

From: [Farnsworth, Karen](#)
To: [Rathke, Lisa](#)
Subject: AP/Morris PRR 4/11/19
Date: Thursday, May 30, 2019 3:13:19 PM
Attachments: [2019-05-30 Doyle response to Rathke w addtl docs.pdf](#)

Dear Ms. Rathke,

Attached please find an additional response to your April 11, 2019 public records request, with attached documents.

Sincerely,

Karen M. Farnsworth

AGO Paralegal I
Office of the Vermont Attorney General
Criminal Division
109 State Street
Montpelier, VT 05609-1001
(802) 828-5776
karen.farnsworth@vermont.gov

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THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 30, 2019

VIA E-MAIL

Lisa Rathke
The Associated Press
94 Main Street, Suite 1
Montpelier, Vt. 05602

RE: April 11, 2019, Public Records Request

Dear Ms. Rathke:

I am writing in response to your request for records, which the Vermont Attorney General's Office ("AGO") received on April 11, 2019.

Request

You have requested document and other records that the AGO has in connection with the investigation of alleged threats and harassment of former Rep. Kiah Morris.

Response

The AGO has recently located records in its possession that appear responsive to your request. These records were inadvertently omitted from the AGO's response to your request on April 25, 2019. Please note that some information within these records has been redacted pursuant to 1 V.S.A. § 317(c)(5)(A)(iii). Specifically, this includes the redaction of personal or identifying information for persons involved in the investigation

The additional records the AGO has in its possession that appear to fall within the scope of your request are emails between the AGO and law enforcement and the AGO and Bennington Town Manager, Stuart Hurd. Please note that the same factual findings draft was attached to the emails sent to Vermont State Police and Bennington Police Department. Therefore, this draft has only been included once.

Please be advised that to the extent this letter constitutes a denial of your request, you may appeal to the Deputy Attorney General. Any appeal should be in writing and addressed to:

Joshua Diamond
Deputy Attorney General
109 State Street
Montpelier, VT 05609-1001.

Sincerely,
/s/
Ultan Doyle
Assistant Attorney General

Electronically Transmitted

Doyle, Ultan

From: Doyle, Ultan
Sent: Tuesday, January 8, 2019 12:31 PM
To: Trayah, Reg
Subject: RE: Kiah Morris press conference

Categories: M-Files

Ok. Thanks. My direct line is 828-5585

*Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
(802) 828-2154 (Fax)*

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From: Trayah, Reg <Reg.Trayah@vermont.gov>
Sent: Tuesday, January 8, 2019 12:30 PM
To: Doyle, Ultan <ultan.doyle@vermont.gov>; Alberico, Henry <Henry.Alberico@vermont.gov>
Cc: Scott, Garry <Garry.Scott@vermont.gov>; Kranichfeld, Bram <Bram.Kranichfeld@vermont.gov>
Subject: Re: Kiah Morris press conference

Ultan
I'll give you a call about this soon. Sgt Alberico will not be able to attend.

Thanks

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From: Doyle, Ultan <ultan.doyle@vermont.gov>
Sent: Tuesday, January 8, 2019 12:26
To: Alberico, Henry
Cc: Trayah, Reg; Scott, Garry; Kranichfeld, Bram
Subject: Kiah Morris press conference

Hi Det. Alberico,

As you may already be aware, a press conference is being held on Monday, Jan. 14 at 11 am in Bennington. During that time, the "dead dead" investigation that you conducted will be addressed. Our office would like to invite you to attend the press conference in case there are any questions about the investigation. You'll be receiving an invitation with the exact location, but I just wanted to give you a heads up.

Thanks,

Ultan

*Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
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(802) 828-5512 (Phone)
(802) 828-2154 (Fax)*

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Doyle, Ultan

From: Trayah, Reg
Sent: Tuesday, January 8, 2019 1:15 PM
To: Doyle, Ultan
Cc: Kranichfeld, Bram
Subject: Re: Kiah Morris investigation - draft factual findings

Categories: M-Files

Thanks

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From: Doyle, Ultan
Sent: Tuesday, January 8, 2019 12:45:09 PM
To: Trayah, Reg
Cc: Kranichfeld, Bram
Subject: FW: Kiah Morris investigation - draft factual findings

Here you go. Only paragraphs 26-32 and 40-43 pertain to the VSP investigation.

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
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From: Doyle, Ultan
Sent: Tuesday, January 8, 2019 12:16 PM
To: Scott, Garry <Garry.Scott@vermont.gov>
Cc: Kranichfeld, Bram <Bram.Kranichfeld@vermont.gov>
Subject: Kiah Morris investigation - draft factual findings

Hi Sgt. Scott,

In advance of next week's press conference, please find attached a draft of our office's proposed factual findings in the Kiah Morris investigation. Please let me know if you have any questions.

