

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

Hillsborough County Superior Court - South

Diocese of Manchester & St. Lawrence Parish

V.

Gerard Beloin

NO. 09-E-0215

SECOND MOTION TO DISMISS

NOW COMES Gerard Beloin, Pro Se and respectfully requests that this honorable Court grant this SECOND MOTION TO DISMISS and ORDER the relief that this Respondent is entitled to under **CHAPTER 507 ACTIONS - Frivolous Lawsuits and Punitive Damages - Section 507:15: Penalties for Frivolous Actions.**

STATEMENT OF FACTS

1.

The ex parte relief, temporary restraining order, granted by the court was granted by Judge James Barry Jr. Just prior to the granting of that ORDER, I had filed a complaint against Judge Barry, containing recordings of him committing the multiple felonies of perjury, suborning perjury and conspiracy to commit perjury by falsifying court records in the case of State v Beloin, Docket #05-S-1305 at the HCSC-N, now Docket #2008-0925 at the NH Supreme Court.

2.

On October 16, 2007 at a PRELIMINARY HEARING **“limited to the offers of proof”** Attorney Alexander Walker acting as the agent for the St. Lawrence Parish and the Diocese of Manchester, knowingly and repeatedly perjured himself in his testimony before the court by knowingly, boldly and brazenly lying about the facts in a parallel case of bid rigging in the town of Raymond NH. That case involved the same roofing contractors hired to replace the roof on the St. Lawrence Parish. This was done with a specific purpose of getting a favorable ruling from the court. In a PRELIMINARY HEARING **“limited to the offers of proof”**, no witnesses were called. No times or dates of when the alleged threats were made were presented. No police reports were produced. No evidence, whatsoever, was produced. The testimony consisted of a monologue by Attorney Walker making up story after story. Following are the written transcripts of some of his perjurious rants with the audio recording contained on the attached CD. **(EXHIBIT A)** The 2 witnesses that I had subpoenaed were not allowed to testify.

**TRANSCRIPTS OF HEARING  
St. Lawrence Parish v Gerard Beloin  
Docket # 09-E-0215  
October 16, 2007 Hillsborough County Superior Court North  
Justice Kathleen McGuire presiding**

**CC:** Court Clerk

**GB:** Gerard Beloin

**AW:** Attorney Alexander Walker

**JM:** Judge McGuire

**CC:** 9:21:39am. Roman Catholic Bishop of Manchester v Gerard Beloin. Attorney Alex Walker appears for the Plaintiff. Mr. Beloin appears Pro Se. Before we begin Mr. Beloin would you stand and raise your right hand. You swear the testimony you are going to give in this hearing will be the truth, **the whole truth and nothing but the truth under the pains and penalties of perjury.**

**GB:** I do.

**CC:** Thank you. You may have a seat

**AW:** 9:29:23am. Also next week the contractors (Therrian Roofing) are going to be out at the parish to begin work on the roof and they're worried because they have had prior experience with Mr. Beloin on other jobs and they're concerned that once they put men on the job and put people on the roof that Mr. Beloin is going to be out there, disruptive, intimidating and disturbing the peaceful operation of not only the roof from Father Bertin's perspective, the on going peaceful operation of this parish.

**AW:** 9:51:46am. If Mr. Beloin were on the witness stand I would ask him about a situation back in 2003 when he didn't get a bid to put a new roof on the Raymond Elementary School. And what he did in reaction to that your Honor was go up onto the roof, trespassing, cut a hole in the roof. And that's the kind of behavior we're concerned about. And he's.

**GB:** Objection your Honor. He's lying. That's not true.

**JM:** I want you to sit down and you'll get a chance to respond.

**AW:** All of these facts, your Honor.

**GB:** Objection, Your Honor. Just because he says it's a fact does not mean it's a fact.

**JM:** Mr. Beloin. I don't want you to get up again until I ask you to.

3.

