

Weare police face more federal lawsuits

◆ **Arrest:** A Lebanon woman filed suit after she was arrested for wiretapping after she taped the traffic stop of friends in another car.

By **DAN O'BRIEN**
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WEARE — The federal lawsuits against the Weare Police Department are piling up, with two more filed in the past two months alleging wrongdoing by police officers.

The most recent suit was filed last week at U.S. District Court in Concord by Carla Gericke of West Lebanon, who was arrested for wiretapping after she videotaped a police traffic stop last year, according to her attorney, Stephen Martin.

Another suit was filed March 1 by Cynthia Hudson, 55, of Webster, who was charged with driving under the influence last September despite submitting to breath, blood and urine tests that all proved negative for drugs and alcohol, said Hudson's attorney, Nick Broditch.

A third lawsuit, which is also pending, was filed last December by Louis Chatel, a former sergeant for

the Weare Police Department. Among several allegations, Chatel said Police Chief Gregory Begin and Lt. James Carney deliberately made false child pornography allegations against Chatel, who was ultimately cleared of any wrongdoing by the Attorney General's Office.

George "Skip" Campbell, Chatel's attorney, said Monday that he's continuing to collect documents from police and the lawsuit is "still in the formative stages."

Tom Clow, chairman of the Weare selectmen, refused to comment on the cases Monday. Begin could not be reached.

The town's attorney, Mark Broth, could not be reached.

In Hudson's case, her lawsuit said she was arrested in a Sept. 28 traffic stop on Route 114 after Officer Daniel Aiken suspected she was under the influence. Broditch said Hudson was pulled over for alleged erratic operation, but there was no evidence at the scene suggesting she was drunk or high.

Once back at the station, Hudson submitted to a Breathalyzer test, a urine test and two blood tests, which all came back negative, her attorney said.

"All of the testing, both that night and subsequently, confirm she was stone cold sober," Broditch said. "If completely sober people are being charged with DUI, something can't be working right."

A police prosecutor dropped the DUI charge about one week before it was scheduled to be heard in district court, Broditch said.

Broditch is alleging three federal civil rights violations for false arrest, malicious prosecution and illegal seizure of a person.

"In her entire life, she's only had one speeding ticket" before this incident, Broditch said.

In Gericke's case, her attorney filed a 32-count lawsuit outlining state and federal constitutional violations, including unlawful search and seizure and violating her freedom of speech and press rights. She was arrested in March 2010 for filming police from a distance after they pulled over her friends in another vehicle on Route 114.

The charges were dropped before Gericke was scheduled for court two months later, but in the lawsuit Gericke claimed she wanted to go to trial.

"Ms. Gericke ... wished to prove her innocence and was concerned about a pattern where people have been arrested, their cameras seized, their footage erased and then their charges dropped," the lawsuit said.

"Furthermore, Ms. Gericke wished to finally settle by court ruling that citizens openly recording public officials doing public duties in public is not a violation of RSA 570-A, the state's wiretapping statute."

In both Gericke's and Hudson's cases, their attorneys said Weare police claimed dashboard camera videos of the incidents were not available.

"I sure wish that this had been taped," Broditch said of his client's case. "I wish we had a record of it, but we don't."

Gericke is a member of the Free State Project libertarian activist group, which held a protest in front of the Weare police station last month after questions arose over her case and two recent others.

In her lawsuit, attorney Stephen Martin claims the Weare police keep a file on Free State Project members.