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
(802) 828-2154 (Fax)

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Doyle, Ultan

From: Jonas, Ingrid
Sent: Tuesday, January 8, 2019 2:19 PM
To: Doyle, Ultan
Subject: Fwd: Kiah Morris investigation - draft factual findings
Attachments: 1-8-19 Morris draft factual findings.docx

Categories: M-Files

Hi Ultan,

Please send all communications about this to me, moving forward. Thank you.

Major Ingrid Jonas
Vermont State Police

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From: Scott, Garry <garry.scott@vermont.gov>
Sent: Tuesday, January 8, 2019 2:05 PM
To: Jonas, Ingrid
Subject: Fwd: Kiah Morris investigation - draft factual findings

Lt. Garry Scott
Vermont State Police
1(802)238-3042
@VSP_Garry

From: Doyle, Ultan
Sent: Tuesday, January 8, 2019 12:15:41 PM
To: Scott, Garry
Cc: Kranichfeld, Bram
Subject: Kiah Morris investigation - draft factual findings

Hi Sgt. Scott,

In advance of next week's press conference, please find attached a draft of our office's proposed factual findings in the Kiah Morris investigation. Please let me know if you have any questions.

Ultan Doyle

Assistant Attorney General

Office of the Attorney General

109 State Street

Montpelier, VT 05609-1001

(802) 828-5512 (Phone)

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Doyle, Ultan

From: Doucette, Paul
Sent: Tuesday, January 8, 2019 4:57 PM
To: Doyle, Ultan
Subject: Re: Kiah Morris investigation – draft factual findings

Categories: M-Files

Mr. Doyle,

After further thought and review I would add the following comments:

1. The facts do not mention how Kiah failed to provide the passwords timely despite requests from Officer Sharshon. It leaves it ambiguous...we did not sit on this.
2. The cemetery is well known for high foot traffic to include juvenile disturbances, alcohol/drug use, vandalism and a cut through. This area has been an issue since I joined the BPD and is well documented.
3. The swastika paintings were not recent and were dated.
4. 46-48 We need to make it clear the juveniles were not aware of who lives at 122 Morgan Street.

Paul J. Doucette, Jr.
Chief of Police
Public Safety Director
Town of Bennington
118 South Street
Bennington, Vermont 05201
802-442-1030
802-442-1067 (fax)

PLEASE NOTE MY NEW EMAIL: paul.doucette@vermont.gov

From: Doucette, Paul
Sent: Tuesday, January 8, 2019 1:09:09 PM
To: Doyle, Ultan
Subject: Re: Kiah Morris investigation - draft factual findings

Mr. Doyle,

I would like you to consider the following:

7. Please consider adding the German Shepard dog also did not react or indicate anything was taking place inside the residence.
13. Please consider adding BPD suggested Morris apply for a stalking order.

17. The source of the photos provided to the Town of Bennington/Chief Doucette was Kiah Morris. She claimed the neighbor told her of the graffiti. I looked up the cell phone number attached to the photos and it came back to Morris.

22. Please consider adding, "Following an investigation, BPD identified the person responsible for the car break-ins and there is an active warrant for that person's arrest."

38. Morris's attorney requested BPD issue trespass notices to the seven juveniles for the residence of Morris and Lawton. The notices were completed and delivered to the juveniles.

42. Please consider adding "against Ms. Morris or Mr. Lawton" at the end of the sentence.

I am concerned as the findings do not include the contact Ms. Morris had with the Capitol Police in Montpelier. Please see the email I sent prior to this message.

Thank you for your time.

Paul J. Doucette, Jr.
Chief of Police
Public Safety Director
Town of Bennington
118 South Street
Bennington, Vermont 05201
802-442-1030
802-442-1067 (fax)

PLEASE NOTE MY NEW EMAIL: paul.doucette@vermont.gov

From: Doyle, Ultan
Sent: Tuesday, January 8, 2019 12:09:06 PM
To: Doucette, Paul
Cc: Kranichfeld, Bram
Subject: Kiah Morris investigation - draft factual findings

Hi Chief Doucette,

Please find attached a draft of our office's proposed factual findings. I would be grateful if you could please review them at your earliest convenience and let me know if anything is not accurate.

Thanks,

Ultan

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street

Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
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Doyle, Ultan

From: Doyle, Ultan
Sent: Wednesday, January 9, 2019 11:42 AM
To: Doucette, Paul
Cc: Kranichfeld, Bram
Subject: RE: Paragraph 12 - [REDACTED]

Categories: M-Files

Hi Chief Doucette,

Thanks for this email and the others you sent me yesterday. We will consider them prior to finalizing our findings, bearing in mind that our focus is on reviewing relevant facts to see if any criminal conduct occurred.