On December 13, 2004, Mr. John Janigan, "a close personal friend" of **Prosecutor Kerry Steckowych and St. Lawrence Parish Council member Paul Nault**, both prominent, influential and controlling members of the St. Lawrence Parish, informed me on tape that "*these guys*" said "*Oh, they can get at you. He (Steckowych) is getting at you now through your landlord. Next thing they can do is set up all kinds of barriers to watch for your car coming into Goffstown where they can grab you... and when they grab you, I'm sorry to have to tell you, they (will) treat you like a criminal*".

*GB: "I've done nothing wrong...so."*

*JJ: "No, they can dream it up that you didn't stop when they told you stop.... whatever???"*

*GB: "That's extortion John!!"*

*JJ: "I know. That's why I'm trying to protect you by having him (Steckowych) stop chasing you because your precious body, your precious moments of this life on earth are more important (than) the few advantages you're going to create for other people."*

This excerpt of the recordings details how agents for the State, specifically, agents for Hillsborough County and the Town of Goffstown, who are also prominent and controlling members of the St. Lawrence Parish, will stalk me if I dare to exercise my 1<sup>st</sup> Amendment rights. They will arrest me and "*dream up*" charges against me in order to discredit me by treating me like a criminal.

4

On March 20, 2006 two police officers claimed I threatened them with a firearm in a public parking lot. The Police report was filed on March 27, 2006, 7 days after the encounter. The police report stated that a “suspicious male” was in the hospital with a gun. They were committing perjury, suborning perjury, and conspiring to commit perjury in order to frame me on gun threatening charges. The State filed motions based on the sworn testimony of these two Peterborough Police Officers who, according to their own sworn statements, consulted **Prosecutor Kerry Steckowych** prior to filing their police report 7 days late. When I informed the State that I had a surreptitious recording of the encounter, **all the charges against me were dropped. Neither Prosecutor Kerry Steckowych nor the Peterborough police officers were investigated or prosecuted for the felony crimes of perjury suborning perjury and conspiracy to commit perjury.**

5

On April 24 of 2006, several law enforcement officials, politicians and judges claimed that I threatened them with a firearm at a Goffstown Town meeting. According to the State, they were all lining up to testify to that fact under oath. That is perjury, suborning perjury and conspiracy to commit perjury by at least a dozen law enforcement officers, judges and politicians in an attempt to frame me on gun threatening charges. One of them was **Prosecutor Kerry Steckowych**. When I informed the State that I had a surreptitious recording of the meeting, **all the charges were dropped. None of “these guys” were investigated or prosecuted. A video of that meeting has disappeared.**

6

On May 5, 2006, this Defendant’s THIRD MOTION TO DISMISS in the case of State V Beloin, HCSC – N, case # 05-S-1305-7, was filed. It details the solid connection between school construction, organized crime and Hillsborough County Attorney Marguerite Wageling’s blind eye, look the other way approach to the undeniable proof presented in that motion of the involvement of her fellow Politician, Prosecutor, Attorney, School Board Member, School Board Chairman, Victim Witness Advocate and Goffstown Police Captain, Kerry Steckowych. The State defaulted on that motion. Attorney Bennett, the prosecutor in charge of prosecuting that case was fired under acrimonious circumstances. Prosecutor Bennett’s successor also refused to prosecute by defaulting on that THIRD MOTION TO DISMISS and then defaulted again at the motions hearing where that motion was to be heard on June 9, 2006. **All charges were then “dismissed with prejudice”**. My recordings and transcripts are very clear. These court records were then falsified by Judge James Barry Jr. to show that the case was not dismissed with prejudice. This is perjury by a sitting judge, suborning perjury by a sitting judge and conspiracy

to commit perjury with the Hillsborough County Superior Court Clerks with a sitting judge in order to frame this Defendant for multiple felony crimes I did not commit. **None of “these guys” were investigated or prosecuted.**

7.

