

THE STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS. SUPERIOR COURT
SOUTHERN DISTRICT 2000

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THE STATE OF NEW HAMPSHIRE * *

v.

PAUL BERRY

97-S-1611, et al.

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SENTENCING HEARING

BEFORE: Honorable Arthur D. Brennan,

Presiding Justice, at Nashua, on Tuesday, October 31,2000. *****

FOR THE STATE: Kathleen D. Brown, ACA, Esquire

John H. Harding III, ACA, Esquire

FOR THE DEFENDANT: Mark L. SiSti, Esquire

GUARDIAN AD LITEM: Vera Borrelli Buck, Esquire

TRANSCRIPTIONIST: Kathryn A. Calder

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BAILIFF: All rise.

COURT: Good afternoon. Please be seated.

DEPUTY CLERK: The matter before the Court is The State of New Hampshire v. Paul Berry. Mr. Berry appears today with Attorney Mark Sisti. The State of New Hampshire is being represented by Assistant County Attorney John Harding,

and also Assistant County Attorney Kathleen Brown. Also present is Guardian Vera Borrelli Buck. The matter scheduled before the Court today is the matter of sentencing on several indictments.

THE COURT: Thank you. Before we begin with counsels' arguments and any witnesses that counsel may have, are there any corrections to be made in the --or at least as a matter of record in the probation report in the case?

MR. SISTI: If I may, Your Honor.

THE COURT: Yes, Attorney Sisti.

MR. SISTI: Thank you. Just some minor stuff, and just some clarifications. I believe there was a reference to Mr. Berry moving to Greenville at a date other than 1983; the actual date is 1983. There was some reference to restraining order violations; we're not aware of any such things, and I haven't seen any documents to support such findings. There is a reference to the Children's Hospital aspect of this case that we were pursuing in pre-trial discovery issues and will continue to pursue. In this case there's a reference to psychiatric or evaluation done at Children's Hospital, and we are pursuing that and have been pursuing that. But quite frankly, there's a conclusion that's in that particular report that we have no records to support or bolster, and we would ask that that conclusion be stricken. There's a reference to pornography or porno movies on- page 2 of the PSI; we deny any aspect with regard to those particular movies, and there haven't been any brought to our attention, seized by police or otherwise. That's it on I the technical aspects of the PSI.

THE COURT: Thank you, Attorney Sisti. Those items that you mention: I recall them from the PSI, and those will not be taken into consideration by the Court—

MR. SISTI: Thank you.

THE COURT: --in sentencing. Attorney Brown?

MS. BROWN: Yes, relative to the PSI, Your Honor, I was going to point out to

the Court that there was information that Heather Brewer --excuse me, Heather Berry did go to Children's Hospital. However, in the course of discovery we were unable to get those records from the Children's Hospital. And I did not receive any information that Holly went to Children's Hospital. So I wanted to make those corrections.

THE COURT: Okay, thank you, Attorney Brown. All right, then I'll hear arguments from counsel. Attorney Brown?

MS. BROWN: Thank you, Your Honor. Your Honor, I will be addressing the Court briefly, and then Attorney Harding will address you as well, and then the Guardian. And then I would ask that three members of Holly's family-- specifically her father, Jerome, her mother, Sarah, and her sister, Heather: they'll be addressing the Court. And later Holly will address you herself. Prior to beginning, I do want to acknowledge some people that are in the courtroom here today: Holly and her family and some friends in support; I want to acknowledge that the state troopers --both the state troopers that worked on this case and testified are here in support; that Jack Zeller from the Keene Police Department is here in support; members of my office, and also six of the jurors that sat on this case are here in support of Holly. Now, what is the State asking you to impose here? The State did submit proposed sentencing sheets, and you could see from those sheets that the state is asking you to adopt the recommendation of the Probation Department, specifically, to impose a sentence of 56 to 112 years, as broken down in the sentencing sheets presented to the Court. In all of those sentences there is a provision that the defendant have no contact with Holly Brewer or any member of her family. In the last stand-committed state prison sentence, the State is requesting that the defendant be treated-- receive sex offender treatment. Now, why is the State asking you to impose such a lengthy sentence? Well frankly, Your Honor, I've thought long and hard about this sentencing hearing and what the State should

say to you. And it's been very difficult to come up with the proper words and the proper argument. As lawyers we're trained to be logical; and it was hard for me to try and look at this--just look at everything that the defendant did--and make some sort of logical argument, because what the defendant did to Holly defies logic. You heard about everything that he did to her. And there's nothing that I can say that's more persuasive than Holly's own words. You heard

what the defendant physically did to her; the various locations that he did these acts--in the barn, in different bedrooms, by the chicken coop, and in the dungeon; and you heard about the objects that he used to perform these acts--candles, and carrots, and animals. I mean, it just defies any type of logic; I

mean, these were just unspeakable, horrific acts. And the defendant through his actions had such a great impact on Holly, and her life, and her non-existent childhood. And this happened over a period of six years, from when she was four years old until when she was ten years old. And you heard what she said about that. Her childhood was hell. She never thought she'd make it to sixteen

years old. She never thought that she would get away from him, or that he would stop doing these things to her. And based on what he did to her over that sustained period of time, taking away her childhood and impacting her for the rest of his (sic) life, he deserves to be punished: He deserves the equivalent of a life sentence. Now, in dealing with Holly in getting ready for this case, it just struck me how blatantly honest she was, and how truthful she was, and how much courage it took for her to come forward after these years and talk about all these unspeakable acts. And when you're imposing a sentence on the defendant, the State would like you to keep in mind that Holly didn't come forward because of herself. She testified that she had closed the door, that she had moved on with her life. She didn't ~ have to see him anymore. She came forward and went through this because of concern for her sister, and she told you that. And speaking of her truthfulness and her honesty, in preparing for this hearing, counsel for the State listened to Holly's direct examination and her cross examination; and when she was being crossed by Attorney Sisti she told him that she was being truthful and that she was going to continue to be truthful. And he challenged her on that, and she told him to chip away, to go ahead and chip away. Well you know, Your Honor, the defendant's actions, the repeated abuse over the years, chipped away at her. It annihilated her childhood. And it chipped away at her as a person. And a lot of other people would have been broken by what he did; but she's not. She has triumphed and become the person that she is today, and the person that spoke to you and to the jury at that trial. And because of her courage in coming forward, the defendant has been held responsible for his actions. And because of how horrific his actions are, he should get the sentence proposed by the State. And

that's all I have for now, Your Honor. And as I stated, the guardian and other counsel for the state will address you, and then we'll have some family members address you as well.

THE COURT: Okay, thank you, Attorney Brown. Attorney Harding?

MR. HARDING: Thank you, Your Honor. Your Honor, the sexual abuse of a child by a family member is an insidious problem, because the offender typically worms his way into a family and secretly begins his abuse of that child. The child

that has been sexually abused by a family member is typically without resources

to defend him- or herself from that offender, and the child is unknowingly left unprotected at the hands of the molester. Now, we as a society are correct to decry such abuse and take the necessary steps to end such abuse of children. Our legislature can pass laws mandating the registration of convicted child sex abusers; our legislature can stiffen penalties for those convicted of sexual abuse of children; police and prosecutors can vigorously investigate and prosecute such cases; teachers and parents can instruct children to tell if they have been abused. But after a child molester has been convicted by a Jury, the one person in society that can send the most effective yet fair message

about how society views child molesters is the Court, is the Judge. The Court,

sentencing the defendant to the State's recommendation, can let not only Paul Berry but other child molesters know that their conduct is beyond the pale and will be punished. Perhaps as equally important, the Court by sentencing Paul Berry to the State's recommendation can also let the victims of other molesters know that their abusers are wrong and will be punished. Thank you.

THE COURT: Thank you, Attorney Harding. Attorney Buck?

