

THE STATE OF NEW HAMPSHIRE
6th Circuit—District Division—Concord

MERRIMACK, SS.

FEBRUARY TERM, 2018

FILED UNDER SEAL

In Re: Grand Jury Investigation into St. Paul's School

STATE'S MOTION TO PARTIALLY SEAL WARRANTS AND AFFIDAVITS

The State of New Hampshire requests that this Court partially seal the accompanying arrest warrants and supporting documents by redacting the names and other identifying information, such as email addresses, mailing addresses, and phone numbers, of those individuals, aside from the target of the warrant, to protect the integrity of the ongoing investigation into Saint Paul's School ("SPS") and to give the State time to alert the named individuals about the arrest. In support of this motion the State submits the following:

1. On July 13, 2017, the Attorney General's Office announced the initiation of a criminal investigation into SPS, a coeducational residential high school in Concord, New Hampshire. The investigation was initiated as a result of several reports of sexual assault by SPS's teachers on their students as well as multiple sexual conquest rituals at the school. The investigation is focusing on whether SPS engaged in conduct constituting endangering the welfare of a child or obstructing governmental operations.

2. During the course of the investigation, the Attorney General's Office has issued grand jury subpoenas for documents and other information and has also subpoenaed a number of witnesses to testify before the Merrimack County Grand Jury. The testimony of those witnesses has been recorded and transcribed with the superior court's authorization pursuant to Supreme Court Rule 52 (1).

2018 FEB 28 9 12: 46

FILED UNDER SEAL

3. On October 27, 2017, the State served David O. Pook ("Pook") with a copy of its motion to disclose records obtained through the grand jury to his current employer, the Derryfield School ("Derryfield"). Pook also received a copy of the Superior Court's (*Kissinger, J.*) order sealing those records from disclosure to third parties.

4. On December 6, 2017, [REDACTED] (" [REDACTED] ") testified before the grand jury investigating SPS. The focus of that testimony was on her relationship with and SPS's termination of Pook. During the course of that testimony, [REDACTED] detailed her relationship with Pook, she testified that they communicated infrequently and not at all since she had been served with a subpoena to testify, and she denied, among other things, that their relationship had ever become physical in nature.

5. On December 7, 2017, [REDACTED] a friend of [REDACTED] and former student of Pook's, testified that in 2009, [REDACTED] confessed that she and Pook had met in Boston and had sexual contact.

6. The Attorney General's Office obtained phone records that demonstrated that [REDACTED] had frequent communication with Pook after Pook had been served with the State's motion to disclose his records to Derryfield. The records also showed that the pair frequently communicated before and after [REDACTED] had been served with her subpoena to appear before the grand jury. The Attorney General's Office also obtained emails between [REDACTED] and Pook that demonstrated that their relationship was sexual in nature and that they had discussed and coordinated [REDACTED] testimony before the grand jury on December 6, 2017, as well as Pook's response to the State's motion to disclose records to Derryfield. The emails also demonstrated that the pair worked to coordinate Pook's potential testimony before the grand jury

on December 7, 2017, and that Pook had shared information he obtained in the sealed pleadings and documents with [REDACTED]

7. At this stage in the investigation, the testimony from some of the witnesses before the grand jury, other documents and information obtained via grand jury subpoena, and information from sealed pleadings filed in this Court provide the requisite probable cause to file arrest and search warrants related to this investigation. An application for an arrest and search warrants and accompanying documents are attached to this pleading.

8. Generally, the New Hampshire Constitution creates a public right of access to court records. Petition of State of New Hampshire (Bowman Search Warrants), 146 N.H. 621, 625 (2001). The New Hampshire Supreme Court has recognized, however, that protecting the integrity of ongoing criminal investigations justifies protecting information from public disclosure. *Id.* at 626. Accordingly, it has granted this Court with discretion to seal all or part of court records that it concludes must be protected “in light of the relevant facts and circumstances of the particular case.” *Id.* (quotation omitted).

9. Here, the Attorney General’s Office has not yet completed its investigation into SPS and premature disclosure of the witnesses who have presented information in the context of that investigation could jeopardize the willingness of these and other witnesses to come forward and cooperate with investigators. Given the publicity around the Attorney General’s investigation, there is also a need to protect the identity of witnesses to avoid harassment by the media before the conclusion of the investigation. At the very least, redaction is necessary to give the State time to warn these witnesses that their names have come up in connection with this search and arrest. Thus, to protect the integrity of the Attorney General’s investigation, the State asks that this Court partially seal the arrest warrant, the search warrant, and the affidavits for 90

days—the amount of time under New Hampshire Rule of Criminal Procedure 8(d)(2) that the State has to seek indictments after filing the complaints in Superior Court—by redacting the witnesses' names, email addresses, phone numbers, mailing addresses and personally identifying information. Such redaction is necessary and constitutes relief that this Court has the discretion to grant. Redacted copies of the affidavit and warrants are attached.

10. Because this pleading contains the names of the witnesses, the State requests that it be sealed and that a redacted copy be made available to the public.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Seal this pleading in accordance with paragraph 10;
- (B) Grant the State's motion and partially seal the arrest warrant, the search warrant and the affidavit by redacting the names, email addresses, phone numbers, mailing addresses, and personally identifying information of individuals other than the target of the arrest warrant; and
- (C) Grant such further relief as may be deemed just and proper.

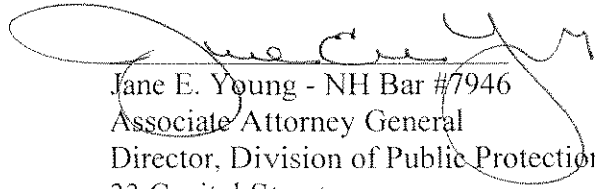
Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

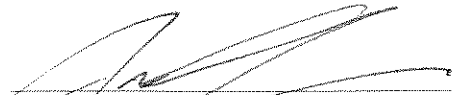
Date: February 27, 2018



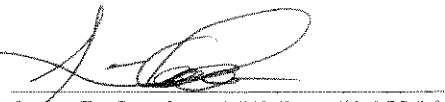
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Assistant Attorney General

Granted
M. Kristin Spath
M. Kristin Spath 2/28/18

APPLICATION FOR SEARCH WARRANT and SUPPORTING AFFIDAVIT

(This application and affidavit to be detached by Justice issuing warrant and filed separately with the court to which the warrant is returnable.)

Instructions: A person seeking a search warrant shall appear personally before any justice, associate justice or special justice of the municipal, district or superior court and shall give an affidavit in substantially the form hereinafter prescribed. The affidavit shall contain facts, information, and circumstances upon which such person relies to establish probable cause for the issuance of the warrant and the affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of the substance of any oral statements under oath supplementing the affidavit or arrange for a transcript to be made of such oral statements. The person issuing the search warrant shall deliver the affidavit and the notes or transcript within three days after the issuance of the warrant to the court to which the warrant is returnable. Upon the return of said warrant, the affidavit and the notes or transcript shall be attached to it and shall be filed therewith, and they shall be a public document when the warrant is returned, unless otherwise ordered by a court of record.

THE STATE OF NEW HAMPSHIRE

Merrimack, SS
(county)

6th Circuit District Court
Division-Concord
February 27, 2018
(Month / Day) (Year)

I, James Kinney, being duly sworn, depose and say:
(Name of applicant)

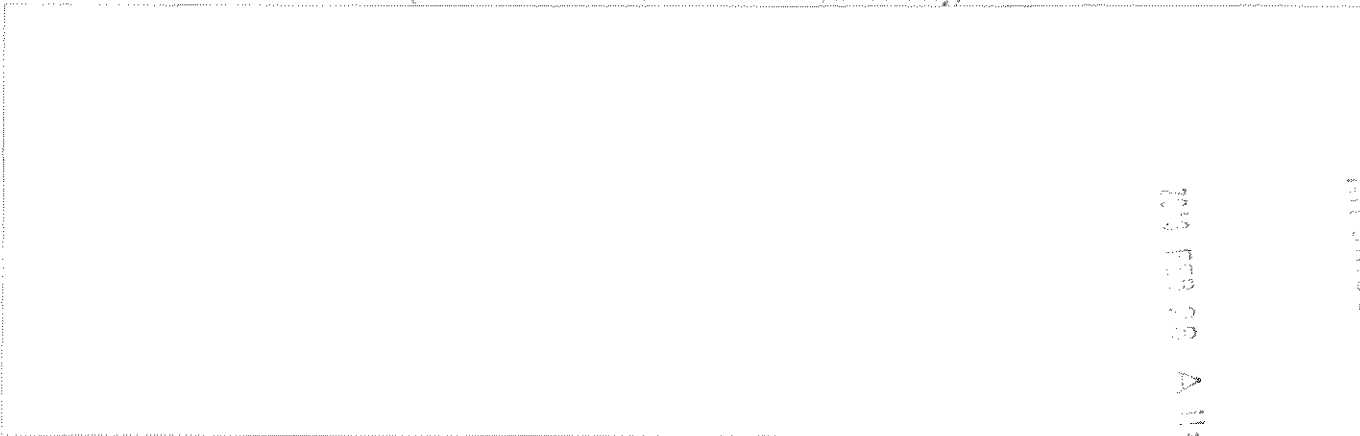
1. I am an Investigator with the Department of Justice, Office of the Attorney General
(describe position, assignment, office, etc.)

2. I have information, based upon: THE FOLLOWING FACTS AND INFORMATION;

(describe source, facts indicating reliability and credibility of source and nature of information: if based on personal knowledge, so state)

PLEASE SEE ATTACHED SUPPORTING AFFIDAVIT.

