THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Hillsborough County | Hillsborough Superior Court Southern District

State v. Dale E Holloway, JR

226-2019-CR-00814

ORDER ON MOTION TO PROCEED PRO SE

The defendant filed a motion to proceed pro se on May 21, 2021. (See Court Index No. 122). The Court finds that the defendant has made an unequivocal assertion to relinquish his right to counsel and represent himself in this criminal proceeding. State v. Panzera, 139 N.H. 235, 238 (1994); see also State v. Davis, 139 N.H. 185, 190 (1994). The defendant's specific request to represent himself, combined with the procedural history regarding status of counsel in this case, supports this finding. (See motions to proceed pro se and motions for status of counsel at Court Index No. 65, 96, 106, 112, 113, 122 and related orders). He has made a plain and unequivocal statement of his intention to proceed on a self-represented manner with the assistance of stand-by counsel. As such, the court grants Prayer A of the motion to proceed pro se. After consultation by the Clerk with the Judicial Council, Attorney Brian Lee is appointed as stand-by counsel. Attorney Lee's stand-by role will be delineated by the court at a hearing on July 12, 2021. Importantly, the defendant is now responsible to conduct his own defense in this criminal proceeding in compliance with the applicable constitutional, statutory, evidentiary, and procedural law. Stand-by counsel's role is a limited one subject to definition by the court.

As a result of this ruling, Attorney Zaino's representation is terminated. (See record of June 28, 2021 hearing). He filed a Withdrawal on June 28, 2021. (Court Index No. 123). The defendant has filed a request to continue and reschedule the trial. (Court Index No. 125). The court will address this request at the hearing scheduled for July 12, 2021.

July 7, 2021
Date

Judge Charles S. Temple

Clerk's Notice of Decision
Document Sent to Parties
on 07/08/2021