

STATE OF NEW HAMPSHIRE

Superior Court

Coos, ss.

September Term, 2021

State of New Hampshire

No. 214-2020-CR-00134

v.

Britany Barron

**DEFENSE SENTENCING MEMORANDUM**

The defense submits this memorandum in support of the plea agreement reached between the State of New Hampshire and the defendant, Britany Barron.

1. Britany Barron agreed to a plea bargain on August 30, 2021.
2. Britany pleaded guilty to three counts of Falsifying Physical Evidence.
3. The plea bargain calls for a 3½-to-7-year prison sentence with 2 years of the minimum sentence suspended. Britany would not be eligible for any form of sentence reduction. Thus, she will serve 1½ years behind bars before she is eligible for parole.

4. The plea bargain also calls for substantial, consecutive suspended prison sentences. Those sentences are conditioned not only on good behavior but other protective and rehabilitative conditions, including probation, restitution, and mental health treatment.

5. The court should accept the plea bargain and impose the agreed upon sentences because Britany's conduct is mitigated by extreme domestic violence perpetrated against her, because she has no criminal record, because she had a background of trauma before being a victim of her husband's violence, and because she has made every effort during the last year in jail to prepare to live a law-abiding life and be a good mother to her children.

## **Britany Committed These Offenses Under Duress, Regardless of Whether It Rises to the Level of a Defense.**

6. Britany has never denied what she did. She told the police the entire story on the day she was arrested. She admitted her conduct, gave the police details which they corroborated, and led the police to evidence they collected to be used in prosecuting Armando Barron for murder. Britany pled guilty and accepted responsibility for her conduct. Finally, she will apologize for her conduct at the sentencing hearing.

7. All of that said, and guilt determined, the reality is that Britany is different from almost every other criminal defendant that has come before this court. She did not act out of greed or with violent intent. She was not using drugs and she was not intoxicated. She never planned to commit these crimes. She never planned for anyone to be murdered. Her weakness and her mistake was texting with a man from work, Jonathan Amerault, as her marriage was falling apart. She never had a sexual relationship with Jonathan. Their interactions were very short lived, and mostly involved text messages. Nonetheless, those texts provoked the jealousy and the fury of Armando Barron who savagely beat Britany and murdered Jonathan.

8. From the bail hearings, the court is well aware of the circumstances of Britany's conduct. In the hours leading up to the attempt to cover up the murder, Armando brutally beat and threatened Britany. He fractured her nose and gave her two black eyes, rupturing a blood vessel in one eye. He beat her in the face and head. He left bruises on her face and he split her scalp open. Armando strangled Britany until she lost consciousness. He put a gun in her mouth and threatened to kill her. He then tried to force her to kill Jonathan Amerault, but she refused. What Britany endured was absolutely terrifying by anyone's account.

9. After Armando murdered Jonathan, he then continued to threaten Britany and ordered her to help him attempt to cover up the murder. It is in this context that the court should weigh

the appropriate sentence for Britany's conduct. In these circumstances, after having been beaten and threatened, Britany found herself in control of a car, apart from Armando. She also later found herself alone at the campsite where Armando wanted to dispose of Jonathan's body. The State has said, and Britany does not disagree, that there was no physical impediment to prevent her from fleeing or calling the police, or otherwise avoiding the effort to conceal the body. Yet, although she will not dispute her guilt, there is no doubt that she is guilty under the most extreme and unusual of circumstances.

10. The court should consider these unique and extreme mitigating circumstances in deciding whether the plea bargain is appropriate.

**Britany's Law-Abiding Life Has Been Marred by Abuse from Others.**

11. The court has before it, under seal, a detailed psychological evaluation regarding Britany.<sup>1</sup> The report was filed with the court in July in connection with an anticipated bail hearing which turned into the plea bargain. The report describes Britany's life history at length and is based in significant part on records obtained by defense counsel and provided to the psychologist. The defense asks the court to further review the report in connection with this sentencing hearing.<sup>2</sup> Certain details of the report are repeated here.

12. Britany is 32 years old. She has no prior criminal record. She has a high school education.

13. Britany was born in New Mexico, the youngest of seven children.

14. Britany had almost no contact with her biological father who was an alcoholic and who abused Britany's mother. Britany's mother was, in turn, abusive to Britany, telling Britany that she had "ruined her life" and threatening to send Britany to live with her father. Britany's

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<sup>1</sup> Although the defense offers the same report as part of the sentencing hearing, Britany maintains her request that the entire report stay under seal because it contains information regarding mental health treatment.

<sup>2</sup> The State was provided a copy of the report in August.

mother eventually married again only to divorce again, after which she had a string of men in and out of the home. An older brother regularly physically abused Britany, prompting the other brothers to try to protect her. Britany describes being sexually and physically abused but it does not appear any family member was ever investigated or prosecuted. Not surprisingly, only one of Britany's siblings completed high school. One committed suicide at age 19. Britany remains close to only one family member, her brother William, who has attended hearings in this case by WebEx.

