

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
DOCKET NO. 226-2019-CR-00814

SUPERIOR COURT
SOUTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

DALE HOLLOWAY

STATE'S OBJECTION TO DEFENDANT'S MOTION FOR CHANGE OF VENUE

NOW COMES the State of New Hampshire, by and through the Hillsborough County Attorney's Office, and objects to the Defendant's Motion for Change of Venue, stating in support as follows:

1. The defendant has been indicted for two counts of Attempted Murder, two counts First Degree Assault (Extended Term), Second Degree Assault (Extended Term), Felon in Possession, and Simple Assault as a result of a shooting that occurred on October 12, 2019.

2. On that date the defendant walked into the New England Pentecostal Church in Pelham. At the time the bishop of the church, S.C., was officiating the wedding of C.M. and M.C. The defendant walked into the church after the wedding ceremony had already begun. The defendant sat in the pews for a few minutes then rapidly approached the altar, drew a gun, and opened fire. The defendant shot S.C. and C.M., and then pistol whipped M.C. before being subdued by a number of the wedding guests.

3. While it is accurate to state that there has been significant publicity regarding defendant's alleged crimes, defendant has failed to show that it would have any effect on his ability to select a fair and impartial jury.

4. "Prejudice may properly be presumed where prejudicial, inflammatory publicity about a case so saturated the community from which the defendant's jury was drawn as to render

it virtually impossible to obtain an impartial jury. A presumption of prejudice because of adverse publicity attends only the extreme case. It is the adverse nature of the publicity, not merely its quantity, that is critical in finding presumptive prejudice." State v. Webster, 166 N.H. 783, 793 (N.H. 2014)(brackets and citations omitted), citing State v. Addison (Capital Murder), 165 NH 426, 428 (2013). See also State v. Gribble, 165 N.H. 1(N.H. 2013).

5. Because defendant has failed to show that a presumption of prejudice has arisen from the pretrial publicity in this case, his motion must be denied.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Deny the Defendant's Motion for Change of Venue;
- B. Schedule a hearing thereon, if necessary; and
- C. Grant the State any such other relief as may be proper and just.

DATED: October 10, 2021

Respectfully Submitted,

/s/ Catherine M. Devine
Catherine M. Devine #629
Assistant County Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing pleading has this day been sent to , Esq., counsel for the defendant.

/s/ Catherine M. Devine
Catherine M. Devine