FILED
FEB 29 AM 11:13
6th Circuit District Court



709 FEB 28 AM 11:11

INVESTIGATOR

3. Based upon the foregoing information (and upon my personal knowledge) there is probable cause to believe that the (strike out if not applicable)

is evidence of the crimes of Conspiracy to commit Perjury (RSA 629:3 RSA 641:1), and/or property hereinafter described Tampering with Witnesses and Informants (RSA 641:5) (has been stolen, etc.)

and may be found in the possession of David O. Pook (DOB: [redacted]) or (in the possession of A.B. or any other person)

located at 284 Newmarket Rd., Warner NH and vehicles belong to David O. Pook (DOB: [redacted]); a 2011 blue Subaru Outback with NH registration [redacted]; and a 2014 white Honda Odyssey with NH registration [redacted] at premises

(identify)

4. The property for which I seek the issuance of a search warrant is the following:

(here described the property as particularly as possible)

A LG G6 smartphone with an electronic serial number of [redacted] and any computer, laptop, and/or internal or external storage media, including but not limited to, hard drives, CDs, DVDs, thumb drives, or memory cards that David O. Pook has access to.

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of, The person of David O. Pook (DOB: [redacted]) and his residence located at 284 Newmarket Rd., Warner NH and his vehicles: a 2011 blue Subaru Outback with NH registration [redacted]; and a 2014 white Honda Odyssey with NH registration [redacted].

(identify premises and the persons to be searched)

and directing that if such property or evidence or any part thereof be found that it be seized and brought before the court; together with such other and further relief that the court may deem proper.

[Signature of James Kinney] (Investigator James Kinney)

The above named Affiant personally [checked] appeared [] transmitted a signed copy of the documents by facsimile or electronic transmission and made oath, either in [checked] person or by [] telephone attesting that the foregoing affidavit is true. and made oath that the foregoing affidavit by him subscribed is true.

Before me this 27th day of Feb. 2018 (Day) (Month / Year)

[Signature of Justice] Justice of the 6th Circuit Concord Court

(Court seal)

WARRANT
The State of New Hampshire

Merrimack, SS

6th Circuit Dist-Concord Court

To the Sheriffs of our several counties, or their deputies, any State Police Officer, or any Constable or Police Officer of any city or town, within our State.

Proof by affidavit (supplemented by oral statements under oath) having been made this day before

Judge M. Kristin Spath
(name of person authorized to issue warrant)

by

Investigator James Kinney
(names of person or persons whose affidavits have been taken)

that there is

probable cause for believing that:

(certain property which has been stolen, embezzled, or fraudulently obtained; OR is intended for use or has been used as the means of committing a crime; OR is contraband; OR is evidence of the crime to which the probable cause upon which this search warrant is issued relates.)

Evidence of the crimes of Conspiracy to Commit Perjury (RSA 629:3 RSA 641:1), and/or Tampering with Witnesses and Informants (RSA 641:5), may be found on LG G6 smartphone with an electronic serial number of [REDACTED] and any computer, laptop, and/or internal or external storage media, including but not limited to, hard drives, CDs, DVDs, thumb drives, or memory cards that David O. Pook (DOB: [REDACTED]) has access to.

may be found in the possession of David O. Pook (DOB: 04/21/1970)

(identify)

located at 284 Newmarket Rd., Warner NH and vehicles belong to David O. Pook (DOB: [REDACTED]); a 2011 blue Subaru Outback with NH registration [REDACTED], and a 2014 white Honda Odyssey with NH registration [REDACTED]

at premises located at

(specify)

We therefore command you in the daytime (or at any time of the day or night) to make an immediate search

Of the residence located at 284 Newmarket Rd., Warner NH and vehicles belong to David O. Pook (DOB: [REDACTED]); a 2011 blue Subaru Outback with NH registration [REDACTED], and a 2014 white Honda Odyssey with NH registration [REDACTED].

(identify premises)

Occupied by David O. Pook (DOB: [REDACTED])

(occupied by A.B.)

and

of the person of David O. Pook (DOB: [REDACTED])

(A.B. and any other identifiable individuals with respect to whom probable cause has been established by the affidavit

for the

or supplementary testimony.)

following property: (describe property)

A LG G6 smartphone with an electronic serial number of [REDACTED] and any computer, laptop, and/or internal or external storage media, including but not limited to, hard drives, CDs, DVDs, thumb drives, or memory cards that David O. Pook (DOB: [REDACTED]) has access to.

and if you find any such property or any part thereof to bring it and the person in whose possession it is found

before 6th Circuit District Division-Concord

(court having jurisdiction)

at

32 Clinton Street, Concord, NH 03301

(location)

Dated at

Concord
(city or town)

this

27th
(Day)

day of

Feb. 2018
(Month / Year)

(court seal)

M. Kristin Spath
Justice of the *6th Circuit Concord* Court

RETURN

I received the attached search warrant on February 27 2018 and have
(Month / Day) (Year)

executed it as follows:

On February 28 2018 at 7:00 o'clock A M, I
(Month / Day) (Year)

searched David O. Pook [redacted] and 284 Newmarket Road Warner, NH described in the warrant and I
(the persons and the premises searched)

left a copy of the warrant with At 284 Newmarket Road Warner, NH with Elizabeth Ausich
(names of persons searched and occupant if not a person searched; describe the premises searched if occupant

not present.)

at 284 Newmarket Road Warner, NH together with a receipt for the items seized.
(the premises searched)

The following is an inventory of property taken pursuant to the warrant:

See attached possessed Property Form

2018 FEB 28 AM 11:13
PROPERTY RECEIVED

This inventory was made in the presence of Investigator James Kinney & Investigator Timothy Brackett

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

[Signature]
(Signature)

Subscribed and sworn to and returned before me this 28th day
(Day)

of February 2018
(Month / Year)

[Signature]
Justice of the Peace

ANNIE M. GAGNE
Justice of the Peace - New Hampshire
My Commission Expires March 9, 2021

**NEW HAMPSHIRE STATE POLICE
POSSESSED PROPERTY REPORT**

1. CASE NO. 2017125681		2. INVESTIGATING TPR. JAMES KINNEY		3. ID DAG	4. TOWN OF CRIME WARNER, NH	5. IN CD	6. DATE OF REPORT 2/28/18
C I R C U M S T A N C E S	7. OWNER David Pook			8. OWNERS TEL.		9. OWNERS ADDRESS 284 Newmarket Rd Warner, NH	
				10. DATE POSSESSED 2/28/18			
	CHECK ONE	11. RECOVERED STOLEN PROPERTY <input type="checkbox"/>	12. SEIZED PROPERTY <input checked="" type="checkbox"/>	13. POSSESSED ABANDONED PROPERTY <input type="checkbox"/>	14. EVIDENCE <input type="checkbox"/>	15. OTHER (Explain) <input type="checkbox"/>	
CHECK ONE	16. SEIZED WITH A WARRANT <input checked="" type="checkbox"/>	17. SEIZED WITHOUT A WARRANT <input type="checkbox"/>	18. NHSP LABORATORY NUMBER (If Applicable)				

ITEMIZE, DESCRIBE, AND VALUE EACH ITEM		
# OF ITEMS	DESCRIPTION INCLUDING SERIAL NUMBER	VALUE
TEB-1	ACER laptop SN: 70200504372 w/power cord From: Master Bedroom (Basket-Far right corner) Found/Taken 8:05AM	
TEB-2	LG-V5988 IMEI: 355273080529740 verizon cell phone with case (Black) From: Bookcase in upstairs office Found/Taken 8:05AM	placed in airplane mode (8:20AM)
TEB-3	Apple iPad w/cor ^c SN: F4KLP4P71CMB (silver) From: Bookcase in upstairs office Found/Taken 8:10AM	
TEB-4	Dell Desktop (Tower) Service Tag: 9ZT1W52 Service Code: 21756154358 From: Desk (under) - upstairs office Found/Taken 8:20AM	
TEB-5	IOGEAR USB/Thumbdrive (Black) model G-KM561R From: Back of Desktop (Dell) upstairs office Found/Taken 8:20AM	

DATE	RELINQUISHED BY	RECEIVED BY/LOCATION	PURPOSE
2/28/18	Residence	T. Brackett	Evidence
2/28/18	T. Brackett	TR. M. LITTMAN (MSL)	Exam

PAGE NO. 1 OF 2 PAGES	SIGNED (Investigating Trooper) <i>[Signature]</i>	ID NO.	DATE 2/28/18
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**NEW HAMPSHIRE STATE POLICE
POSSESSED PROPERTY REPORT**

1. CASE NO. 2017125681	2. INVESTIGATING TPR. James Kinney	3. ID	4. TOWN OF CRIME Warner NH	5. TN CD	6. DATE OF REPORT 2/28/18
7. OWNER David Pook		8. OWNERS TEL.		9. OWNERS ADDRESS 284 Newmarket Rd Warner NH	
		10. DATE POSSESSED 2/28/18			
CHECK ONE	11. RECOVERED STOLEN PROPERTY <input type="checkbox"/>	12. SEIZED PROPERTY <input checked="" type="checkbox"/>	13. POSSESSED ABANDONED PROPERTY <input type="checkbox"/>	14. EVIDENCE <input type="checkbox"/>	15. OTHER (Explain) <input type="checkbox"/>
CHECK ONE	16. SEIZED WITH A WARRANT <input checked="" type="checkbox"/>	17. SEIZED WITHOUT A WARRANT <input type="checkbox"/>	18. NHSP LABORATORY NUMBER (If Applicable)		

# OF ITEMS	ITEMIZE, DESCRIBE, AND VALUE EACH ITEM DESCRIPTION INCLUDING SERIAL NUMBER	VALUE
	TEB-6 Apple laptop with powercord (silver) SN C1MPT8P8G9944 From: Downstairs - Central den Taken/Found 8:30 AM	

DATE	RELINQUISHED BY	RECEIVED BY/LOCATION	PURPOSE
2/28/18	Residence	T. Backett	Evidence
2/28/18	T. Backett	M. Utman (MSL)	Exam

PAGE NO. 2 OF 2 PAGES	SIGNED (Investigating Trooper) 	ID NO.	DATE 2/28/18
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THE STATE OF NEW HAMPSHIRE
6th Circuit—District Division—Concord

MERRIMACK, SS

February 27, 2018

2018 FEB 29 AM 11:13

MERRIMACK, SS

Supporting Affidavit for Issuance of Search Warrants

I, Investigator James Kinney, being duly sworn depose and say as follows:

I have been employed in my present position since August 2017, as an investigator for the New Hampshire Department of Justice (NHDOJ). From 1985 until 2011, I was employed by the Manchester, NH Police Department as a police officer, having obtained certification as a police officer from New Hampshire Police Standards and Training. From 1983 until 1985, I was employed as a police officer for the University of Texas-Houston Police Department, where I obtained certification as a police officer from the State of Texas in 1983. From 2012 until 2017, I was employed as an independent consultant for the Dioceses of Manchester where I conducted numerous investigations. My duties and responsibilities as an investigator over the past thirty-four years included investigating a variety of crimes. I have participated in the investigation of fraud cases, thefts, public integrity crimes, sexual assaults, homicides and other serious crimes.

