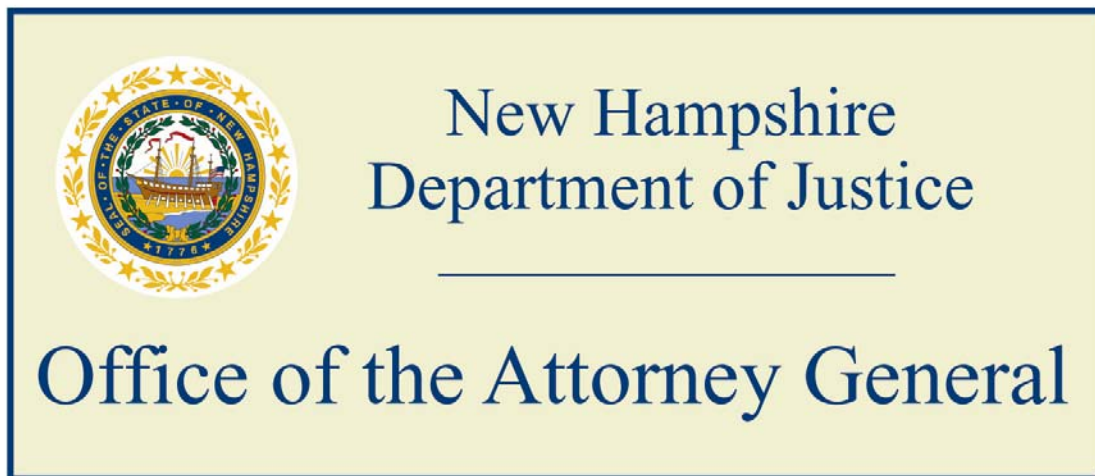


Overview of Law Enforcement Issues and Experience in New Hampshire



**Will Delker
Senior Assistant Attorney General
Criminal Justice Bureau**

September 15, 2009

2008 List of the Most Dangerous States

RANK ORDER

08 RANK	STATE	SUM	07 RANK	CHANGE
1	Nevada	72.59	1	0
2	Louisiana	39.91	10	-8
3	New Mexico	33.71	2	1
4	South Carolina	33.61	6	-2
5	Arizona	32.08	3	2
6	Tennessee	29.96	5	1
7	Maryland	28.95	4	3
8	Alaska	26.69	7	1
9	Florida	25.66	8	1
10	Michigan	23.57	11	-1
11	Arkansas	17.71	13	-2
12	Delaware	17.39	18	-6
13	California	16.27	9	4
14	Texas	10.42	12	2
15	Alabama	9.60	17	-2
16	North Carolina	8.72	16	0
17	Oklahoma	7.73	15	2
18	Missouri	6.84	19	-1
19	Georgia	5.74	20	-1
20	Washington	5.51	14	6
21	Illinois	0.14	21	0
22	Ohio	-3.79	23	-1
23	Mississippi	-4.93	24	-1
24	Kansas	-7.27	27	-3
25	Colorado	-8.58	22	3
26	Indiana	-13.78	25	1
27	Pennsylvania	-14.93	26	1
28	Hawaii	-20.33	28	0
29	Massachusetts	-21.86	30	-1
30	Oregon	-26.62	29	1
31	New Jersey	-28.36	33	-2
32	New York	-28.49	31	1
33	Kentucky	-29.90	34	-1
34	Minnesota	-29.92	32	2
35	Nebraska	-33.17	37	-2
36	Virginia	-34.39	36	0
37	West Virginia	-35.71	41	-4
38	Utah	-36.00	38	0
39	Rhode Island	-37.20	35	4
40	Connecticut	-37.66	40	0
41	Wisconsin	-38.07	42	-1
42	Idaho	-39.50	39	3
43	Iowa	-41.85	43	0
44	Montana	-50.64	44	0
45	Wyoming	-50.79	46	-1
46	South Dakota	-53.52	45	1
47	Vermont	-58.13	49	-2
48	North Dakota	-58.37	50	-2
49	Maine	-58.54	48	1
50	New Hampshire	-62.64	47	3

THE STATE OF NEW HAMPSHIRE

v.

UNO KIM

Argued: January 11, 2006
Opinion Issued: March 28, 2006

On the morning of February 27, 2003, the bodies of Gury and Theodore Joseph were discovered in their home in Manchester by a close friend. Gury's body was found face down on the living room floor. Theodore was found face up on a bed in an adjacent first floor bedroom. There were no signs of forced entry into the residence. Most of the rooms had been ransacked; police found file cabinet doors open and contents thrown on the floor, a hassock cut open and appliances knocked over or moved away from walls. Investigators seized an empty strong box and empty bank bags. A search for fingerprints revealed multiple impressions left by a gloved hand. The police investigation uncovered that the defendant's car had been observed at the Joseph residence the prior evening.

