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No bill for lost hunter, rescuers say

◆ **Well-prepared:** Hooksett man built fire, but said it was a long night.

By DAN TUOHY
New Hampshire Union Leader

"Whoomp-whoomp-whoomp" broke the silence of the forest. A searchlight pierced the predawn darkness. As the State Police helicopter hovered over Marcel Sinotte, a voice over a loud speaker told him to stay put — rescuers were en route to his position.

A hunter once lost was now found. What happened around 5:30 a.m., Sinotte said, "was like a scene from the movies."

Sinotte, a 76-year-old Manchester native, will not be billed for the search-and-rescue operation that lasted about five hours early Saturday in the woods near Bear Brook State Park in Hooksett, according to the New Hampshire Fish and Game Department.

After becoming lost, he did all the right things, said Fish and Game Capt. John Wimsatt. He said Sinotte had proper clothing, supplies, built a fire and stayed where he was.

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Hair it is



GRETYL MACALASTER

Foursquare users Brian Dekoning and Wayne Elly grew mustaches to raise money for the Prostate Cancer Foundation in Portsmouth.

Social network grows money and mustaches

◆ **Tech-savvy fundraising:** Foursquare and NH TweetUp pitch in.

By GRETYL MACALASTER
Union Leader Correspondent

PORTSMOUTH — A number of tech-savvy locals are using social networking tools to teach others about the community they live in, support local businesses and raise money for nonprofits.

Through Foursquare, a location service application, a local group partici-

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A SIGN OF THINGS TO COME?



Fuel prices: NH vs. the nation

Yesterday's average fuel prices in New Hampshire were higher than the national average in all but one grade, according to FuelGaugeReport.com:

NH		US
\$2.99 ³	Regular	\$2.95 ⁸
\$3.24 ²	Mid-grade	\$3.14 ²
\$3.35 ⁸	Premium	\$3.25 ⁴
\$3.20 ⁷	Diesel	\$3.22 ⁰

Gas prices at Morin's Sunoco in Manchester, and at many other locations across New Hampshire, have topped \$3 per gallon. It's the first time December prices have been this high since 2007.

BOB LAPREE/UNION LEADER

Gas prices often go down in winter, but this year we're out in the cold

By MARK HAYWARD
New Hampshire Union Leader
And GREG KWASNIK
Union Leader Correspondent

The good news is the economy is slowly improving. The bad news: it's pushing up prices for gasoline and other fuels, just as cold weather is hitting the Granite State.

Prices for regular gas have topped \$3 at some New Hampshire stations, according to a website that tracks gas prices. And observers are uneasy over what the future holds.

"We haven't seen (December) gas prices as high as they are (now) since 2007," said

"It all started in the December time frame when prices were up near \$3."

PAT MOODY

AAA of Northern New England, on the start of the price run-up that topped \$4 per gallon in the summer of 2008

Pat Moody, spokesman for the northern New England branch of the American Automobile Association. Seven months later,

► See **Gas**, Page A9

2 may get jail time for rhyme

◆ **Penned in detention:** Two high schoolers were already in hot water when they wrote threatening verse, officials say.

By PAT GROSSMITH
New Hampshire Union Leader

CONCORD — Two Merrimack Valley High School students are accused of threatening to kill the school principal, an assistant principal and a police officer with a 12-gauge shotgun in a poem they wrote while serving in-school suspensions.

Damien Issac Armendariz, 17, of 130 High St., Bow, and a 15-year-old boy wrote the verse together while serving the Oct. 18 suspensions, according to court records.

Police said the two-page letter/poem was about killing MVHS Principal Michael Jette and Assistant Principal Pamela Hill.

Armendariz was arraigned Monday in Concord District Court on two counts of criminal threatening and a charge of criminal liability for the conduct of another, all class A misdemean-

► See **Poem**, Page A9

The poem:

"I'll murder the principal named Dr. Jette ... 12 gauge to the dome... brains spaghetti... next is Mrs. Hill who im gonna kill ... and if a cop gets in my way, ill pop and spray.... like each and every way, hit him from toes up... polka dot with my AK ..."

Insanity plea fails to prevail

◆ **In state courts:** History says that Gribble's defense faces uphill battle.

By KATHRYN MARCHOCKI
New Hampshire Union Leader

Christopher A. Gribble likely would make history if he convinces a jury insanity drove him to kill a Mont Vernon mother and severely wound her daughter during a brutal home invasion.

Never in memory has an insanity defense prevailed at a first-degree murder trial in New Hampshire, longtime criminal defense attorneys and a former prosecutor said Tuesday.