On May 4<sup>th</sup> 2007, Judge James Barry Jr., despite the devastating audio, video and transcribed documentation to the contrary, denied ever dismissing the wiretapping charges against me with prejudice. The official court records reflect that statement. That is proof of falsification of official court records. That is a 4<sup>th</sup> documented case of perjury by Judge James Barry Jr., aided and abetted by the clerks of the courts in falsifying court records at the HCSC-N in order to frame this Defendant for crimes I did not commit. Judge James Barry Jr. is “a close personal friend” of **Prosecutor Kerry Steckowych.** **None of “these guys” were investigated or prosecuted for the felony crimes of perjury, suborning perjury and conspiracy to commit perjury.**

8.

Attached is a CD containing these recordings **(EXHIBIT B)**. These recordings, all by agents for the State, **prove a pattern and practice** of agents for the State working in concert with admitted members of organized crime and at least one judge. These members of organized crime masquerading as agents for the State, have admitted, on tape, to the crimes of

MULTIPLE MURDERS. One of them is Dr. Hieber  
CONTRACT KILLING  
CONSPIRACY TO COMMIT MURDER  
MULTIPLE MURDERS ON THE ORDERS OF NJ POLITICIANS  
ARSON  
EXTORTION  
CRIMINAL THREATENING  
STALKING  
RACKETEERING  
GRAND THEFT LARCENY  
CONSPIRACY TO FALSIFY EVIDENCE IN A TRIAL  
PERJURY 24 COUNTS  
SUBORING PERJURY 22 COUNTS  
CONSPIRACY TO COMMIT PERJURY 22 COUNTS  
MALICIOUS PROSECUTION BY THE STATE TO COVER IT ALL UP

**None of “these guys” were investigated or prosecuted for any of the capital crimes admitted to on tape.**

9.

The cost of re-roofing the St. Lawrence Parish church roof with a 50 year shingle should not have exceeded \$52,000. That is the high side. I got several prices for re-roofing the building with the same specifications for as low as \$33,400 from legitimate roofing contractors who have been in business for at least 10 years. I, Gerard Beloin made an offer to install the new roof with St. Lawrence Parish volunteer labor for only \$15,000. The contract was awarded to A.W. Therrien for \$155,000.

A 400 year Vermont slate roof is the most durable and expensive roofing system on the market. It costs \$122,000. **(EXHIBIT C – page 1)**

10.

On December 13, 2003 the Rev. Steven Kucharski pleaded guilty to stealing more than \$500 from St. John Neumann Church in Merrimack, where he was pastor. His plea encompassed thefts that occurred on six occasions between October 2002 and January 2003. Kucharski must repay \$8,000, an amount that includes an estimate of money missing from that collection. Kucharski was sentenced to eight months in jail on the Class B felony charge. The charges were brought against Rev. Kucharski when parishioners blew the whistle to law enforcement. **(EXHIBIT D)**

Father Gerard Bertin and controlling members of the St. Lawrence Parish have participated in a sophisticated bid rigging scheme to defraud the St. Lawrence Parishioners of over \$100,000 of St. Lawrence Parish funds. When this parishioner exercised his 1<sup>st</sup> Amendment rights and exposed the theft I was attacked viciously. This attack is ongoing.

#### Argument

On October 16, 2007 Attorney Alexander Walker fabricated a story claiming that because I was the unsuccessful bidder for a roof replacement project in Raymond NH, I had trespassed onto school property and vandalized the roof at the Lamprey River Elementary School by “cutting a hole in the roof.” That was perjury committed with the intent of slandering my reputation to get a favorable ruling from the court.

