

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

*****Expedited Processing Required*****

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

LOREN FAULKNER

**ATTORNEY GENERAL JOHN M. FORMELLA'S COMPLAINT
UNDER THE NEW HAMPSHIRE CIVIL RIGHTS ACT**

NOW COMES John M. Formella, Attorney General, (“State”) with a complaint against the defendant, Loren Faulkner, for twenty-two violations of the New Hampshire Civil Rights Act, RSA 354-B:1. The State asks that this Court find that the defendant violated the New Hampshire Civil Rights Act when he: (1) engaged in a spree of antisemitic, homophobic, and racist vandalism that damaged eighteen different properties on or about February 21, 2023; (2) stole or damaged three LGBTQ+ Pride flags on or about April 20, 2022; (3) vandalized the St. John’s Masonic Temple with antisemitic and homophobic statements on or about April 20, 2022; and (4) stole and destroyed a Ukrainian flag belonging to St. Nicholas’s Greek Orthodox Church while producing a video denouncing LGBTQ+ individuals and Ukrainians on or about April 20, 2022. The evidence demonstrates that race, religion, national origin, gender identity, and sexual orientation, among other protected characteristics, motivated the defendant’s conduct and his actions interfered with the lawful activities of his victims who were targeted for their actual or perceived protected characteristics and/or their actual or perceived support for marginalized communities.

Attorney General Formella initiates this action to uphold the civil rights of those directly targeted by the defendant's conduct and those who experienced property damage and loss because of his conduct. Attorney General Formella initiates this action also to protect members of the public, including visitors to New Hampshire and Portsmouth, NH residents, whose rights were violated by the defendant when he damaged properties across the City of Portsmouth on multiple occasions and to uphold the civil rights of the taxpayers that support the City of Portsmouth whose taxes have been expended to respond to and ensure the end of the trespass and property damage motivated by race, religion, sexual orientation, gender identity, national origin, and other protected characteristics.

As detailed in this complaint, the State asks that this Court impose civil penalties upon the defendant, to permanently enjoin the defendant from committing future Civil Rights Act violations, and other remedies. Filed contemporaneously with this complaint are a motion and memorandum in support of a preliminary injunction to enjoin the defendant from future unlawful conduct and to protect the individuals, businesses, and houses of worship targeted by the defendant in his recent vandalism spree until the Court grants a permanent injunction. **As required by RSA 354-B:4, IV, this Court must prioritize this matter in its schedule.**

In support of this complaint, the State submits the following:

INTRODUCTION

1. The New Hampshire Civil Rights Act, RSA 354-B:1, provides that all persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such

actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.

2. Here, the defendant violated the Civil Rights Act twenty-two times in 2022 and 2023. He is accused of committing the following acts that give rise to the twenty-two Civil Rights Act violations:

- i. On or about April 20, 2022, the defendant stole a Ukrainian flag from St. Nicholas Greek Orthodox Church, 40 Andrew Jarvis Dr., Portsmouth, NH, produced a video where he doused the flag in lighter fluid and set it on fire while stating “Ukrainians are fucking gay. This fucking country needs to burn in hell. Can’t wait to see all these Ukrainians dies. We love Putin. We love Russia. Fuck Ukraine. Fuck gay people. Fuck faggots,” and then sent a copy of the video to the entire Sophomore class at Portsmouth High School;
- ii. On April 20, 2022, the defendant attempted to steal a rainbow LGBTQ+ Pride Flag from a private residence at 353 Miller Avenue, Portsmouth, NH, and slashed the flag in his failed attempt;
- iii. On April 20, 2022, the defendant stole a rainbow LGBTQ+ Pride Flag from the North Church in Market Square, 2 Congress Street, Portsmouth, NH, and damaged the flagpole in the process;
- iv. On or about April 21, 2022, the defendant spray-painted a white “X,” the word “Gays,” the word “Jews,” and the acronym “GTFO” (short for: “Get the Fuck Out”) on the walls of St. John’s Masonic Lodge, 351 Middle Street, Portsmouth, NH;
- v. On February 21, 2023, the defendant spray-painted swastikas and crosses¹ onto the walls and in the parking lot of Temple Israel, 200 State Street, Portsmouth, NH, a Jewish house of worship;
- vi. On February 21, 2023, the defendant spray-painted a Star of David and red “X” on the walls of St. John’s Masonic Lodge;
- vii. On February 21, 2023, the defendant spray-painted a Star of David on the door of St. John’s Episcopal Church, 101 Chapel Street, Portsmouth, NH; defaced a Black Heritage Trail sign on the St. John’s Church property; and removed an LGBTQ+ Pride flag from St. John’s Church property;

¹ As a symbol, the cross has numerous meanings to people of different faiths and is not inherently a symbol of hate. Yet, crosses have been used as tools to promote hate and as used by the defendant across these incidents crosses demonstrate an animosity grounded in religion.

- viii. On February 21, 2023, the defendant spray-painted three red crosses on the window of Deadwick’s Ethereal Emporium, 19 Sheafe Street, Portsmouth, NH;
- ix. On February 21, 2023, the defendant spray-painted over a rainbow-colored park bench located on the property of Portsmouth Place Apartments, 263 Rockland Street, Portsmouth, NH;
- x. On February 21, 2023, the defendant spray-painted a red triangle shape onto the window of the Cotilion Bureau, 65 Bow Street, Portsmouth, NH;
- xi. On February 21, 2023, the defendant spray-painted a Star of David, a cross, and a swastika on the window of Macro Polo, 89 Market Street, Portsmouth, NH;
- xii. On February 21, 2023, the defendant spray-painted a cross and a swastika on Cup of Joe Café, 31 Market Street, Portsmouth, NH;
- xiii. On February 21, 2023, the defendant spray-painted a swastika on the wall outside of Mojo’s West End Tavern, 95 Brewery Lane, Portsmouth, NH;
- xiv. On February 21, 2023, the defendant spray-painted over a sticker in the window of 3 Bridges Yoga, 185 High Street, Portsmouth, NH, that read “Hate is Unwelcome Here”;
- xv. On February 21, 2023, the defendant spray-painted swastikas and a red “X” on the window of Grim North Tattoo and Piercing, 167 High Street, Portsmouth, NH—notably the red “X” was painted to cover a sign in the window that read: “All are loved”;
- xvi. On February 21, 2023, the defendant spray-painted a swastika on the window of Stroll Café, 15 Portwalk Place, Portsmouth, NH;
- xvii. On February 21, 2023, the defendant spray-painted a red “X” to deface a sign that read “In Our America All People Are Equal, Love Wins, Black Lives Matter, Immigrants & Refugees Are Welcome, Disabilities Are Respected, Women Are In Charge Of Their Bodies, People & Planet Are Valued Over Profit, Diversity Is Celebrated” on the property of 226 Marcy Street, Portsmouth, NH, a private residence;
- xviii. On February 21, 2023, the defendant spray-painted over a mural that read “Black Lives Matter” located on the retaining wall at 244 Marcy Street, Portsmouth, NH a private residence;

- xix. On February 21, 2023, the defendant spray-painted a swastika on a wall under the Bartlett Street Railroad Bridge's trestle located in Portsmouth, NH;
- xx. On February 21, 2023, the defendant spray-painted a Star of David, a red "X," the word "Juden," and the phrase "White Lives Matter" on the Market Street pedestrian bridge located in Portsmouth, NH;
- xxi. On February 21, 2023, the defendant spray-painted a swastika, a cross, and the word "Victory" on a wall in the Hanover Parking Garage, 2 Hanover Street, Portsmouth, NH; and
- xxii. On February 21, 2023, the defendant spray-painted a swastika and a cross on the window of Portsmouth Smoke and Vape, 93 High Street, Portsmouth, NH.

3. In committing these acts, the defendant trespassed upon property of others and/or damaged property of others. The property damage and trespasses violated the Civil Rights Act because they were motivated by, among other protected characteristics, religion, sexual orientation, gender identity, race, and national origin and interfered with the lawful activities of others.

4. Much of the property damage was graffiti that included swastikas, one of the more well-recognized symbols of antisemitism but also racism, homophobia, and transphobia, crosses, a symbol of Christianity, and/or targets signs and symbols supportive of the LGBTQ+ community and the Black community, such as the "All Are Loved" sign and the Black Lives Matter mural. Many of the businesses targeted displayed LGBTQ+ Pride flags throughout the year or otherwise demonstrated support for the LGBTQ+ community. The two private residences targeted had signs or murals that demonstrated support for many different communities, including the Black community and the LGBTQ+ community. Two houses of worship were targeted: Temple Israel with swastikas and crosses and St. John's Church, a welcoming

congregation, with Stars of David, a symbol of Judaism,² damage to a Black Heritage Trail sign, and theft of the church's LGBTQ+ Pride flag. St. John's Masonic Temple was targeted on two separate occasions once with anti-LGBTQ+ and antisemitic comments and again with a Star of David and red "X." This property damage supports only one conclusion: the defendant's conduct was motivated by animus toward, among other protected characteristics, religion, sexual orientation, gender identity, race, and national origin, and designed to discourage those businesses, houses of worship, and residents from expressing their support for the many different communities living in, visiting, and welcome in Portsmouth.

