

From: Gray, Molly

Sent: Wednesday, November 6, 2019 12:57 PM

To: Corky.Siemaszko@NBCuni.com

Cc: Farnsworth, Karen <karen.farnsworth@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>

Subject: VT Attorney General's Office - Response to Oct. 23 Public Records Request

Hi Corky,

Following on our conversation, please find attached the Office's response to your public records request. As promised, I am copying Charity Clarity, the Attorney General's Chief of Staff, who handles all media inquiries.

Please do not hesitate to contact me should you have further questions about the requested materials.

Best regards,

Molly

Molly R. Gray, Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, Vermont 05609

802-828-0280

molly.gray@vermont.gov

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

November 6, 2019

VIA EMAIL

To: Corky Siemaszko
NBC News Digital
Corky.Siemaszko@NBCuni.com

Re: Public Records Request – October 23, 2019

Dear Corky,

On October 23, 2019 you requested “all available records related to the July 2019 arrest of Bennington, Vermont resident Max Misch for violating a court order barring him from purchasing or possessing firearms or other weapons. That includes an Oct. 17, 2018 statement Misch's ex-wife Lisa Shapiro gave to the Bennington Police Det. Sgt. Cole.”

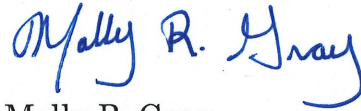
Please find attached the electronic documents presently available in response to your public records request.

Max Misch was arraigned on criminal charges which are currently pending. Consistent with 1 V.S.A. § 317(c)(5)(A)(ii), because some documentation contains information that could deprive Max Misch of his right to a fair trial, we are obliged, at this stage, to exempt this information from disclosure. With regards to the attached documents, pursuant to 1 V.S.A. § 317(c)(5)(A)(iii) some information has been redacted in order to protect against a possible unwarranted invasion of personal privacy.

We thank you for your patience and understanding as we have worked to meet your request and abide by our obligations under the Vermont Public Records Act.

To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond at the address noted above.

Sincerely,

A handwritten signature in blue ink that reads "Molly R. Gray". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Molly R. Gray
Assistant Attorney General

Electronically Transmitted

STATE OF VERMONT

SUPERIOR COURT
BENNINGTON UNIT

CRIMINAL DIVISION
DOCKET NO. 854-7-19 BnCr

STATE OF VERMONT

v.

MAX B. MISCH

AMENDED INFORMATION BY ATTORNEY GENERAL

[ADDING COUNT TWO]

BY THE AUTHORITY OF THE STATE OF VERMONT, the Attorney General for the State of Vermont, upon his oath of office, charges:

COUNT 1 of 2

VIOLATION OF CONDITIONS OF RELEASE

CHARGE CODE: 13V7559E

OFFENSE CLASS: M

On or about March 30, 2019, Max Misch (DOB: 01/24/1983), of Bennington, Vermont at Bennington, Vermont, in this county and territorial unit, was then and there a person who was subject to and violated conditions of release imposed under 13 V.S.A. § 7554, to wit: in that he purchased a gun from the Bennington Armory, located at 445 Main Street, Bennington, VT, in violation of condition number 13 of his release, which required him to NOT buy, have or use any firearms or dangerous/deadly weapons, in violation of 13 V.S.A. § 7559(e).

PENALTY: Imprisonment for not more than six months, or a fine of not more than \$1,000.00 or both.

COUNT 2 of 2

VIOLATION OF CONDITIONS OF RELEASE

CHARGE CODE: 13V7559E

OFFENSE CLASS: M

On or about July 2, 2019, Max Misch (DOB: 01/24/1983), of Bennington, Vermont at Bennington, Vermont, in this county and territorial unit, was then and there a person who was subject to and violated conditions of release imposed under 13 V.S.A § 7554, to wit: in that he had contact with Lisa Shapiro, in violation of condition number 14 of his release, which required him to not have contact with Lisa Shapiro in person, in writing, by telephone, by e-mail, or through a third person, in violation of condition number 13 of his release, which required him to NOT buy, have or use any firearms or dangerous/deadly weapons, in violation of 13 V.S.A. § 7559(e)

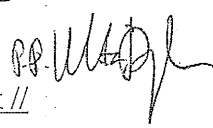
PENALTY: Imprisonment for not more than six months; or a fine of not more than \$1,000.00 or both.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF VERMONT.

Dated this ____ day of August, 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By:  // John D.G. Waszak //
John D.G. Waszak
Assistant Attorney General

This information was presented to me and I have found probable cause this _____ day of August, 2019.

Judge

BENNINGTON POLICE DEPARTMENT AFFIDAVIT
19BN06347

**BENNINGTON
POLICE DEPARTMENT**

**STATE OF VERMONT
BENNINGTON COUNTY S.S.**

NOW COMES Officer Amanda R. Knox, Affiant, being duly sworn and on oath, deposes and says she has probable cause to believe that Max Misch [REDACTED] has committed the offense of Contempt of Court, a violation of Title 13, Vermont Statutes Annotated 7559. This offense took place in the Town of Bennington, State of Vermont.

I, Officer Amanda R. Knox am a Level III certified law enforcement Officer with the Bennington Police Department. I was trained and certified through the Vermont Criminal Justice Training Council, and have been serving since November 2015.

On February 7th, 2019, the Honorable Judge William Cohen imposed conditions of release on Max Misch [REDACTED] court docket number 173-2-19 Bncr. Within these conditions it states, "13. You must NOT buy, have or use any firearms or dangerous deadly weapons."

