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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

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December 28, 2022

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be, and it hereby is, given to the Attorney General to grant a salary increase to Benjamin J. Agati, as an Assistant Attorney General (Position #9U289, Appropriation #02-20-200510-2610-013-500132), from \$104,000 to \$112,000, effective upon Governor and Executive Council approval or January 27, 2023, whichever is later.

EXPLANATION

Mr. Agati, a resident of North Billerica, Massachusetts, is a member of the New Hampshire Bar. He received his law degree from the University of Dayton School of Law in 2002. He was an intern supervisor at the Hillsborough County Attorney's Office from 2002 through 2004. Mr. Agati was an Assistant District Attorney for the Office of the District Attorney, Middle District, in Worcester, Massachusetts from January through July 2004 and an Assistant County Attorney in Hillsborough County from 2004 through 2006. He joined the Department as an Attorney in 2006, was appointed Assistant Attorney General in 2007, and designated a Senior Assistant Attorney General in 2015. Mr. Agati currently serves as the Criminal Justice Bureau's Homicide Unit Chief in which capacity he has successfully prosecuted a number of high-visibility homicide trials while supervising the efforts of other Unit personnel. His salary will increase by \$8,000, from \$104,00 to \$112,000. I will continue his assignment heading the Homicide Unit. His resume is attached for your consideration.

RSA 94:1-a(I)(c)(3) provides that designation of positions, salary levels, and salary increases for attorneys at the Department of Justice shall be determined by the Attorney General, subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

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I respectfully urge your favorable consideration of this request. Thank you.

Respectfully submitted,



John M. Formella
Attorney General

#3831057

Benjamin J. Agati

Admitted in: Massachusetts, New Hampshire, and the United States District Court - District of New Hampshire

WORK EXPERIENCE

OFFICE OF THE ATTORNEY GENERAL – State of New Hampshire – Senior Assistant Attorney General **August 2006 to Present**

- Homicide, drug trafficking, complex white-collar, and public integrity trials throughout the State.
- Track record as a problem solver the Office turns to for review/revitalization of critical units within the office.
- Hundreds of investigations, over 35 jury trials, and multiple briefs/appearances before the NH Supreme Court.
- Trusted to lead homicide cases less than one year after employment.

Current Assignment – Homicide Unit Chief – 2020 to present

- Leading by example in supervising all of NH's 16 homicide attorneys to investigate and prosecute murders statewide while still maintaining an individual docket.
- Previous prosecutor of the Bear Brook murders as featured in the "Bear Brook" podcast.
- Mentors others as the guide each case from crime-scene investigation through post-appellate action.

Past Assignment – Drug Unit Chief – 2016 to 2020

- Supervised 5 attorneys and 1 paralegal to specialize in overdose death prosecutions and drug trafficking at the beginning of the fentanyl epidemic using finite resources efficiently to tackle a near infinite problem.
- Created NH's model response to investigate overdose deaths and view deceased as victims of crime.
- Adapted this model with interstate partners to co-create NAGTRI's mobile Overdose Death Prosecutions and Investigations course presented nationwide.

Additional Past Assignments:

- DOJ COVID-19 Law Enforcement liaison – 2020 to 2021
- Public Integrity and Fraud prosecutions – 2006 to 2013, and 2019 to 2021
- New Hampshire's Cold Case Unit Prosecutor – 2013 to 2016

HILLSBOROUGH COUNTY ATTORNEY'S OFFICE - Manchester, NH - Assistant County Attorney **July 2004 to August 2006**

- Prosecuted felonies and misdemeanors before both the Superior and District Courts, with +100 caseload.

OFFICE OF THE DISTRICT ATTORNEY/MIDDLE DISTRICT - Worcester, MA – Assistant District Attorney **January 2004 to July 2004**

- Daily in-court experience prosecuting on the District Court level at the Central District Court in Worcester.

HILLSBOROUGH COUNTY ATTORNEY'S OFFICE – Manchester, New Hampshire –Intern Supervisor **November 2002 to January 2004**

- Principal researcher and intern supervisor for the largest county prosecutor's office in New Hampshire.

Benjamin J. Agati

EDUCATION

UNIVERSITY OF DAYTON SCHOOL OF LAW – Dayton, Ohio – Juris Doctor – May 2002

UNIVERSITY OF DAYTON – Dayton, Ohio – B.S. Biology and B.A. Criminal Justice Studies – December 1998

□ Honors Program Graduate

PROFESSIONAL PRESENTATIONS

UTAH NARCOTIC OFFICERS ASSOCIATION (UNOA) 2019 ANNUAL CONFERENCE

- **“Drug Overdose Death Investigation and Prosecution”** – Co-creator and presenter
August 13 - 15, 2019 St. George, Utah

NATIONAL ATTORNEYS GENERAL TRAINING & RESEARCH INSTITUTE (NAGTRI)

- **Overdose Death Investigation and Prosecution Course** – Co-creator and presenter
 - December 5, 2018 Salt Lake City, Utah
 - November 28, 2017 Washington, D.C.
 - June 27, 2018 Honolulu, Hawai'i
 - September 8, 2017 Providence, Rhode Island
 - January 30, 2018 Montgomery, Alabama

NEW HAMPSHIRE DRUG OVERDOSE FATALITY INVESTIGATION

- **Half-day program for federal, state, county, and local law enforcement** – Co-creator and presenter
 - November 19, 2018 Concord, New Hampshire
 - 2017 regional trainings Campton, Haverhill, and Lebanon, New Hampshire
 - July 21, 2016 Concord, New Hampshire

PARTNERING FOR A FUTURE WITHOUT VIOLENCE

- **Annual Statewide Conference for Law Enforcement, Victim Services, Counselors, Prosecutors, Advocates, and Mental Health Providers** – Co-creator and presenter
 - October 25, 2017 Bartlett, New Hampshire **“How to Testify with Confidence”**
 - June 3, 2015 Manchester, New Hampshire **“Investigating Sudden Unexplained Infant Death”**
 - June 6, 2014 Manchester, New Hampshire **“Caught in a Pickle: Ethical Considerations for Dealing with Difficult Witnesses”**
 - June 7, 2013 Manchester, New Hampshire **“‘Do You Have A Comment?’ New Hampshire Rule Of Professional Conduct 3.6 & 3.8(f)”**

NEW HAMPSHIRE POLICE STANDARDS AND TRAINING ACADEMY

- **Law Package Classes for Cadets at the State’s centralized police academy** – Instructor
 - 2016 through 2019 **“Current Drug Trends”**
 - September 2013 **“Oral Advocacy”**
 - 2010 through 2013 **“Courtroom Demeanor and Testifying”**
 - 2009 through 2013 **“Search & Seizure”**
 - 2008 through 2014 **All criminal law classes (20 hours) for the 142nd - 163rd Police Academy Classes**