MS. BUCK: Thank you, Your Honor. May it please the Court this afternoon: As the Court is well aware, I have been Holly's guardian ad litem throughout this proceeding. And I have to say today that it's been my pleasure to serve in this capacity on her behalf. The Court has heard the torture that the defendant put her through, starting when she was four and continuing until she was ten years of age. I use that word "torture," even though the law does not define what the defendant did to her in those terms; but in laymen's terms, and for all practical purposes, this was a case of torture. The defendant harmed a pure,

innocent and beautiful child. The defendant maimed a pure, innocent and beautiful child' for life in some ways. But whether he knows it or not, Holly is a survivor; and it was that survivor that came to court and put the defendant to task. Holly came, and despite how difficult it was for her, she was able to recount the horror of those days. And it was truly horrible, because what he did to her was unthinkable and unspeakable. I guess the defendant did not believe that Holly would have the courage to come to court and recount what happened to her. I think that in the process of preparing for this trial, over the course of the couple of years that it took to actually bring it to trial in June, that we-- the team of people who work with Holly--did not think that Holly was going to make it through. There were delays, there were depositions, there were feelings that she just would not have the fortitude to see it through to the end. But she did. And I commend her for it --for those efforts, and for the strength that she had in coming to court. The harm that the defendant inflicted upon Holly was immeasurable, and it continues. It will be with her in some aspects for her entire life. I think that the immeasurable harm that he inflicted upon her should equal an immeasurable sentence. As a lawyer, I know that the law does not permit the Court to impose an immeasurable sentence; so I would ask the Court that under the law the Court impose the highest possible sentence on this monster of a person who committed these horrors --horrific, brutal, torturous acts on this poor child. Thank you.

THE COURT: Thank you, Attorney Buck. Bailiff, I wonder if you could move the --it blocks my view of that corner of the courtroom. If you could move it up closer to --(pause).

MR. BREWER: My name's Jerome Donald Brewer, B-r-e-w-e-r. I'm Holly's dad. I'm sorry that I have to be here today. I'm sorry that anyone has to be here today. I --I'm saddened by the fact that this man has to go to jail because he did such terrible things. I wish it could be forever, though, because he did such terrible things. I'm the father of four. I love all my children very much. When this was first revealed to me, I wanted to kill him, I absolutely did. I realized that the best thing that I could do for my daughter was to be there for her-- as I was, as she was living with me at the time. And it came from her -- we sat two hours in the car with her crying before she could even utter the first hint of what happened in her life. And then it came like a flood. And I was struck by how strong she was--and is. And I've always known that, that she's very strong. She's one of the most intelligent, strongest people I know. And for her to--as Kathleen said-- put this behind her and get on with her life and move on, however it may have affected her, she was going to deal with it. And it was out of a love for her sister, and not wanting to -- another family member to go through the same thing or worse, that moved her to say

anything-in the first place. I wish that this could all be taken away, that Paul was a free man, that he had his life back, if in fact it would give Holly back any time at all ~ of her childhood. I think that one of the greatest tragedies here is that not only so many lives were terribly, devastatedly affected, but so many other even just minor affectations that--my mother felt that she should have seen the signs, because Holly was resistant to go back

home after she would come and spend a weekend with me, that all the way home she would become increasingly, increasingly agitated that --you know, that --and for my mother to be feeling like she should have done something! Like anybody could have done something, that we would have ever even imagined that this kind of thing was going on. The deception in this man that he pulled totally over me -- Paul --it just staggers my mind. I really believed that-- that my children were being raised in a disciplined home with love, with Christian values. And the turning away from God, from everything that's holy, that's been involved in their lives now --because they equate the two. They equate Paul's monstrosities with being Jehovah Witness, and being religious, and being a Christian, and --and that's tragic. I think the message needs to be sent ~ that this kind of atrocity can't be tolerated in society. And I hope you can send it today. Thank you.

THE COURT: Thank you .

MS. H. BERRY: My name is Heather Berry, B-e-r-r-y. I just --I have a letter

written to my father, and a couple of poems I'd like to read. Okay, I'll start

with the letter. (Reading) Dad, I have many feelings towards you: our

relationship, the way you've affected mine, my family's and others' lives. Over

the years I've gained a certain awareness of these feelings, our situation, my rights and lack thereof, and the healing process that I continue to journey upon. Every feeling I've ever received from you or your behavior was intense, and quite often overwhelming. At points in our history I felt as though you

were my protector, provider and best friend. Then again, more often than not, you terrified me. You took from me, and I ran from you in search of comfort inside myself, an unrewarded effort. I loved you and I hated you. Both feelings hurt me so deeply, and I longed to escape. Staying with you seemed impossible, and leaving seemed unbearable. When I was younger I begged Mom I to let me live with you. It wasn't because I longed to be with you, but because I had a strange pity for you. I had an empathy for you because you were alone and your soul was upset. I've had the same problem as long as I can remember, but you upset my soul. The difference is that your sadness is dangerous to others. Since you have stolen my natural innocence, I have had negative feelings toward myself. I am unsure and feel dirty. I have been tainted. I feel as though I am only a product of a tortured soul and a disgusting habit. The irony of it all are your religious beliefs. You claim to be a strong, God-fearing individual, but the things you did to your family were the most ungodly acts to be committed by a human. You raped your daughters, beat and starved your wife and children as punishment, and brought us to the lowest life form possible. For a very long time I denied all of my feelings towards you. I denied all memories and I denied all pain. I had voluntarily given myself a veil as protection. I once truly believed that if I didn't acknowledge the evil, it didn't exist. One day I came to a realization that everything happened, and I had to start healing. For the past [few] years I have been fighting to regain my memories. You win some, and you lose some. Every day I become aware of more. I don't

know if you are aware of your problem or not, but I believe you are aware of the legal consequences. I don't know if you are aware of the consequences that I deal with everyday, physically and emotionally. Every day is a battle and will always be. There are rights you have taken away from my family and myself; this is why you must have consequences. You took away our rights to safety; you took away our rights to happiness; you took away our rights to consensual sex.

I wasn't even close to being in the mental state to make the decision of that caliber. I am concerned for past and future victims that are still unnamed, having come forth, or are in the path of danger. Therefore you must pay the consequences. No one else needs to die inside to subdue your pain. As I've mentioned previously, there's a healing process I started a few years ago. Healing will be a hard, ongoing process, but I will continue to get better. I believe that I have already done well for myself. I have managed to rebuild my life quite well without you. I've graduated high school a year and a half early. I have found companions, continued to build a stronger relationship with my existing family members. I am overcoming a struggle and am the individual I longed to be for years. I understand that two wrongs do not make a right and therefore don't seek revenge, because it will not help my healing process. I have --excuse me. I have looked for healing in the wrong places. I have had sexual misunderstandings and misconceptions. I have looked for healing in pain and have found no relief. This process is a part of my healing. Closure will be one stitch in this injury. Everyone in this situation is in need of healing, and I have faith in good outcomes. Dad, this is my farewell. I wish your soul to become undisturbed, I wish for you to find your healing, I wish for you to learn from your mistakes and consequences. My path only gets brighter from this day forward. Goodbye.(End reading.)That's the end of my letter. I'd like to

read some poems that I wrote concerning this. This one I wrote September 15th, 1998, and it was about memories I've been having. (Given here in prose format.)

The screaming is getting louder--it's impossible to hear.

It's clawing at my insides and stepping on my fear,

Ripping out my brain and picking at my gut,

laughing at my words and calling me a slut.

It's been stepping on me for hours and saying I'm insane,

kicking in my face and constantly wishing me pain.

Lost in the confusion, I've given up all fight.

Along with my pride, he's taken all of my might.

I ask him for pity: "Kill me, or set me free.

with a monstrous laugh, he says, "I don't know, we'll see."

And I have one more I'd like to read. September 12th, 1998.

He came to me in the black of night,

hands outstretched--there was no fight.

The masked man slowly became familiar with my shape.

Gently rubbing his hands on me, every nook, cranny and gape.

"My child, you are so sweet,

so perfect and ripe." Then I knew nothing but defeat.

His hands entered through my navel,

grabbed my stomach and said, "This won't be painful."

Ripped out and eaten in front of me,

torn apart, I felt such agony

the scar remains to this day.

My dreams still haunt me of the day my peace was taken away.

And that's all. Thank you.

THE COURT: Thank you.