**Perjury count #1:** The reality is that the hole I cut is called a core sample. I took the core sample 7 weeks **prior** to the bid opening, not after the bids were opened and in a fit of anger as Attorney Walker claimed under oath. The core sample proved my bid rigging allegations. A roof core sample is similar to a Dr. ordering blood taken from a sick patient in order to diagnose the

disease. It is something that is always done. No one else took one. Not even the Miller Engineering company that was assigned with the task of evaluating the roof structure and paid handsomely to do so. It is normal operating procedure by all reputable roofing professionals. Not taking a core sample is considered negligence. There are tools specifically designed to extract them. **(EXHIBIT E)**

**Perjury count #2:** Contrary to Attorney Walkers claims, my Company, Bluestone Inc., was the successful low bidder and the only one that met the legally required fire codes. **(EXHIBIT F)**

1. The Raymond Fire Chief Kevin Pratt wrote a letter on my behalf halting the awarding of the bids until my concerns were addressed. Chief Pratt halted the construction 3 times at my request and on my behalf over a 14 month period, citing code violations as the reason why. Each time it had to be rebid. Each time I was the low and successful bidder. The Town of Raymond Building Inspector, Richard Mailhot also wrote a letter on my behalf. **(EXHIBIT G)** A.W. Therrien's bids were not accepted and did not submit any more bids.
2. Raymond Superintendent James Turbeville, who pressed the bogus charges against me, cost the taxpayers thousands of dollars in unnecessary legal fees and "resigned unexpectedly." Superintendent Turbeville (60 years old) had a history of these types of problems in other school districts in Tennessee where he was forced to resign and recently in Leeds GA where he was also forced to resign. **(EXHIBIT H)**
3. My actions in the Town of Raymond saved the taxpayers approximately \$300,000 dollars and halted "The Scam" that would have left the Lamprey River Elementary School vulnerable to catastrophic roof failure. (Technical term for collapse) The Raymond School Board was in disarray. School Board members were calling the cops on each other asking for police protection. Two Raymond School Board members resigned under fire. One of them was the School Board Chairman. The School Board member who brought me into the fray was voted in as the new Raymond School Board Chairman. He declined to serve because of scheduling conflicts. **(EXHIBIT I)**

**Perjury count #3:** Attorney Walker testified, under oath, that I had trespassed on school property. Raymond Police Chief David Salois invited me in for an interview to address Superintendent Turbeville's false accusations. After the interview he refused to press charges and referred my evidence collected to the NH Attorney General's Economic Crimes Unit for investigation. He wrote me a letter of apology. **(EXHIBIT J)**

**Perjury Count #4:** Attorney Walker sited unsubstantiated rumors planted by my competitors that I had been disruptive on other roofing projects. The only “proof” provided was a hearsay story from A.W. Therrien, Inc. a competitor of mine with known ties to organized crime. I have A.W. Therrien eliminated from the bidding process in several school districts by exposing their bid rigging schemes. Attorney Walkers perjurious rants worked. The PRELIMINARY INJUNCTION “enjoined this Respondent from contacting, in any manner, be it written, oral or electronic, any member of the St. Lawrence Parish, including its leaders, parishioners and/or volunteers of the Diocese of Manchester, regardless of whether such individual is engaged in Parish related activities and regardless of whether such individual is at the St. Lawrence Parish or elsewhere.”

This ORDER didn’t violate my 1<sup>st</sup> Amendment rights, it assaulted and eviscerated them by making it a crime to exist in the towns of New Boston, Goffstown, Weare and Dunbarton without violating the restraining order.

These actions by the agents for the St. Lawrence Parish, agents for the Diocese of Manchester and agents for the State are all connected to **Prosecutor Kerry Steckowych**. These statements of facts, 1-10 clearly establish a pattern and practice by “these guys” of violating my 1<sup>st</sup> Amendment rights. This is a SLAPP (Strategic Lawsuit Against Public Participation) lawsuit designed specifically to eliminate my 1<sup>st</sup> Amendment rights granted in the NH Constitution. **[Art.] 22. [Free Speech; Liberty of the Press.]** Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved. According to New York Supreme Court Justice J. Nicholas Colabella, **"Short of a gun to the head, a greater threat to First Amendment expression can scarcely be imagined."** **(EXHIBIT K)**

A number of jurisdictions have made such suits illegal, provided that the appropriate standards of journalistic responsibility have been met by the critic. In NH the law is clear.