The information set forth in this affidavit is based on my observations, personal knowledge, and information obtained from other officers, state agency employees, and agents during the course of the NHDOJ's investigation, as described in the following paragraphs of this affidavit:

1. On July 13, 2017, Attorney General Gordon J. MacDonald announced that he had initiated a criminal investigation into St. Paul's School ("SPS"). The investigation commenced

as the result of a 2017 report concerning sexual assaults by St. Paul's teachers on their students; earlier information about student sexual-conquest rituals such as the "senior salute," a practice which led to the highly publicized arrest, trial and conviction of a St. Paul's student in 2015; and allegations of a similar ritual reported in June of this year.

The initial focus of the investigation has been "on the issue of whether the School engaged in conduct constituting endangering the welfare of a child, contrary to RSA 639:3; and violations of RSA ch. 642, the Obstructing Governmental Operations chapter of the criminal code."

2. The investigation to date has revealed, relevant to this application, that David O. Pook (DOB: [REDACTED]) ("Pook") had been employed as a teacher at SPS but left under questionable circumstances in 2008. Pook is currently employed at the Derryfield School ("Derryfield") in Manchester, and has been so employed since 2009.

3. On August 8, 2017, a grand jury subpoena was served on SPS for records pertaining to Pook's employment at the school. On August 9, 2017, a grand jury subpoena was served on Derryfield for records pertaining to Pook's employment at the school.

4. Records produced by SPS in response to the subpoena revealed several troubling incidents involving Pook and his interactions with students at SPS. The incidents involved, in substance, what is commonly referred to as “boundary crossing,” wherein Pook would behave in such a manner so as to make students—and female students in particular—uncomfortable around him.

5. Specifically, in an email that she wrote to herself regarding a May 27, 2002 meeting with Pook and ██████████ (██████████ then Dean of Faculty, memorialized Ms. ██████████ report that a student of Pook’s had come to Ms. ██████████ because Pook had used this student “as an example of some moral dilemma by seeing how uncomfortable she grew as he threatened to stick his tongue in her ear and began to do so, getting closer and closer to her face and ear, but never actually doing so.” This had made the student “extremely uncomfortable” and the student also reported to Ms. ██████████ “that she wasn’t sure she could ever consider living in a dorm with Pook as the head of house because he continued to tease her about this class incident during crew practices this spring. Specifically, he would occasionally flip his tongue in and out of his mouth at her when others were not paying attention.”

6. In addition, during this May 27, 2002 meeting, ██████████ raised with Pook two additional issues, the first of which was that as a male head of house in a girl’s dorm, he needed to be more sensitive to the privacy needs of young adolescent women. Specifically, ██████████ told Pook he needed “to avoid going into their rooms after check-in when they were getting ready for bed or in their pajamas. ██████████ suggested that sitting on their beds while they are in their pajamas or in bed themselves is not appropriate despite good relationships.” ██████████ told Pook that there were two female students in particular who felt uncomfortable with his “close stepping into their private space.” Pook responded by expressing “concern about being able to visit girls at all hours of the night if he is to do his job of being a watchful, good head of house.”

7. The second issue ██████████ raised with Pook at the May 27, 2002 meeting, was that she “had heard from a few girls that they thought from time to time [Pook] came down after check having had several drinks – clearly alcohol on his breath.” In response, “[Pook] did not deny the comments ██████████ had heard, but said instead that he did not drink more than one drink at a time.”

8. In addition, in a letter dated September 23, 2004, Pook was reprimanded, by ██████████ for three occurrences, those being, using crude language in class, pulling a chair out from under a student and sticking his finger, which he had licked, into a student’s ear. He was reminded of the 2002 “conversation about a similar event with another student when [he] drew close to a young lady in the classroom with [his] tongue near her ear as a way to demonstrate some kind of moral dilemma.” ██████████ also wrote, “I was most surprised to hear that you would even consider the idea of a ‘wet willy,’ an action so similar to this past event, which we had determined together was inappropriate.” Pook was also cautioned against using tactics which intimidated students and was told to be “more deliberate and careful in [his] interactions with students.” Pook was therefore instructed to undergo “boundary training.” On December 6, 2004, Pook signed an Agreement & Understanding, *About Safe School and Appropriate Boundaries Training*. In that agreement, Pook acknowledged that there would be a meeting with Attorney ██████████ “for the purpose of an individual training about appropriate behavior and boundaries.” Pook also acknowledged that Attorney ██████████ provided legal counsel to SPS and was not his attorney.

9. Pook suffered no additional consequence for the above-referenced behavior. Instead, as outlined in a March 1, 2005 email from ██████████ who was Pook's department head, Pook was given a salary increase of \$4,500.00 which was in addition to that year's cost-of-living increase of \$2,500.00 which was given to all SPS faculty. ██████████ wrote to Pook, "I submitted a request – supported by ██████████ – that your salary be adjusted as a way of placing you more appropriately within the salary range to which you belong." The email concluded by noting, "I hope that this serves as a tangible reflection of the School's (and my) appreciation of your work." Thus, there was no financial penalty for the conduct for which Pook was formally disciplined for some five months prior.

10. In spite of the mandated training, Pook's boundary crossing issues persisted. In September 2006, SPS learned that Pook was taking weekly, long bike rides alone with a female student who was a former advisee. Even though the student's parents were aware of the bike rides, ██████████ spoke with Pook and recommended that he stop the rides immediately. ██████████ spoke with Pook about the perception that other may have about these rides and "that he could not afford this risk." Pook indicated that he understood "completely that someone was made uncomfortable by this activity and that he is being watched by his faculty colleagues quite closely." He agreed to stop the rides.

11. A February 3, 2008 email, entitled *Confidential* from ██████████ to then-Rector ██████████ outlined ██████████ concerns about Pook. The email indicated that there had been "tough conversations" with Pook about "boundary issues in the classroom, in the dorm, and even in crew practices, reported by students, parents, and colleagues." She also noted that Pook was moved "out of his head of house role in a girls' dorm and eventually out of living in a girls' dorm altogether because of these specific concerns." The email also indicated that Pook had been warned "about going into the [girls'] dorm after drinking late in the evenings, even when he was not on duty and to keep his love for martinis and scotch to himself (not share this passion with students)." The email concluded "I can't help but cringe just a little when we so publically describe him as the 'master teacher' we want all our teachers to emulate."

12. Also in 2008, Pook began email communications with a female student at SPS, ██████████ (██████████ (DOB: ██████████ who was the ██████████ of which Pook was the ██████████ Pursuant to the grand jury subpoena, SPS turned over printed email communications between Pook and ██████████ occurring between February 2008 and October 2008, when Pook was terminated. The content of these emails, and the relationship that Pook cultivated with ██████████ appear to be the primary reason that Pook was terminated in October 2008.

13. On February 10, 2008, ██████████ sent the following email to Pook:

okay. so im eating your ice cream right now, and its fucking AMAZING.
like really really really good.

but not the point of this email. thank you for being so incredibly nice to me. i didnt mean for you to have to come to the office tonight, but you

did. and thank you. you are so wonderful, and i am sorry for being a bitch tonight (and kind of all of the time).

i didnt mean to spring the stuff i said in the car on you. it doesnt have to do with you, and i dont want you to feel like you have to do something about it. because you dont. i am just going through something right now that i need to figure out myself. i dont know what the root of this is, but im going to figure it out. maybe im just tired or its just the thought of this one paper hanging over my head. or maybe it is just in anticipation of things to come. thank you for listening, but i didnt mean to get you involved in all of this. because you dont have to be. i have to do this myself.

so im now licking the lid of the tupperware container... yeah. it was that good. really, thank you. not just for the ice cream but for everything. ill be nicer to you and give you the love you deserve tomorrow... see you at lunch.¹

14. Pook responded to [REDACTED] email approximately one hour later by writing:

Hi [REDACTED]

You know, although I kid you alot, I also really like you. I mean that, and not in a trivial way. I hope that as the need arises, you'll keep letting me into your world, because it's pretty interesting in there, and truthfully, you shouldn't have to go it alone. I know you have lots of friends, but when you need an objective and impartial adult perspective – and someone who's in your corner rooting for you – I hope you'll always feel like you can ask, because I'll always be there for you.

15. On September 11, 2008, at 10:32 p.m., [REDACTED] sent the following email to Pook, with the subject line "i NEED to talk to you":

tomorrow night, after our meeting, can you clear your schedule? because i just made a big big mistake and we need to talk.

16. That same night at 11:24 p.m. Pook responded to [REDACTED]

What's going on? I'm actually on duty tomorrow night so I was only going to pop in... can we talk after classes tomorrow?

17. Shortly thereafter, at 11:26 p.m., [REDACTED] responded to Pook:

¹ Unless otherwise noted, email content is re-produced verbatim and includes all original spelling, grammar, and punctuation errors.

i cant explain this over email.. telling you in person is going to be hard enough ill find you after c block. 223, right?