Thanks,

Ultan

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
(802) 828-2154 (Fax)

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From: Doucette, Paul <Paul.Doucette@vermont.gov>
Sent: Tuesday, January 8, 2019 5:05 PM
To: Doyle, Ultan <ultan.doyle@vermont.gov>
Subject: Paragraph 12 - [REDACTED]

Mr. Doyle,

I want to be clear on this... [REDACTED] is [REDACTED] the former [REDACTED] in Bennington and current [REDACTED]. You findings make it sound like [REDACTED] was one of the suspicious people involved

in the incident. [REDACTED] is friendly with Lawton and I am not clear as to how he was involved at the time. [REDACTED] walked down the trail to investigate the matter and is not one of the suspicious people.

Thank you.

Paul J. Doucette, Jr.
Chief of Police
Public Safety Director
Town of Bennington
118 South Street
Bennington, Vermont 05201
802-442-1030
802-442-1067 (fax)

PLEASE NOTE MY NEW EMAIL: paul.doucette@vermont.gov

Doyle, Ultan

From: Stuart Hurd <shurd@BenningtonVT.org>
Sent: Thursday, January 10, 2019 2:24 PM
To: Doyle, Ultan
Cc: Diamond, Joshua; Clark, Charity; Donovan, Thomas; Kranichfeld, Bram; Gray, Molly
Subject: RE: Bennington facts

Categories: M-Files

Reading this document indicates that many of the suspicious persons complaints were unsubstantiated. Interesting.

Stuart A. Hurd
Town Manager
Town of Bennington, VT
PO Box 469
Bennington VT 05201
shurd@benningtonvt.org
802.442.1037

From: Doyle, Ultan <ultan.doyle@vermont.gov>
Sent: Thursday, January 10, 2019 12:35 PM
To: Stuart Hurd <shurd@BenningtonVT.org>
Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>; Kranichfeld, Bram <Bram.Kranichfeld@vermont.gov>; Gray, Molly <Molly.Gray@vermont.gov>
Subject: RE: Bennington facts

Dear Mr. Hurd,

Please find attached a copy of our office's Draft Factual Findings in regard to the Kiah Morris investigation.

Sincerely,

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
(802) 828-2154 (Fax)

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communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

From: Donovan, Thomas <Thomas.Donovan@vermont.gov>

Sent: Thursday, January 10, 2019 9:17 AM

To: Doyle, Ultan <ultan.doyle@vermont.gov>; Kranichfeld, Bram <Bram.Kranichfeld@vermont.gov>; Gray, Molly <Molly.Gray@vermont.gov>

Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Stuart Hurd <shurd@BenningtonVT.org>

Subject: Bennington facts

Ultan

Please send fact doc to Bennington Town manager Stuart Hurd, copied above .

Thanks

Tjd

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Vermont Attorney General's Office Findings Regarding The Investigation Of Alleged Crimes Committed Against Former Vermont State Representative, Kiah Morris.

Factual Investigation

The following is a summary of the investigation conducted by Bennington Police Department and Vermont State Police of alleged crimes committed against former Vermont State Representative, Kiah Morris and her husband James Lawton:

1. In March of 2016, Mr. Lawton, Ms. Morris's husband, reportedly received an anonymous electronic message. According to Mr. Lawton, the message stated, in effect, that if he did not teach his wife her place, the writer would do it for him. Mr. Lawton said he initially dismissed the message and deleted it. Shortly thereafter he reported it to Bennington Police Chief, Paul Doucette. Mr. Lawton did not provide any screenshots or other evidence reflecting the message's contents or the sender's identity.
2. In August of 2016, Max Misch tagged Ms. Morris on Twitter in multiple messages with Green Mountain Goys. These messages were extremely racist in nature. One tweet said, "Sheeit, I be representin dem white muhfugghez of Bennington, gnome sayin?" Another was addressed to Eva McKend, an African American woman, who at the time was a reporter for the Vermont television news station, WCAX. It asked, "Eva, if you're so proud to be black, why get a weave to look like a white woman?"
3. Around this time, other people were also directing racist tweets at Ms. Morris. For example, someone using the screenname Marcus Cicero2 sent her a picture of an African American at a laptop with the message "Kiah Morris hard at work destroying White Vermont." He also sent her a picture of Africa with the caption "This is what a safe space looks like," and the message "Why are you still in my country Sheboon?" ("Sheboon" is a derogatory term for an African American woman). Ms. Morris reportedly received a similar message from Infostormer, which stated, "Go back to Africa, it's the only place you'll ever be safe."
4. On August 22, 2016, Ms. Morris filed a complaint with the FBI in which she indicated she was being targeted by Max Misch and his associates.
5. On October 10, 2016, Bennington Police Department (BPD) officers were dispatched to the Morgan Street public cemetery near the residence of Ms. Morris and Mr. Lawton. Mr. Lawton had called BPD to report a vehicle picking up a male in the area. The officers did not locate anyone, but did find several neckties in the cemetery. Mr. Lawton reported to officers on the scene that he saw a male on his property and told him to leave. He also reported seeing another man in the cemetery. No one was located in the cemetery.
6. A short time later, Mr. Lawton flagged down police officers and advised that the neckties spotted in the cemetery were his. He said that he saw a skinny male walking on the other side of Morgan Street. The male then crossed the street and walked onto Mr. Lawton's property. Mr. Lawton asked him to leave and the male asked him if someone named "Corey" was home. Mr. Lawton told him there was no one there by that name and that he needed to move along. While talking to this male, Mr. Lawton saw another unidentified male in the cemetery.
7. Mr. Lawton advised that after he heard about the police finding neckties in the cemetery, he checked his basement where he kept his neckties and discovered them missing. Mr.

