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EZPass transponder records used in Dodds case

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Dodds, 43, a Rye businessman, is facing charges of falsifying evidence, conduct after an accident and causing false public alarm in connection with an accident that occurred on the Spaulding Turnpike on April 5, 2006.

Prosecutors allege Dodds faked the accident in order to boost his failing campaign. The defense maintains he is a victim of over-zealous investigators who wrongfully accused him.

New Hampshire State Police Sgt. Richard Mitchell testified on Monday that the EZPass transponder on Dodds' 1997 Lincoln Continental shows he went south through the Dover toll booth 37 minutes before his car crashed about a mile north of the same toll booth in the southbound lane of the Spaulding Turnpike.

Dodds told authorities at the time he had not gone through the toll booth.

Mitchell said he was told by Dodds' wife Cindy that Dodds had been at a meeting in Somersworth that evening, but e-mails from Somersworth Democratic Party Chairwoman Connie Margowski show the meeting had been canceled and Dodds was aware of this.

Mitchell requested and received Dodds' EZPass records from the Department of Transportation the day after he disappeared in hopes of finding where Dodds might have gone. According to Mitchell, the record show Dodds went through the Dover toll booth, then the Rochester toll booth at 6:49 p.m.

"He then comes southbound through Rochester toll booth at 7:10 p.m. and the final act on Mr. Dodds' transponder, it goes through Dover toll southbound lane at 7:39 p.m.," said Mitchell. "It just did not make sense that his vehicle came back a second time around."

According to previous testimony, Dodds car was seen swerving off the road along the Spaulding Turnpike at 8:16 p.m.

Mitchell also testified Dodds' wife, Cindy, told Mitchell she felt the Democratic part was out to get Dodds.

"She felt the Democratic Party in state of New Hampshire was backing Jim Craig and his candidacy was bucking that system and she felt the Democrats were getting nervous and his accident could be related to that," said Mitchell.

In earlier testimony, the jury heard testimony from the officer who inspected Dodds' car the day after he crashed it along the Spaulding Turnpike in April 2006.

New Hampshire State Police Trooper Steven Wheeler testified that the damage to Dodds car was minor to moderate, most of it focused on the front end of the vehicle.

Wheeler, who has previously worked as a technician for Ford Motor Co. and United Airlines, said that most of the damage was caused by direct contact at the scene of the accident.

He found little, if any, evidence of buckling in the roof or sides of the car, also known as induced damage. This kind of damage is created by the force of the impact rippling through the rest of the car.

The prosecution also pointed to clothing that was still hanging on a rear seat hook after the crash and the lack of blood, hair or saliva on the dashboard, windshield, and driver's side seat of Dodds car.

On cross examination, defense attorney Justin Nadeau asked Wheeler if he knew the car had been taken to a shop on Central Avenue in Dover and that members of Dodds' family had been in the car before he inspected it. Wheeler said he had not.

Nadeau also questioned whether the car lacked the induced damage that typically comes with more severe crashes. Pointing again and again to various photos of Dodds car after the crash, Nadeau asked whether features in these pictures showed induced damage. Wheeler was hesitant to make a determination just from a photo and continued to deny there had been induced damage to the car.

When Nadeau pointed to some crumpling of the fender on the driver's side, Wheeler said he found that too was not caused by induced damage.

"The damage I noticed on the fender ... it looked like (part of the frame) had been pushed back slightly from the contact of the guard rail and when someone opened the door, it caused the crumpling of the sheet metal," said Wheeler.

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