On February 28, 2003, the police arrested the defendant at the John F. Kennedy Airport in New York. At the time of his arrest, the defendant was waiting to board a flight to South Korea. The defendant paid for the one-way ticket with two thousand two hundred dollars cash. In the defendant's luggage and carry-on bag, police found approximately twenty thousand dollars and Ambien, a sleeping medication. The Ambien was prescribed to the defendant on February 25, 2003.

A medical examiner determined that the cause of death for both Joseph brothers was strangulation and the time of the deaths was between 10:00 p.m. on Friday, February 26, and 1:00 a.m. on February 27. A toxicology report also revealed the presence of Ambien in both brothers' bodies.

A plastic cable tie also known as a flex cuff or zip tie was wrapped around Theodore's ankle. Investigators determined that plastic cable ties, similar to the one found on Theodore's ankle, were sold by Home Depot. The police obtained a Home Depot video surveillance recording showing the defendant purchasing similar plastic cable ties two days before the murders. A fingerprint on the tie found around Theodore's ankle matched the defendant's.

After his arrest at the airport, the defendant agreed to an audiotaped interview with detectives from the Manchester Police Department. In the interview, he said that he had visited the Joseph residence on February 25, seeking a loan from Theodore in the amount of twenty thousand dollars. The defendant admitted that he needed the loan because his business had failed and he had "lost it all." He told investigators that he no longer owned his car wash business and his Mercedes was about to be repossessed for missed payments. He told investigators that his wife's Cadillac had been repossessed that month because he did not keep up with the payments. In addition, he told police that he had a gambling

problem. The defendant also said that he knew the victims kept a large amount of money in their home. According to the defendant, Theodore told him he would think about making him the loan.

The defendant told police he returned to the Joseph residence on February 26, 2003. Before arriving, the defendant crushed sleeping pills into an energy drink he planned to give the brothers in order to rob them. During his visit the defendant convinced the brothers to drink the beverages containing the pills. The defendant admitted to stealing approximately thirty-six thousand dollars after the brothers fell asleep. The defendant denied killing the Joseph brothers and tying either of them with a plastic tie. The defendant also told investigators that following the robbery he drove to the Mohegan Sun Casino in Connecticut where he gambled. He paid off gambling debts at the Mohegan Sun and Foxwoods casinos before leaving the area.

The defendant's mistress testified at trial that, after the defendant left the casinos, he met her in New Jersey. He gave her thirty-five thousand dollars in cash, slept at her apartment and left a suitcase there containing his clothing. She testified that she had met the defendant five years earlier and they became romantically involved, seeing each other once or twice a week. She testified that the defendant helped pay her mortgage, and that the defendant had run up a debt of approximately thirty-five to forty thousand dollars on her credit cards.

During the trial, the State presented evidence of the defendant's declining financial situation and lifestyle over the course of several years prior to the homicides. A certified public accountant testified that from 1997 to 2000, the defendant's yearly net income ranged between one hundred and one hundred twenty-five thousand dollars. He testified that the defendant's gambling winnings totaled at least one hundred and seventy-three thousand in 1998, and one hundred and thirty-three thousand in 1999. According to IRS submissions, the defendant's gambling losses in those years were at least equal to, if not higher, than those amounts.

In January 2001, the defendant sold his business, Uno's Car Wash. The proceeds from the sale increased his bank balances to more than three hundred thousand dollars. The defendant's cash withdrawals, credit card payments and other expenses had substantially depleted the accounts by July of that year. The defendant then sold his family home in Bedford but, by the winter of 2001-2002, had again depleted his accounts. At trial, an employee from the Mohegan Sun casino testified that the defendant's gambling losses totaled one hundred and twenty-four thousand in 2001 and one hundred and fifty-three thousand in 2002. From January 2000 to March 2002, the defendant maintained credit card balances in the range of forty to fifty

Recent Gambling Cases Prosecuted in NH

Coos County: Clerk and tax collector for the town of Carroll stole \$118,000 from taxpayers and used the money to gamble at Foxwoods, Atlantic City, and Montreal.

Grafton County: A female caregiver in Hanover plead guilty to stealing \$42,000 to fund her gambling activities. She took care of an elderly couple in their home, wrote checks to herself on their account, and used the cash to gamble.