Lawton advised he was missing about 100 ties. No one in the house heard the break-in and nothing else was reported stolen.

8. In a follow up interview of Ms. Morris and Mr. Lawton conducted by BPD on November 16, 2016, Ms. Morris said she remembered speaking to the owner of "Caddy Daddy" a few weeks prior to October 10th about having neckties in her basement. She did not think this person would have stolen the neckties, but that he might have had friends who would.
9. In the same interview, Ms. Morris reported a second theft and an act of vandalism. Specifically, she reported that also on October 10th, someone had stolen a GPS device from her car and that some time after October 10 someone had paintballed one of her political signs.¹
10. Also, in the same interview, Mr. Lawton told BPD that he thought that the burglary was a political statement and not just a random burglary. The basement was not dusted for fingerprints or swabbed for DNA nor was the neighborhood canvassed to see if anyone else had seen anything suspicious. According to Chief Doucette, this was not unusual in a case like this. Ultimately, no suspects for the burglary or paintballing were ever located.
11. On October 11, 2016, Ms. Morris called BPD to report a suspicious vehicle in the cemetery near her residence. Police responded but were unable to locate the vehicle.
12. On October 18, 2016, Mr. Lawton called BPD to report a suspicious vehicle that had dropped off people in the area of his residence. Mr. Lawton advised that someone called ██████████ had walked down a trail in the area. Law enforcement located ██████████ ██████████ along with two other people (a male and a female). The male and female advised they intended to camp in the area. No further action was taken.
13. On November 8, 2016, Ms. Morris called BPD to report that Max Misch stared at her twice for approximately 1-2 minutes at the polling station in Bennington while she was campaigning there on election day. She also told BPD about the social media attacks she had received from him. Finally, she informed BPD that someone had sent threatening mail to the Democratic Headquarters in Bennington.²
14. On December 1, 2016, a hearing was held on a Protection Order application filed by Ms. Morris against Max Misch in the civil division of the Superior Court for Bennington County. The application was based on the two tweets sent to Ms. Morris by Max Misch the previous August and his conduct at the polling station on November 8th. The court granted the order based solely on the contents of the two tweets. It found by a preponderance of the evidence that the tweets constituted stalking within the meaning of the civil anti-stalking statute (12 V.S.A. § 5131(6)) because they were threatening in nature and would place someone in substantial emotional distress.
15. The Superior Court issued a 1-year Protection Order against Mr. Misch.

¹ In a November 19, 2018 interview with police, Ms. Morris also indicated that her car received paint damage (presumably splatter from the paintball that struck one of her political signs) as a result of this incident.

² These materials did not reference Ms. Morris. They consisted of two racist cartoons (one anti-Semitic and one anti-Hispanic) and a Trump 2016 poster.