"It is a profoundly difficult defense," said criminal defense attorney Charles S. Temple, who is director of the Criminal Practice Clinic at the University of New Hampshire School of Law.

Even so, it may be the 21-year-old Brookline

► See **Insanity**, Page A9



GRIBBLE

Today IN NEW HAMPSHIRE'S NEWSPAPER

REGULAR FEATURES

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A Small Prayer

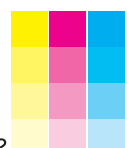
May we look at every-
one with Your apprecia-
tive eye, Lord. Amen

Today's Chuckle

The only people living off
the fat of the land anymore
are dieticians.

New Hampshire Union Leader

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NEW HAMPSHIRE

Dad says he was targeted

James Marks has pleaded guilty to possession of marijuana, saying he was targeted because of his son's involvement in the high-profile Mont Vernon murder and maiming case. ► Page A3

SPORTS

Cross country doesn't get better

Keene's Chloe Maleski ran to an undefeated New Hampshire cross country season, winning her New Hampshire Union Leader girls' cross country Runner of the Year. ► Page D1

Win crowns Pats as NFL's best

After a 45-3 annihilation of the Jets Monday night,

there's no longer need for clauses or qualifiers when speaking of the Patriots prospects as contenders. ► Page D1

FLAVORS

Tasty presents from Poland

No Christmas Eve dinner in a Polish household would be complete without pierogi, and a Bedford couple are keeping the tradition alive. ► Page A6

NATION/WORLD

WikiLeaks founder is jailed

WikiLeaks founder Julian Assange was arrested and jailed without bail in London Tuesday in a sex-crimes investigation. ► Page A4

TRIBUTE

NH friends remember Edwards

Elizabeth Edwards, who supported her husband John's two bids for the presidency, died Tuesday after a six-year struggle with breast cancer. ► Page A4



Insanity

Continued From Page A1

man's best shot at freedom.

"If he wins, it's life with hope," said defense attorney Andrew R. Schulman who, like other lawyers interviewed, is not involved in Gribble's case and spoke in general terms.

Gribble faces life in prison without possibility of parole on one of the first-degree murder charges alone if a jury rejects his insanity defense.

But if jurors find the knife-wielding Gribble was insane when he slashed and stabbed Kimberly L. Cates, 42, to death and maimed her daughter, Jaime, then 11, Gribble would undergo a dangerousness hearing where he either would be set free or committed to the state's secure psychiatric unit. Commitments are reviewed every five years and can be renewed for up to life.

"Every five years, they can recommit him ... And, given the nature of the crime, how could they not for several go-rounds. But if you are measuring things in decades, it's certainly life with hope. There is certainly light at the end of the tunnel," explained Schulman of the Bedford law firm Getman, Schulthess & Steere.

Sole issue is sanity

Gribble, an unemployed high school graduate, admitted he killed Cates and attacked her daughter — who survived by

playing dead — during the Oct. 4, 2009, home invasion and burglary.

A jury on Nov. 9 found co-defendant Steven Spader, 19, also of Brookline, guilty of the same six charges.

Gribble waived his right to a trial to determine his guilt or innocence on the charges in Hillsborough County Superior Court Monday and pleaded not guilty by reason of insanity to two counts of first-degree murder, attempted murder and related charges.

The sole issue before a jury will be whether he was insane at the time of the crimes when he stands trial in February.

Public defenders Matthew Hill and Donna Brown will not disclose Gribble's alleged mental disease.

They wrote in a court motion mental health experts who diagnosed and treated Gribble for a mental illness in 2007 will testify in his defense.

Gribble told the court Monday he was diagnosed in the past with antisocial personality disorder and prescribed Prozac in 2007, but stopped taking the medication. He said he has not been diagnosed with any other psychiatric condition.

Audio-taped confession

His defense team is trying to toss out the audio-taped confession Gribble allegedly

gave investigators Oct. 5, 2009, claiming it was not voluntary and that any statements made after he invoked his right to remain silent are inadmissible.

Gribble's confession would be a crucial piece of evidence because jurors would be able to observe his demeanor shortly after the crimes, Temple said.

"It matters greatly, when it comes down to his intent, if he is sitting there with a detective calmly telling him what happened in that house," he explained.

State police Sgt. John Encarnao testified Gribble was polite, cooperative, unemotional and engaging when Gribble admitted to the crimes.

Gribble remained talkative as he directed state troopers and investigators to where he and Spader buried the murder weapons and evidence, the detective added.