5. The trespasses, which often included property damage, predominantly targeted rainbow LGBTQ+ Pride flags. The defendant entered onto the real property of another to damage or steal the victim's LGBTQ+ Pride flag. The defendant was motivated by animus toward sexual orientation and gender identity evidenced by the fact that the target of nearly all these trespasses were LGBTQ+ Pride flags, which the defendant stole or damaged. The only instance where another type of flag was stolen and damaged was the theft of a Ukrainian flag from a local Greek Orthodox Church, which was destroyed while the defendant denounced Ukraine and gay people. This trespass and property damage supports only one conclusion: the defendant's conduct was motivated by animus toward, among other protected characteristics, sexual orientation, gender identity, and national origin, and was designed to discourage those houses of worship and residents from expressing their support for the many different communities living in, visiting, and welcome in Portsmouth.

² Some white supremacist and neo-Nazi groups consider acceptance of the LGBTQ+ community a product of Jewish control of the United States, which may explain the use of the Star of David on a Christian congregation that welcomes and affirms the LGBTQ+ community.

6. In response to these twenty-two violations, the Attorney General asks this Court to find that the defendant committed multiple violations of the Civil Rights Act, impose civil penalties against the defendant for each violation, and enjoin him from, among other things, further violating the Civil Rights Act.

PARTIES

7. John M. Formella is the Attorney General of New Hampshire. The Attorney General's Office is located at 33 Capitol Street, Concord, NH.

8. Pursuant to RSA 354-B:2, whenever the Attorney General has probable cause to believe that any person has violated any provision of RSA chapter 354-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in the Superior Court in the county where the alleged violator resides or where the alleged conduct occurred.

9. The defendant, Loren Faulkner, resides at 61 Osprey Drive, Portsmouth, NH 03801.

10. The alleged conduct occurred on or about February 22, 2022; April 20, 2022; April 21, 2022; and February 21, 2023, throughout the City of Portsmouth, New Hampshire.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to RSA 354-B:2, II.

12. Rockingham County is the proper venue for this action because the unlawful conduct occurred in Portsmouth, New Hampshire, a town located within Rockingham County.

FACTS

February 21, 2023 Vandalism

13. At approximately 1:00 a.m. on February 21, 2023, the defendant began his vandalism spree when he spray-painted a swastika on a wall under the Bartlett Street Railroad Bridge's trestle.³ *See* Attachment A (photograph of Bartlett Street vandalism).

14. At approximately 1:10 a.m., surveillance footage shows the defendant walking in the vicinity of Papa Wheelie's Bicycle Shop, 653 Islington Street, Portsmouth, NH.

15. From there, the defendant walked to Mojo's West End Tavern where he spray-painted a swastika on an exterior wall. *See* Attachment B (photograph of Mojo's vandalism).

16. The defendant is next identified on surveillance footage near 60 Summer Street, Portsmouth, NH, at approximately 2:05 a.m. The defendant was walking southeast along Summer Street toward St. John's Masonic Lodge.

17. The defendant is next identified at approximately 2:07 a.m. on surveillance footage at the St. John's Masonic Lodge. The surveillance footage shows the defendant shaking a can and spray-painting on the side of the building. The defendant spray-painted a Star of David and a red "X" on the walls. *See* Attachment C (photograph of 2023 Masonic Lodge vandalism). The surveillance footage shows that the defendant walked away from the building at approximately 2:08 a.m.

18. Surveillance footage next captures the defendant near 45 Miller Avenue, Portsmouth, NH, walking away from the Masonic Lodge at approximately 2:09 a.m.

19. The defendant continued to Portsmouth Place Apartments where he defaced a park bench painted in rainbow colors, which was painted in these colors to show support for the LGBTQ+ community, with red spray paint. *See* Attachment D (photograph of Portsmouth Place Apartments vandalism).

³ As presented in this complaint, the order of incidents represents an approximation based upon the defendant's likely route given the timestamps from known surveillance footage.

20. From there, the defendant walked toward Marcy Street where he targeted two homes. At 244 Marcy Street, the defendant spray-painted over a mural that read “Black Lives Matter” located on a retaining wall along the sidewalk. *See* Attachment E (photograph of 244 Marcy Street vandalism). At 226 Marcy Street, the defendant spray-painted a red “X” on a lawn sign that read: “In Our America All People Are Equal, Love Wins, Black Lives Matter, Immigrants & Refugees Are Welcome, Disabilities Are Respected, Women Are In Charge Of Their Bodies, People & Planet Are Valued Over Profit, Diversity Is Celebrated.” *See* Attachment F (photograph of 226 Marcy Street vandalism).

21. Surveillance footage next captures the defendant at Temple Israel at 2:30 a.m. There, the defendant spray-painted swastikas and crosses on the walls of the building and in the building’s parking lot. *See* Attachment G (photographs of Temple Israel vandalism).

22. At this point, the defendant entered into the downtown or commercial area of Portsmouth, NH. He next targeted Deadwick’s Ethereal Emporium. At Deadwick’s, the defendant spray-painted three red crosses on the window. *See* Attachment H (photograph of Deadwick’s Ethereal Emporium vandalism).

23. Next, the defendant walked to St. John’s Episcopal Church. There, he spray-painted a Star of David on the church’s door, defaced a Black Heritage Trail sign on the church’s property with red spray paint, and stole a rainbow LGBTQ+ Pride flag from the church’s property. *See* Attachment I (photographs of St. John’s Church vandalism).

24. At approximately 2:44 a.m., surveillance footage captured the defendant near River House Restaurant, 53 Bow Street, Portsmouth, NH. That footage shows the defendant walking on Bow Street from the direction of Chapel Street toward the direction of Penhallow

Street. The defendant stopped in front of the Cotillion Bureau and raised his arm up to spray-paint on the store's window. *See* Attachment J (photographs of Cotillion Bureau vandalism).

25. From there, the defendant continued through the commercial center of Portsmouth. He spray-painted a Star of David, a cross, and a swastika on the window of Macro Polo. *See* Attachment K (photographs of Macro Polo vandalism).

26. He then went to Cup of Joe Café and spray-painted a cross and a swastika on the building. *See* Attachment L (photograph of Cup of Joe Café vandalism).

27. Next, he went to the Hanover Parking Garage where he spray-painted a swastika, a cross, and the word "Victory" on a wall in the garage. *See* Attachment M (photographs of Hanover Parking Garage vandalism).

28. He left the garage and went to Portsmouth Smoke and Vape, where he spray-painted a swastika and a cross on the business's window. *See* Attachment N (photographs of Portsmouth Smoke and Vape vandalism).

29. Surveillance footage next captured the defendant at Grim North Tattoo and Piercing at approximately 2:52 a.m. There he spray-painted swastikas and a red "X" on the window. The defendant painted the red "X" to obscure a sign in the window that read: "All are loved," which is commonly used to show support for the LGBTQ+ community and for communities of color. *See* Attachment O (photographs of Grim North Tattoo and Piercing vandalism).

30. From there, the defendant went to 3 Bridges Yoga. There he spray-painted over a sticker in the business's window that read: "Hate is Unwelcome Here." *See* Attachment P (photograph of 3 Bridges Yoga vandalism).

31. Next, the defendant proceeded toward Stroll Café. There, he spray-painted a swastika on the window. *See* Attachment Q (photograph of Stroll Café vandalism).

32. The defendant then traveled away from the commercial center of Portsmouth and across North Mill Pond. Surveillance footage captured him near 315 Maplewood Avenue at approximately 3:03 a.m.

33. From there, the defendant proceeded toward his home. Along the way, he traveled on a pedestrian bridge that allows pedestrians to safely cross Market Street. There, he spray-painted a Star of David, a red “X,” the word “Juden,” which means Jews in German, and the phrase “White Lives Matter.” *See* Attachment R (photographs of Market Street pedestrian bridge vandalism).

April 20-22, 2022 Vandalism

34. On April 20, 2022,⁴ the defendant drove his red sedan bearing Rhode Island license plates into the driveway of 353 Miller Avenue, Portsmouth, NH. The defendant exited his car and ran to the front door where the owner of the home displayed a rainbow LGBTQ+ Pride flag. The defendant attempted to pull the flag down and cut at it with a knife. The owner, witnessing this, shouted at the defendant, who then stopped, laughed, and ran back to his car before driving off. The owner described the defendant as a white, male teenager and that she had witnessed another male with him, who she described as a black teenager. The incident caused damage to the owner’s flag.

35. After targeting 353 Miller Avenue, the defendant traveled to the North Church, 2 Congress Street, Portsmouth, NH. There, he used a table to climb up and remove the church’s

⁴ April 20 is a date of notoriety among white supremacist and neo-Nazis because it is the date of Adolf Hitler’s birthday.

rainbow LGBTQ+ Pride flag. In doing so, he damaged the flagpole that affixed the flag to the church. *See* Attachment S (photographs of 2022 LGTQ+ Pride flag thefts and vandalism).

36. Between April 20, 2022 and April 21, 2022, the defendant spray-painted a white “X,” the words “Gays” and “Jews,” and the acronym “GTFO” on the walls of St. John’s Masonic Lodge. *See* Attachment T (photographs of 2022 Masonic Lodge vandalism). The graffiti had not been present after a lodge meeting ended at 9:30 p.m. on April 20, 2022, but was first observed at approximately 6:00 a.m. on April 21, 2022.

37. On April 22, 2022, police received a call for assistance from the Cotillion Bureau. The owner of the store reported that the rainbow LGBTQ+ Pride flag displayed outside the store had been torn with a blade. The owner did not know who could have targeted the store.