16. On December 16, 2016, Mr. Lawton reported to BPD that he had found a milk crate tipped upside down (like someone would do to sit on it) on the stone wall across from his residence. He also reported that a neighbor had told him that he had seen Nazi symbols (swastikas) spray-painted on trees on the Morgan Street Trail near his residence. At this time, neither Mr. Lawton nor Ms. Morris had reported seeing the graffiti.
17. The BPD investigating officer later learned from Chief Doucette that he had received pictures of the vandalized trees from another source and that the town was going to take care of graffiti. The graffiti was later removed by the town. BPD did not obtain any information regarding the exact location of the vandalized trees nor the identity of the person(s) responsible. According to BPD, the distance from the Morris/Lawton residence to the official trailhead is approximately 0.4 miles. The closest trail to the residence is approximately 100 yards.
18. On December 28, 2016, Mr. Lawton called BPD to report that he found footprints in the public cemetery near his residence. He said he believed the footprints were those of Max Misch. He did not offer additional details in support of that belief.
19. On January 11, 2017, Kim Clark, who was Ms. Morris's child care provider, reported to BPD that on the previous afternoon she noticed a man in a car outside her home. The car stopped in the middle of the road with the passenger window open. She said she went outside to confront the driver and noticed either a camera or a phone in the driver's hand. She also reported that the man asked her if she was a psychologist, and she said she was not. He then drove away. No further action was taken.
20. On February 24, 2017, an FBI agent sent the following email to Ms. Morris: "We have just concluded our assessment of the situation, to include review of the Bennington Civil Division Court proceeding transcript from 12/1/16 resulting in the no stalking order of protection. The end result of our assessment was not to open an FBI case at this time. We appreciate you informing us of the situation."
21. On September 12, 2017, Mr. Lawton called BPD to report that there was a suspicious vehicle in the cemetery near his residence. BPD responded, and it turned out to be a student taking night photos in the cemetery.
22. On June 10, 2018, Ms. Morris called BPD to report that someone had gone through her car, although nothing was taken. According to BPD, several people in Bennington reported break-ins to their cars around this time.
23. On July 5, 2018, State Representative Jill Krowinski forwarded to the Vermont Attorney General's Office an undated posting to Ms. Morris's legislative Facebook account. The posting was from a Sarah Toscano and said, "Yet another reason you belong in a cell instead of in the legislature."
24. On July 27, 2018, Mr. Lawton called BPD to report that Max Misch was harassing Ms. Morris via Facebook and Twitter. By this time, the one-year Protective Order against Mr. Misch had expired. One of these tweets said, "You will never silence me. Every time you attend a political rally at the Four Corners or another local venue and I'm aware of the event, I will troll the hell out of you and the other subversives there. Maybe I'll bring a friend or three with me too." Another tweet said, "Stop pushing 'social justice' on your nearly entirely White constituency in Bennington, VT. Go back to Chicago if you want to

engage in SJW bullshit. We will continue to fight against your efforts to make our town/state look more like your mongrel son.”

25. The BPD officer responding to the call took a report of the incident. BPD took no further action on the basis that the messages did not constitute threats or other criminal acts against Ms. Morris.
26. Also, on July 27, 2018, Mr. Lawton reported that someone hacked into his computer and changed his screen name to “dead dead.” The following day, Mr. Lawton and Ms. Morris brought their computers to Bennington Police Department and turned them over as evidence. The case was assigned to Michael Sharshon.
27. On July 30, 2018, Officer Sharshon contacted Vermont State Police (VSP) Detective Eric Jollymore, who is a forensic computer examiner assigned to the Vermont Internet Crimes Against Children (ICAC) Task Force at the Vermont Forensic Laboratory (VFL). Operated by the Department of Public Safety in Waterbury Vermont, the VFL is the only forensic laboratory in the state.
28. BPD Officer Sharshon documented in his report the following: “I spoke with Eric Jollymore at ICAC, who advised me that a situation that [Mr.] Lawton encounter[ed] is possible, however it would require whoever did it to have an advanced degree of technical knowledge of computers. It was determined that the computers would not be forensically analyzed.”
29. A few days later, Detective Matthew Raymond, who is an ICAC investigator who works at the Vermont Attorney General’s Office, contacted VSP Detective Jollymore, who indicated that he had told Officer Sharshon “that VT-ICAC would conduct a computer exam if requested and that it was possible to obtain evidence from such a computer exam to advance the investigation.”
30. The computers Mr. Lawton and Ms. Morris provided to BPD on July 28 were secured with passwords. On August 20, 2018, BPD Officer Sharshon obtained those passwords from Ms. Morris.
31. On August 22, 2018, Officer Sharshon transported the two computers to the Vermont Forensic Laboratory. VSP Detective Jollymore stopped working on other forensic examinations in order to immediately start the forensic examination of Mr. Lawton’s computer — the one reported to have had “dead dead” replace Mr. Lawton’s user name. That analysis continued for several weeks and revealed that the username on the computer was associated with a Microsoft Live Account and an Outlook account of an unknown user.
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about what had occurred. Mr. Lawton told the officer that this was not the first time this had happened and that it had left him and Ms. Morris at their wit's end. Mr. Lawton also told the officer that he and Ms. Morris would likely be staying in a hotel that night. Officer Sharshon told Mr. Lawton that he did not think this was necessary and that it appeared to be just a juvenile prank. Officer Sharshon forwarded the case to the Bennington State's Attorney's Office, but that office declined to file charges against the juveniles.