MRS. POISSON: I'm Holly's mom. My name is Sarah McIntyre Poisson. Throughout the proceedings in this court I was McIntyre, which is my maiden name, which is M-c-capital-I-n-t-y-r-e. And during the course of this proceeding I married a wonderful man whose last name is Poisson, P-o-i-s-s-o-n. I deeply appreciate this opportunity to address the Court. So much has not been said for so very long that this chance for closure is a gift. The Court is aware of what happened to Holly in the context of the trial that took place here. What the Court is unaware of is all of the missing pieces that, once compiled, reveal what it was like for us to live with Paul Berry. Paul is an abusive man. He is

abusive in every sense of the word. He was physically abusive toward all of us. He was verbally abusive toward all of us. He destroyed things that were important to us for the sheer pleasure or doing so. It was not uncommon for one of the children to come through the door from school, and be met with his fist because he was angry with me for something. Usually the "something" had to do with some perceived transgression on my part. Dinner was late; he didn't like my dress; or he was angry with something else entirely. The children paid the price because Paul was well aware of how much that hurt me. It hurts far more to have your children injured than it does to have injury done to yourself. At that time we were part of a religious community. This community demanded exclusion of all outsiders. We were not allowed to socialize with anyone outside of the congregation. Women were not allowed to seek an education; and were encouraged not to work wherever possible. This was done to "protect" us. Whatever issues that might arise that required guidance were to be handled within the congregation by the body of elders. Repeatedly I took my concerns about Paul's behavior to this body; repeatedly I was told that I needed to be a

better wife, and that I needed to pray more. Each time I spoke to the elders I was sanctioned in some way. Some privilege was removed because I had dared to usurp the authority of my husband by speaking with someone else about what was going on within our home.

About this time, Heather, who was very young, began to act strangely. She refused to sleep in her bed, would only sleep in the bathtub. She threw things at her father and became very violent. Heather was the kind of little girl that brought wilted dandelions home for me. I suspected Paul was sexually abusing her, and began to ask questions of professionals and to take Heather to counseling. The situation went on for years. The abuse continued. One day my son went to school with an imprint of a fly swatter on his leg--the entire fly swatter. The school reported this to DCYF. A social worker visited me and informed me that I needed to have Paul removed from the home by 5 o'clock that day, or that she would take my children away from me. Before me now was the decision--the very real decision--to choose God, as I perceived him to be at that time, or to choose my children. And I chose my

children. This decision resulted in years of extreme poverty. The entire congregation turned their back on us. Since we were not allowed to know anyone else, there was literally no one to turn to for support of any kind. In order to make the kind of money that was necessary to survive, I realized that I had to go back to school. I had always wanted to, but my husband forbade it. I once tried to go without his permission, but he discovered it and burnt the books.

For the next five years I went to school full time, worked the equivalent of two full-time jobs and raised my children simultaneously. Often they were raising themselves. There was certainly no money for after-school care, when they were all of that age. The older ones cared for the younger ones. I completed my bachelor's degree and my master's degree. During this time child support enforcement took Paul back to court over and over again for non-support. What a difference a few dollars would have made in those years. We were often hungry and cold, and there seemed to be no way out. The fuel to keep going came from the fact that my children had absolutely nobody else in the world. Holly's pre-adolescence and adolescence were confusing, hurtful, and at times terrifying. There were times when her presentation appeared to be absolutely psychotic. I tried to help her. She had years of counseling and an in-patient stay. The attending psychologist stated that Holly's problem was me! that she and I had an enmeshed relationship. She was discharged, and shortly thereafter she ran

away. I did not hear from Holly for 18 months. She called one day from Indiana

and said she wanted to come home. I sent her a bus ticket and picked her up in (Ascutney), Vermont. She was thin, she was sick, and she had parasites. When she dismounted from that bus, she asked me, "Why did you let that happen?" And I said, "Why did I let what happen?" And this was the first time that I heard about the sexual abuse that had happened to her. Holly was given the choice

to report this or not, to go through with the trial or not. As I listened to her tell her story in interview after interview, I knew this was the truth. I knew it because some of the bizarre acts that she described, with the implements that she described, Paul had also perpetrated upon me while I wept. I had never told anyone. I didn't tell because I was humiliated and I was ashamed. Holly was not ashamed. She has demonstrated amazing strength throughout this entire ordeal, and she is a survivor. Heather has had several in-patient hospitalizations when she was younger, including Boston Children's

Hospital. She was what we refer to in my profession as a "cutter": when anxiety, fear, anger or other strong negative emotions become overwhelming, she would cut herself to relieve the tension. People who cut do this because it is something that they have control over, whereas they have little control over else in their world. I tried to block the visitation with Paul; I delayed the

divorce for years in an effort to have his parental rights terminated. And I failed. I could not protect her from him. I knew he had touched her

inappropriately. I did not know in what way, and I could not prove it. Heather

has moved beyond her pain, despite the psychiatric community that was not

helpful to her. She is a happy and well-adjusted adult who displays great

social concerns. For years Heather, her younger sister, Hilary, and I have all

marched in the Take Back the Night rally that occurs every year in spring, in

April. This is a march to demand an end to domestic violence and sexual

assault. Although her peers often jeered at her for being involved in this

march, she chanted all the louder. Heather is truly a survivor. I did not know

what was happening to my daughter, so I cannot be faulted for that. However, I

did know he was beating her, and when I failed to get assistance of any kind

from the body of elders, I should have ended it then and there. I had allowed

myself to become so controlled and so brainwashed that I believed them when

they told me it was my fault: I needed to be a better wife and to pray more.

When I allowed that, I became indirectly responsible for more beatings. And

this I have to live with for the rest of my life. Any organization that teaches

that women and children are weaker than men and therefore need to be cloistered

and protected, and then blatantly fails to protect, is negligent in their duties. Any group that states, Associate with no others--we can provide for all your needs, and turns its back at you in your darkest hours is hypocritical at best. Any social worker that demands a breakup of your home and, when asked, How will we eat and where will we live? replies, and I quote, That's not my problem, is it? fails in her duty as a protective worker and as a human being. Any psychologist who states that the problem with my daughter is a result of my enmeshed relationship with her, and misses something this huge, reeks of incompetence. There are gifts that this experience has given me. I am a clinician who deals as a specialty with domestic violence and sexual assault survivors. I have worked on committees and boards, as a supervisor for the domestic violence hotline in Sullivan County for five years, as a family therapist for five years. I have organized rallies and given countless public discourses on these subjects. I have spoken at the governor's conference on domestic violence and sexual assault. I ran for a seat in the House of Representatives and have served two years on the Child and Family Law

Committee, because these issues have become the very essence of my being. I did this partly because it needs to be done, and partly because I needed to heal.

This I have done. I am happy, I am free, and I am a survivor. There are things that Paul has taken from me that he cannot give back to me. I can only wonder what life would have been like for Holly, and for Heather, and for me if this had not occurred. Where do the murdered souls of children go? What happened to Holly, the little girl? He stole this from me. And where did Heather's innocence go? And why did he have to rob that child from me, and replace her with one who knew only constant pain and fear? How could he be so callous and so selfish to have caused so much pain to the people that he claimed to love the most? The healing that can be done has been done. There are only questions now that cannot be answered. I want to state my appreciation to the jury, the team from the District Attorney's office who handled the case, and to the Court. The flood of emotions when Guilty verdicts were read is absolutely indescribable. And finally, after twenty years and fourteen days, the nightmare is over.

THE COURT: Thank you.

MS. BROWN: The State has nothing further at this point.

THE COURT: Thank you, Attorney Brown. Attorney Sisti?

MR. SISTI: Thank you, Your Honor. Your Honor, there's a few things we'd like to

just mention here. (It's) from the beginning. And I know the Court already knows this, and I know the prosecution already knows this, but it is worth

saying. And it is set out in the PSI, and it's set out fairly boldly. And it's set out in section 36. And it's set out so that we can announce once again--and I wanna make this clear--that although there's a lot of anger that's being

espoused here, there's a lot of passion being espoused here, the position is--

and Mr. Berry wants everybody to know--is that he didn't commit these acts;

and that we're pursuing appeals on this--and the Court knows that. And I'm not

going to get into the ins and outs of the specifics of the appeals, but in

general the ins and outs of the specific areas of appeal have to go with things the jury didn't know. It has to go to things that the State was successful

and in essence suppressed from the jury. And those are the things that we will be pursuing at the level of appeal, so that in the next trial the issue of credibility with regard to this alleged victim; the issue of motivation with

regard to this alleged victim; the issue of mental health with regard to this

alleged victim; the issue of drug use with regard to this alleged victim; the

issue of reports of other claims of rape with regard to this alleged victim can be brought to the attention of twelve people so that they can objectively

determine whether the story that is being told is truthful. But that's for another day, Judge. What I want to do first off is to introduce folks for you. They are seated behind me. I'll just ask that they stand up, introduce themselves, and just very, very briefly state how they know Paul, maybe for how long--something to that effect. Can we start here in front?