18. At 11:29 p.m., Pook responded to [REDACTED]

would a phone call be appropriate? I mean, would it be better for you to get this off your chest now? how bad can it be?

19. At 11:31 p.m., [REDACTED] responded to Pook:

bad pook. really bad.

you can call me if you want... but im fine with waiting after class if you would feel better about that

20. Then, at 12:25 a.m., on September 12, 2008, [REDACTED] wrote to Pook:

okay, thank you for calling me and i guess i think youre right and i am probably just overreacting... but i wanted to let you know that i did say something to [REDACTED] that she really misinterpreted.. because if it does come back to you, it isnt a shock

that's what happened... and hopefully i can clear it up, and it isnt a big deal but bottom line i felt like you need to know you have been there for me for everything everything, and i cant help but think that i betrayed your trust tonight so im really sorry and im sorry that i suck at telling you these things... but im trying

there is a good possibility that i am just being weird because i have this new hole in my head... or because turning eighteen is exhausting but that you for being there (really... it helped so much) and ill see you tomorrow at lunch. goodnight.

21. [REDACTED] ([REDACTED] [REDACTED] freshmen year roommate and friend, testified before the grand jury. [REDACTED] described an incident in the fall² where she was studying in a study pod at the SPS library and [REDACTED] came into her study pod and began to tell her about a relationship that she was having with a teacher on campus, Pook. [REDACTED] testified that while she cannot remember the specific details of the conversation, what she remembers taking away from the conversation was that [REDACTED] was having a romantic relationship with Pook that involved a physical component. [REDACTED] testified that as the library was closing the two ended up outside the library and near the campus health center. [REDACTED] testified that both she and [REDACTED] were visibly upset and that [REDACTED] was trying to convince [REDACTED] to go to the

² [REDACTED] does not have an independent memory of the date of this incident, but [REDACTED] testified to a similar incident involving study pods and [REDACTED] occurring on [REDACTED] birthday, September 11. The email communications from [REDACTED] to Pook on September 11 provide further support that this incident took place on September 11, 2008.

health center and tell an adult about what was going on. ██████ testified that ██████ threatened to harm herself if ██████ told anybody about her relationship with Pook.

22. ██████ and ██████ went back to their respective dorms and ██████ at some point called her parents to tell them about what had happened and also told one of her advisors what had happened. ██████ testified that an advisor walked her over to the health center to speak with a counselor and tell the counselor what had happened. ██████ testified that she told the counselor everything that ██████ had told her. The State has specifically subpoenaed from SPS information regarding ██████ report and ██████ has also executed an *Authorization for Release/Request of Medical Information*, directing that any of her records covering the timeframe at issue be provided to the State. That release has been provided to SPS. To date, SPS has not produced any documentation related to ██████ report to the counselor at the health center. Based on the information gathered thus far, it does not appear that any action was taken with respect to Pook in the immediate aftermath of ██████ report. ██████ father also spoke with members of the Attorney General's Office and similarly recalled that his daughter had called home and described her interaction with ██████ and her concerns.

23. Documents produced by SPS indicate that the relationship between Pook and ██████ was only acted upon by SPS when a friend of ██████ ██████ (██████ told an advisor that ██████ had confided in her about the relationship and had shown her some of the emails (between Pook and ██████

24. ██████ first reported to her advisor and then reported to Colin Callahan—who was then the head of the Community Conduct Board—the concerns that she had about ██████ ██████ reported that ██████ had shown her emails between herself and Pook and expressed to ██████ that she thought that she needed to end the relationship. ██████ later reported to ██████ that she had spoken with a house advisor about Pook and that nothing had happened and so her belief that was that things were going to be okay and ██████ was not going to break things off with Pook. ██████ reported that she did not believe the relationship was physical but that some of the emails were pretty bad and that ██████ told ██████ that she had been exchanging emails with Pook on a daily basis over the summer.

25. SPS terminated Pook from employment on October 21, 2008. During Pook's subsequent job search, he reached out to SPS Rector ██████. In a March 31, 2009 email, Pook told Rector ██████ that, per the agreement they had signed, he had been referring to his departure as a "personal leave," and had not been telling employers that SPS had severed its relationship with him. Pook requested that Rector ██████ maintain the same position with potential future reference checks and refer to Pook's departure simply as a "personal leave." Despite this "agreement," SPS referred to Pook's departure internally as a "termination."

26. An April 14, 2009 note from SPS staff—believed to be written by Rector ██████ based in part on ██████ grand jury testimony, that being, Rector ██████ told her the head of Derryfield called him about Pook and they had a conversation—makes clear that SPS was neither honest nor forthcoming when the then-head of Derryfield, ██████ called to ask for input on Pook, who was being considered for a teaching position at Derryfield. The note indicates that the following was relayed to ██████

I said that David was as good a teacher as we have had here in ten years, that he is brilliant, compassionate, has high expectations; that he is an excellent coach and did a superb job as advisor to our [REDACTED]. He took a personal leave and has decided not to return to St. Paul's next year.

We had discussions with David about his trying to counsel students when they should be seeing the school counselor, and I said I think he learned from those discussions.

Mr. [REDACTED] said that a girl at his school said that he had been dismissed from SPS because of a relationship with a girl here. I said there had been nothing physical that caused us to be concerned about student safety. I repeated there had been moments when David had inserted himself as a counselor when he should have referred a student elsewhere.

Mr. [REDACTED] asked if I would hire him back, and I said yes.

27. Thereafter, in 2009, Pook was hired as a teacher at Derryfield and has continued to teach at Derryfield to the present day.

28. As the investigation into SPS progressed, the Attorney General's Office filed with the Merrimack County Superior Court ("Court") on October 25, 2017, under seal, an *ex parte* motion to disclose the records obtained via a grand jury subpoena, that asked for the Court's authorization to provide Derryfield with the records obtained from SPS regarding Pook because neither SPS nor Pook had, at any time, made Derryfield aware of the grounds on which Pook was terminated. Specifically, the State made its request "to protect the welfare of the students at Derryfield and to enable the Derryfield School to make informed decisions concerning whether Mr. Pook's continued employment with Derryfield is compatible with its obligation to protect the welfare of its students." The pleading requested the Court's authorization to provide the pleading to Pook's counsel, who was believed at the time to be Brian Quirk, Esquire. The Court (*Kissinger, J.*) authorized that disclosure on October 25, 2017.

29. Thereafter, the Attorney General's Office learned that Attorney Quirk no longer represented Pook. On October 26, 2017, the Attorney General's Office then filed, under seal, an *ex parte* motion to disclose its motion, as well as the appended records, directly to Pook. On October 27, 2017, the Court (*Kissinger, J.*) granted that motion. In addition, on October 27, 2017, the Court also issued a Protective Order which accompanied the motion and records which were to be disclosed to Pook. The Protective Order specifically prohibited Pook "from disclosing the records to any third party (but for counsel hired by Mr. Pook regarding disclosure of these records to Derryfield) without the prior authorization of this Court, with notice given to the State of such an application."

30. The Protective Order further mandated that:

Mr. Pook is prohibited from copying, publishing, transmitting, uploading or duplicating the records in any manner, or from further disseminating the records without the prior authorization of this Court, with notice given to the State of such an application, except as is necessary to create working copies of the records to aid in the review of the records.

31. On October 27, 2017, at approximately 4:00 p.m., I served the motion to disclose records in-hand to Pook along with the above-referenced Protective Order issued by the Court.

32. ██████ presently lives in ██████. On November 6, 2017, the Office of the Attorney General initiated the out-of-state subpoena process to summon ██████ to testify before the Merrimack County grand jury on December 6 and 7, 2017, through a motion filed under seal with the Court. The request for the issuance of an out-of-state subpoena for ██████ was granted by the Court (*Kissinger, J.*) on November 6, 2017, and was transmitted to the ██████ State's Attorney's Office on November 20, 2017.

33. ██████ was served on November 27, 2017, with a notice to appear in ██████ on November 30, 2017. ██████ waived her appearance that same day and agreed to appear in New Hampshire to testify before the grand jury on December 6 and 7, 2017. In the course of making travel arrangements for ██████ she disclosed that her cellular telephone number is ██████. I am aware that this is a number serviced by AT&T Wireless. ██████ also disclosed that her email address is: ██████

34. On December 4, 2017, at 3:45 p.m., I served Attorney Michael Ramsdell with a subpoena for his client, Pook, to appear to testify before the Merrimack County grand jury on December 6 and 7, 2017.

35. Thereafter, on December 6, 2017, ██████ appeared and testified under oath before the Merrimack County grand jury investigating SPS. The grand jury testimony was recorded and transcribed. During her grand jury testimony, ██████ testified in substance that she had had no sexual contact with Pook while she was a student at SPS, and further testified that she had had no sexual contact with Pook at any time, including after her graduation from SPS. Specifically, the following exchange occurred:

Prosecutor: Do you have another incident like the night of your birthday [September 11, 2008] when he said you're beautiful?

██████ No.

Prosecutor: Does he ever come close to that line again?

██████ No.

Prosecutor: Are you sure about that?

██████████ Not that I remember.

Prosecutor: Did he ever kiss you?

██████████ No.

Prosecutor: Does he ever ask if he can kiss you?

██████████ No.

Prosecutor: No type of – no type of contact, physical contact with him?

██████████ No.

Prosecutor: You're absolutely sure about that?

██████████ Yes.

36. In addition, ██████████ was adamant that there was nothing inappropriate about her relationship with Pook when she was a student at SPS and categorized her email communications with Pook as "jokes" and "banter."

37. ██████████ also testified that the most recent contact she had had with Pook was during the summer of 2017, and that she had not had any contact with him since receiving her subpoena to appear before the grand jury, which had been on November 27, 2017. Specifically, the following exchanges occurred:

Prosecutor: Have you communicated with Mr. Pook since he left [SPS]?

██████████ Yes.

Prosecutor: How many times?

