

Embattled county sheriff steps down

Sheriff

MERRIMACK COUNTY

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Governor, attorney general had called for action after Scott Hilliard was convicted last month of drunken driving.

By Mark Hayward

New Hampshire Union Leader

Embattled Merrimack County Sheriff Scott Hilliard, who was convicted of drunken driving last month and added to a list of problem law enforcement officers last week, will resign at the end of March, he said in a letter dated Wednesday.

In the two-paragraph letter, Hilliard thanked his supporters and said he was proud to lead the sheriff's department. Hilliard also wrote that

he would not be available for interview or comments and asked reporters to respect his privacy.

The Republican has held the job for 13 years. Shortly after his conviction, he said he had not ruled out running for an eighth term.

Gov. Chris Sununu had said Hilliard should resign. Last week, Attorney General Gordon MacDonald placed Hilliard on the Laurie list, the secret list of police and law enforcement officers who pose potential credibility problems if their cases go to trial.

Meanwhile, Hilliard has appealed his conviction to the New Hampshire Supreme Court. Hilliard's lawyer, Jared Bedrick, asked the justices to decide whether blood tests could be used at trial despite a finding that Hilliard's Aug. 9 warrantless arrest was illegal.

Hilliard's five-day jail sentence has been on hold pending appeal.



SCOTT HILLIARD

Conviction under appeal

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According to Secretary of State Bill Gardner, the Merrimack County delegation will have to

to contest his placement on the list. MacDonald wrote that Merrimack County commissioners abdicated their duty by not undertaking an internal investigation of Hilliard, which could have landed him on the list.

AG, as they do with most law enforcement agencies," Spaulding said.

Tilton police arrested Hilliard after a motorist called 911 to report a white Cadillac driving erratically, swerving and crossing the center

meet and decide whether to replace Hilliard or let the position remain vacant. Sheriff is one of the many positions that New Hampshire voters will decide this November.

On Feb. 12, MacDonald informed Hilliard that he was placing him on the Laurie list, formally known as the Exculpatory Evidence Schedule.

MacDonald listed several reasons: Hilliard's conviction following his Aug. 9 DWI in Tilton, and four false statements he made to police who spoke to him at the 99 Restaurant parking lot.

"Your conviction and deliberate lies create certain constitutionally and ethically mandated disclosure duties on the part of prosecutors," MacDonald wrote. MacDonald gave Hilliard until Friday

Police chiefs or the head of law enforcement agencies are charged with conducting Laurie list investigations of their officers, but no legal procedure is in place for investigating the head of law enforcement agencies.

Veteran County Commissioner Peter Spaulding, R-Hopkinton, disputed MacDonald's contention that the county commissioners declined the attorney general's request.

"We did request clarification as to whether the commissioners should conduct an investigation of an elected official over whom we have no control or the investigation should be done by the

line while traveling westbound on Tilton Road, according to previous articles.

When police arrived at the 99 Restaurant parking lot, Hilliard was exiting with take-out food. Hilliard told police that he had four vodka-and-soda cocktails during his lunch at 2 p.m. Police also found another alcoholic drink, with ice, in the console of his vehicle.

His arrest was deemed unlawful because a warrant was not obtained, but a judge said that did not invalidate the consent that Hilliard provided to test his blood. That is the basis for the appeal.

After his conviction, Hilliard admitted to a problem with alcohol and said he is taking steps to address it.