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**FOR IMMEDIATE RELEASE**

OFFICE OF THE HILLSBOROUGH COUNTY ATTORNEY  
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**Juror Misconduct Leads To Post-Verdict Mistrial In Santos Case**

Hillsborough County Attorney Dennis C. Hogan announces that on Tuesday September 23, 2011, the Honorable Jacalyn A. Colburn of the Hillsborough County Superior Court -Southern District was caused to declare a mistrial in the case of Angel Santos due to newly discovered juror misconduct.

Santos, 21, who was accused of stabbing the victim five times during a home invasion in September 2010, was convicted of First Degree Assault following a four day jury trial and two days of deliberations.

Following the verdict, Judge Colburn ordered a pre-sentence investigation be conducted within sixty days. Santos was then returned to the New Hampshire State Prison where he was incarcerated on a parole violation pending sentencing. Santos faced 7 ½ - 15 years in the New Hampshire State Prison for the Class A Felony.

However, several weeks following the verdict, defense counsel made a request to reconvene the jury due to newly discovered information pertaining to alleged misconduct. In response to the defendant's request, on September 22<sup>nd</sup> and 23<sup>rd</sup>, the Court held separate chambers conferences on the record and in the presence of counsel with two of the deliberating jurors in Santos case.

During the two days of conferences, the Court investigated allegations that one of the jurors had researched information about the defendant outside of the court and during the trial which allegedly assisted the juror in reaching a verdict. This conduct is strictly prohibited. The prohibition had been made clear by the Court through numerous instructions on multiple occasions both before and during the trial.

Finding the action of a juror to be "in direct contravention of the Court's instructions prohibiting such outside influence," on September 23, 2011, Judge Colburn was forced to declare a mistrial on grounds of presumptively prejudicial juror misconduct. The State will have to re-try the case.

In an Order on the matter dated September 27, 2011, the Court determined that the misconduct warrants a referral to the Hillsborough County Attorney's Office for investigation into whether indirect criminal contempt charges should be brought against the juror. In her Order, Judge Colburn stated, "The Court is very troubled by the complete disregard of its instructions in this matter, the disservice it bears upon the integrity of the jury trial system, and the resulting systemic costs associated with the necessary repeated prosecution."

Questions about the case can be referred to County Attorney Dennis C. Hogan at the County Attorney's Office in Nashua at 627.5605.

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