██████████ I'm not sure. We spoke fairly regularly like, you know, when I was in college – like when I was in college and then, you know, we share life – just life updates.

Prosecutor: How do you share life updates?

██████████ Usually we will email. I've seen him a couple of times in person.

Prosecutor: Where did you see him?

██████████ The summer before I started college, he and my mom and I actually all met in Portsmouth, New Hampshire and had coffee. We met – I saw him once when I was in college. I think he was coming through Boston, and I think we ran into each other maybe one other time.

Prosecutor: Did you ever go meet him for a weekend trip or an overnight trip?

██████████ No.

...

Prosecutor: When was the last time you had any communication with him?

██████████ Sometime this summer.

Prosecutor: Have you had any communication with him since you've been subpoenaed?

██████████ No.

...

Prosecutor: No contact with him [Pook] since you've been subpoenaed to come here?

██████████ No.

Prosecutor: Not telephonic?

██████████ No.

Prosecutor: Not e-mail?

██████████ (Witness shakes head.)

Prosecutor: No Facebook, no social media?

██████████ No.

Prosecutor: Nothing?

██████████ No.

Prosecutor: Zero?

██████████ No.

Prosecutor: And what you're telling us today is he never expressed for you any type of romantic feeling?

██████████ No.

Prosecutor: And you never expressed to him any type of a romantic feeling?

██████████ No.

Prosecutor: And at no point did you have any physical contact with Mr. Pook, correct?

██████████ No.

Prosecutor: No sexual contact?

██████████ (witness shakes head.)

Prosecutor: You have to answer.

██████████ Oh, no, sorry.

Prosecutor: No kissing?

██████████ No.

Prosecutor: No attempt at a kiss?

██████████ No.

Prosecutor: No hand-holding?

██████████ No.

Prosecutor: Hugging?

██████████ I'm sure, yes.

Prosecutor: Hugging other than just a – you know, Merry Christmas or how are you. I mean a hug that has sort of an emotional or sort of a sexual connotation.

██████████ No, no, I'm sure we gave each other hugs, but not anything – not in a way that I hadn't hugged other teachers.

38. ██████████ was also questioned about the emails she had sent to Pook on September 11, 2008, as outlined in paragraphs 13 through 20 *supra*. ██████████ testified that the ██████████ she referred to in the email was a friend and classmate, ██████████

39. On December 7, 2017, the grand jury heard the testimony of ██████████ (██████████). The grand jury testimony was recorded and transcribed. ██████████ was a classmate and friend of ██████████ at SPS. During the course of her testimony, ██████████ disclosed that in the summer of 2009, after she and ██████████ had graduated from SPS and before they each began their freshman year of college, she had visited ██████████ at ██████████ family home in ██████████ ██████████ testified that during that visit, ██████████ told her that she had met up with Pook that same summer in Boston. ██████████ told her that she and Pook had spent the day together, had gone to a movie, and had a sexual encounter in a park. ██████████ testified that ██████████ had appeared happy about this encounter and had not provided any additional details. ██████████ was taken aback by this disclosure and did not immediately tell anyone else about what ██████████ had told her. ██████████ also testified that ██████████ told her that she was in communication with Pook in the immediate aftermath of his dismissal from SPS, during a time period when Pook would not have had access to his SPS email account.

40. However, several years later, in the spring of her junior year in college, which she believed to be January of 2012, ██████████ contacted ██████████ to tell her that she felt that her (██████████) relationship with Pook had been inappropriate. ██████████ told the grand jury in substance that she had been in therapy and had told her therapist, as well as her mother, about the relationship between ██████████ and Pook, and that in processing her feelings about that relationship, ██████████ therapist had encouraged her to reach out to ██████████ to tell her how she felt. ██████████ testified that when she spoke with ██████████ in January of 2012, ██████████ did not deny the sexual relationship with Pook and also disagreed with how ██████████ felt about that relationship and expressed her feeling that what had happened between she and Pook was fine.

41. On December 7, 2017, Pook was called before the Merrimack County grand jury to testify. While Pook appeared before the grand jury that day, he did not provide any substantive testimony.

42. Prior to ██████████ testimony, on December 5, 2017, a subpoena *duces tecum* was issued to AT&T Wireless for ██████████ cellular telephone toll records for number ██████████ for the time period from December 3, 2017 through December 5, 2017. On December 7, 2017, AT&T Wireless provided the toll records requested in the subpoena. The records show the following relevant phone calls:

<u>Date</u>	<u>Time</u>	<u>From/To</u>	<u>Duration</u>
Dec. 4, 2017	2:47:31 p.m. (EST)	From (603) [REDACTED]	9 seconds
Dec. 4, 2017	2:47:55 p.m. (EST)	From (603) [REDACTED]	33 seconds
Dec. 4, 2017	2:49:19 p.m. (EST)	From (603) [REDACTED]	31 seconds
Dec. 4, 2017	2:52:36 p.m. (EST)	From (603) [REDACTED]	29 minutes, 37 seconds
Dec. 4, 2017	7:50:53 p.m. (EST)	From (603) [REDACTED]	5 minutes, 16 seconds

43. I am aware that (603) [REDACTED] is a cellular telephone number serviced by CellCo Partnership d/b/a Verizon Wireless. On December 8, 2017, a subpoena *duces tecum* was issued to CellCo Partnership d/b/a Verizon Wireless requesting the subscriber information for phone number (603) [REDACTED] as well as for toll records from November 27, 2017 through December 8, 2017.

44. On December 8, 2017, CellCo Partnership d/b/a Verizon Wireless responded to the subpoena that the cellular telephone number (603) [REDACTED] is registered to a [REDACTED] of [REDACTED]. I am aware, based on information available through a law enforcement database, that [REDACTED] is the father of Pook's wife, [REDACTED].

45. In addition, the toll records provided by CellCo Partnership d/b/a Verizon Wireless for (603) [REDACTED] corroborate the phone calls to [REDACTED] on December 4, 2017, and also showed the following relevant phone call:

<u>Date</u>	<u>Time</u>	<u>From/To</u>	<u>Duration</u>
Dec. 7, 2017	4:36:09 p.m. (EST)	To [REDACTED]	26 minutes, 15 seconds

46. Based on video surveillance footage obtained from the Merrimack County Superior Court Pook departed the courthouse following his testimony before the Merrimack County grand jury at 4:23 p.m. on December 7, 2017. Pook was alone when he left the courthouse.

47. As outlined above, during her grand jury testimony on December 6, 2017, under oath, [REDACTED] denied any contact with Pook, including telephonic contact, since the time she received her grand jury subpoena, which was on November 27, 2017.

48. Based on the phone records obtained, there is probable cause to believe that [REDACTED] and Pook had telephonic contact on December 4, 2017, before [REDACTED] grand jury testimony.

49. Further, the two phone calls, with durations of 29 minutes and 37 seconds, and 5 minutes and 16 seconds respectively, are, based on my training and experience, indicative of actual conversations occurring between the two parties during the calls, as opposed to calls that went unanswered or which or resulted in a voicemail message. Additionally, the phone call that occurred on December 7, 2017, with a duration of 26 minutes and 15 seconds is, based on my training and experience, indicative of an actual conversation, as opposed to a call that went unanswered or resulted in a voicemail message.

50. The conclusion that [REDACTED] contact was with Pook, and not someone else in possession of the phone with number (603) [REDACTED] is further supported by the timing of the contact

between [REDACTED] and Pook on December 7, 2017. That call occurred just 13 minutes after Pook left the courthouse alone following his own grand jury testimony. I am aware of the time that he left the courthouse because I have reviewed the video of Pook leaving the courthouse on December 7, 2017.

51. On December 14, 2017, a grand jury subpoena *duces tecum* was served on AT&T Wireless for call detail records for the telephone number [REDACTED] the cellular telephone number associated with [REDACTED] for the time period of August 1, 2017 until November 27, 2017.

52. On December 16, 2017, AT&T Wireless responded to the subpoena and produced the records requested in the subpoena. These records revealed several additional relevant phone calls between [REDACTED] and the telephone number associated with Pook:

<u>Date</u>	<u>Time</u>	<u>From/To</u>	<u>Duration</u>
Oct. 27, 2017	11:00:53 p.m. (EDT)	From (603) [REDACTED]	9 minutes, 48 seconds
Oct. 27, 2017	11:12:38 p.m. (EDT)	From (603) [REDACTED]	2 minutes, 46 seconds
Oct. 28, 2017	12:04:07 a.m. (EDT)	From (603) [REDACTED]	7 minutes, 8 seconds

53. I know that October 27, 2017, is the same date that I served Pook with copies of the grand jury materials produced by SPS as well as the State's Motion to Disclose those records to the Derryfield School. I served him at approximately 4:00 p.m. As discussed above, those records reveal a relationship between [REDACTED] and Pook that ultimately ended in Pook's termination from the SPS.

54. The telephone records also revealed the following relevant phone calls:

<u>Date</u>	<u>Time</u>	<u>From/To</u>	<u>Duration</u>
Nov. 2, 2017	12:46:03 a.m. (EDT)	From (603) [REDACTED]	10 minutes, 19 seconds
Nov. 3, 2017	10:56:30 p.m. (EDT)	From (603) [REDACTED]	44 minutes, 36 seconds
Nov. 4, 2017	12:41:08 a.m. (EDT)	From (603) [REDACTED]	28 minutes, 36 seconds

55. I know that on November 7, 2017, Pook filed a pleading with the Superior Court to stop the State from disclosing the SPS records to Derryfield. In that pleading, for the first time, Pook alleged that his relationship with [REDACTED] was the result of counseling her with respect to her sexuality. Pook's pleading stated:

Mr. Pook admits that he spent time with and bought ice cream for the female student. He also admits that he provided her with attention at a time when she desperately needed someone in whom she could place her trust and unburden herself. However, Mr. Pook's relationship with the student was not based on a sexual interest in her. To the contrary, the student had reached the point in her life when she needed to share with someone that she is gay. The student did not believe that she could tell her family, and may not have told them to this day. The student also did not believe she could confide in other SPS students because she had witnessed

that when other SPS students has [sic] “outed” themselves, they had been ostracized or ridiculed by other students.