DEF. SPKR. 1: My name is Joyce Saunders. I've known Paul since the early '80s when he moved to the Greenville area with his family. We were part of the same religious organization. Our kids went to school together. I've known Paul to be a very good provider for his family materially. My family has also been there

to help when times have been tough, in providing firewood [when we knew] things

were cold, or food, and even babysitting services over the years, long past the

split-up of the family. I've known Paul to be very honest, very reliable when

it comes to picking up his children, being there for them. And I had no

questions ever of concern over his dealings with any of my children, or --I

never saw any signs of any abuse when my kids or his kids came over to the

house. I --I am appalled to think that these charges could even be considered

against a gentle man as Paul is.

MR. SISTI: And just for the record, Your Honor, you may recall that this is the

woman that was barred from testifying with regard to credibility of the alleged

victim in this case.

DEF. SPKR. 2: I have laryngitis.

MR. SISTI: This is going to be tough!

DEF. SPKR. 2: My name is Doris [Glenn]. I've known Paul for twelve years. I'm

of the same religious affiliation. I'd just like to say that I have a masters

degree in education, and I was one of --and I'm one of Jehovah's Witnesses, and

I've been teaching elementary special education in Nashua for twenty-seven

years. I deal mainly with children who have emotional and behavioral problems

in sexual abuse. And [we've] known Paul--my family: my husband, my children and I--been good friends with him for these years, and I've never had any reason to have any inclinations about anything unusual going on.

THE COURT: Thank you.

DEF. SPKR. 3: My name is Rita Rivard, and I've known Paul for about th1rteen

years. And [he's good to] our congregation. And I've always noticed him to be a good family man: that was one of the things that impressed me about him. And throughout the years I've noticed that he's always a caring person, one who is always willing to help people whenever he could, and a man of integrity. And I've never seen any reason for thinking that he would be otherwise. And also if ever I had the opportunity to have him as a neighbor of mine, or needed a babysitter for my 3-1/2 year-old granddaughter, I wouldn't hesitate to have Paul.

DEF. SPKR. 4: My name is Bob Ward. I'm one of the elders in the congregation Paul was in. I've known him for about fifteen-plus years. I can remember Holly and Heather and the rest of them there being this high, watched 'em grow up, and --family? Been to his house many times. Yeah, Paul has had problems like all of us do. Maybe keep working at a job -- having a job, he's had --but he's always had --been there for his kids. In fact, I saw those kids three or four times a week sometimes. They came to the meetings, I went to the house--no

problems. Hey, they were good kids. And people in that congregation and others would get together; we'd have no problem having Paul with the kids. In fact, he headed up a group of lawn --maintenance for lawn mowing and such. Young kids -- parents would let their boys, you know, 12- 15, 16 years old, come and work with him. There isn't anybody that would hold their kids back from him--he was good with them. And so I --I feel that, from everything I've seen and we've heard --and I've actually even been on a couple of Sarah's cases, when she had some problems --no fault to her, but somebody else. And so I've tried to come

help her. And S9 (with) Paul: I agree that this isn't a situation he should be in. From everything I've seen, he's clean. Thank you, Your Honor.

DEF. SPKR. 5: My name is Paul Ward. I'm his son. And I'm here to support Paul. And I've known Paul for the same fifteen years, and Paul and I have done many things together, in sports and things- like --along those ~lines. I-have two

boys. I grew up with Paul and we've done things together. And if I felt Paul was guilty, I would not be here.

DEF. SPKR. 6: My name is Susan Ward. I've been friends with Paul for many years. We have a mutual friend in Honduras, so that Paul has spent time with me along with this girl when she's come to visit us. And let me tell you, if we had any doubts with Paul my husband would not allow this. Paul and I have spent many times building Kingdom Halls together for maybe eight years or more. I'm a mason at those Kingdom Halls, so he's worked alongside me there. Paul's not guilty of this, and I pray that he doesn't even have to spend another day in prison.

DEF. SPKR. 7: My name is Shirley [Roby], and I've known Paul probably eight years. He's always been a gentleman. I've never done --gone places with him or

anything, but this is my daughter, and I know that they've had a good relationship as far as working together, going out with service, talking with

people ..at the doors together, which I have done myself with Paul. He's always been a gentleman, and I pray for him, too, that he doesn't have to face a sentence.

DEF. SPKR. 8: My name is Mike [Earhardt]. I have a long distance

Acquaintanceship for a few years now with Paul. And last year I was privileged

with having him come to our house and spend time with us --our family, last

year. And I have two boys and a baby, and [we] saw appropriate affection shown by Paul. And I'd trust him any day with watching our children. And I've just known him also as a good worker. He worked with me for a little while. He

represented my [name] properly--I knew he would--and I'd trust him really with any assignment given to him. So, he's been a good friend for the short time I've known him: but also showed himself trustworthy and morally [clean].

DEF. SPKR. 9: My name is Renata [Earhardt]. I've known Paul for about fifteen

years. In '85 and '86 I had different occasions to babysit for the kids when they were younger. I found him to be a good father, a good provider, somebody I trusted. In 1986 I was employed for hi—by him, and he was fair, and he was

honest in his business transactions. Early in 1987, a friend of mine had passed away. It was a time of turmoil for me, and he was a stabilizing factor in my

life. He's always made himself available to myself and to my children. Again, he's been a brother to me; he's been a consistent person; I've known him to be a hard worker employment-wise; I know he has volunteered to work hard and to help other people out; he takes care of himself, while he's active socially; I know that he values --he values life itself; he respects other people; he values the life of those around him. (Sniffing) Sorry! And I know - -I know that he's a good and decent person, and he's a person that is welcome in my home, with my children, at any point in time.

DEF. SPKR. 10: Your Honor, my name is Jean (Mirona)is a very difficult situation for most of us, because we've not been in this position before, so please understand our trembling is ; because of nervousness. But I wanted to mention to you I've known Paul for probably close to ten years. I'm a mother and a wife. I've been married to the same man for almost ~ thirty-five years; he's a wonderful husband. I And I have five children, two of which have associated with Paul's two girls. And we've gotten together, and Paul has been at my house for many occasions, because he's done work for us. We've had several t1mes where he'd --because he's a hard worker. He's cleaned carpets, he's put in windows, he's put on vinyl siding--he is a worker. But he's more than that; he's a decent and kind man. I had the occasion to go and pick up and pack things in Paul's trailer, because when he was heard, and in his case where he was found guilty, he thought he was going to go home; he thought he was going to be found innocent, because he knew he was innocent. So he left everything in his trailer so that when he would come home he'd feed the bird, do his wash. Well when we got there, we had to pack everything away. I looked for some indication, for something to be amiss, being a mother; nothing was amiss. I found letters that the young girls had written to their dad. They said, Dad, you're the greatest--I love you. Things like that, cards to their father, pictures. It showed me that what I believed in Paul was true. Please forgive us for being nervous. We know this man is innocent. Thank you, Your Honor.

DEF. SPKR. 11: My name is Robin [Nolan]. I'm a registered nurse and director of occupational health at [Monadnock community Hospital]. I'm also a member of

Jehovah's Witnesses, Wilton congregation. I've known Paul for approximately ten

years. During that time I have known him to be nothing but kind and considerate. I also have a daughter --two daughters, one of which went to school with Heather, and I've allowed my daughter to be at their home when they

were younger, playing with Heather. I never at any time had any question or concern about her being with Paul or at the home. I truly believe, Your Honor,

that Paul is innocent.

DEF. SPKR. 12: My name is Erin (Corcoran). I'm her daughter. Paul is a good, good person. I went over to their house when I was younger, and Paul is just a

loving father and a wonderful man. I got married last month. And Paul is just a wonderful person. He only looks out for other people, and all he is is caring and giving.