April 20, 2022 Vandalism and Email

38. On April 20, 2022, the defendant sent an email to the entire sophomore class at Portsmouth High School except for himself and M.E., a friend of the defendant’s, from an email account with the name: “Christian Russian > Globo-Homo Ukraine.” In that email was a video. The video showed a Ukrainian flag laying on the ground in the woods. During the video the defendant says: “Ukrainians are fucking gay. This fucking country needs to burn in hell. Can’t wait to see all these Ukrainians dies. We love Putin. We love Russia. Fuck Ukraine. Fuck gay people. Fuck faggots.” Then the defendant puts lighter fluid on the flag. While doing that, the defendant’s head and hands come into view. The defendant then lit the flag on fire, burning it. *See* Attachment U (photographs and records from Ukrainian flag destruction).

39. The defendant had previously stolen the Ukrainian flag from St. Nicholas Greek Orthodox Church.

COUNT I

Violation of New Hampshire Civil Rights Act (Bartlett Street Trestle)

40. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

41. The defendant damaged the property of another when he spray-painted a swastika on a wall under the Bartlett Street Railroad Bridge's trestle.

42. Race, religion, sexual orientation, gender identity, and national origin motivated the defendant's conduct. The swastika is a notorious symbol of antisemitism, racism, and homophobia and its use sends the message that Jewish people, people of color, and LGBTQ+ people are unwelcome and unsafe in this community.

43. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, racist, and homophobic symbolism and property damage.

44. The defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT II

Violation of the New Hampshire Civil Rights Act (Mojo's Tavern)

45. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

46. The defendant damaged the property of another when he spray-painted a swastika on a wall of Mojo's West End Tavern.

47. Race, religion, sexual orientation, gender identity, and national origin motivated the defendant's conduct. The swastika is a notorious symbol of antisemitism, racism, and homophobia and its use sends the message that Jewish people, people of color, and LGBTQ+ people are unwelcome and unsafe in this community.

48. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, racist, and homophobic symbolism and property damage.

49. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT III

Violation of the New Hampshire Civil Rights Act (2023 St. John's Masonic Lodge)

50. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

51. The defendant damaged the property of another when he spray-painted a Star of David and a red "X" on a wall of St. John's Masonic Lodge.

52. Religion⁵ motivated the defendant's property conduct. The Star of David is a symbol of Judaism and the "X" symbolizes a desire to exclude or eliminate.

53. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic symbolism and property damage. The defendant's conduct disrupted the lawful activities of the Masonic Lodge by attempting to discourage members of the Masonic Lodge from meeting and gathering in Portsmouth.

54. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT IV

Violation of the New Hampshire Civil Rights Act (Portsmouth Place Apartments)

⁵ The Masonic Lodge is affiliated with Freemasonry, which is not a religion. Yet, the Masonic Lodge is also referred to as a temple, as are many synagogues, the issue here is the perception of affiliation with Judaism or another religious group. *See State v. Costella*, 166 N.H. 705, 713 (2014) (holding that the defendant's perception of a person or group's membership in a protected class, regardless of whether that perception is correct, permits application of the hate-crime sentencing enhancement in RSA 651:6, I(f)).

55. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

56. The defendant damaged the property of another when he defaced a rainbow park bench installed at Portsmouth Place Apartments with red spray paint.

57. Sexual orientation and gender identity motivated the defendant's conduct. The rainbow is a commonly known symbol of LGBTQ+ equality and acceptance and this bench was installed to show support for the LGBTQ+ community. Defacing the bench demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

58. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct disrupted the lawful activities of the Portsmouth Place Apartment by interfering with its constitutionally protected activities to express support for the LGBTQ+ community.

59. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT V

Violation of the New Hampshire Civil Rights Act (244 Marcy Street)

60. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

61. The defendant damaged the property of another when he defaced a mural reading "Black Lives Matter" outside the residence at 244 Marcy Street.

62. Race motivated the defendant's conduct. The Black Lives Matter movement and expression is a sign of solidarity and support for equality and equity for Black people. Defacing the mural demonstrated an animus toward the Black community designed to indicate that the community is unwelcome.

63. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to racist property damage. The defendant's conduct disrupted the lawful activities of the residents at 244 Marcy Street by interfering with their constitutionally protected activities to express support for the Black community.

64. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT VI

Violation of the New Hampshire Civil Rights Act (226 Marcy Street)

65. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

66. The defendant damaged the property of another when he defaced a pro-diversity sign located on the lawn of 226 Marcy Street with red spray paint.

67. Race, national origin, sexual orientation, and gender identity motivated the defendant's conduct. The sign expressed support for and welcomed people regardless of race, national origin, disability, sex, sexual orientation, and gender identity. Defacing the sign demonstrated an animus toward these community designed to indicate that the community is unwelcome.

68. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to racist, jingoist, homophobic, and transphobic property damage. The defendant's conduct disrupted the lawful activities of the residents at 226 Marcy Street by interfering with their constitutionally protected activities to express support for the numerous protected communities.

69. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT VII

Violation of the New Hampshire Civil Rights Act (Temple Israel)

70. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

71. The defendant damaged the property of another when he spray-painted swastikas and crosses on the walls of and in the parking lot of Temple Israel.

72. Religion motivated the defendant's conduct. The swastika is a notorious symbol of antisemitism, and its use sends the message that Jewish people are unwelcome and unsafe in this community. Defacing the synagogue with swastikas demonstrated an animus toward the Jewish community designed to indicate that the community is unwelcome. Additionally, the cross is a symbol of Christianity and painting crosses on a Jewish house of worship further indicates that the Jewish community should feel unsafe and unwelcome.

73. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic property damage. The defendant's conduct disrupted the lawful activities of Temple Israel and the local Jewish community by interfering with their constitutionally protected activities to congregate and worship freely.

74. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT VIII

Violation of the New Hampshire Civil Rights Act (Deadwick's Ethereal Emporium)

75. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

76. The defendant damaged the property of another when he spray-painted three crosses on the window of Deadwick's Ethereal Emporium.

77. Religious perception motivated the defendant's conduct. Deadwick's Ethereal Emporium sells, among other things, products related to spiritualism and less traditional spiritual and religious practices. The cross is a symbol of Christianity, which depending on the denomination and individual's beliefs may not condone certain spiritual activities. Defacing the shop with crosses demonstrates a desire to make the business, its owners, and its customers feel unsafe and unwelcome in the community.

78. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to religiously-motivated property damage. The defendant's conduct disrupted the lawful activities of the Deadwick's Ethereal Emporium by interfering with its constitutionally protected activities to market and sell spiritual products to members of the public.

79. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT IX

Violation of the New Hampshire Civil Rights Act (St. John's Episcopal Church)

80. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

81. The defendant damaged the property of another when he spray-painted a Star of David on the church's door, defaced a Black Heritage Trail sign on the church's property, and stole a rainbow LGTBQ+ Pride flag from the church's property.

82. Religion, race, sexual orientation and gender identity motivated the defendant's conduct. The Star of David is a symbol associated with Judaism and painting such a symbol on the church's door demonstrates that the action was motivated by religion. The Black Heritage Trail is a non-profit that commemorates and memorializes the contributions of Black people to New Hampshire. Defacing their sign demonstrated an animus toward the Black community. The

rainbow Pride flag is a commonly known symbol of LGBTQ+ equality and acceptance and when displayed by a church, it is often a sign of a welcoming and affirming congregation. Stealing the flag demonstrated an animus toward the LGBTQ+ community.

83. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to racist, homophobic, transphobic, and religiously-motivated property damage. The defendant's conduct disrupted the lawful activities of the St. John's Episcopal Church and its congregation. The defendant's conduct disrupted the lawful activities of the church and its congregation by interfering with their constitutionally protected activities to worship freely, honor the contributions of Black people, and express support for the LGBTQ+ community.

84. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT X

Violation of the New Hampshire Civil Rights Act (Cotillion Bureau)

85. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

86. The defendant damaged the property of another when he defaced the window of the Cotillion Bureau shop with red spray paint.

87. Sexual orientation and gender identity motivated the defendant's conduct. The Cotillion Bureau regularly displays a rainbow LGBTQ+ Pride flag, which is a commonly known symbol of LGBTQ+ equality and acceptance. Defacing the store front demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

88. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct

disrupted the lawful activities of the Cotillion Bureau by interfering with its constitutionally protected activities to express support for the LGBTQ+ community.

89. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XI

Violation of the New Hampshire Civil Rights Act (Macro Polo)

90. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

91. The defendant damaged the property of another when he spray-painted a Star of David, a cross, and a swastika on the window of Macro Polo.

92. Religion, sexual orientation, and gender identity motivated the defendant's conduct. The Star of David and cross are symbols of Judaism and Christianity, respectively. The swastika is a notorious symbol of antisemitism, homophobia, and transphobia, and its use sends the message that Jewish and LGBTQ+ people are unwelcome and unsafe in this community. Macro Polo regularly flies a rainbow LGBTQ+ Pride flag, a commonly known symbol of LGBTQ+ equality and acceptance, outside the business. Defacing the business's building demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

93. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic, transphobic, religiously-motivated property damage. The defendant's conduct disrupted the lawful activities of Macro Polo by interfering with its constitutionally protected activities to express support for the LGBTQ+ community.

94. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XII

Violation of the New Hampshire Civil Rights Act (Cup of Joe Café)

95. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

96. The defendant damaged the property of another when he spray-painted a cross and swastika on the building.

97. Sexual orientation and gender identity motivated the defendant's conduct. Cup of Joe Café regularly flies a rainbow LGBTQ+ Pride flag, a commonly known symbol of LGBTQ+ equality and acceptance, and host events supportive of the LGBTQ+ community. The swastika is a notorious symbol of, among other things, homophobia and transphobia. The cross can also be a symbol distressing to the LGBTQ+ community because certain denominations of Christianity exclude and condemn the LGBTQ+ community. Defacing the business with these symbols demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

98. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct disrupted the lawful activities of Cup of Joe Café by interfering with its constitutionally protected activities to express support for the LGBTQ+ community.

99. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XIII

Violation of the New Hampshire Civil Rights Act (Hanover Street Garage)

100. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

101. The defendant damaged the property of another when he spray-painted a swastika, a cross, and the word “Victory” on a wall in the garage.

102. Religion, race, sexual orientation, and gender identity motivated the defendant’s conduct. The swastika is a notorious symbol of antisemitism, racism, homophobia, and transphobia and its use sends the message that Jewish people, people of color, and LGBTQ+ people are unwelcome and unsafe in this community. The use of the cross and the word “Victory” also demonstrate a view of Christian supremacy.

103. The defendant’s conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, racist, homophobic, and transphobic property damage.

104. The defendant’s actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XIV

Violation of the New Hampshire Civil Rights Act (Portsmouth Smoke and Vape)

105. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

106. The defendant damaged the property of another when he spray-painted a swastika and a cross on the window of Portsmouth Smoke and Vape

107. Religion, race, sexual orientation, and gender identity motivated the defendant’s conduct. The swastika is a notorious symbol of antisemitism, racism, homophobia, and transphobia and its use sends the message that Jewish people, people of color, and LGBTQ+ people are unwelcome and unsafe in this community.

108. The defendant’s conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, racist, homophobic, and transphobic property damage.

109. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XV

Violation of the New Hampshire Civil Rights Act (Grim North Tattoo and Piercing)

110. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

111. The defendant damaged the property of another when he spray-painted swastikas on the window of Grim North Tattoo and Piercing. He further damaged the property by spray-painting a red "X" on the window over a sign that read: "All are loved."

112. Religion, race, sexual orientation and gender identity motivated the defendant's conduct. The swastika is a notorious symbol of antisemitism, racism, homophobia, and transphobia and its use sends the message that Jewish people, people of color, and LGBTQ+ people are unwelcome and unsafe in this community. The "All are loved" sign targeted by the defendant is commonly used to show support for the LGBTQ+ community and communities of color.

113. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, racist, homophobic, and transphobic property damage. The defendant's conduct disrupted the lawful activities of Grim North Tattoo and Piercing by interfering with its Constitutionally protected activities to express support for the LGBTQ+ community and communities of color.

114. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XVI

Violation of the New Hampshire Civil Rights Act (3 Bridges Yoga)

115. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

116. The defendant damaged the property of another when he spray-painted over a sticker on the business's window that read: "Hate is Unwelcome Here."

117. Race, sexual orientation, and gender identity motivated the defendant's conduct. The "Hate is Unwelcome Here" sticker expressed solidarity with and welcome to the LGBTQ+ community, communities of color, and other marginalized communities.

118. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to racist, homophobic, and transphobic property damage. The defendant's conduct disrupted the lawful activities of 3 Bridges Yoga by interfering with its constitutionally protected activities to express support for the LGBTQ+ community and communities of color.

119. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XVII

Violation of the New Hampshire Civil Rights Act (Stroll Café)

120. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

121. The defendant damaged the property of another when he spray-painted a swastika on the window of Stroll Café.

122. Sexual orientation and gender identity motivated the defendant's conduct. The swastika is a notorious symbol of, among other things, homophobia, and transphobia and its use sends the message that LGBTQ+ people are unwelcome and unsafe in this community. Stroll Café regularly displays a rainbow LGBTQ+ Pride flag, a commonly known symbol of LGBTQ+

equality and acceptance. Defacing the business demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

123. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct disrupted the lawful activities of Stroll Café by interfering with its constitutionally protected activities to express support for the LGBTQ+ community.

124. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XVIII

Violation of the New Hampshire Civil Rights Act (Market Street Bridge)

125. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

126. The defendant damaged the property of another when he spray-painted a Star of David, a red "X," the word "Juden," and "White Lives Matter" on the Market Street pedestrian bridge.

127. Religion and race motivated the defendant's conduct. The Star of David is a symbol of Judaism and the "X" symbolizes a desire to exclude or eliminate. "Juden" is the German word for Jews and evokes memories of the Holocaust. "White Lives Matter" is a phrase often used by white supremacist groups and to support purported claims of white genocide.

128. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic and racist property damage.

129. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XIX

Violation of the New Hampshire Civil Rights Act (353 Miller Avenue)

130. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

131. The defendant damaged the property of another when he slashed a rainbow LGBTQ+ Pride flag displayed by the residents of 353 Miller Avenue.

132. Sexual orientation and gender identity motivated the defendant's conduct. The rainbow LGBTQ+ Pride flag is a commonly known symbol of LGBTQ+ equality and acceptance and was displayed to show support for the LGBTQ+ community. Damaging the flag in a botched attempt to steal it demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

133. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct disrupted the lawful activities of the residents of 353 Miller Avenue by interfering with their constitutionally protected activities to express support for the LGBTQ+ community.

134. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XX

Violation of the New Hampshire Civil Rights Act (North Church)

135. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

136. The defendant damaged the property of another he stole a rainbow LGBTQ+ Pride flag displayed at the North Church and damaged the flagpole in the process.

137. Sexual orientation and gender identity motivated the defendant's conduct. The rainbow LGBTQ+ Pride flag is a commonly known symbol of LGBTQ+ equality and acceptance

and was displayed to show support for the LGBTQ+ community. Stealing the flag and damaging the flagpole demonstrated an animus toward the LGBTQ+ community designed to indicate that the community is unwelcome.

138. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to homophobic and transphobic property damage. The defendant's conduct disrupted the lawful activities of the North Church and its congregation by interfering with their constitutionally protected activities to express support for the LGBTQ+ community.

139. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XXI

Violation of the New Hampshire Civil Rights Act (2022 St. John's Masonic Lodge)

140. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

141. The defendant damaged the property of another when he spray-painted a white "X," the words "Gays" and "Jews," and the acronym "GTFO" on the wall of the St. John's Masonic Lodge.

142. Religion, sexual orientation, and gender identity motivated the defendant's conduct. The words gays and jews reference the LGBTQ+ community and the Jewish community. The "X" is a symbol of exclusion or extermination. The acronym "GTFO" stands for "Get the fuck out" and represents a desire for those groups to leave. Defacing the building with this language was designed to tell those groups targeted that they are unwelcome and should leave.

143. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to antisemitic, homophobic, and transphobic property damage.

144. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT XXII

Violation of the New Hampshire Civil Rights Act (Ukrainian Flag)

145. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

146. The defendant damaged the property of another when he stole a Ukrainian flag from St. Nicholas's Greek Orthodox Church and burned it in the woods while recording homophobic and anti-Ukrainian rants.

147. Sexual orientation and national origin motivated the defendant's conduct. During the destruction of the flag, the defendant recorded himself denouncing gay people and the people of Ukraine, expressing that they deserved to die.

148. The defendant's conduct disrupted the lawful activities of residents in Portsmouth by subjecting them to national origin motivated and homophobic property damage. The defendant's conduct disrupted the lawful activities of St. Nicholas's Church by interfering with its constitutionally protected activities to express support for the people of Ukraine.

149. The defendant's actions constituted a violation of the Civil Rights Act, RSA 354-B:1.

REQUEST FOR RELIEF

WHEREFORE, the Attorney General respectfully requests that this Honorable Court:

A. Prioritize—as required by **RSA 354-B:4, IV**, the processing of this case consistent with Superior Court Rule 48(b)(2) and **RSA 354-B:4, IV**, which provides that all actions brought under this statute shall have priority in the court scheduling;

B. Find that the defendant violated the New Hampshire Civil Rights Act, RSA 354-

B:1, twenty-two times;

C. Order the defendant to pay a civil penalty of \$5,000, for each Civil Rights Act violation;

D. Enter a temporary restraining order and a preliminary/permanent injunction to remain in place for three years, which prohibits the defendant from:

1. engaging in or threatening physical force or violence, damage to property, or trespass on property against any person motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

2. participating, directly or indirectly, in any unlawful⁶ activities motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

3. going within 350 feet of the following businesses, residences, and locations: Mojo's West End Tavern; St. John's Masonic Lodge; Portsmouth Place Apartments; 244 Marcy Street; 226 Marcy Street; Temple Israel; Deadwick's Ethereal Emporium; St. John's Episcopal Church; Cotillion Bureau; Macro Polo; Cup of Joe Café; Portsmouth Smoke and Vape; Grim North Tattoo and Piercing; 3 Bridges Yoga; Stroll Café; 353 Miller Avenue; North Church Portsmouth; and St. Nicholas's Greek Orthodox Church;

4. contacting directly or indirectly the owners, employees, residents, occupants, or members of the following business, residences, and locations: Mojo's West End Tavern; St. John's Masonic Lodge; Portsmouth Place Apartments; 244 Marcy Street; 226 Marcy Street; Temple Israel; Deadwick's Ethereal Emporium; St. John's Episcopal Church; Cotillion Bureau; Macro Polo; Cup of Joe Café; Portsmouth Smoke and Vape; Grim North Tattoo and Piercing; 3 Bridges Yoga; Stroll Café; 353 Miller Avenue; North Church Portsmouth; and St. Nicholas's Greek Orthodox Church; and

4. encouraging or causing any other persons to engage in conduct prohibited in paragraphs D.1-D.4 above, conspiring with any other persons to engage in such conduct, or assisting any person in engaging in such conduct;

⁶ Unlawful in this context means: any act that could subject a person or legal entity to civil or criminal liability.