**TITLE LII**  
**ACTIONS, PROCESS, AND SERVICE OF PROCESS**  
**CHAPTER 507**  
**ACTIONS**  
**Frivolous Lawsuits and Punitive Damages**  
**Section 507:15**

**507:15 Penalties for Frivolous Actions.** – If, upon the hearing of any contract or tort action, it clearly appears to the court that the action or any defense is frivolous **or intended to harass or intimidate the prevailing party**, then the court, upon motion of the prevailing party or on its own motion, may order summary judgment against the party who brought such action or raised such defense, and award the amount of costs and attorneys' fees incurred by the prevailing party plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the NH Supreme Court committee on professional conduct.

**Source.** 1986, 227:3, eff. July 1, 1986. 1996, 2:2, eff. July 1, 1996.

They want to shut me up. That's all they want. The granting of the temporary restraining order was so broad that it prevented this respondent from speaking to any parishioners, **even those who agreed with me and wanted to act on my behalf.** The ORDER was so broad as to prevent me from going to the grocery store or even driving down the any street in Goffstown and the surrounding towns without violating the restraining order. This ORDER has criminalized my presence on the streets of Goffstown and surrounding areas. This ORDER has muzzled my ability to defend myself Pro Se by requiring me to hire a lawyer in order to contact like minded individuals in the St. Lawrence Parish to organize against the re-roofing project. This made it exorbitantly expensive to speak to witnesses and defend myself against these fabricated charges.

I dialed 911 to the Diocese of Manchester and they ignored me.

I then dialed 911 to the Parish Council leadership and they ridiculed me.

I then dialed 911 to the St. Lawrence Parishioners and they believed me.

When the St. Lawrence Parish Council Leaders saw that they were loosing the confidence of the parishioners they chose to attack me instead of doing the right thing because doing the right thing would require them to make an admission of guilt in a bid rigging scheme to defraud the St. Lawrence Parishioners of over \$100,000 of their donations.

The Parish leaders had a choice of doing the right thing or assaulting the whistleblower for exposing their crimes. They have chosen the latter. It seams like these men of God need to be reminded of the 8<sup>th</sup> and 9<sup>th</sup> Commandments. Attached is the September 23, 2007 letter to the St. Lawrence Parishioners that triggered this lawsuit. **(EXHIBIT C)** Also attached is the unsigned

Cease and Desist letter from Attorney Walker dated September 25, 2007. **(EXHIBIT M)** The unsigned letter from Attorney Walker is slanderous and fails to contest any of the facts listed in the Sept. 23, 2007 letter to the St. Lawrence Parishioners. On September 22, 2007 Gerard Beloin was a fine upstanding 15 year member of the St. Lawrence Parish who was respected by all who knew him. On September 25, 2007, this same Gerard Beloin became a twisted, unstable gun toting stalker with a past history of violence on other construction sites.

The question before this court is who is the real Gerard Beloin? The recordings and the exhibits accurately describe who he is.

I heard that if you have the facts, pound the facts. If you have the emotion, pound the emotion and when you have neither, pound the table. The letter from the Diocese of Manchester is a solid pounding of the table and is defamatory. It contains malicious statements that were knowingly and recklessly made which are false, half-truths, contains incomplete information as well as omissions of material facts. These statements were, among other reasons, designed to bring about public hatred, contempt and ridicule of me, as well as to cause actions that would result in causing me to be deprived of public confidence and be injured in my profession and occupation. They don't want to face the truth of what really happened. They want to make everybody believe that, in fact, they have done nothing wrong. The lawsuit is merely a power play by the Diocese of Manchester to regain what they have lost because of my actions. They cannot handle the truth that's been exposed in my September 23 letter to the St. Lawrence Parishioners. They have yet to respond to one single statement of fact detailed in that letter. These are the same exact tactics used by Prosecutor Kerry Steckowych when he sued me to force me to destroy the recordings. Despite having one of the most prestigious law firms in the state (Shaheen and Gordan) he lost in the Hillsborough County Superior Court (Steckowych V. Beloin HCSC - 05-E-0111) and the NH Supreme Court. (Steckowych V. Beloin NH Supreme Court – 2005-0481) The Diocese of Manchester is resorting to the same exact tactics used in their covering up of the pedophile priest scandal.