DEF. SPKR. 13: My name is Sharon Ellis. I've known Paul for about ten years. I have three beautiful little girls that I am very, very protective of. We've had

Paul to our house for many occasions. We've gone places with Paul. Paul has also watched my three children. If I ever had to let Paul watch them again, I would allow him to watch them because he's a kind, gentle, trustworthy man. I also have a letter that my 11-year-old daughter wrote.

(Reading) My name is Jessica Ellis. I'm eleven years old, and I have known Paul for four, maybe five years. And she can remember. (Reading) I remember when you encouraged us to play games with us, and when we did lots of things together. Paul, you are a caring, loving, kind person, and I'm going to miss you. And I hope that they do not put you in jail. sincerely, Jessica.

DEF. SPKR. 14: My name is Janet Dube. I'm one of Jehovah's witnesses. I've

known Paul for ten years. He's always been a kind and considerate person, always ready to help anybody in need. During the summer we had monthly cookouts where families get together. Paul would always be there encouraging the kids to play frisbee, volleyball, whiffleball, whatever. He always thought of them. And the kids loved Paul, because he cared about them and he took time for them~ Paul is a good, honest man. He knows the Bible, he knows how --he's accountable

to God, he knows how God feels about liars, and I'm sure and I believe that Paul wouldn't lie. I trust and believe in Paul's innocence, and I pray that he doesn't go to jail.

DEF. SPKR. 15: My name is Mike Dube, Your Honor. This is my wife. I've known

Paul for at least 10-12 years, been affiliated with him in sports and different things. He's a very gentle man, a respected man, a caring man. He's been to my house, as been noted. I'd have no problems leaving my children in his care, if that came to that. One thing he is not, is a monster.

DEF. SPKR. 16: My name is Derek [Hilpin]. I've known Paul for about ten, fifteen years, but I've worked secularly with him for the last five years,

pretty much day in and day out. And you'd think in five years that, working with him every day, something like this would come out that you'd see a

tendency towards, that accusations and things --he didn't worry much about this case, because, you know, he felt he was innocent. And we did jobs all over the area, in Amherst, Bedford. And you'd think that two day-in-day-out people with kids, that something --something would come out. But I've always known him just to be a good worker. Homeowners would compliment him all the time on being a

good worker, and I always had to hold him back from talking to, the people that --customers. But I have a 6-month-old outside. As she grew up I wouldn't think twice about having Paul watch her just because --I know that he shouldn't be here today. since he's been in since June, that's pretty bad punishment in itself, 'cause he's not even capable of (inaudible) .

DEF. SPKR. 17: My name is Jose Rodriguez. I've known Paul for about four years. We spent a lot of times together in the Spanish congregation. If I were to describe the person that he is in these four years, I can only say that he's a hard-working person; he's one of the nicest persons that I've met; trustworthy. I remember that in the time that we spent together he was always willing to help me in situations that --what I needed. And not only that, I've noticed that not only to me but to other persons he's always fair, he's always willing to do anything for them to help them out. I hope that he never spends his time

in jail, and I hope that the time -- the time comes when he can prove his innocence.

DEF. SPKR. 18: Your Honor, my name is Thomas Quigley. I'm a businessman, and I'm (unintelligible) in Manchester. I've known Paul for about six years. I'm a father of four. My [eldest] daughter is in post-secondary education right now, pursuing her career, as I encourage all my children to do. (Unintelligible) full-time service as well. I've known Paul through volunteer work that we've done together. I've known him even more closely over the last year and even closer during the last few months. I've regularly visit-- continued to visit

Paul in jail, as I'm also an elder of the congregation. It's been particularly

encouraging for me to see him there, because I would say all but one visit that

I've had with him he's been more positive [than even] I've been trying to encourage him. He had --has nothing bad to say about his wife or his daughters.

He firmly believes in his innocence, as I do. He's tremendously stable and

good-natured, enduring a very difficult situation, for many way too long.

DEF. SPKR. 19: My name is David [Garey]. I'm a businessman in the area as well,

as well as one of the elders in the congregation. I've known Paul for close to

fifteen years. I know him socially, I know him from a business standpoint, I

know him personally. I can't believe what I'm hearing about this man at this

time. I also have raised a family of five. At no time has Paul ever given me

any indication, or showed by virtue of his actions, or things that he had or

things that he did, that he was capable of any of the type of infractions that he's being accused of. I would have Paul in my home with my children at any

time.

DEF. SPKR. 20: My name is James Hilton. I've known Paul for about seventeen

years since he moved in the Greenville area. And I'm an elder in the Christian

congregation as well, and during that time I had the opportunity to speak with

Sarah and Paul on some times and occasions. I Never was anything like this

discussed as a highlight of what their problems were. Also, I had an opportunity too to work with him. I used to own my own business. Paul worked

with me and my son who now takes over the business, and he kept working with

Paul. During that time Paul never at any time indicated anything like this was

ever going on within the family. Also, after the divorce Paul moved into the

trailer park where I live and ended up a few doors away from me, and during

that time I got to know the two girls that were living with him. Periodically

we'd take them out into the ministry, and never at any time did they seem

downhearted or negative in any way towards Paul. Everything was always upbeat

and they seemed to be enjoying life and having a good time. I certainly can't

believe that something like this would come from Paul.

DEF. SPKR. 21: My name is Gail Hilton, and I'm Jim's wife. And I've known Paul

for seventeen years, and I've known the family for that long. And never in all

those years would I have ever thought anything like this. Paul has been a

loving and caring person, and he's always ready to help everyone. And like my husband said, when he moved in the trailer park he was a good neighbor, and his daughters were fine and happy. And I just can't believe [that's all over].

DEF. SPKR. 22: My name is Dean [Foucher], a retired police officer from Worcester, Mass., and a Worcester fire fighter. I moved up to this area and I met Paul Berry about fifteen years ago. I own a business, and I had Paul work with me many times. Many long hours of driving between jobs. He was always upbeat as far as the children. Paul spoke always highly of them. He spoke of how good it was, how the children were doing in school. Only a few times would I have a problem with Paul: When he couldn't work for me it was because he had to be at a certain place to pick his children up, or to be home when they got home from school. Very responsible person, Your Honor, an honorable man. And I have three children, and in fact my children write to Paul. Even though he's far away from home, they wanna know how he's doing. And they loved him. They got to know him over the years. He stayed at our house with the--- children when I'd come home from work late--I even trusted him with my children. And my younger daughter, she doesn't know Paul too much, but I can say this to the Court that if it need be that we needed a babysitter tonight, we'd choose Paul. Thank you, Your Honor.

DEF. SPKR. 23: My name is Wendi Herman. I'm a businesswoman and also a member of the congregation of Jehovah's witnesses, and I've known Paul for about sixteen years. When I first met him it was in the business world. He was working for a gentleman that was working for me, and in fact a few years later he bought that man's commercial janitorial service--(I am in] commercial service. And so we've worked together over the years, and I've seen him in that area as a hard worker, and a person who was always --did what he said he was gonna to do, was always very helpful, very concerned with how people felt about things, if you did the job the way they wanted it done; as well as knowing him as a person and as a friend. We've done things over the years. As some have commented, we get ~ together. We have picnics, barbecues, we've done hikes and sport events, and we've always been together. And the things that we've all seen have been what everybody has expressed. We've seen a very different person than what's depicted in this courtroom. None of us have seen any of the things that are being said. We've seen him to be the reputable person (that) people in the community, the congregation and personal friends see him that way. So I would request of you, Your Honor, that this would be his last day that he would be spending in prison, and that he be set free (obliterated) life.

DEF. SPKR. 24: Good afternoon, Your Honor. My name is Carla [Ranchela]. I've known Paul for approximately six years or so. I just have to say [though], I am

a graduate of [Barrett] College. Paul has been my neighbor for --he has been my neighbor on two occasions, one in Greenville and one in Wilton, New Hampshire. My brother and I used to go over there all the time and just hang out and watch movies with Paul. If I felt there was any indication of this going on, I would have never allowed my brother or myself over there. My mother allowed us over there-- -I - -I can't even believe this is happening, Your Honor. I think Paul is an innocent man, he is --he's always .been warm and caring, and I just --I really can't believe this is happening. Thank you.

