

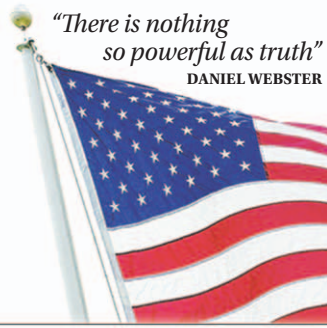
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Weare police ordered to return women's confiscated video camera

◆ **Judge rules:** Carla Gericke's lawyer says police have had no regard for her constitutional rights.

By **DAN O'BRIEN**
Union Leader Correspondent

WEARE — A district court judge has ordered the Weare Police Department to return a video camera to a woman

traffic stop last year.

Carla Gericke was charged with felony wiretapping for recording the traffic stop in March 2010, but a police prosecutor dropped the charges about a year ago.

"I didn't think it would drag on this long," Gericke said Friday. "It feels like a bit of vindication. It feels good to know the process worked and we got the right

Weare

result." Gericke's case and others have touched off protests against the Weare police that have lasted several months, most recently with a rally outside the police station April 27.

The police station closed its doors to the public 30 minutes after the protest began that day.

In a ruling dated April 28, Judge Robert LaPointe ordered Gericke's camera to be returned to her immediately. LaPointe is one of several judges being rotated to hear Weare cases in Goffstown District Court after Weare Police Lt. James Carney filed complaints against the court's presiding justice, Paul Lawrence.

"The Weare police, in regard to Carla Gericke, have had no regard to her constitutional rights," said Gericke's attorney, Seth Hipple.

"They charged her with a crime she didn't commit, took her property and didn't give it back. And they did that maliciously." Catherine Baumann, prosecutor for the Weare police, objected to Hipple's motions to release the video camera from police custody, saying the device was being

examined in a state forensics laboratory.

"The state is awaiting the results of the state lab examination prior to making further decisions regarding the prosecution of this matter," Baumann wrote in court documents.

Police officials initially said there was a possibility Gericke could be indicted in superior court. But Hipple doubts that's going to happen. In an October interview, he said: "There's no chance of it coming back. They're not interested in those cases. That's why not a single one of them has been prosecuted." Gericke and her friend, William Rodriguez, were both charged under RSA 570-A, the state's felony wiretapping law that prohibits one person from audio recording another without his or her knowledge.

The Weare police have been criticized for arresting them for recording police officers carrying out public duties in public places, where critics say there is no expectation of privacy.

Rodriguez's charges were also dropped. He was arrested for allegedly recording inside

the police station lobby — despite the lobby having surveillance cameras — while trying to bail Gericke out of jail.

Hipple is one of several people who've testified before a State House committee charged with examining the wiretapping law, using Gericke's case as one example.

Hipple is also representing William Alleman of Weare, who was also charged with felony wiretapping after police said his cell phone recorded a police officer who pulled him over in July.

The Weare Police Department has experienced controversy in recent months. Its former sergeant, Louis Chatel, filed a whistleblower complaint and federal lawsuit against the town, saying Chief Gregory Begin and Lt. Carney made false child pornography allegations against him as retaliation to internal disputes last year.

Chatel was investigated and later cleared of the child pornography allegations, by the state Attorney General's Office.

Begin could not be reached for comment Friday.