

finding that the damage claimed (rusting of tools, mildew on clothes, buckling of floors, etc.) was caused by the absence of such a barrier.

Judgment on the verdicts.

All concurred.

Hillsborough
No. 7178

STATE OF NEW HAMPSHIRE

v.

PAUL LAVALLEE

September 30, 1975

Warren B. Rudman, attorney general, and *Edward N. Damon*, attorney, by brief, for the State.

Edward R. Thornton, Jr., and Paul Lavallee, pro se, by brief, for the defendant.

MEMORANDUM OPINION

The defendant was found guilty of aggravated assault by a jury in May 1974 and was sentenced to a term of three to six years in the New Hampshire State Prison. In June 1974, the de-

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defendant's counsel filed a motion for transfer of the defendant from the New Hampshire State Prison to the Hillsborough County House of Correction. The defendant pro se also filed a motion for reduction of his sentence. After hearing, both motions were denied by *Flynn, J.*, who reserved and transferred the defendant's exceptions. The case was submitted to this court on briefs September 8, 1975.

The motion on behalf of the defendant to be transferred from the State prison to the house of correction was properly denied for several reasons. In the first place the warden of the State prison did not wish to initiate a recommendation that the transfer be accomplished. Secondly, the transfer requires the approval of the superior court which was not obtained. Both of these requirements are mandated by RSA 623:2. Finally, the transfer required authorization by the county sheriff which was not obtained. RSA 623:4.

The motion of the defendant for a reduction of sentence was not found persuasive by the trial court and the transcript of the hearing indicates no abuse of discretion in the denial of the motion to reduce the sentence.

Exceptions overruled.

[REDACTED]

Peterborough District Court
No. 7186

STATE OF NEW HAMPSHIRE v. JOHN G. HADLEY

September 30, 1975

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