DEF. SPKR. 25: My name is Heidi [Hearne]. I've known Paul casually for about sixteen years. I've known him to be a man who always behaves with courtesy and appropriately. He's never been rude or acted in any way whatsoever to make

me feel uncomfortable around him. I've also been a Jehovah's Witness most of my life. I have a master's degree and I've worked twenty years in the computer world--and I bring this up to refute any allegations that Jehovah's witnesses are not encouraged to be educated people. Most of us are very well educated, and we --many people in this room have expressed that we also work secularly. I was encouraged always to be able to provide for myself, to be independent, and to be aware of what's going on in the world so that we can make an adequate witness when we're called upon to do so. I'm very saddened that Paul is in the situation that he's in right now, and I add my request along with the others

that this be the last day that he (unintelligible) in jail.

DEF. SPKR. 26: My name is Pat [Hearne]. My daughters and my husband are here with me. I've known Paul for approximately fifteen years as a member of the congregation. I've always known him to be a sensitive, caring person. He's a practicing Christian. He believes what the Bible teaches about morality, and from everything that I've ever been able to observe in him, that is what he practices. I think of him as others have said: as an honorable man. I'm happy to call him my friend.

DEF. SPKR. 27: My name is Robert (Michalowski). I'm a design draftsman at (unintelligible) Associates in Andover, Mass. I've been there some seven years or so. I'm also a former elder from the Milford --or rather the Wilton congregation. And at times other elders and myself would visit the Berry family. The relationship (and] knowing Paul goes back some fifteen to twenty years. At those times we talked with Paul, we talked with Sarah, over again, and made many calls. We used the Scriptures to help us along--that way. We're not perfect men; we're not, what you might say, experts; but yet we do abide Bible principles, as well as over six hundred --or rather six million Jehovah's Witnesses do throughout the world. Paul--I'm gonna talk to him--he is a man that has a high regard in my family. My daughters continually ask me how he's doing. I have to give them the sad news that he's still in jail. Whatever charges that have been brought against him have been somehow misconstrued, because never --as an elder, other elders in congregation would have picked up on this in a minute. If there was any problem as far as abuse, as far as mishandling of his family, the elders are very close. Each member here --I

know just about all of them and we are as close as you are with your family, or

other families of your immediate family or whatever. And certainly if something comes up, we know about it for the most part. And as far as Paul, my family—

I've raised two boys, three girls--we associated with their family; we ate dinner at their house. I never saw any inclination of what has been brought up--on these charges, or the charges that I heard at the previous --before the [jury]. Paul's a good father. He continues to be a good father, despite what charges have been brought against him. As far as my family goes, I'd have him babysit. I still have one girl, she's sixteen and at home yet, and I have one

older one that lives with me there. And you can interview them, and I'm sure they would have the same thing to say--as well as other families that aren't

here--about Paul and his lifestyle. Paul certainly is not guilty, and we would hope that our witness here can help somehow. Thank you, Your Honor.

DEF. SPKR. 28: Your Honor, I'm Shannon Christian. I'm one of Jehovah's Witnesses. I'm a family man of two children, who has a wife who works first shift. I work closely with the elders and the congregation. And I've been friends -- good friends with Paul for almost a decade. There are four things, off the top of my head that I can think of, that Paul loves. One is hockey; the other is seafood; but more importantly he loves his family and friends; and most importantly he loves Jehovah God. And that's brought out in the Bible, that we should love Jehovah with all our heart, m1nd, soul and strength; and our neighbors as ourself--neighbors being mankind in general. I --upon my observation of Paul throughout the years, I know that he does love Jehovah, and his neighbor as himself. When his daughter Heather --I remember she used to hang around with my wife a little bit. I remember one time Heather was talking about her father, and she was talking about how he was talking to her, reasoning with her, and that he even was crying when he was doing it. So as a

loving father, that struck a note in my head when I heard that. Another thing I always think of when I think of Paul is one time when I went over to his house, he said that he took a couple days off from work--he worked for Brother Hilton--and he said he did that because he was not feeling too great, and he didn't wanna be really "stealing his money" so to speak, because he wouldn't be worth much. That sticks in my head. It makes me think that --you know, it makes me sure that Paul has a conscience; so he wouldn't wanna go against that conscience. Well, if he --Jesus himself said that he who is faithful in what is least is also faithful in what is much. So if he can be faithful in, quote, this little thing, think of this charge that he has been charged with, of

molesting his children: really, with a conscience like he has, it would pummel him to a finish. And like-- and he would have confessed by now if he was

guilty. I believe he is not guilty. He is my friend. He has worked with me out

in the door-to-door ministry with me and my kids, a boy and a girl--they're five and seven now; they were probably three and five then. They're downstairs in fact, too. And he's taken my daughter to the door and my son to the door by himself; or when I was out to the door with my son or my daughter, he was in the car with my son or my daughter. And I was not nervous at all, even after these charges were made against him. One thing --I'm not totally sure on this, but I would imagine that in the beginning when Paul was accused, he was offered a plea bargain. But because he worships the God of truth, he did not wanna even lie to the fact by even confessing so he could get off easy. He's trusting in

Jehovah with all his heart, just as it even says on the back of a one-dollar bill: "In God we trust." Well, Paul is trusting in God himself. I do know that at times when my wife had to go out to see her family, I'd think about having a babysitter. And with Jehovah as my personal witness, I did think of Paul a number of times; but I quickly dismissed it because I knew he had to work at Blake's Ice Cream restaurant every night to clean it. So I would think of another -- another someone to babysit. However, again about a decade ago was when I became one of Jehovah's witnesses, and I do know that later on then he was divorced, that his wife left him. I don't even know why to this day. And -- but she's not one of Jehovah's witnesses any more. Well, Jehovah is the God of truth, and even in this --this very troublesome circumstance, Paul Berry is still wor-- still worshipping the God of truth; yet his wife and children are not. That says something extraordinary to me, to my heart and to my mind. I am thoroughly convinced that Paul is innocent. He's my friend. I don't --I'm not nervous with him around my children at all--I never was and I never will be. Same thing with all of Jehovah's witnesses: we all worship the God of truth. And we would not be here to promote a lie in any way. We would not be here to cover over a lie that Paul would be hiding. We're here because we thoroughly believe he's telling the truth, and --that's it. Thank you.

THE COURT: Thank you. Yes?

DEF. SPKR. 29: I'm Ryan (unintelligible) .I was not planning on speaking. I was here just as a moral supporter of my friend Paul. I've known him on and off for

about fifteen years, but I've gotten to know him the best in about the last five years because we share one of the things Shannon touched on, which was hockey. And I traveled back and forth with him. Never once did he ever say anything that I would consider off-color. [Never] once have I see him look at a woman or a girl --my daughter, in fact, when we've met up with him, we've never seen him show anything that looked like I would suspect of him --of the things that he'd been charged for --charged of. We play hockey, and it's violent--I mean, we don't play a violent game, but [it's rough!] And if Paul --you know,

Paul's a very good hockey player; but if there was one weakness, I would say it was his lack of aggression. He never tried to use his size or his skills to take advantage of the other team. Even when he made the team, even when he was captain, he always tended to put the other team first. And I think that's been said about his whole life. And, you know, I'm proud to know him, and I'm sorry to say that I've failed him as a friend. I should have been here for this whole proceedings. I'm coming here when it's too late. Well, I've failed him then, and I --I'm gonna support him through whatever comes next. And I hope that the Court will not fail him, but they also will come to his aid. Thank you.

THE COURT: Thank you.

MR. SISTI: Your Honor, the prosecution and the witnesses so far have painted the picture of an evil monster to the Court. And, you know, half of me today was saying, Why even try, I mean, why would --why even do anything? The PSI is

illogical; most of it is dribble. And you I know more about this case than they can condense in one page, and you know what wasn't presented to the jury as

well. And you also know, Your Honor, a little bit more about Mr. Berry today.