Hillsborough County: Bookkeeper stole \$330,000 from her employer over the course of 2 ½ years by forging checks. Loss almost forced the company into bankruptcy. The defendant lost all of the money on internet gambling.

Hillsborough County: Manchester grants administrator stole \$23,000 in public money from the Americorp-Vista program to use for gambling.

Merrimack County: A 38-year-old man plead guilty to stealing \$150,000 from elderly victims he met as a financial adviser, including 72 year-old-woman and her 92-year-old father. The defendant admitted to using the money to fund his addiction to gambling and drugs.

Recent Gambling Cases Prosecuted in NH

Rockingham County: A defendant conned the victim out of \$10,000 on a fake business scheme. The victim used her savings and money from a home equity loan. The defendant confessed he went to Foxwoods and lost it all. When he did have some money to repay her (during the course of the con), he again went to Foxwoods “to win more money to pay her back” and instead lost that as well. The defendant was on probation in Mass for a \$100,000 con that he performed there. His counselor spoke at sentencing saying that she keeps him in a low paying job so he never has too much money in his pocket which could trigger the desire to gamble.

Rockingham County: Derry Police investigated illegal video poker gambling at two social clubs in town after receiving complaints from several spouses that their husbands were losing their paychecks at the video poker machines. The investigation took almost 4 years to bring to conclusion because the clubs were controlled by the Outlaw Motorcycle gang and the people running the machines would not make payouts unless they trusted the patrons. The video poker machines were ultimately seized and the clubs prosecuted for illegal gambling.

Sullivan County: A campaign worker for Senator Odell stole \$3300 from the campaign contributions to fuel his gambling addiction.

Impact on Crime Rates

Richard Aborn & John Bennett, Gambling: Who's really at risk? (2005) (Ex. 9):

Pg. 9: “It is virtually inescapable that there will be an impact on crime from introducing gambling.

Earl L. Grinols & David B. Mustard, Casinos, Crime & Community Costs (2006) (Ex. 6):

Pg. 44: Within 3 years after casino opens, crime increases in virtually every category, including assaults, robberies, burglaries, rapes, and property crimes.

U.S. Department of Justice, Gambling and Crime Among Arrestees (2004) (Ex. 8):

Pg.5-6: Pathological gamblers were more likely to commit assaults, robberies, and drug crimes than low-risk gamblers.

Gambling Addiction Increases When Casinos Are Closer To Gamblers

John W. Wette et al. (2004) (Ex. 4):

Pg. 418: “[A] casino within 10 miles of home is associated with a 90% increase in the odds of being a pathological or problem gambler.

Pg. 419: “[R]espondents who live within 10 miles of a casino have more than double the rate of pathological or problem gambling of those who do not”

Grinols & Mustard (2006) (Ex. 6):

Pg. 31-32: “The geographical spread of casinos lowers the cost of buying the addictive good, which increases the quantity consumed by problem gamblers”

Slot Machines Are Like Crack-Cocaine for the Gambling Addict

Robert Breen & Mark Zimmerman, Rapid Onset of Pathological Gambling in Machine Gamblers (2002) (Ex. 7):

“As the analogy to crack cocaine suggested, context matters. The quality of different forms of gambling affect the progression of [problem gambling] much the same way as different substances affect the progression of dependence. We suggest that gambling machines ‘deliver’ their ‘active ingredient’ more rapidly, continuously and directly than the traditional forms of gambling.”

Increased Crime Is Not The Only **Social Cost Of Gambling**

Ernie Goss & Edward Morse, The Impact of Casinos on Bankruptcy Rates (2004) (Ex. 10):

Pg. 17: Counties with casinos experience a personal bankruptcy rate almost 100% higher than counties without a casino.

Florida Council on Compulsive Gambling (Feb. 25, 2009) (Ex. 11):

2/3 of callers to the compulsive gambling hotline had civil lawsuits brought against them for debt collection including foreclosures, child support payments, and other issues

Grinols & Mustard (2001) (Ex. 12):

Pg. 150-52: Crime, employment costs, bankruptcy, suicide, illness, social service costs, government regulatory costs, divorce, spousal abuse, child abuse, etc.

The Dollar Value of the Social Costs Of Gambling Addiction Are Extremely High

Grinols & Mustard (2001) (Ex. 12):

Pg. 155: Social cost imposed by pathological gamblers is between \$140 and \$220 per adult

U.S. Census Data:

2008 NH adult population = 1,022,384

Total Social Costs for NH:

Low = \$143,133,760

High = \$224,924,480