

48

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

4B

September 11, 2024

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 hereby is given to the Attorney General to reappoint Benjamin J. Agati to Position #9U289 (Appropriation #02-20-20-200510-2610-013-500132) as an Assistant Attorney General at a salary of \$124,000, effective upon Governor and Executive Council approval or October 15, 2024, whichever is later, for a term ending October 14, 2029.

EXPLANATION

Mr. Agati, a resident of North Billerica, Massachusetts, is admitted to practice law in New Hampshire and Massachusetts. He was a University Honors Program Graduate at the University of Dayton where, in 1998, he received dual degrees—a Bachelor of Science in Biology and Bachelor of Arts in Criminal Justice Studies. He earned his Juris Doctor from the University of Dayton School of Law in 2002, where he was a Presidential Scholarship Recipient. After prosecuting as an Assistant District Attorney in Worcester, Massachusetts, and Assistant County Attorney in Hillsborough County, he joined the New Hampshire Department of Justice Criminal Justice Bureau in 2006. Since joining the Department, Mr. Agati has been entrusted to investigate and prosecute some of the most serious criminal offenses including drug trafficking, public integrity offenses, white-collar fraud, and homicide. He was designated Senior Assistant Attorney General in 2015 and has served as Chief of the Criminal Justice Bureau's Homicide Unit since 2021. I plan to continue Mr. Agati's current salary and assignment. His resume is attached for your consideration.

RSA 21-M:3 and RSA 94:1-a(I)(c)(3) provide that designation of positions, salary levels, and salary increases for attorneys at the Department of Justice shall be determined by the

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 11, 2024
Page 2 of 2

Attorney General, subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

I am very pleased to offer Mr. Agati for this reappointment as an Assistant Attorney General at the above-referenced salary amount and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



John M. Formella
Attorney General

#4649317

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 turned to for review/revitalization of units or operations within the office.
- Hundreds of investigations, over 40 jury trials, and multiple briefs/appearances before the NH Supreme Court.
- Directed each case from crime-scene investigation through post-appellate action.
- Trusted to lead homicide cases less than one year after initial employment.

Current Assignment – Homicide Unit Chief – 2020 to present

- Leading by example in supervising all of NH's 16 homicide attorneys with sole authority to investigate and prosecute murders statewide while still maintaining an individual caseload.
- Coordination with attorneys and law enforcement officials across county, state, national boundaries on homicide-related investigations and prosecutions.
- Most recent trial – State v. Adam Montgomery in February 2024.

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:

- COVID-19 Law Enforcement liaison – 2020 to 2021
- Public Integrity and Fraud prosecutions – 2006 to 2013, and 2019 to 2021
- Homicide prosecutions – 2006 to present
- 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 with independent research thesis

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
 - Throughout 2017 Regional trainings in 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
 - 2023 through present *“Crimes Against the Person”* – from the criminal law class series.
 - 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 class series classes (20 hours of instruction per class) for the 142nd - 163rd Full Time Police Academy Classes