The student turned to Mr. Pook, who she correctly viewed as someone she could trust. She confided in him that she is gay. Mr. Pook’s relationship with the student had nothing to do with a sexual interest in the student. It was nothing more than a caring teacher helping a struggling student find her way through a reality of life.

56. All of the witnesses that appeared before the grand jury were asked whether [REDACTED] ever had relationships with either men or women. All witnesses denied that they ever knew [REDACTED] to have relationships with women, while a friend of [REDACTED] from both SPS and Harvard testified that in college [REDACTED] had a few brief relationships with men. Based on all of the evidence gathered to date, including the email communications between Pook and [REDACTED] received from Google, discussed infra, Pook’s explanation that he was counseling [REDACTED] appears to be a lie conceived by Pook and [REDACTED] to cover up their romantic and sexual relationship.

57. The timing of the phone calls between Pook and [REDACTED] and the subsequent pleading, make it likely that they were discussing the response to the State’s motion to disclose records (to Derryfield), which was filed *under seal*, that Pook would file with the Superior Court.

58. Finally, on November 27, 2017, the telephone records show that Pook called [REDACTED] at 10:33:16 p.m. (EST) and the two spoke for 19 minutes and 48 seconds. I know that November 27, 2017, is the same date that [REDACTED] was served with a subpoena to appear before the grand jury. Based on the timing of the phone call, it is more probable than not that the two were discussing the subpoena and the subject matter for which [REDACTED] was subpoenaed to testify about.

59. Warrants were served on Google on December 14, 2017, and December 22, 2017, for email records related to [REDACTED] Gmail account, [REDACTED]. On January 4, 2018, Google produced email records for [REDACTED] account for the date range of October 27, 2017, to December 12, 2017.

60. A warrant was served on Google on January 16, 2018, for further email records related to [REDACTED] Gmail account for the date range of December 13, 2017 to January 16, 2018. The warrant also required the production of email records related to Pook’s Gmail account, [REDACTED] for the date range of October 27, 2017 to January 16, 2018. Google produced these records on February 9, 2018.

61. Based upon my review of the records produced by Google in response to the December 14, 2017, December 22, 2017, and January 16, 2018 warrants, [REDACTED] and Pook have had near daily email communications.

62. It is clear from my review of the email communications that [REDACTED] and Pook are currently involved in a sexual relationship, and have been for some time based on the content of the emails which discuss in detail their past sexual encounters.

63. In fact, many of the emails between [REDACTED] and Pook are sexual in nature and involve their exchange of pornographic images or videos and references to sexual acts that the two have performed with each other or would like to perform with each other. These emails directly contradict [REDACTED] testimony before the grand jury that she has never had any physical or sexual contact with Pook and that she had not had contact with him since had been served with a subpoena to appear before the grand jury.

64. In addition, the email records reveal extensive conversations between Pook and [REDACTED] wherein they discuss and plan [REDACTED] grand jury testimony as well as review [REDACTED] grand jury testimony in preparation for Pook's anticipated grand jury testimony. As discussed, above, while Pook appeared before the grand jury on December 7, 2017, he did not provide any substantive testimony.

65. On October 27, 2017, the same day that I served Pook with the State's motion to disclose records, as well as the appended records, and the protective order, Pook sent an email to [REDACTED] at 4:31 p.m.³ (approximately a half hour after being served with the documents and the protective order) in which he wrote "Hi [REDACTED] Need to talk – when would be a good time to call? :)." [REDACTED] responded at 4:35 p.m. "i left work early, so im free anytime. do you need my number?" At 5:00 p.m., Pook responded "Number please, will,call tonight."

66. The records also include an email from Pook to [REDACTED] on October 27, 2017 at 11:32 p.m. This email followed the two phone calls between Pook and [REDACTED] at 11:00:53 p.m. and 11:12:38 p.m., as outlined in paragraph 52 *supra*. In this email, Pook duplicated verbatim several of the emails which were appended to the State's motion to disclose records as outlined in paragraphs 28 through 31 *supra*, and which were the subject of the Court's protective order which prohibited duplicating any of the materials.

67. Specifically, in that email Pook wrote:⁴

here's the relevant emails:

For example, on February 10, 2008, the student emailed Mr. Pook, and among other things, said to him:

thank you for being so incredibly nice to me. i didn't mean for you to have to come to the office tonight, but you did. and thank you. you are so wonderful. And i am sorry for being a birch tonight (and kind of all the

³ [REDACTED] lives in [REDACTED] and as a result, the time stamp on her emails is in central time, while Pook's emails are in eastern time. All times have been converted to the eastern time zone for purposes of this affidavit.

⁴ There are several typographical errors throughout this email, which is likely caused by Pook using an optical character recognition program (OCR) to copy the text from a scanned copy of the pleading that he had been served with.

time). i didn't mean to spring the stuff i said in the car on you. it doesnt have to do with you, and i dont want you to feel like you have to do something about it. im licking the lid of the tupperware container . . . year. it was that good., teally" thank you, not jr-1st leir the ice cream but for everything. Ill be nicer to you and give you the love you deserve tomoilow . . . see you at iunch.

Shor.lly after receiving this email, Mr. Pook respeinded to the student as follows! You know, although I kid you a lot, I also really like you, I mean that, and not in a trivial way. I hope that as the need arises, you'll keep letting me into your world because it's pretty interesting in there, and truthfully, you shouldn't have to go it alone, I know you have lots of friends, but when you need an objective and impartial adult perspective - and someone who's in your corner r<oting for you - I hope you'll always feel like you can ask, because I'll always be there for you.

In an email on September 8, 2008, the student wrote to Mr. Pook that on the first day of one of her classes, the student's teacher "accused [her] of having a crush on [Mr. Pook] within the first five minutes of our ethics and lit class so that was kind of a highlight;)"

In an October 8, 2008 email exchange, Mr. Pook told the student that he was "trapped at the schoolhouse" and couldn't leave, but asked her "to come grade some papers for him," App. at p. 21. She responded by asking what Mr. Pook would do for her if she did help grade his papers. Mr. Pook's response to the student was, "pretty much anything you asked."

In that same exchange, apparently in reference to how the student was dressing, Mr. Pook wrote, "when you say you're dressing like Sarah Palin, does that mean bimbo bikini and a hunting rifle?"

On October 14, 2008, Mr. Pook emailed the student and told her that "[it] was nice to see you this afternoon * I hope your evening is looking up," App. *1 p. 26. The student responded by saying, "it was more than nice seeing you thank you for being...you (i wish i had a more eloquent way to say that., but i dont). i really dont know what id do without you.." Id. Mr. Pook replied to the student and told her, "we will always be friends and always be there for the other person, I know that in my heart, so please please please don't go and get stressed out in December that just because your tenure is ending as [REDACTED] you'll somehow be shunted to the side in favor of the [REDACTED] there 's no one like you [student's name]."

In the aftermath of Mr. Pook's abrupt departure, the student emailed with her friend about Mr. Pook. In one email she wrote:

inr only dealing with email or-rt of necessity, as i am realizing that not only was it how i communicated with him, but it is also kincl of how i communicate r,vith the world ar:d i needl to keep going". for him that's what he would want from us, I don't know a lot in tiris sjtuation, but i do know that. not going to lie though., every time i get a new email, a little part of me thinks (slash prays) that it is going to be fi'om him

On October 25,20}8,the student emailed her fiend and in one email said',sweet dreams (that is 'what he always said to rne). . ." App. at p. 3 1 , in anoll:er email she said, ..i am missing him more than i had for about twenty-four hours, i just useci to send irim so maly emails whenever i was here"..new york is probabiir ml.favorite place in the world, and he reaily doesnt like the fbcl of the city, it was the one thing we could never agree on,,, App. at p. 32.

68. This email from Pook to [REDACTED] specifically duplicated (except for the numerous typographical errors) paragraphs 11-12, 16-18, 20, and 22-23 of the State's sealed motion to disclose records which was the subject of the Court's protective order.

69. Following this email, there was another phone call between Pook and [REDACTED] at 12:04:07 a.m. on October 28, 2017, as referenced in paragraph 52 *supra*.

70. There are also emails in which Pook discusses with [REDACTED] the pleadings Pook's attorney filed with the Court, pleadings which were a filed *under seal*, in opposition to the State's motion to disclose records.

71. On November 8, 2017, Pook emailed [REDACTED] at 9:03 a.m., with the subject line "just a head's up." In the email Pook wrote "my atty filed the motion. conceivably someone could reach out to you. so once again, thank you. more tonight."

72. I am aware that on November 7, 2017, Pook's attorney, Michael Ramsdell, Esquire, filed in the Merrimack County Superior Court, a motion to intervene and a motion to reconsider the court's order on *ex parte* motion to disclose records obtained via grand jury subpoena, both of which were filed *under seal* and were in response to the State's motion to disclose the records (to Derryfield).

73. On November 25, 2017, at 10:26 p.m., Pook wrote to [REDACTED] "I wanted to talk tomorrow night about something and maybe even get tucked in." Based on my review of the numerous emails between Pook and [REDACTED] I know that "tucked in" is a euphemism that the two use to describe cyber/telephone sexual interactions that the two frequently have. [REDACTED] responded, in part, "Are you able to talk on Monday? Everything okay? I could find time tomorrow to chat if needed..." Pook then responded, "I'm of course really, really hoping all this is unnecessary, but I do have a loose end I want to run by you. Doesn't have to be tomorrow... it would just be convenient for me is all as I'll be home alone."

74. The records also include many emails where ██████████ and Pook discuss the investigation into SPS and Pook and the anticipated grand jury testimony of ██████████ and Pook.

