

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

KEENE DISTRICT COURT

Docket No. 08-CR-5071, 5072 & 5073 as well as 08-CR-04255

In the Matter of Ian Bernard

FURTHER ORDER ON CONTEMPT: FINE PAYMENT ORDER

The Court's Order of November 14, 2008, provided that the Court would conduct a video conference with the Defendant on November 17, 2008. The purpose of the video conference was to allow the Defendant to allocute his position on the third contempt finding against him.


At that video conference, the Defendant elected to use it as an opportunity to express his regret for the behavior that led to his commitment. The Court reminded him that his contempt was not the result of holding any particular political position, but was rather due to his conduct, which immediately had taken on the offensive tenor exhibited at his arraignment. The Defendant, stating that his conduct was the result of listening to "some bad advice," promised that there would be no repeat of his behavior, including at his scheduled appearance in this Court on December 12, 2008.

The Defendant's conduct can not simply be forgiven; the proper carrying out of the functions and responsibilities of this Court require the imposition of sanctions when threatened. The Court finds, however, the Defendant's apology to be sincere. Therefore, the balance of the Defendant's sentence in 08-CR-5071, as well as the entire sentence in 08-CR-5072 are suspended. After hearing from the Defendant this date on 08-CR-5073, the Court imposes an additional ten day sentence for contempt, for the same reasons as outlined in the November 14, 2008, Order, but suspends that sentence, as well. All sentences are consecutive.

All these suspensions are conditioned on the Defendant's good behavior (defined as committing no felonies, misdemeanors, or major motor vehicle violations as defined by the motor vehicle code). A further condition is the Defendant's compliance with the rules of this and any other New Hampshire court.

On the Defendant's fine of \$100.00, plus 20% penalty assessment, in 08-CR-04255, the Court declines the Defendant's request to give him credit on the time he has spent pursuant to the contempt findings. He apparently does not intend to appeal. He has thirty days to pay the fine or perform ten hours of community service at a non-profit agency with which he is not associated.

November 17, 2008

SO ORDERED

Edward J. Burke, Justice