

these circumstances, we conclude that the plaintiffs are entitled to a new trial. We leave it to the trial court to decide whether to impose costs, attorney's fees, witness fees, and other expenses on the defendant.

Reversed and remanded for new trial.

Hillsborough
No. 80-441

THE STATE OF NEW HAMPSHIRE

v.

RONALD CORMIER

June 12, 1981

Gregory H. Smith, attorney general (*Paul W. Hodes*, assistant attorney general, on the brief), by brief for the State.

James E. Duggan, of Concord, by brief for the defendant.

MEMORANDUM OPINION

The defendant, who had been convicted of burglary and released on probation from a criminal commitment to the New Hampshire Hospital, has appealed the revocation of his probation by *Goode, J.*, on the ground of abuse of discretion. There was evidence before the court that the defendant, after his release from the hospital, failed to report to his probation officer, was found in his hotel room with a bottle of whiskey, had made inquiries regarding the purchase of a gun, and did not notify his probation officer of a change in his address. This evidence provided a sufficient basis for the action of the court in revoking the defendant's probation, and we find no abuse of discretion.

Appeal dismissed; affirmed.