75. On November 27, 2017, ██████████ wrote to Pook:

Absolutely no pressure – we can talk whenever. But I do want to let you know that I received a subpoena this morning to appear in front of the Grand Jury in Concord next Wednesday as part of the DA's investigation into SPS. The subpoena states that my name arose in the inquiry into you.

They have also subpoenaed ██████████ and I'm guessing some of my other classmates.

I don't really know anything else at this point but obviously wanted you to know. The investigator in Concord who I spoke with did state that this is an investigation into the school, not an individual, so I am not really sure how this will relate to/impact timing for your hearing.

Let me know if you want to talk. I was going to try to get to bed on the earlier side if possible, but I can stay up if you want to try and talk, or if tomorrow or another day this week is better, just let me know.

I'm really, really, really sorry that I don't have better news.

76. On November 28, 2017, ██████████ wrote to Pook:

Hi you.

I have a number of updates. I am defaulting to sharing everything I know with you because if I were you, I would want all of the available information. But if you don't want me to share, just let me know.

First, I am not sure if you have seen it (apparently it is public), but ██████████ sent me a report that the school sent out on allegations of sexual misconduct by faculty. I had not seen it – otherwise, I obviously would have asked you about it sooner. You are not named, but there is one accusation from a student that is pretty clearly in reference to you (mentions watching American Beauty and that you left in the middle of 2008). She recounts a comment you made to her. It also pretty clearly references me – this other student said that we were “very close” and that I visited you while in college and speculated that the visit involved a sexual relationship. Let me know if you haven't seen it and want me to send it to you.

I don't know if this is worth saying, but I have never said anything to anyone. As I mentioned yesterday, ██████████ knew that we saw each other

after graduation (as facilitated by my mother). She may have shared that with someone else. Other than that, as far as I am concerned, these are rumors spread amongst teenagers, and that is what I am planning on sharing, and I hope my word is stronger than some rumors. Let me know if you need to talk through anything additional though.

The other update is that I just learned that my mom has been issued a subpoena to appear as well. She is currently on a plane home from NYC, so I haven't been able to talk to her – I wasn't planning on telling my parents. I can update you after I talk to her.

I also spoke with ██████████⁵ I don't know why, and that was probably dumb, but it just really pisses me off that my mom has been dragged into this. He didn't share anything that I didn't already know really, but I am happy to tell you more about that conversation if you want.

I have to run home so that I am home in time to call my mom when she lands. Let me know if you want me to tell you more of if you want to talk or if you would rather not know. Whatever is best for you.

I'm really, really sorry.

77. On November 28, 2017, Pook responded:

Thanks. When you have a sec, tell me more about your mom and ██████████ No worries about the other stuff... I really don't think that will come up...Its all about SPS at this point...After that isn't an issue I think....

78. On November 28, 2017, ██████████ then responded:

i talked to my mom. she freaked out but is fine now. she is going to come to nh on the same day as me, even though I told her she should really should see if they could do a phone call. she just wants to be there for me (which is totally unnecessary). she met with a number of different people at the school when this all happened, so my guess is that they think that the information the school provided is covering something up (or incomplete) and that she can provide more information. the other possibility is that they may try to make something of my reaction to you leaving and want to ask her about that.

she and my dad want me to have a lawyer -- they want someone who can compel either sps or the attorney general to share what they have from discovery that has caused them to want to question me so that i am

⁵ ██████████ is presently the Rector at SPS.

prepared. they are going to reach out to some people tomorrow and see who they might be able to retain. i think its crazy and my concern is that given the timeline that would push things out, and i just want this to be over with.

██████████ was actually really nice. the school had no idea that subpoenas were being issued, and he was really apologetic that i am dealing with this, and especially was sorry about my mom. He was honest and told me that the attorney general subpoenaed your employee file which included the emails between us, and he thinks they have fixated on you because you are still employed as a teacher in nh and his best guess is that they think something happened that the school didn't report/include in your file.

so that is what i know. let me know if you have questions or want to talk?

79. On November 28, 2017, Pook then responded:

Thanks for the update. I'm really sorry your mom feels like she needs to travel for this. The AG is really struggling to come up with anything when there's nothing. May I presume that she doesn't have anything more to add from all those conversations? That she'll say nice things about me?

Oddly, I think we and SPS are on the same side on this, so ██████████ response doesn't surprise me at all. They know I didn't do anything and they certainly don't want the AG to say I did since that makes them culpable. So it's in their interest for this to all amount to nothing too.

Let me know if you want to talk about the lawyer and discovery

80. On November 28, 2017, ██████████ then wrote:

my mom said tonight that she wouldnt have written you the reference letter or stayed in touch with you if she thought that anything inappropriate had happened. so i wouldnt worry.

it is just so insane to me that they are flying people across the country for nothing. im not a lawyer, but seems like they might want to start with me and then include others if necessary. i dont know...

ill let you once i know more about the lawyer. i dont want to be unprepared but i also dont think there is any harm is saying that i dont remember...

im so fucking sorry you. did your lawyer think you still might hear something on your end this week?

81. On November 28, 2017, Pook then responded:

And I presume you reassured her on that point! :)

Did you say anything to [REDACTED] about me? I dont meant to pry, its just that I need to know... :(

It speaks to just how desperate they are since SPS has come clean in every other way. They really want to pin something on them. Ugh.

I just worry that unless you are unambiguously clear they can make something out of nothing. I think they are definitely going to ask you about the emails... its what they have to work with.

This is all so horrible. Im sorry.

82. On Wednesday, November 29, 2017, Pook emailed [REDACTED] and wrote, "How was your day?"

83. [REDACTED] responded:

today has been really long. i honestly have no idea how you are dealing with this now and how you have been dealing with it for the past month because this is all so insane.

ive heard from two more that were subpoenaed -- [REDACTED] and [REDACTED]. And from a conversation my mom had with someone in the ag's office, it sounds like there are quite a few more (but no idea who and whether they are in relation to other cases).

i spoke with the attorneys for st pauls who were really wonderful. they represent the school, so they cant be my counsel, but they are helping me find someone, and they were able to help answer some procedural questions that i had.

i just want to share what i have to say and let that be that and move on. i just cant believe how many people are being flown to new hampshire based off of... i dont even know what.

im sorry. i wish that i could keep it together and be calm and think positively but i just want to scream.

84. Pook responded:

This is really all so horrible. Im so sorry thats its happening. How was [REDACTED]

Nice to hear that the SPS people are being nice at least. What questions did you have?

It has been a really long month.

85. ██████ responded:

██████ was fine. we actually mostly just caught each other up on our lives -- we really haven't stayed in touch since college.

i had some questions for sps on timing and who might represent me. my concern is that finding counsel, meeting with them, and then having them go to work to try and find out what they can on my behalf all before wednesday seems unlikely. but i also just want to get this over with.

they had some questions for me on how things went down. everyone has been really shocked to hear that this was the first that i have been contacted by the attorney general's office. i think they figured i had said something to get this all started...

and i just want to know what questions i am going to get asked. the school's lawyer says he has an idea and will be willing to sit down and speak with me with my lawyer (who currently doesn't exist). ugh.

86. Then, prior to her grand jury testimony on December 6, 2017, Pook emailed ██████ on December 3, 2017, and wrote:

Just wanted to say that if you wanted to review what we've been talking about at any time I'd always make time for you. Obviously a lot rests on it and so if you haven't had time to review or just want a dry run I'd be happy to do that for you. No pressure implied by this – but I want to be there for you if needed.

87. ██████ responded:

Thank you.

Just so I know, are you around/available on Monday night? I want to hear back from my lawyer on Monday on what he thinks they might ask and then from there, it may be good to run through it all again. Does that make sense?

88. ██████ emailed Pook on December 3, 2017, and wrote, "i do have a few thoughts/questions that i want to run by you tomorrow night if that is okay, so let me know when would be a good time to connect."

89. Pook responded on December 3, 2017:

Sure. My preference would be for 10 pm your time, but I could do it earlier too. :) Whatever works best for you works for me. :)

Would you like to run them by me tonight just to get them off your head? we could of course revisit them tomorrow night too...

90. ██████████ responded on December 3, 2017:

10 pm tomorrow is great. :)

and im okay for tonight. i think it will be easier to talk through everything at the same time as long as that is okay with you.

91. Then on December 4, 2017, at 11:37 a.m., Pook wrote to ██████████ "just wanted to say hi... I'm around all day if you need me." At 1:44 p.m., ██████████ responded, "do you think you might be able to connect sooner rather than later? i am free all afternoon if that is easier for you than this evening." Pook responded, "yup. 1:45 your time?" Pook then also wrote, "I could step out for 15-20 minutes now as well." ██████████ responded, "let's do 1:45." Pook then responded "sounds good – call you then."

92. Then, as outlined in paragraph 42 *supra*, ██████████ and Pook spoke on the phone multiple times on December 4, 2017.

93. These communications make clear that not only did ██████████ commit perjury during her grand jury testimony of December 6, 2017, but that ██████████ and Pook communicated, both through email and over the phone, prior to ██████████ grand jury testimony, about the substance of ██████████ planned grand jury testimony—to include her perjured statements—in order that it was consistent with the pleadings Pook had filed with the Superior Court and so that her grand jury testimony would not incriminate Pook.

94. In addition, after Pook learned that he had been subpoenaed and would have to appear before the grand jury, he pressed ██████████ to give him details of her testimony so that they could ensure that they gave consistent information to the grand jury and that they would not contradict each other.

95. After ██████████ testimony, on December 6, 2017, at 11:55 p.m., she wrote to Pook:

Hi you. I'm so sorry to keep you waiting. I hope that I didn't worry you.

I wanted to be outside of the state of New Hampshire before writing, and I just got home.

Today was really hard. I was questioned for 4 hours. It was long and brutal and obviously got really really personal. But I told the truth, and they didn't ask anything that I wasn't expecting and now it's over and I hope that we never ever have to deal with this again.

And maybe sometime soon we can celebrate being past this?