You know, you can paint anybody with a broad brush after a conviction. But I've been around long enough, and you've been around long enough, and these folks have been around long enough where there is an occasional miscarriage of justice. And I'm asking the Court to keep that in the back of the Court's mind as well. You know, maybe you've got thirty people here that all made a mistake. Maybe they all made a mistake--but maybe they didn't, Judge. Maybe --maybe Paul Berry is worthy of some consideration with regard to the sentencing, not just a sentence that would make him 100 years old on his minimum parole date. It's very cute, but it's illogical. And you know, that doesn't send a very secure message out there in society either. From 1982 to 1988 all I did was defend murder cases, Judge. And on the occasions that we lost those cases, we never got sentences like 56 to 112, because they're mindless sentences. If -they

were mandatory life sentences, that's one thing. But when there was discretion

in the hands of a judge, when there was discretion in the hands of an

individual who has to weigh things objectively --not just out of the guts of

passion, not just out of pointing fingers and calling people "monsters," not

just out of coloring some strange little design and making believe that a

religious group is some fanatical, strange little group where they enslave

women and minds within their church. I mean, there's no room for that in this

courtroom, none at all. I mean, I pick juries every day and put Jehovah's

Witnesses on 'em. The State may not know that. All kinds of religions sit over

there, and all kinds of religions sit over here, and all kinds of religions sit

out here. And there's no room for that sort of stuff around here. The comments

from an angry mother are just those: they're the comments from an angry mother.

And maybe she's taking that out on herself, and maybe she's got other issues

that she's gotta work out, and maybe it was good for her to vent; but quite

frankly those were the comments of an angry mother. And maybe you've got the

most difficult job of all, because you have to weigh all these things. And it's not easy for you, and I know that. And I know that he was convicted of a number of aggravated felonious sexual assaults, and I know that that makes it even

more difficult. But what you should have known over the past forty-five minutes is that he's not just a bag of trash, and that there are people that care about

him, that there are people that say good and great things about him. So when

you're considering what his sentence is, I'm gonna ask you to consider that as well. And I'm certainly gonna leave it up to you, Judge, I mean --that's all we got here, and I'll leave it in your hands. Thank you.

THE COURT: Thank you, Attorney Sisti.

MS. BROWN: I have a couple –

THE COURT: Attorney Brown?

MS. BROWN: --Yes, Your Honor. There's a couple things I'd like to say before I ask Holly if -- Holly wants to speak. First of all, the crimes at issue here are aggravated felonious sexual assaults, and sexual assaults. And as the Court well knows, these are crimes of secrecy. These are crimes that do not occur over at somebody else's house, or at a jobsite, or in a church or in a temple, or at a Jehovah witness Kingdom Hall. And one of the gentlemen indicated that the defendant didn't worry very much about this case. Well, it's the state's position that the defendant didn't worry very much about this case because the defendant was hoping that the jury of his peers would buy into Attorney Sisti's arguments that Holly was, quote, a liar, quote, a bizarre person, or quote, a flawed individual. But he was tried by a jury of his peers, and they convicted him of seventeen counts of aggravated felonious sexual assault, and four counts of sexual assault. These aren't charges; these are convictions. And Holly Brewer is not an "alleged" victim, as Attorney Sisti would like to characterize her;

she is the victim of what that man did to her over those years. The jury reached their verdict beyond a reasonable doubt. And the State's request is not "cute." It's not even the maximum sentence that he could receive by law. It is a long sentence, and he deserves that sentence.

MS. HOLLY B: My name is Holly Brewer, B-r-e-w-e-r. I was going to write something to say today, because everybody else was, and it seemed like the thing to do. And I tried to write something, and it really wasn't working out. You can't really put an order onto what you're going to say. This is a pinnacle moment in my life. These people know me from when I was a little kid in a Kingdom Hall, obeying my father and obeying what was told me to do. And they don't know what happened at my house, so they stated that he was good at work. Well, you know, I knew exactly how to sexually please him when he --when I was five. And you guys don't know that, because he obviously didn't make me do it in a Kingdom Hall. And I'm sorry, I know you believe him, but it's because you weren't his child. I didn't know how to begin an order of events. My whole life has been in fear. My whole life has been afraid of him, spending nights alone in the woods, running away with people, not knowing where I was, sitting there trying to make up a make-believe world that would be much more comfortable for me to live in than to go home and be with him, making notes on boxes that I

was going to run away, having him come into my room and tell me that here we go--this is time. And okay, fine, I know exactly what to do, I know the exact order of everything that needs to take place. And that hurts, because later on when you develop a sexual relationship with somebody else, it doesn't go away. You don't forget, because the exact same feeling that you had when you were a little kid is the exact same feeling that you have now, whether you are with somebody that you absolutely love or not--it doesn't matter. I can never shake that. And I'm not hiding behind a victim stance. It's just something I'm going to have to deal with forever: waking up and having dreams, and knowing I'm in love with somebody who is completely not him at all, and having his face come out. It's going to be that way forever. And I know that that's something that I have to deal with, and I won't hide behind being a victim at all. But I am so happy that I am here right now, and that I'm older, and that you cannot hurt me, and that I remember every single thing that you ever did to me, and I must be [brave] talking to you because I was so little. But I will never forget—ever, ever, ever. I will never forget. Growing up in that lifestyle, being a Jehovah's Witness, knowing --having you recite Scriptures to me that the husband can discipline his wife and children as he sees fit as king of the household, while I sucked your dick? I am appalled that all these people are sticking up for him, but I know it's not their fault; because that is the system, where you are conditioned that everything is okay. Yes, they did repeatedly come to our house many, many times. For what? Because he was beating us up. Because I would make him a present and he wouldn't like it and he would smash it against the wall. Because he would call me a little slut. Because he would call me his bitch. "You know exactly how I want it, bitch. You're my little bitch. You're so sexy. I love you more than your mother. If you ever tell your mother"--she already knows about this--"she'll be so jealous she'll just throw ..you out. " Remember those words? I'm bigger now, and I'm much stronger, and I feel almost like nothing can touch me. I came up here, and I was hysterical the first time that we came here; and now I just feel so strong. Now I feel so beautiful. And yeah, I'm weird-looking--and it's art, and it's beauty. And would I look like this if somebody wasn't fucking me since I was three? You have to ask yourself, why am I so bizarre? Why this need to express myself? And I think it's beautiful. Thank you very much, sir.

THE COURT: Attorney Sisti?

MR. SISTI: Well, yeah, Your Honor, I mean, I'm not going to go into a long rebuttal case here, or try to determine whether it was the chicken or the egg. But quite frankly, the bizarre aspect, the lying aspect is exactly what we're pursuing on appeal, and the Court knows that. And you know, Prosecution can point a finger at me too, if they want. They can do anything they want--I don't care, all right. But quite frankly, they're the ones that were starting this

thing out by making out the broad-brush of a monster, and the strange religious aspects of some strange religious group; that just doesn't sound that strange when they stand up and talk about the lives that they lead, the families they have, the jobs they have, the problems that they have, the children they support -- the families. So quite frankly I'm not going to counter that. I'm

going to ask the Court to take everything into consideration and render a proper sentence in this [matter].

THE COURT: Thank you, Attorney Sisti. Is there anything further?

[MS. BUCK]: No.

THE COURT: All right, what I'm going to do is, we'll take probably about fifteen minutes. I just --I need to have time to think. And so we'll break it'll probably be fifteen or twenty minutes, and then we'll be back and I'll do the sentence.

BALIFF: All rise.

