submitted on his behalf. (See letters attached, Attachment B).

9. He should not be disproportionately punished because of his notoriety or the media attention to this matter. He should stand on equal footing with all other N.H. citizens in a similar situation with a similar background. A Sentence involving actual incarceration would be excessive and would serve no logical purpose. The defendant relies heavily on Pt. 1, Art. 18 of the N.H. Const. in support of this assertion:

“All penalties ought to be proportioned to the nature of the offense. No wise Legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate mankind.”

WHEREFORE the defendant, through counsel, objects to the imposition of the original sentence and moves to modify that sentence by suspending the entire sentence imposed for a period of two (2) additional years.

Respectfully Submitted,

Dated: August 2, 2024

/s/ Mark L. Sisti, Esq.
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CERTIFICATION

I hereby certify that on this 2nd day of August 2024 that a copy of the foregoing Objection to State's Request for Imposition of Sentence and Request for Sentence Modification has been forwarded to Joshua L. Speicher, Esq., Office of the Attorney General via the Court's electronic filing system.

/s/ Mark L. Sisti, Esq.
Mark L. Sisti, Esq.