E. Order that any violations of the Court's order could result in criminal and/or civil sanctions and additional fines as provided for in RSA chapter 354-B;

F. Grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA,
ATTORNEY GENERAL

April 27, 2023

/s/ Sean R. Locke
Sean R. Locke, Bar #265290
Assistant Attorney General
Director, Civil Rights Unit
New Hampshire Department of Justice
Office of the Attorney General
33 Capitol Street, Concord, NH 03301-6397
(603) 271-3650

Attachment A



Attachment B



Attachment C



Attachment D



Attachment E



BLACK LIVES MATTER

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Attachment F

**IN OUR
AMERICA**

ALL PEOPLE ARE EQUAL

LOVE WINS

BLACK LIVES MATTER

IMMIGRANTS & REFUGEES ARE WELCOME

DISABILITIES ARE RESPECTED

WOMEN ARE IN CHARGE OF THEIR BODIES

PEOPLE & PLANET ARE VALUED OVER PROFIT

DIVERSITY IS CELEBRATED

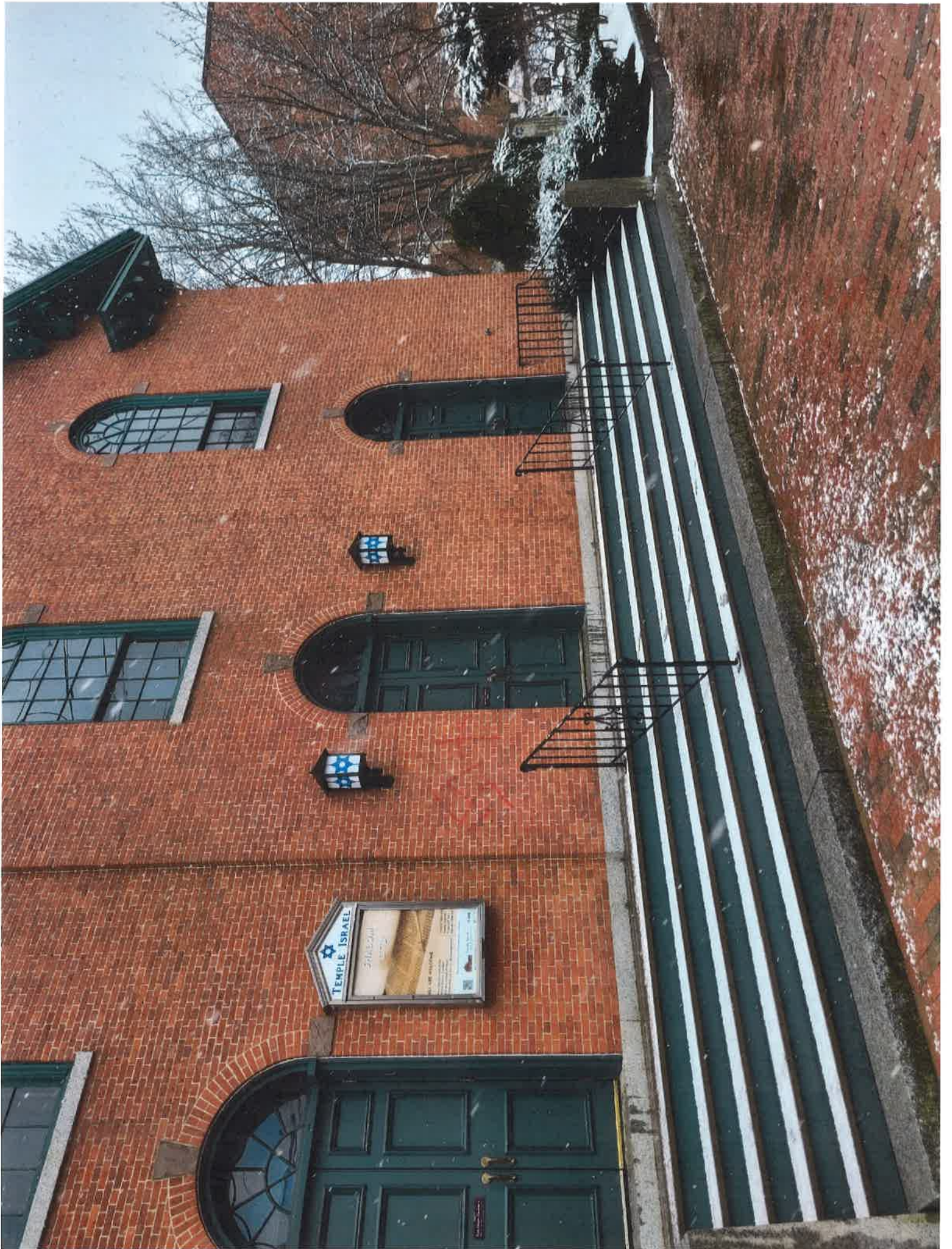
www.wvssd.org
Syracuse Cultural Workers

PORTLAND, OR

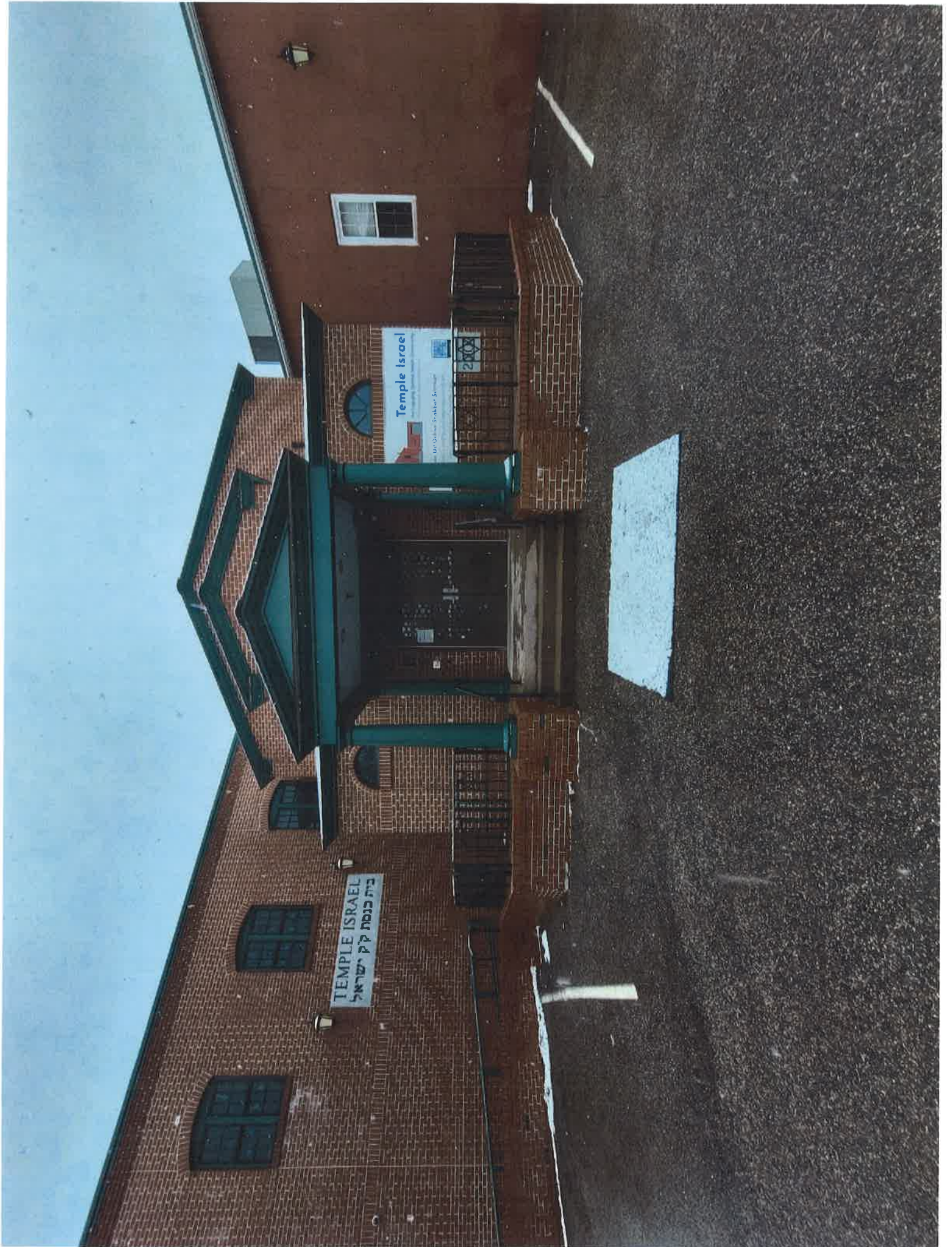
Attachment G







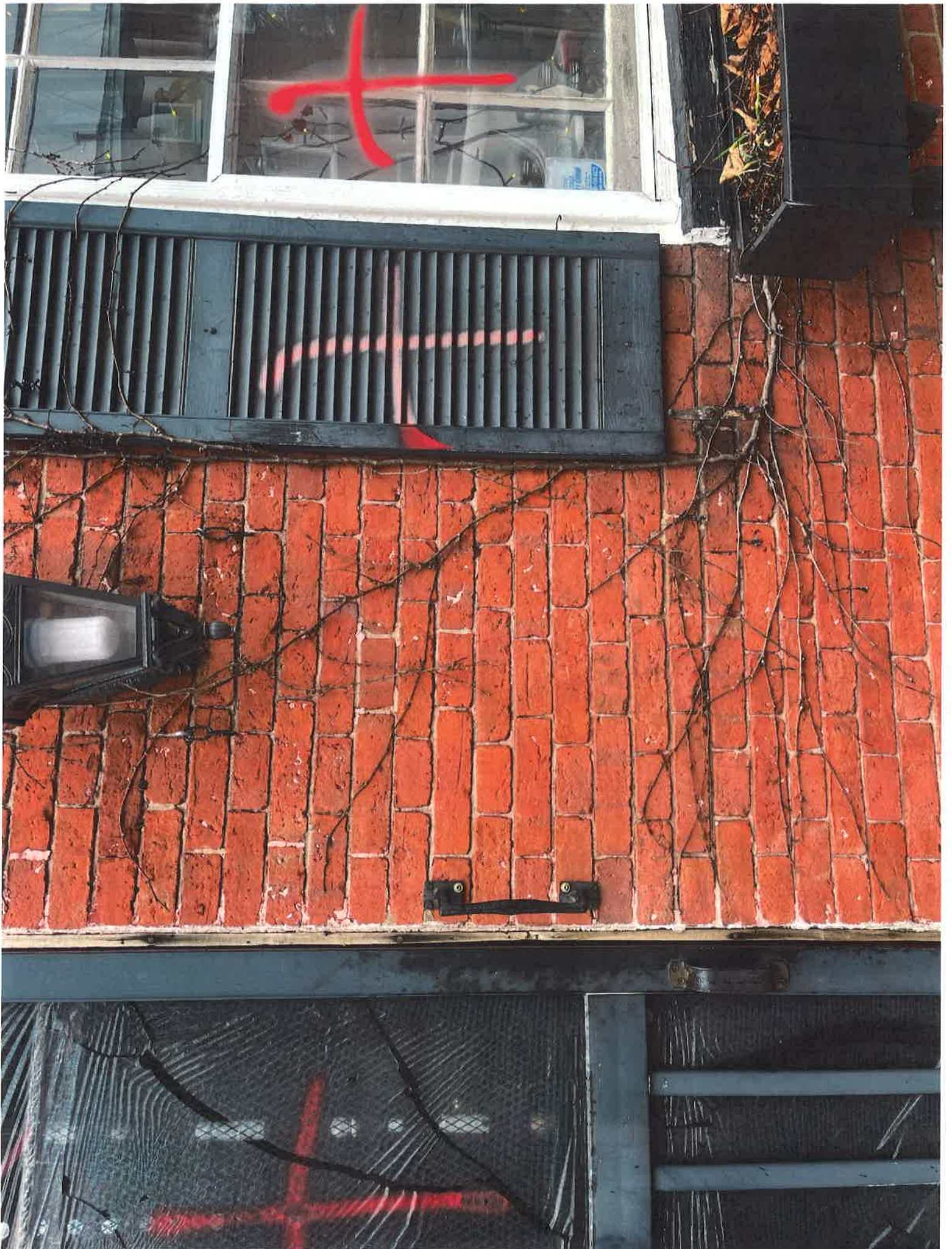
TEMPLE ISRAEL
2015-2016
ALL ARE WELCOME



TEMPLE ISRAEL
בית כנסת קק ישראל

Temple Israel
111 Oakton Parkway, S.W.
2000

Attachment H



Attachment I

PORTSMOUTH
Black Heritage Trail

"Venus — A Black — \$1"

This simple phrase in the 1807 church record provides clues to Venus's identity. Her first name, neither African nor Christian, is typical of names given to slaves. The Christmas gift to Venus tells us she was no longer in the household of her former owner. She was now free — and poor.