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38. Ms. Morris's neighbor signed seven no trespass orders for her residence. All seven juveniles were eventually located by BPD and were served with the no trespass orders. The case was forwarded to the Bennington State's Attorney's Office for review, but that office declined to file charges.
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40. On October 3, 2018, VSP Detective Henry Alberico and Det. Jollymore traveled to Bennington to conduct an in-person interview of Ms. Morris and Mr. Lawton,³ who were accompanied by legal counsel. During the course of the interview, it was revealed that the laptop computer with the "dead dead" user name had recently been purchased by Mr. Lawton from a local resident.
41. On October 10, 2018, Det. Alberico interviewed the person from whom Mr. Lawton had purchased the laptop. During the interview, Det. Alberico learned that this person's 10-

³ The interview had originally been scheduled for September 6, 2018 but had to be rescheduled because Mr. Lawton was experiencing health issues.

- year-old son's screenname when he played online video games on his Xbox was "dead dead" and this screenname, which was associated with his mother's Microsoft cloud account, continued to be synced with Mr. Lawton's laptop after he had purchased it.
42. It was this accidental synchronization that led the username on Mr. Lawton's laptop to appear as "dead dead." In other words, the VSP investigation established that the laptop incident did not involve any form of threat or unlawful activity.
 43. Within a day or two of the October 10th interview, Vermont State Police informed Ms. Morris's attorney of the outcome of the investigation.
 44. On October 10, 2018 at 8:44 pm, a neighbor of Ms. Morris called BPD police to report that people were drinking in the Morgan Street public cemetery. The individual who had been arrested on September 29 for disturbing the peace with a loud ATV (see above) was among these people. BPD reported that this individual was intoxicated and had yelled at Mr. Lawton and the neighbor who had called the police. BPD spoke with the individual in question who said he was taking a shortcut through the cemetery. No further action was taken.
 45. On October 10, 2018 at 8:53 pm., the same neighbor of Ms. Morris who called BPD a few minutes earlier called a second time to report another suspicious person in the cemetery. BPD found no one in the cemetery. Mr. Lawton told police he had seen that person in the cemetery the day before at around 1:30 am.
 46. On October 13, 2018, Mr. Lawton called BPD to report that as he was getting ready for bed, someone knocked at his door and then ran away. The responding officer encountered approximately six juveniles on Morgan Street. The officer had the juveniles identify themselves. They denied knowing anything about the incident.
 47. On October 15, 2018, Officer Knox of BPD responded to a report by Mr. Lawton that gravestones in the Morgan Street public cemetery had been vandalized. On October 22, 2018, while Officer Knox was investigating the vandalism incident, she learned of the other incident of "ding-dong ditch" on October 13th. Mr. Lawton told Officer Knox that he recognized the person responsible as one of neighborhood juveniles responsible for the incidents of "ding-dong-ditch" reported a few weeks earlier. Mr. Lawton reported that he saw this juvenile go to a neighbor's house and knock on her door.
 48. The juvenile identified by Mr. Lawton was interviewed by Officer Knox. He denied being responsible for the "ding-dong-ditching" that occurred on October 13th. He said he knew who was responsible, but refused to identify that person. No charges were filed in relation to this incident.

Vermont Attorney General's Office Findings Regarding The Investigation Of Alleged Crimes Committed Against Former Vermont State Representative, Kiah Morris.

Factual Investigation

The following is a summary of the investigation conducted by Bennington Police Department and Vermont State Police of alleged crimes committed against former Vermont State Representative, Kiah Morris and her husband James Lawton:

1. In March of 2016, Mr. Lawton, Ms. Morris's husband, reportedly received an anonymous electronic message. According to Mr. Lawton, the message stated, in effect, that if he did not teach his wife her place, the writer would do it for him. Mr. Lawton said he initially dismissed the message and deleted it. Shortly thereafter he reported it to Bennington Police Chief, Paul Doucette. Mr. Lawton did not provide any screenshots or other evidence reflecting the message's contents or the sender's identity.
2. In August of 2016, Max Misch tagged Ms. Morris on Twitter in multiple messages with Green Mountain Goys. These messages were extremely racist in nature. One tweet said, "Sheeeit, I be representin dem white muhfuggghuz of Bennington, gnome sayin?" Another was addressed to Eva McKend, an African American woman, who at the time was a reporter for the Vermont television news station, WCAX. It asked, "Eva, if you're so proud to be black, why get a weave to look like a white woman?"
3. Around this time, other people were also directing racist tweets at Ms. Morris. For example, someone using the screenname Marcus Cicero2 sent her a picture of an African American at a laptop with the message "Kiah Morris hard at work destroying White Vermont." He also sent her a picture of Africa with the caption "This is what a safe space looks like," and the message "Why are you still in my country Sheboon?" ("Sheboon" is a derogatory term for an African American woman). Ms. Morris reportedly received a similar message from Infostormer, which stated, "Go back to Africa, it's the only place you'll ever be safe."
4. On August 22, 2016, Ms. Morris filed a complaint with the FBI in which she indicated she was being targeted by Max Misch and his associates.
5. On October 10, 2016, Bennington Police Department (BPD) officers were dispatched to the Morgan Street public cemetery near the residence of Ms. Morris and Mr. Lawton. Mr. Lawton had called BPD to report a vehicle picking up a male in the area. The officers did not locate anyone, but did find several neckties in the cemetery. Mr. Lawton reported to officers on the scene that he saw a male on his property and told him to leave. He also reported seeing another man in the cemetery. No one was located in the cemetery.
6. A short time later, Mr. Lawton flagged down police officers and advised that the neckties spotted in the cemetery were his. He said that he saw a skinny male walking on the other side of Morgan Street. The male then crossed the street and walked onto Mr. Lawton's property. Mr. Lawton asked him to leave and the male asked him if someone named "Corey" was home. Mr. Lawton told him there was no one there by that name and that he needed to move along. While talking to this male, Mr. Lawton saw another unidentified male in the cemetery.
7. Mr. Lawton advised that after he heard about the police finding neckties in the cemetery, he checked his basement where he kept his neckties and discovered them missing. Mr.

Lawton advised he was missing about 100 ties. No one in the house heard the break-in and nothing else was reported stolen.

8. In a follow up interview of Ms. Morris and Mr. Lawton conducted by BPD on November 16, 2016, Ms. Morris said she remembered speaking to the owner of “Caddy Daddy” a few weeks prior to October 10th about having neckties in her basement. She did not think this person would have stolen the neckties, but that he might have had friends who would.
9. In the same interview, Ms. Morris reported a second theft and an act of vandalism. Specifically, she reported that also on October 10th, someone had stolen a GPS device from her car and that some time after October 10 someone had paintballed one of her political signs.¹
10. Also, in the same interview, Mr. Lawton told BPD that he thought that the burglary was a political statement and not just a random burglary. The basement was not dusted for fingerprints or swabbed for DNA nor was the neighborhood canvassed to see if anyone else had seen anything suspicious. According to Chief Doucette, this was not unusual in a case like this. Ultimately, no suspects for the burglary or paintballing were ever located.
11. On October 11, 2016, Ms. Morris called BPD to report a suspicious vehicle in the cemetery near her residence. Police responded but were unable to locate the vehicle.
12. On October 18, 2016, Mr. Lawton called BPD to report a suspicious vehicle that had dropped off people in the area of his residence. BPD responded and located two people on a trail near the residence. These individuals told the responding officer that they intended to camp in the area. No further action was taken.
13. On November 8, 2016, Ms. Morris called BPD to report that Max Misch stared at her twice for approximately 1-2 minutes at the polling station in Bennington while she was campaigning there on election day. She also told BPD about the social media attacks she had received from him. Finally, she informed BPD that someone had sent threatening mail to the Democratic Headquarters in Bennington.²
14. On December 1, 2016, a hearing was held on a Protection Order application filed by Ms. Morris against Max Misch in the civil division of the Superior Court for Bennington County. The application was based on the two tweets sent to Ms. Morris by Max Misch the previous August and his conduct at the polling station on November 8th. The court granted the order based solely on the contents of the two tweets. It found by a preponderance of the evidence that the tweets constituted stalking within the meaning of the civil anti-stalking statute (12 V.S.A. § 5131(6)) because they were threatening in nature and would place someone in substantial emotional distress.
15. The Superior Court issued a 1-year Protection Order against Mr. Misch.
16. On December 16, 2016, Mr. Lawton reported to BPD that he had found a milk crate tipped upside down (like someone would do to sit on it) on the stone wall across from his

¹ In a November 19, 2018 interview with police, Ms. Morris also indicated that her car received paint damage (presumably splatter from the paintball that struck one of her political signs) as a result of this incident.

² These materials did not reference Ms. Morris. They consisted of two racist cartoons (one anti-Semitic and one anti-Hispanic) and a Trump 2016 poster.