"It was like he thought he was part of the team now," Encarnao said.

'A very hard sell'

Under the New Hampshire law governing insanity, the defense must prove by clear and convincing evidence that Gribble suffers from a mental disease or defect at the time of the crimes and his actions were the product of that disease or defect, said Michael Ramsdell, a former state homicide prosecutor and

now an attorney with the Concord law firm Orr & Reno.

A person can be diagnosed with a severe mental illness, yet their illness did not cause their criminal conduct, Ramsdell said.

Ultimately, a jury is the arbiter of insanity in New Hampshire. State law does not define mental disease or defect, and whether a person is insane becomes a question of fact for a jury.

People who suffer from delusional disorders or a complete break with reality tend to prevail in insanity defenses, Schulman said.

In contrast, antisocial personality disorder "is going to be a very hard sell," he said. The condition is not characterized by loss of reality, disassociation or delusional disorders, according to the Diagnostic and Statistical Manual of Mental Disorders.

Procedures governing criminal insanity resulted from a 1978 state Supreme Court decision that declared unconstitutional state laws that allowed grand juries to refuse to indict a person if they believed the accused to be insane and allowed the case to proceed directly to commitment hearings where defendants could be committed to a state hospital or prison for life.

The decision also outlined the bifurcated insanity trial procedure still in use today.

Hunter

Continued From Page A1

"In this situation, we would not be seeking compensation," Wimsatt said. "It's unfortunate he got lost, but once he realized it, he did everything we instruct people to do."

Sinotte said he did not expect anyone to be out looking for him; he knew he would find his way out of the woods, where he had hunted before, at first light.

The lifelong hunter went out about 3 p.m. Friday. When he did not come home late that night, a son called the police. His car was found off a back road in Hooksett around 12:30 a.m. Saturday. Hooksett police and fire, Fish and Game, and a State Police K-9 unit commenced the search.

Wimsatt decided to call the State Police helicopter about 5:15 a.m. By 5:30 a.m., the helicopter crew spotted Sinotte, about a half-mile from his car. The crew used night vision scopes and "Forward Looking Infra Red" detection equipment. And the hunter's fire helped them spot him.

New Hampshire Fish and Game, by statute, has responsibility for search and rescue operations and often works with multiple public safety agencies and the National Guard. Officers consider several factors, such as weather, in calling for aerial support. In this case, Wimsatt noted the family was concerned for Sinotte's well-being, the temperature was below freezing,

and searchers worried that a medical event or mishap would place the older man in a life-threatening position.

"We use whatever tool will work best," he said.

The state Legislature passed a law in 2008 to hold people more accountable for search and rescue responses. Under the law, anyone determined by Fish and Game to have acted negligently in requiring a search and rescue shall be liable for the reasonable cost of the mission.

New Hampshire State Police has a Cessna airplane and a Bell 407 helicopter, which fly a combined 200 missions a year, according to the agency's annual report.

Sgt. Tom Lombardi, com-

mander of the special enforcement unit, said the state helicopter was in operation for a total of 1.4 hours on Saturday. The estimated cost per hour based on the Bell helicopter, and based on gas prices in Concord where the aircraft is housed, is \$511.71. So the flight cost an estimated \$716.40, not including labor.

Hooksett Fire Chief Michael Williams said the search came at minimal cost to the town.

"The gentleman was pretty lucky," Williams said. "But he was prepared to be out in the woods."

"It was a long night," said Sinotte, when reached at his house Monday. "I wouldn't want that to happen to anyone else."

UNH dedicates largest wind tunnel in world

DURHAM—Tucked in a nondescript, windowless concrete building on the southern edge of campus, across from several salt piles, is the University of New Hampshire's newest gadget: the largest wind tunnel of its kind in the world.

"As my students like to say, this facility really sucks," said Joe Klewicki, the outgoing dean of the College of Engineering and Physical Sciences and a principal architect of the project.

The tunnel, which uses two, 400-horse-power fans to propel about a quarter million cubic feet of air through a 72 meter-long tunnel about six meters wide and three meters tall, will be used to study a problem whose solution has eluded researchers for years: turbulence.

Air flows over surfaces creating a layer of turbulence that physicists have studied for some time, Klewicki said, noting that one statistic says 30 percent of energy consumed on earth is from turbulence in similar boundary layers. He noted that people live in a boundary layer created by the atmosphere moving against the earth's surface.

Researchers will use the tunnel, which was dedicated Tuesday, to study the flow of fluid over surfaces. The \$3-million facility will also be opened up to outside researchers in the future to

study things like downhill skiing, or even the flow of wind through a city to figure out something like the dispersion rate of a chemical substance.