Seacoast Council on Race And Religion

From 1963 until 1972 this interdenominational council met here in the parish hall. Beginning as an interracial discussion group of St. John's parishioners, it soon welcomed members of other churches. The gatherings grew and adopted the name of SCORR. Finding strength in diversity, the organization provided a powerful moral voice, education, and practical action on civil rights issues in the Seacoast area and beyond.





St. John's
Church
Parish
Hall
101 CHAPEL ST.

Attachment J


cotillion
bureau

vintage





upcycled artisan treasures

Attachment K



Walk With the dreamers,
the believers, the Courageous
the Cheerful, the planners, the
Doers, the successful people
With their heads in the clouds
and their feet on the ground. let
their spirit ignite a fire within
you to leave this World better
than when you found it.

- WILFRED PETERS



Macro Polo



MP



Macro Polo



Walk With the Coward,
the Liar, the Greedy,
the Cheater, the Planner, the
Pretentive, the Successful people
With their heads in the clouds
and their feet on the ground. Let
them slip it, I hope a few ladies
you to leave this world better
than when you found it.



87

Attachment L

up of Joe
COFF

Attachment M



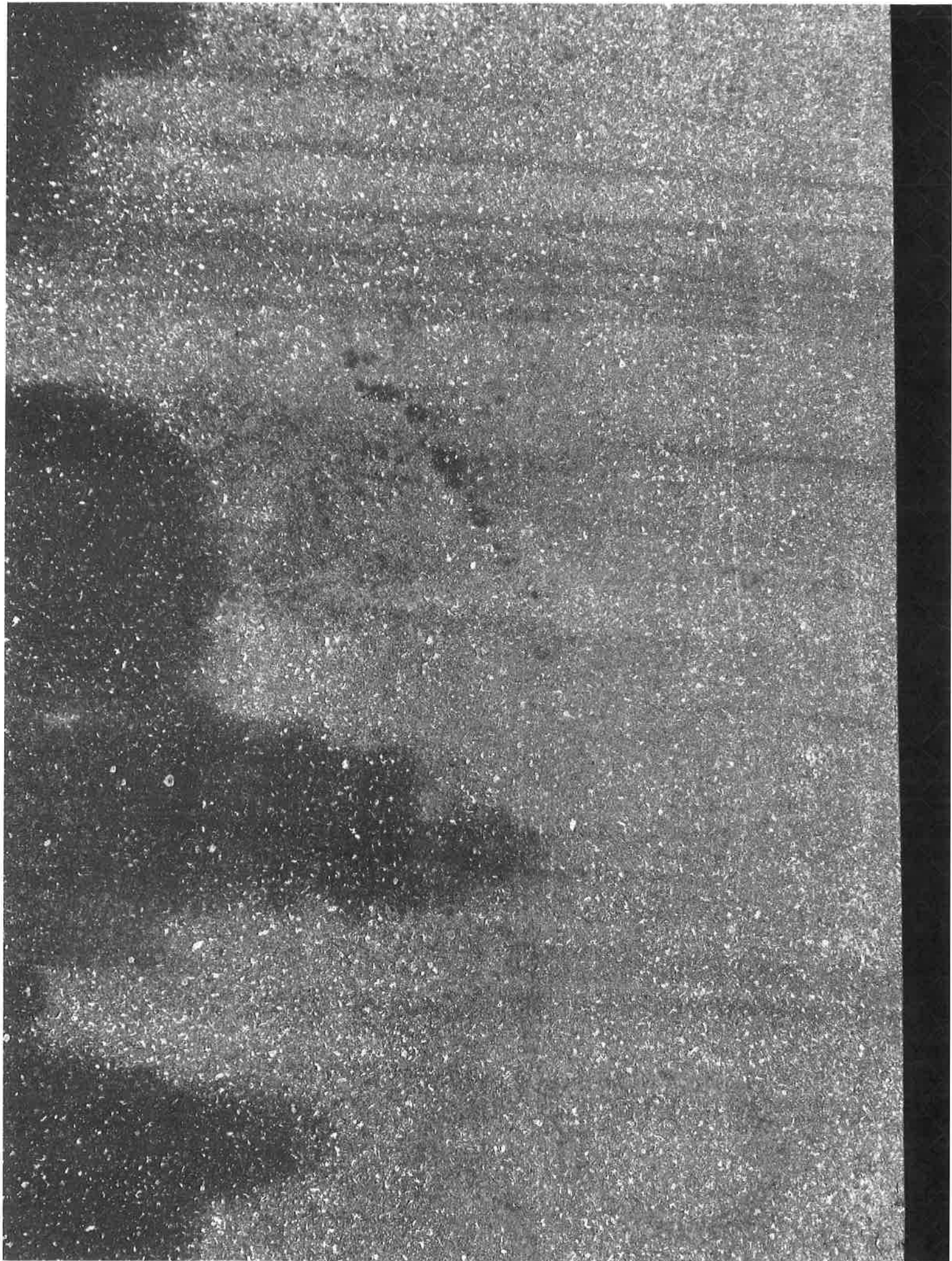


S
D

P
L

L

V





Attachment N

PURCHASE
TOBACCO
Products 21+



DISC VER



THIS IS
OUR
WATCH



BUSINESS HOURS:

Mon.	10:00 AM	to	7:00 PM
Tues.	10:00 AM	to	7:00 PM
Wed.	10:00 AM	to	7:00 PM
Thur.	10:00 AM	to	7:00 PM

NOTICE

THIS PROPERTY IS
UNDER VIDEO
SURVEILLANCE

ALL ACTIVITIES ARE RECORDED TO AID
IN THE PROSECUTION OF ANY CRIMES
COMMITTED AGAINST THESE PREMISES

© 2017



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Attachment O

ORTIE TATTOO & PIERCING

167

WE ARE ALL
ANTHROPOMORPHIC
WE'RE ALL
JUST
MACHINES

NO P
PARKING

NO PARKING
EXCEPT
FOR
LOADING
UNLOADING

RESERVED PARKING
FOR
POLICE
FIRE
AMBULANCE
AND
EMERGENCY
VEHICLES



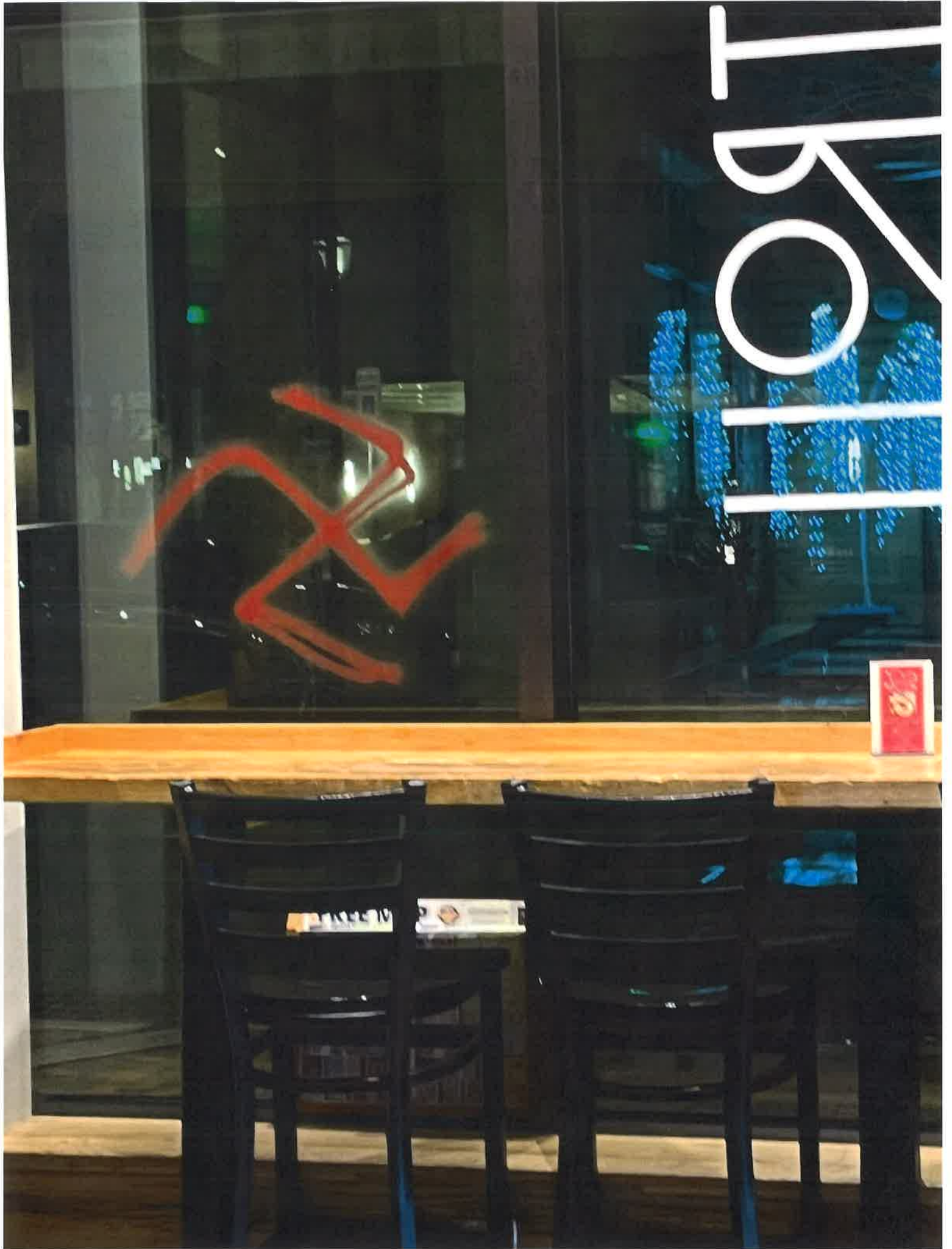
YOU'RE
LIVES



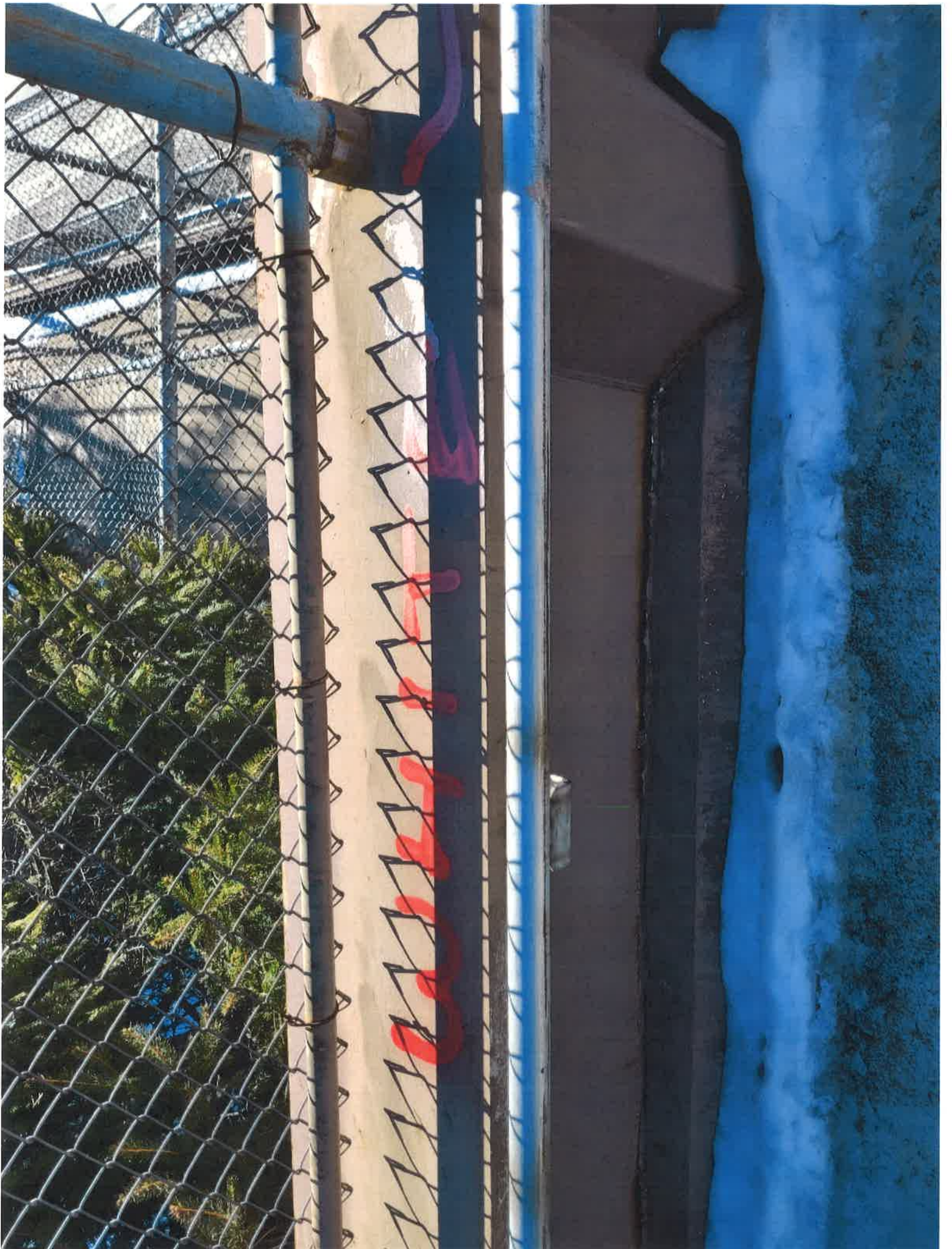
Attachment P



Attachment Q



Attachment R



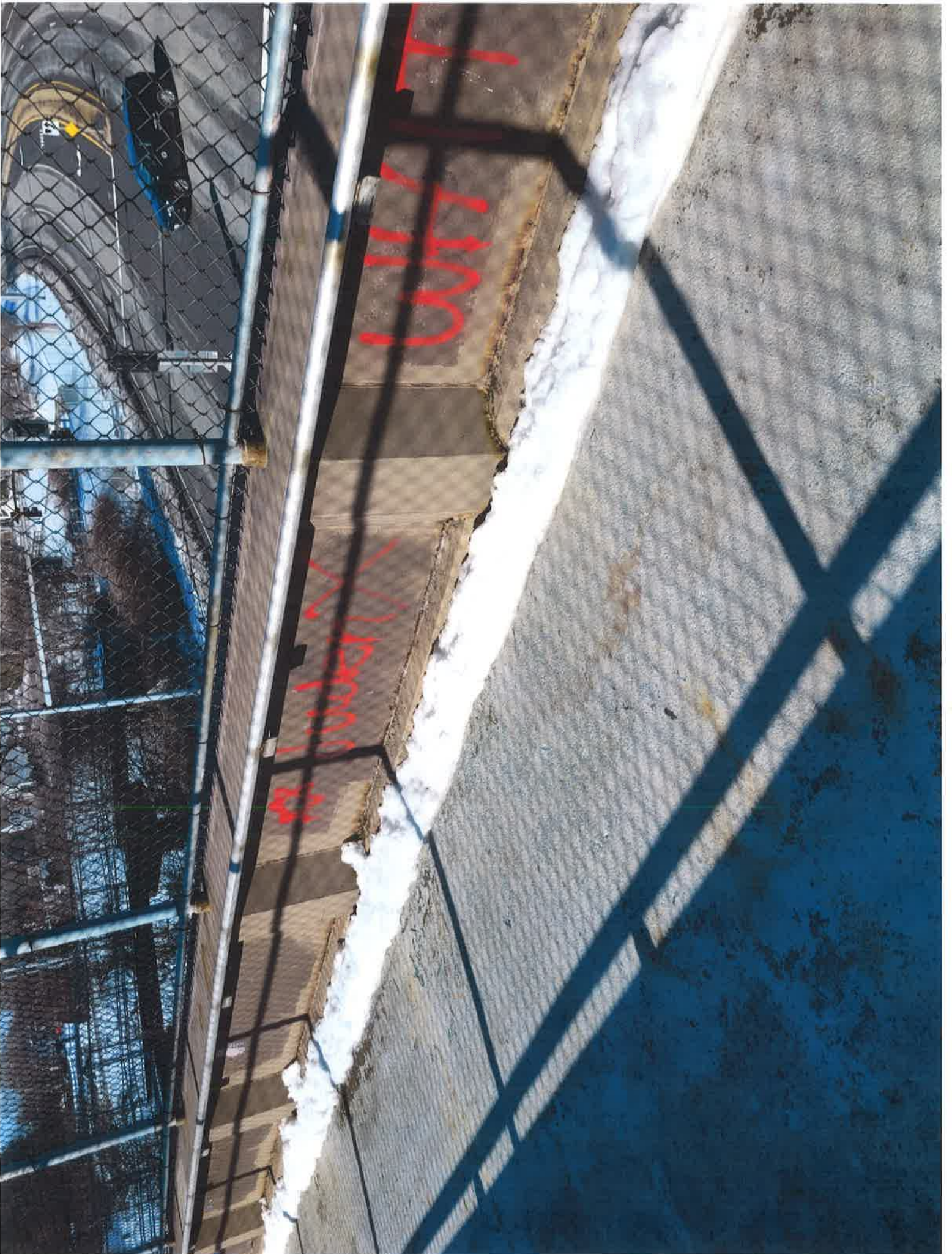


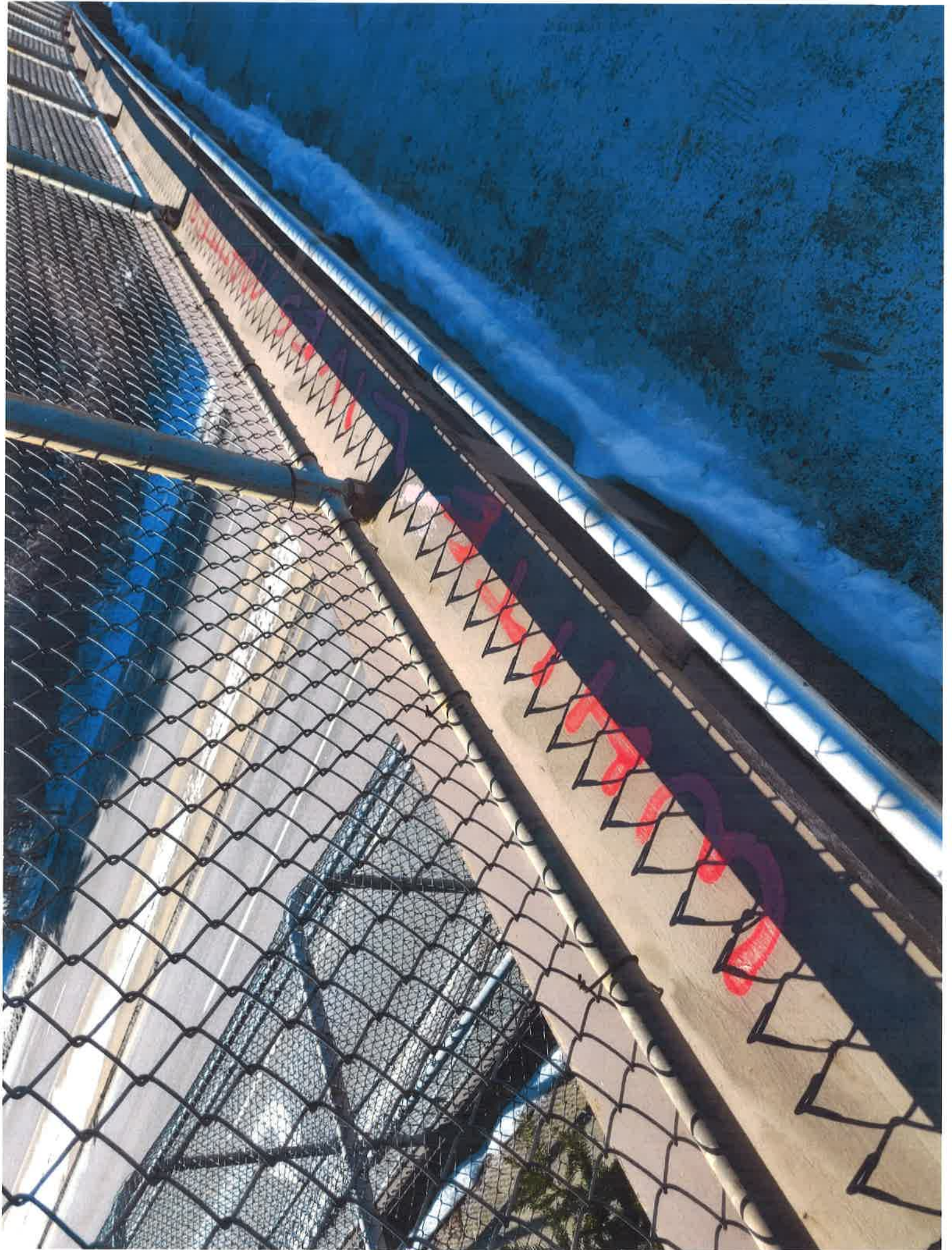






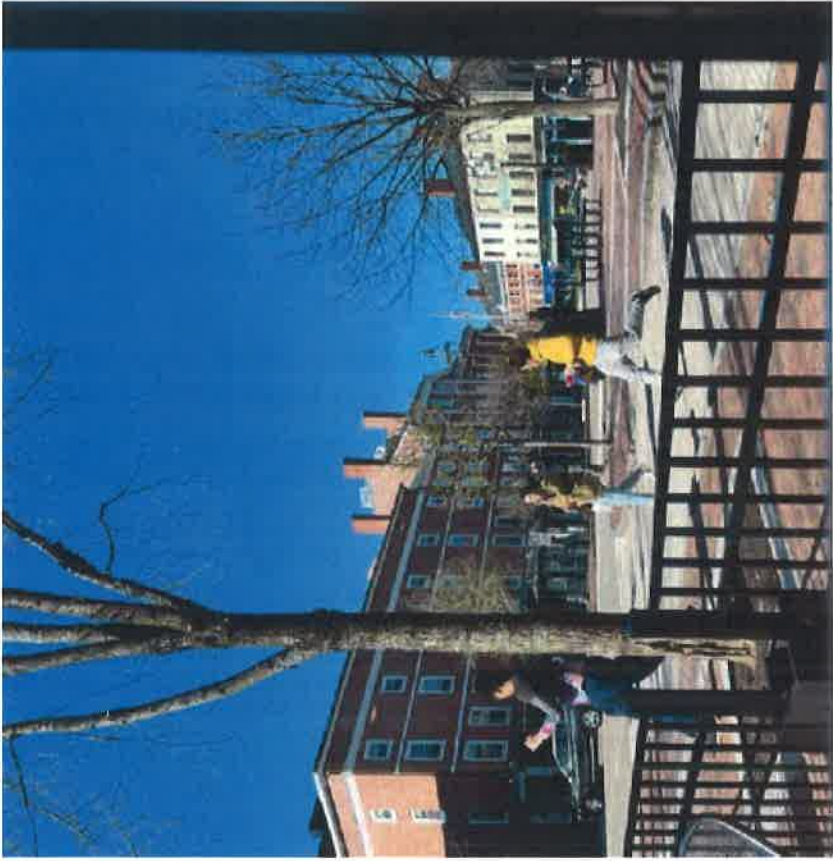






Attachment S







Attachment T





Attachment U