15. Britany admits that she smoked marijuana and got into some trouble in middle school. She got caught smoking marijuana and was put "on probation." That scared her to the point that she changed her behavior and began going to church. She has been law-abiding since that time.

16. Britany's mother continued to be abusive as Britany got older. The mother ordered Britany out of the house at age 17. At the time, Britany was dating Armando. Armando's mother "took pity" on Britany and let her move into their home. That led to Britany and Armando marrying soon thereafter. In other words, at age 17, Britany went from the abusive home in which she grew up to the home of her future abuser, Armando.

17. Despite the obstacles of her home life, Britany has been consistently employed since becoming an adult. Initially, she had service jobs at restaurants, call centers, and stores. However, after she and Armando moved to New Hampshire, she got a job at Teleflex Medical, a manufacturing company. It was a good job and she did well. Her coworkers and supervisors described her as "a very good employee" and a "hard worker" who "got along with everyone."

18. However, the same coworkers described Armando's abusive behavior towards Britany. They reported Armando's controlling behavior, how he always dropped her off and picked her up from work, prohibiting her from socializing with others after work. They say that

Britany reported Armando hit her and that she had marks on her face. They also say that Britany said she was asking for a divorce while at the same time stating that “Armando will never let me leave him.”

19. Britany confirmed this abuse in her statements to the police, describing to them how, shortly before the murder, Armando hit her when she said she wanted a divorce.

**Removed from the Abusive Influence of Armando, Britany Has Had an Excellent Conduct Record While in Jail.**

20. Britany has been of good behavior as she spent the last year in jail. She had one very minor write-up for a rule she did not understand. Other than that, she has not had any disciplinary issues. She has worked in the kitchen and contributed as much as she has been able to the inmate community.

21. As a result of Armando’s beating her and murdering Jonathan, Britany suffers from PTSD. She has great difficulty sleeping and takes medication to help with that problem. She has engaged in the counseling available at the jail but would very much benefit from a greater range of treatment resources.

**Upon Release, Britany Intends to Get a Job and Make a Home for Herself and Her Children.**

22. Britany, with support from DCYF and the assistance of counsel, has made every effort to stay in touch with her children while she has been incarcerated. The statutes regarding DCYF proceedings do not allow the reports to be produced, but counsel has confirmed that she had visits with the children, by Zoom, on October 6, 8, 14 and 22 of 2020, November 4, 11, 24 and 27 of 2020, December 1, 4, 8, 11, 15, 18, 22 and 29 of 2020, January 5, 8, 12, 15, 19, 22, and 26 of 2021, February 10, 17, 19, 23, and 26 of 2021, March 2, 5, 9, 19, 23, 26, and 30 of 2021, April 20, 23, 27, and 30 of 2021, May 4, 18, 21, and 25 of 2021, June 1, 4, 9, 11, 15, 18, 22, 24, and 29 of 2021, July 6, 8, 13, 20 and 27 of 2021, August 3 and 10 of 2021. A report after August

10, 2021 is not yet available. Britany participates appropriately in these visits and tries to be positive and loving towards the children despite her incarceration. She does not expect her convictions to disqualify her from regaining custody of her children so that she can continue to be the loving parent she has always been.

23. As noted above, Britany worked hard at her job at Teleflex. Of course, when she was arrested, she lost that job. However, she had earned various benefits which resulted in a modest payment to her. She will use that money to make restitution payments in this case and also to get an apartment. She intends to remain in New Hampshire so the court can rest assured that she will be supervised by a New Hampshire parole officer.

**There Are No Comparable Cases.**

24. Both on and off the record, the State and the defense have discussed whether there are any “comparables” to this case. The defense submits that there are not. This is a unique situation in which the victim of severe domestic violence was forced to witness a murder and then led to commit crimes to cover up that murder. There has not been another case like this in New Hampshire.

25. However, the Attorney General’s Office has many decades of experience in its trial lawyers assigned to this case and their supervisors. Defense counsel has some experience, as well. That cumulative experience is important because the two sides have reached an agreement which both think provides the appropriate sentence. While the court must, of course, make its own determination, the court should give some weight to the fact that the parties and the process have produced this plea bargain.

**Conclusion: The Court Should Approve the Proposed Plea Bargain.**

26. For all of these reasons, the court should, after careful consideration, approve the plea bargain and impose the agreed upon sentences.

WHEREFORE, the defense requests that the court impose the sentences set forth in the plea agreement filed with the court.

Dated this 30<sup>th</sup> day of September, 2021.

Respectfully submitted,

*/s/Richard Guerriero*  
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CERTIFICATE OF SERVICE

I, Richard Guerriero, certify that a copy of the foregoing will be served on registered efilers, Senior Assistant Attorney General Benjamin Agati and Assistant Attorney General Scott Chase, through the Court's electronic filing system.

*/s/Richard Guerriero*  
Richard Guerriero