On Tuesday, July 2nd, 2019, while dealing with an unrelated incident at the Bennington Recreation Center, located at 655 Gage Street, in Bennington VT, I was approached by Lisa Shapiro [REDACTED] Lisa began telling me what had just happened to her at the KOV gym and about her ex-husband Max Misch violating his conditions of release. Lisa left the Bennington Recreation Center a short time later to speak with an Officer about the incident at the KOV gym.

After completing the unrelated call, I was greeted at the front door of the Recreation Center by Max Misch [REDACTED] Max told me that he wanted to tell me something and we stepped outside to talk. Max asked for advice on what he should do about his ex-wife Lisa Shapiro [REDACTED] Max advised that he is afraid Lisa is trying to get him arrested.

While speaking with Max outside, Lisa showed up again at the Bennington Recreation Center. Lisa saw Max and started a verbal argument between Max and herself in front of me. Lisa advised that she wished to provide a statement to prosecute Max for violating his conditions of release. Lisa was told to come to the Bennington Police Department to file a sworn written statement.

After hearing Lisa tell me that she wished to prosecute him for violating his conditions of release, Max advised that he wished to provide a sworn written statement to tell his side of the story. Max provided me a sworn written statement in the parking lot of the Bennington Recreation Center, after providing his statement, Max left the area without incident.

Subscribed and sworn to before me on

This 20th day of July 2019

[Signature]
(Notary)

Amanda Knox
(Affiant)
7/20/19
(Date)

BENNINGTON POLICE DEPARTMENT AFFIDAVIT

19BN06347

A short time later, Lisa arrived at the Bennington Police Department to provide a statement. Lisa advised that the reason she came to report this is because she is done with the abusive way Max talks to her and is tired of Max blaming her for his gun charges.

In Lisa's sworn written statement she writes;

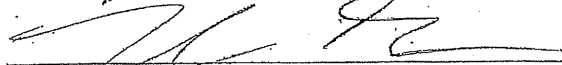
"I am making this complaint against Max Misch, my ex-husband with whom I've had a domestic violence charge against him involving myself when we were married it occurred in 2016, in March. Reason I prefaced the above is because he has an order from Judge Cohen not to contact me in any way. I've received phone calls from "No Caller ID" and he was on the other end. Today 07/02/2019 he called me the conversation was about his weapons charges he began blaming me for his arrest. That its my fault because I confided in my therapist. He blames me and also stated today on the phone, "that I should not have taken him to the store". He states over and over that the trouble he is in is my fault. Max also has asked me to call T.J. Donovan and I should take back my statement because he claims I was not accurate in what I've stated about the amount of ammo he was stacking. I don't know much if anything about guns and I thought it was very odd that with the minimal amount of disability money he gets he has been spending it on ammo and weapons. He continues to talk hateful during that last phone call about the parties involved in this case and I simply don't want to hear about it anymore. I don't want him to call me anymore. Upon this statement he is in violation of his release conditions. His speech was very abusive towards me he kept repeating to me, "fuck you, fuck you, fuck you" called me crazy called me evil completely ignoring his conditions given by Judge Cohen. Before hanging up I told him not to call me again. I also need to disclose this info. Max Misch has since purchased another gun from the armory on Main Street. He deals with Peter at the armory. Due to the conditions he can't bring the gun home but he purchased it soon after the gun charges or possibly before, I think it was after. He paid in full the amount for the gun. Peter @ the armory is holding it for him until he can legally bring it home. He owns it and its waiting for him there. On Main Street in Bennington VT. Addendum- Reason for my initial concern about his guns is for some reason before he bought the illegal magazines in N.H. he had purchased 3 magazines from the trading post in Bennington on 7 North. Upon purchasing them he fully loaded all 3 magazines- 90 bullets, He is not a hunter." [sic]

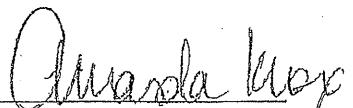
I followed up with the Bennington Armory LLC located on 445 Main Street, in Bennington VT. The Armory provided me with a receipt dated March 30th, 2019. The receipt shows that Max Misch purchased a JP Sauer, Western Marshall 44 magnum (serial number 272/4) for \$350.00. Max purchased the gun with cash and paid "in-full" or paid the full \$350.00 in cash. The Armory employee advised that they were holding the firearm for Max until his court case cleared up.

Based on the facts and circumstances listed above, Max Misch violated the conditions of release issued to him on February 7th, 2019 by the Honorable Judge William Cohen by purchasing a firearm from the Bennington Armory LLC.

Subscribed and sworn to before me on

This 20th day of July 2019


(Notary)


(Affiant)
7/20/19
(Date)

BENNINGTON POLICE DEPARTMENT AFFIDAVIT

19BN06347

Max was arrested on July 19th, 2019 for violating his conditions of release. Max was then transported to the Bennington Police Department, where he was fingerprinted and photographed. The Honorable Judge Cohen was notified and imposed new conditions of release on Max. Among these new conditions, Max was ordered into Vermont Superior Court, Bennington County, Criminal Division on Monday, July 22nd, 2019 at 12:30pm. Max signed that he understood his conditions of release and was released.

Subscribed and sworn to before me on

This 20th day of JULY 2019

[Signature]
(Notary)

Amanda Knox
(Affiant)
7/20/19
(Date)