- residence. He also reported that a neighbor had told him that he had seen Nazi symbols (swastikas) spray-painted on trees on the Morgan Street Trail near his residence. At this time, neither Mr. Lawton nor Ms. Morris had reported seeing the graffiti.
17. The BPD investigating officer later learned from Chief Doucette that he had received pictures of the vandalized trees and that the town was going to take care of the graffiti. The graffiti was later removed by the town. BPD did not obtain any information regarding the exact location of the vandalized trees nor the identity of the person(s) responsible. According to BPD, the distance from the Morris/Lawton residence to the official trailhead is approximately 0.4 miles. The closest trail to the residence is approximately 100 yards.
 18. On December 28, 2016, Mr. Lawton called BPD to report that he found footprints in the public cemetery near his residence. He said he believed the footprints were those of Max Misch. He did not offer additional details in support of that belief.
 19. On January 11, 2017, Kim Clark, who was Ms. Morris's child care provider, reported to BPD that on the previous afternoon she noticed a man in a car outside her home. The car stopped in the middle of the road with the passenger window open. She said she went outside to confront the driver and noticed either a camera or a phone in the driver's hand. She also reported that the man asked her if she was a psychologist, and she said she was not. He then drove away. No further action was taken.
 20. On February 24, 2017, an FBI agent sent the following email to Ms. Morris: "We have just concluded our assessment of the situation, to include review of the Bennington Civil Division Court proceeding transcript from 12/1/16 resulting in the no stalking order of protection. The end result of our assessment was not to open an FBI case at this time. We appreciate you informing us of the situation."
 21. On September 12, 2017, Mr. Lawton called BPD to report that there was a suspicious vehicle in the cemetery near his residence. BPD responded, and it turned out to be a student taking night photos in the cemetery.
 22. On June 10, 2018, Ms. Morris called BPD to report that someone had gone through her car, although nothing was taken. According to BPD, several people in Bennington reported break-ins to their cars around this time. Following an investigation, BPD identified the person responsible for the car break-ins and there is an active warrant for that person's arrest
 23. On July 5, 2018, State Representative Jill Krowinski forwarded to the Vermont Attorney General's Office an undated posting to Ms. Morris's legislative Facebook account. The posting was from a Sarah Toscano and said, "Yet another reason you belong in a cell instead of in the legislature."
 24. On July 27, 2018, Mr. Lawton called BPD to report that Max Misch was harassing Ms. Morris via Facebook and Twitter. By this time, the one-year Protective Order against Mr. Misch had expired. One of these tweets said, "You will never silence me. Every time you attend a political rally at the Four Corners or another local venue and I'm aware of the event, I will troll the hell out of you and the other subversives there. Maybe I'll bring a friend or three with me too." Another tweet said, "Stop pushing 'social justice' on your nearly entirely White constituency in Bennington, VT. Go back to Chicago if you want to

engage in SJW bullshit. We will continue to fight against your efforts to make our town/state look more like your mongrel son.”

25. The BPD officer responding to the call took a report of the incident. BPD took no further action on the basis that the messages did not constitute threats or other criminal acts against Ms. Morris.
26. Also, on July 27, 2018, Mr. Lawton reported that someone hacked into his computer and changed his screen name to “dead dead.” The following day, Mr. Lawton and Ms. Morris brought their computers to Bennington Police Department and turned them over as evidence. The case was assigned to Michael Sharshon.
27. On July 30, 2018, Officer Sharshon contacted Vermont State Police (VSP) Detective Eric Jollymore, who is a forensic computer examiner assigned to the Vermont Internet Crimes Against Children (ICAC) Task Force at the Vermont Forensic Laboratory (VFL). Operated by the Department of Public Safety in Waterbury Vermont, the VFL is the only forensic laboratory in the state.
28. BPD Officer Sharshon documented in his report the following: “I spoke with Eric Jollymore at ICAC, who advised me that a situation that [Mr.] Lawton encounter[ed] is possible, however it would require whoever did it to have an advanced degree of technical knowledge of computers. It was determined that the computers would not be forensically analyzed.”
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30. The computers Mr. Lawton and Ms. Morris provided to BPD on July 28 were secured with passwords. On August 20, 2018, BPD Officer Sharshon obtained those passwords from Ms. Morris. (There appears to be different explanations for the delay in BPD obtaining the passwords. However, resolution of that issue is not necessary for determining whether prosecutable offenses occurred).
31. On August 22, 2018, Officer Sharshon transported the two computers to the Vermont Forensic Laboratory. VSP Detective Jollymore stopped working on other forensic examinations in order to immediately start the forensic examination of Mr. Lawton’s computer — the one reported to have had “dead dead” replace Mr. Lawton’s user name. That analysis continued for several weeks and revealed that the username on the computer was associated with a Microsoft Live Account and an Outlook account of an unknown user.
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³ The interview had originally been scheduled for September 6, 2018 but had to be rescheduled because Mr. Lawton was experiencing health issues.

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