(Recess)

THE COURT: Please be seated. Well, needless to say, since the trial I've thought about the sentencing as much as counsel on both sides have certainly thought about it. And I note there are some issues --appealable issues on the part of the Defendant in the case. I've made my decisions and did my best to follow the law as I saw it. And I excluded evidence that I didn't believe was relevant, and I excluded evidence that both sides offered that I didn't believe was relevant. And on appeal the Supreme Court will decide whether or not I did so appropriately, and well they should. I do wanna say I appreciate the courage it takes to come to court when a person is found guilty and speak in favor of that person. And I also appreciate the courage it takes to come to court and speak about things that I know are so difficult for family members. I think Attorney Sisti talked about the years of --his years of experience--and he has many: he's one of the finest defense attorneys in --probably in New England. But in my years of experience—I would like to say this to the people here who speak for the defendant: Be careful with your kids. I can guarantee you that within your group there, there are a number of people who have been sexually assaulted. When I pick juries to sit on trials, it's not unusual for me to have from half a dozen or more jurors come forward and say, No, I can't ~ sit on this case: I was sexually assaulted; my daughter was sexually assaulted. What you see when you visit someone like the defendant, or when you're in church, is not everything, believe me. I've had trials where defendants who were Catholic priests were found guilty, where victims have come forward following the trial, finally letting people know that, yes, they too were a victim; when someone had the courage to come forward and finally say something. It's --I think as Attorney Harding said: It's the secrecy. Many people pull it off, and it -- are never sentenced for anything, and have probably --and I

can't say in numbers, but I know that many people just feel, as victims, that they just don't wanna face the system, and the stress of reliving things that were so difficult for them when they were helpless with nowhere to turn. But believe me, do not carelessly say, "I would leave my children with" anyone. And the jury found the defendant guilty of these charges. And I was reading some of the indictments earlier today, and I thought about Holly--Holly B., as it's written in the indictments. And it's Holly B. the woman that I see, but it was Holly B. the child that was in the indictment. And she was being emotionally and physically and sexually abused when she was between the ages of, I guess, five and ten. And there was nowhere she could go. She -- her parents couldn't help her; the defendant wasn't going to help her; the church didn't help her; and the state didn't help her. And at that time in her life, she could see no help on the horizon. I think as Attorney Brown said, she didn't think she'd live to be sixteen years old. But inside of that child was a hero just waiting; and now years later--twenty-one years old, tattooed--the poet-warrior in a sense comes to rescue the child. I'm not going to call the defendant a monster. No one that comes into the courtroom is a monster; we're all human beings and we make terrible mistakes. I will say this, that there is something terribly wrong with anyone who would perpetrate this number of offenses over that number of years on a helpless child. And I think Attorney Sisti said that he had tried murder cases where the state's recommendation--this recommendation in this case would be much longer than a murder case. Well, a murder case is a different game. It's one incident, frequently done in the heat of the moment. It is not an incident that is planned and then carried out systematically, secretly, at the expense of a child who cannot help herself because her community will not help her. And so I'm going to give the State--the State's recommendation of a sentence. I think the defendant's acts deserve that. I think it is important that the defendant be punished for these acts. And I'd point out that perhaps if somebody had spoken years ago, if somebody had inquired, instead of relying perhaps on Jehovah--and I'm not talking against anybody's religion; I'm saying I've seen this happen in any number of different congregations--maybe it would have been a shorter sentence, and a lot less cruel for that child, then. So, the clerk will now, I know, read the sentences.

DEPUTY CLERK: Mr. Berry, if you'll please stand for formal reading of the sentences, sir. with respect to 99-S-1490: You are sentenced to the New Hampshire state prison for not more than fifteen years, nor less than seven and

one-half years, stand committed. You are given 128 days of pre-sentence confinement credit. As a condition of your sentence, you shall have no contact--direct, indirect, by letter, by phone, by computer, or through third parties--

with Holly B. or any member of her family. Failure to comply with this condition may result in imposition of any suspended sentence you may receive today. With respect to 99-8-396: You are sentenced to the New Hampshire state prison for not more than fifteen years nor less than seven and one-half years; once again this sentence is stand committed. This sentence is consecutive to the sentence imposed in 1--99-8-1490. The same no-contact provision is applicable in this case as well. With respect to 99-S-1486: You are sentenced to the New Hampshire state prison for not more than fifteen years nor less than seven and one-half years; this sentence is to be served stand committed. This sentence is consecutive to the sentences imposed in 99-8- 396 and 99-5-1490. Once again the no-contact provision is applicable to this sentence as well, sir. with respect to 99-8-1485: You I are sentenced to the New Hampshire state prison for not more than f1fteen years nor less than seven and one-half years, stand committed. This sentence is consecutive to the sentences 1mposed 1n 99-8-1486, 99-8-396 and 99-8-1490. With respect to indictment 99-8-1484: You are sentenced to the New Hampshire state prison for not more than fifteen years nor less than seven and one-half years, stand committed. This sentence is to run consecutively to the sentences imposed in 99-\$-1485, 1486, 396 and 1490. with respect to 99-\$-1483: You are sentenced to the New Hampshire state prison for not more than fifteen years nor less than seven and one-half years. This sentence is to be served as follows: stand committed. This sentence will run consecutively to the sentences imposed in 99-\$-1484, 1485, 1486, 396 and 148—

I'm sorry, but that last one I can't --it's not --it didn't photocopy well. Do you have that memo, Ms. –

MONITOR: 1490.

DEPUTY CLERK: --Thank you very much. With respect to the stand-committed sentences that I've just read to you, sir: There is added to the minimum sentence a disciplinary period equal to 115 --excuse me, 150 days for each year of the minimum term of your sentence, and that would be prorated for any part of the year. In the case I had misstated, the no-contact provision applies to each of the sentences that I have just read to you, sir. With respect to 99-\$-1482: You are sentenced to the New Hampshire state prison for not more than twelve years nor less than six years. This sentence is to be served as follows: stand committed. This sentence will run consecutively to the sentences imposed in 99- 8-1483, 1484, 1485, 1486, 396 and 1490. And the no-contact provision is applicable to this case as well, sir. with respect to 99- 8-1481, you are sentenced as follows defendant is sentenced to the New Hampshire state prison for not more than ten years nor less than five years. This sentence is to be served as follows: stand

committed. This sentence will run consecutively to the sentences imposed in 99-5-1482, 1483, 1484, 1485, 396, 1486 and 1490. with respect to the following sentences --excuse me, misdemeanor informations 99-8-1479, 1480, 1478 and 1487: You are sentenced to concurrent sentences of twelve months at the house of corrections, stand committed. These sentences will run concurrently to the sentence imposed in 99-8-1481--and that is a sentence that I previously read to you, sir. And once again, sir, with respect to each of these sentences, the no-contact provision is applicable. It reads as follows: the defendant shall have no contact whatsoever with Holly B. or any member of her family. The remaining group of charges consist of the following docket numbers, and there is one concurrent sentence imposed with respect to each of those. Those would be 97-1611, 99- 1476, 99-1477, 99-1488, 99-1489, 97-1618--I believe it's -18, 97-1619, 97-1620, 97-1621.

Sir, you're sentenced to concurrent sentences as follows: The defendant is sentenced to the New Hampshire state prison for not more than ten years nor less than five years. This sentence is to be served as follows: stand committed. And each of these sentences, although running concurrently with one another, will also run concurrently with 99-S-1431, 1479, 1480, 1478 and 1487. Sir, once again with respect to each of the state prison sentences imposed upon you today, there is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of your sentence; and sir, that would be prorated for any part of the year. And so that the record is clear, the no-contact provision applies to every sentence that I've read to you today. And I'll read it once again into the record: The defendant shall have no contact with Holly B. or any member of her family, as set forth in 99-S-1481. Failure to comply with this condition may result in imposition of your suspended sentences. Mr. Berry, do you understand the terms of your sentences, sir?

MR. BERRY (No audible response.)

DEPUTY CLERK: Okay, Mr. Berry; there's one final matter. You do have the right to apply for review of the state prison sentences imposed upon you today. The application, sir, may be filed within thirty days after the date of sentence, but not thereafter except for good cause shown. If you file such an application, sir, your sentence will be reviewed by a board of three members who will either be Superior Court justices, senior justices, or retired superior Court justices. Review of the sentence may result in a decrease or increase of the minimum or maximum term, within the limits fixed by law; or there may be no change in the sentence. The form for making the application, sir, is set forth here. The form is dated October 31st, 2000. And let the record reflect that I've handed Mr. Berry his application for sentence review. Mr. Berry, at this time, unless there's something further, you are remanded

into the custody of the sheriff for transportation to the New Hampshire state prison.

THE COURT: Is there anything further from counsel?

MR. SISTI: Yes. Yeah, we're going to be filing the sentence review right now, Your honor.

THE COURT: Anything further from the State?

MS. BROWN: No, thank you. THE COURT: Thank you.

[MR. HARDING]: Thank you.

BAILIFF: All rise, please.

(End of Proceeding)

I hereby certify this to be a true and accurate transcript of the entitled matter to the best of my knowledge and belief.

COURT TRANSCRIPTIONIST

NOTE: Bracketed [] words indicate (1) unsure of word(s) used, or (2) unsure of spelling of proper name.