96. Pook responded to this email at 12:01 a.m. on December 7, 2017, by writing:

So just need to know a little bit more. They subpoenaed me and want to be consistent. I'm sure you're exhausted but if want to make sure if there were any changes I knew about them. And how your moms thing went.

Sorry it was such a shitty day.

97. ██████████ responded:

oh you. i am really sorry that you were subpoenaed too. when are you supposed to appear?

do you want to talk at some point?

i really think that most things they asked were what i expected.

i think the one thing that was new -- or i wasn't really prepared for -- was that they asked a lot about some emails that i sent you that night after i had said something to ████████ you ended up calling me that night because i asked you to. what i remembered was that you saw me outside of seated meal and said that i looked really beautiful (it was my birthday) and i said that you said that to ████████ and she overreacted and i was worried she might say something to someone.

do you have any specific things you want to ask about?

98. Pook responded:

830 tomorrow morning. My lawyer is trying to get it stopped, but you never know.

That's helpful. So you were worried she would misinterpret the comment? I don't quite understand what you are saying

99. ██████████ responded:

holy shit. im so sorry -- i obviously had no idea.

she did misinterpret the comment -- she thought it was inappropriate, and i was worried that she was going to tell someone. does that make sense?

you called me and i told you what i said to her, and you said that i really shouldn't worry about it.

the emails sound kind of bad -- i said in the email that i was "worried that i betrayed your trust." i just said that i was worried because you had been such a good adviser and mentor and was worried about someone misinterpreting that (aka worried that what happened would happen).

at least that is what i remember and what i said.

100. Pook then wrote:

Thanks ... That's helpful. A lot.

Sorry for the rushed nature of my notes. Just trying to prepare.

101. Pook also wrote to ██████████ at 12:10 a.m. on December 7, 2017, "If you heard from anyone else that would be good to, know too." ██████████ responded, "i haven't heard from anyone else, but after today, i would be really surprised if they werent talking to ██████ Pook responded, "Besides that comment, anything else about her? How did your mom handle it?"

102. Pook also emailed ██████████ and asked if the prosecutors had asked about anything having occurred after ██████████ left SPS. ██████████ replied at 12:44 a.m. on December 7, 2017:

she did ask about after sps, but she didnt spend a lot of time on it. i said we saw each other that time in portsmouth and ran into each other a few times in boston. and that we are in occasional contact about life events (moving, mom's cancer, babies).

one other thing -- there is a gap in the emails (im guessing that the school has only provided what was in your file) -- her theory is that we communicated with each other over the summer using personal email addresses. obviously that isnt true (and if it was, why would we have gone back to using the school email). just probably should reinforce that.

103. Pook responded to ██████████ by writing, "Thanks. So not in touch over summer except at end for getting ██████ out." ██████████ responded to this email at 12:49 a.m. on December 7, 2017, by writing:

not exactly. i said that we were in touch occasionally about college visits and you had given me some recs for philly (i was about penn that summer), and of course the ██████ she asked if someone told me that we

were in touch daily, would i deny it. i said that i would be surprised if that was true but wouldnt categorically deny it.

just reinforce that we only ever emailed using the school email addresses (obviously).

104. Pook responded "Got it." Finally, at 1:09 a.m. on December 7, 2017, ██████████ wrote to Pook, "And obviously just remember that you don't know that they talked to me." Pook responded at 1:38 a.m. and wrote to ██████████ "I don't know anything. Except ice cream." There were a number of questions during ██████████ grand jury testimony where she was asked about going for ice cream with Pook off campus at SPS and Pook giving her ice cream while she was a student at SPS and there were also discussions about ice cream in the records attached to the State's motion to disclose records which were subject to the protective order.

105. The email records obtained from ██████████ also contain several emails in which ██████████ is very concerned with Pook reinforcing to the grand jury that he and ██████████ never communicated with private email addresses and that they only ever used school email addresses.

106. On December 7, 2017, at 12:44 a.m., ██████████ wrote to Pook:

one other thing -- there is a gap in the emails (im guessing that the school has only provided what was in your file) -- her theory is that we communicated with each other over the summer using personal email addresses. obviously that isnt true (and if it was, why would we have gone back to using the school email). just probably should reinforce that.

107. On December 7, 2017, at 12:49 a.m., ██████████ again wrote to Pook, "just reinforce that we only ever emailed using the school email addresses (obviously)."

108. ██████████ and Pook then spoke on the phone on December 7, 2017, as outlined in paragraph 45, *supra*.

109. On December 10, 2017, Pook wrote to ██████████ "I can't thank you (and your mom) enough. Hopefully it's all in the past now. I'm really, really hoping."

110. On December 26, 2017, Pook wrote to ██████████ to follow up on an earlier email where he had stated that he needed a vacation. Pook wrote:

So when I said i needed a vacation what I meant was that I'm still living a bit in the shadow of the whole thing these past two months and this Xmas is definitely shaded by that. Honestly feel like I have a little PTSD from it and feeling a little depressed to the point where I'm not drinking so as to not exacerbate any feelings. And the cost... I'll be paying off my lawyer for the whole of 2018. Not that he wasn't worth it... just one more reminder.

So when I say I need a vacation, what I mean is that I really need to relax and unwind and get my mind off of it all, and that's not happening this break, and it's just hard as a result.

First world problems to be sure, and I am not whining, trust me... but it doesn't change the fact that it's my experience. And it could have been so much worse, and I have you to thank for it not being that, and I'm honestly truly grateful and thankful for that and for you letting me tell you this.

I hope you are doing ok. If you want or need to talk about it, I'm obviously all ears.

111. The grand jury testimony of [REDACTED] and [REDACTED] provides probable cause that [REDACTED] and Pook were engaged in a physical, sexual relationship while [REDACTED] was a student at SPS and that relationship continued after Pook left SPS, up to and through the present.

112. Based on the phone records received from Verizon for the cellular telephone number associated with Pook, 603-[REDACTED] he is using an LG G6 smartphone with an electronic serial number of 35527308052974. I know that smartphones can be used to send and receive email. Based on the volume of email messages sent and received by Pook, as well as the various times at which Pook sent email messages, there is probable cause to believe that he used this smartphone to send and receive some of the email messages with [REDACTED]. I know that a search of the physical phone can reveal incoming and outgoing telephone calls, text messages, and email messages sent and received from the device. I know that a search of the physical phone can recover messages that were deleted and not preserved by the phone or email carrier.

113. I know that email messages are typically sent and received on a computer and/or on smartphones. I know based upon the email records produced by Google that Pook has created various PowerPoint and Word documents related to his teaching and consulting work. I know that Word and PowerPoint documents require a computer to create using the Microsoft Office software. Therefore, there is probable cause to believe that Pook has a computer that he uses to create these documents. I know that it is common for persons who own and use a computer to send and receive email communications on that computer. I know, based upon the records produced from Google, that Pook sent and received thousands of emails in the two and a half month period that we received his records. There is probable cause to believe that he sent and received emails from a computer.

114. I know that David Pook lives at 284 Newmarket Road in Warner, New Hampshire. The house is a beige, single-family Colonial style home. Photographs of the house are attached as Exhibit 1 to this affidavit.


115. I know that David Pook has two vehicles registered in his name. The first vehicle is a blue 2011 Subaru Outback station wagon with New Hampshire registration number [REDACTED].

The second vehicle is a white 2014 Honda Odyssey van with New Hampshire registration number [REDACTED].

116. Therefore, based upon the foregoing information (and upon my personal knowledge), there is probable cause to believe that evidence of the crimes of Conspiracy to Commit Perjury (RSA 629:3, RSA 641:1) and Witness Tampering (RSA 641:5, I) can be found on David O. Pook's LG G6 smartphone with an electronic serial number of [REDACTED]. I know that smartphones are portable and can be moved from location to location easily. I know that smartphones can easily be stored on someone's person, as well as in a bag or other carrying case. Smartphones are also typically transported in vehicles when people travel from place to place. Therefore, based upon the foregoing, there is probable cause to search for the smartphone anywhere where a smartphone may be kept, including David Pook's person, any bags or storage containers that he has in his possession; and/or at 284 Newmarket Road in Warner, New Hampshire; and/or the blue 2011 Subaru Outback station wagon with New Hampshire registration number [REDACTED]; and/or the white 2014 Honda Odyssey van with New Hampshire registration number [REDACTED].

117. In addition, based upon the foregoing information (and upon my personal knowledge), there is probable cause to believe that evidence of the crimes of Conspiracy to Commit Perjury (RSA 629:3, RSA 641:1) and Witness Tampering (RSA 641:5, I) can be found on any computer, laptop, and/or internal or external storage media, including but not limited to, hard drives, CDs, DVDs, thumb drives, or memory cards that David Pook has access to. Due to the transient nature of many of these items, such as laptops, hard drives, and discs, there is probable cause to search for these items on the person of David Pook or in any bags or storage container that he has in his possession; and/or at 284 Newmarket Road in Warner, New Hampshire; and/or the blue 2011 Subaru Outback station wagon with New Hampshire registration number [REDACTED]; and/or the white 2014 Honda Odyssey van with New Hampshire registration number [REDACTED].

DATED: 2/27/18


Investigator James Kinney

STATE OF NEW HAMPSHIRE
MERRIMACK, SS

The above-named, Investigator James Kinney personally appeared before me/appeared telephonically, and took oath that the factual allegations contained in the above affidavit are true to the best of his knowledge and beliefs. Before me,

DATED: 2/27/18

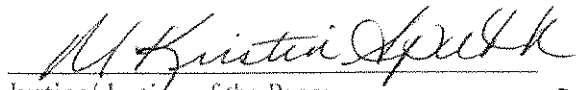

Justice/ Justice of the Peace
6 PM Court Court Concord

EXHIBIT 1

284 Newmarket Road, Warner, NH 03278

Photo of house number to right of door



Photo of home at 284 Newmarket Road, Warner, NH 03278



Photo of house at 284 Newmarket Road, Warner, NH 03278