UNH President Mark Hudleston praised the tunnel by saying it would help attract private money and propel research between disciplines, two tenants of a strategic initiative he has launched to improve the university.

"It will put us on the map for sure," he said.

Klewicki also said the tunnel affords students a chance to do research they never could before, noting that undergraduates even designed a rotating surface within the tunnel that will be used to move objects to study the flow of air from various angles.

Klewicki said he has wanted to build a wind tunnel like this for decades.

"This is something I had in my mind from day one," he said, noting that UNH officials mentioned it in a letter offering him a job.

The facility was paid for with \$1.6 million in funding from the National Science Foundation, \$500,000 from the Office of Naval Research under the Department of Defense, \$500,000 from the College of Engineering and Physical Sciences and \$400,000 from the university's central administration.

Gas

Continued From Page A1

summer gasoline prices topped \$4.

"It all started in the December time frame when prices were up near \$3," Moody said. They started rising and never stopped, he said.

Usually at this time of year, gasoline prices are falling from summer-time highs, Moody said. But prices are the highest that they've been all year, according to data available from the state Office of Energy and Planning.

To be sure, many retailers are flirting with the \$3 mark, but have yet to break it. On Monday, AAA reported an average price of \$2.983 for a gallon of regular in New Hampshire. That's up six cents from a week ago and

nearly 37 cents from the same time last year.

And the New Hampshire gas prices.com website on Monday reported gas prices as low as \$2.84 and \$2.87 in the state.

"It's really been jumping up lately, seemingly out of the blue again," Ware resident Mike Frarie said as he filled up his car with \$2.95 a gallon regular at the Irving station on Mast Road in Goffstown. "At certain times of the year, they just seem to do this without cause."

Frarie said he'll have to spend another \$25 a week to cover the price increase, but it won't have a big impact on his budget or Christmas-season gift buying. "It's just more annoying to me"

he said.

There is another new trend in New Hampshire fuels. For most of this year, Granite State gas sold below the national average. But in October, the New Hampshire average price exceeded the national average.

Early this week, the New Hampshire price was three cents higher than the national average. Moody said prices are even higher for the rest of the Northeast. In Connecticut, for example, gasoline prices are about 25 cents higher than the national average, AAA reported.

Moody attributed the higher prices to a tight supply throughout the northeast. Domestic refineries are un-

dergoing maintenance, which reduces their capacity, he said. And unplanned downtime at a refinery in St. John, New Brunswick, resulted in more lost production.

On Tuesday, the U.S. Energy Department predicted an average winter gasoline price of \$2.88 per gallon and an average annual price of \$3 for 2011.

At the Circle K Irving on Route 114 in Bedford, Cara Sandford paid \$2.91 for a gallon on Tuesday.

"It's not something that I'm super-happy about, but it's something that's somewhat expected, so it doesn't bother me," Sandford said. "They're always going up and going down, so I expect them to be fluctuating."

Poem

Continued From Page A1

ors. He is free on personal recognizance bail.

Efforts to reach Armendariz Tuesday were unsuccessful. No school officials were available either.

On his Facebook page, Armendariz makes no direct reference to the matter. But two days after he allegedly wrote the verse, Armendariz wrote: "i cant look at myself the same anymore ... but we all make bad choices ... playin ball then cooking lasagna for the famm :P"

A friend urged Armendariz to keep his head up. "you're a good kid. ... brush it off move on, all you're friends still gotcha back," the friend wrote.

The threats were reported to school resource officer Carl P. Notarangeli of the Concord Police Department on Oct. 19 by Assistant Principal James Tremblay.

Tremblay said he spoke with both students, who allegedly said they wrote it together. The younger teen, a 15-year-old boy,

The threats were reported to school resource officer Carl P. Notarangeli ... on Oct. 19 by Assistant Principal James Tremblay.

later made the same admission to Notarangeli, according to the officer's sworn statement.

Merrimack Valley High School is located in the Penacook section of Concord, with students attending from surrounding towns including Boscawon, Loudon, Penacook, Salisbury and Webster.

A trial is set for March 9. Bail conditions bar Armendariz from having contact with either Jette or Hill.

◆ New Hampshire Union Leader reporter Mark Hayward contributed to this article.

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CLOCKWISE FROM UPPER LEFT: Sharon Chase, Paul Provost, Paul Leavitt, Diana Osgood, Matthew Macrae-Hawkins, Keith Burbank, Cindy Motta, Clayton "Skip" Poole.

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