The Catholic Church has a history that includes a pattern and practice of smearing the accusers. Bishop McCormack, who's name appears on this lawsuit came within a hares breath of being the

first Bishop in the nation to face criminal charges stemming from the child sex abuse scandal. After years of vociferous denial, the Catholic Church in the US has paid out over **\$3 billion** in damages to young victims who had been raped and sodomized by priests while in their care. Prior to paying out **BILLIONS** in damages, the Catholic Church denied everything and accused the young, under aged girl victims of being "whores, harlots, and seductresses." The little boys who are now adult men were accused of being "in it for the money." This world wide sex abuse scandal started in the Arch Diocese of Boston where Bishop McCormack's job was to reassign the pedophile priests to new parishes where they resumed the rape and sodomy of more unsuspecting under aged girls and boys. **(EXHIBIT O)** As a practicing catholic, I found EXHIBIT O to be quite disturbing to read.

#### SUMMARY

This MOTION TO DISMISS clearly documents a **pattern and practice** of the commission of multiple counts of perjury, subornation of perjury and conspiracy to commit perjury by law enforcement officers to frame this Respondent for gun crimes I did not commit. The charges were all dropped after I produced recordings contradicting their police reports. Bishop McCormack, the Diocese of Manchester, its agents and agents for the State have one name that connects them all together. That name is Goffstown **Prosecutor Kerry Steckowych**. According to the recordings, Steckowych is working in concert with admitted members of organized crime to extort silence from NH citizens who dare to exercise their 1<sup>st</sup> Amendment rights, with threats of death. In order to emphasize the seriousness of his intentions he claims, on tape, the poisoned body of Goffstown School Board Chairman Dr. Craig Hieber as one of their successes. Steckowych's "personal messenger" even goes into detail as to how they poisoned him. Steckowych is a prominent and controlling member of the St. Lawrence Parish with "close personal friends" on the St. Lawrence Parish Council. The church's goal is to smear me and any other person that dares to expose any crimes being committed by the church or the State. All of these documented cases of perjury, subornation of perjury, conspiracy to commit perjury and extortion by agents for the State and the Diocese of Manchester are not being investigated. Not only are they not being investigated but according to a newly release recording of New Boston Police Chief Christopher Krajenka, **"There is no threat there whatsoever."** **(EXHIBIT B)** These actions of serial perjury by my opponents in order to gain a favorable ruling from the

Courts are perverting the meaning of justice. This should be considered the ultimate insult to this Court and this Bench in a venue where getting at the truth is the ultimate goal. If this type of serial perjury is allowed to go uncontested in the courts, the term justice will have to be redefined to political tribalism where the man with the biggest public relations firm prevails and seeking the truth gets replaced by the dictation of the truth by the party with the largest bank account. Translation?? **Corruption.**

Wherefore: Gerard Beloin, Pro Se, respectfully requests that this Honorable Court:

- A. Grant this MOTION TO DISMISS.
- B. Moves that the court order summary judgment against the plaintiff and award the amount of costs and attorneys fees incurred by this respondent as I am entitled under **CHAPTER 507 ACTIONS - Frivolous Lawsuits and Punitive Damages - Section 507:15: Penalties for Frivolous Actions.** The trial judge shall also report such conduct to the NH Supreme Court committee on professional conduct.
- C. Schedule a HEARING on this MOTION
- D. Grant such other relief as this Court deems fair and just.

Respectfully submitted, Pro Se



Gerard Beloin  
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603-487-5419

January 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was sent to Attorney Alexander Walker of Devine Millimet, 111 Amherst St. Manchester, NH 03101 on this date, January 29, 2010

