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### Rockingham County Sheriff Resigns After Investigation

## AG Says Evidence Shows Sheriff, Major Unlawfully Gave Information

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**CONCORD, N.H.** -- The attorney general has agreed not to criminally charge the Rockingham County sheriff and one of his top deputies in exchange for their resignations.

Attorney General Michael Delaney said an investigation determined that Sheriff James Linehan and Maj. Mark Peirce released information about a 1989 arrest and conviction of David Lovejoy -- Linehan's opponent for the sheriff's office -- to reporters.



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Delaney said the earlier arrest and conviction had been annulled, which made it a misdemeanor to release the information.

"It is a significant consequence that they will no longer serve as law enforcement officers in New Hampshire, and we took into account both had cooperated with the Department of Justice during the investigation," Delaney said.

In a statement, Linehan said he gave his resignation because "he was unaware of the statute at issue last October and a prolonged disagreement with the Attorney General's Office potentially would cripple the Sheriff's Office."

The resignations take effect immediately.

Lovejoy said he will seek the job of interim sheriff and run for sheriff in the next election, adding, "it is refreshing to know that the law enforcement structure has checks (and) balances in place to ensure that no member is above the law."

Delaney said the investigation found sufficient evidence that Peirce gave the information to a member of his staff and told the staff member to give the information to a reporter for the Carriage Towne

News.

The information was also given to a Portsmouth Herald reporter, Delaney said. The attorney general said the investigation also revealed it was Linehan's intent that the information be given to the Carriage Towne News reporter.

Delaney said his office agreed to not file charges against Linehan or Peirce if they immediately resigned. Linehan has also agreed to not seek the position of sheriff or law enforcement officer in any New Hampshire county.

In his resignation letter, Linehan said that his attorney believes the charge might not have been sustainable and that the release of the information might be protected by the First Amendment. But he said he decided to resign because he was unaware of the statute in question and a prolonged investigation would have hurt the sheriff's office.

"I cannot accept those consequences for the many honorable people who toil selflessly for the sheriff's office or the fine people of Rockingham County merely to prove that I did not violate a statute with the requisite intent or that the statute unconstitutionally abridges my First Amendment right to engage in free speech," Linehan wrote.

Linehan became sheriff of Rockingham County in 1997 and was named County Sheriff of the Year by the New Hampshire Association of Counties in 1998. He was president of the New Hampshire Sheriff's Association for two one-year terms.

Linehan served with the state police and was an instructor for ethics, internal affairs investigation protocols and leadership for the State Police NCO Academy.

For Delaney, who recently took the reigns as New Hampshire's top law enforcer, the resignations send a strong message about how he'll handle such issues.

"In this case, two law enforcement officers did not obey the law, and it's of critical importance to the functioning of the criminal justice system that the Department of Justice addresses those instances when they occur," Delaney said.

Delaney said the large majority of police officers in the state work hard every day to ensure the letter of the law is followed and that this is just one unfortunate case where it was not.

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