

I went to the Merrimack Superior Court hearing on a motion to dismiss and motion to quash, filed by several attorneys, in the open and shut case of vote suppressor, Carl Robert Gibson:

1. Creating a fake email address one letter off of a candidate's real email.
2. Filing fake press releases with the copycat email.
3. Filing those fake, imposter emails with local media days before the special election.
4. Attempting to lower the voter turnout of supporters of the candidate he was impersonating by saying she was dropping out of the race because of college work demands.
5. Carl Robert Gibson admitted to such when called by a reporter who wrote the story and published it.

That case turned into an endless spinning of hypothetical situations in which Gibson was really trying to inform the public that by voting for a college student they may be voting for someone who may leave the office if elected.

In another motion, a separate lawyer for Gibson was arguing that the reporter might not want to testify in this case and it would dampen the first amendment activities of the press should he have to do so. The even dumber argument was about confidential sources – which was not in play in this case at all. They simply want to gut the best evidence the State has against Gibson – his admitting after the fact that he did fake the press releases.

Judge McNamara was, when he wasn't inventing new, irrelevant, hypothetical situations about other instances about satire, criminalization of speech, and what cow kicked over what lamp, was eating it all up.

He said this is a very complicated case and suggested it might be best to let the Supreme Court look it over.

Here is one statute involved in this complicated case, RSA 666.6:

666:6 False Documents, Names or Endorsement. – Any person who shall, without authority, sign the name of any other person to any letter or other document, or falsely represent that any other has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, or who shall by false representation, use, employ or assign the name of any other person, or a fictitious name on a radio or television broadcast or other means of communication, to signify endorsement of a political party, candidates or programs, or, for the purpose of influencing votes, shall be guilty of a misdemeanor.

Real complicated.

Now for what is obvious.

Judge McNamara was either pulling some sort of slow torture on Gibson's attorneys by not laughing when one of them used the Boston Globe fake headline about "President Trump" as evidence of what Gibson was trying to do. Maybe he thought it was better to string them along like their argument was sane.

But this is New Hampshire and we are known for bad courts.

I filed an Amicus Brief right before the hearing.

The judge has discretion as to whether he will use it.

In any case, this is far from over.