

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

JULY, 2021

STATE OF NEW HAMPSHIRE

v.

BRANDON CASTIGLIONE
218-2019-CR-1132

Granted



Honorable Daniel I. St. Hilaire

July 30, 2021

Clerk's Notice of Decision
Document Sent to Parties

on 07/30/2021

MOTION TO EXTEND DEFENSE EXPERT DISCLOSURE

NOW COMES the Accused, Brandon Castiglione, through counsel, Eliana Forciniti and Delia McCarthy, and respectfully moves for the Court to grant this Motion to Extend the Defense's Expert Disclosure Deadline.

This motion is grounded in Mr. Castiglione's rights to due process, to effective assistance of counsel, and to be able to consult with counsel as issues may arise during the hearing. N.H. Const. pt. I, art. 15; U.S. Const. Amends. V, VI, XIV.

As grounds, Mr. Castiglione states:

1. The State accuses Brandon Castiglione of one count of Second-Degree Murder for the death of Luis Garcia.
2. A 9mm Glock semiautomatic pistol was found near the scene and sent to the State Laboratory for testing. There was also a fired bullet, a fired 9 mm cartridge case and a magazine that were sent to the laboratory for testing.
3. An autopsy of Mr. Garcia was done at the State Laboratory by Dr. Jennie Duval.
4. On April 5, 2021, the Defense filed an Assented To Structuring Proposal. This proposal was accepted and ordered by the Court on April 6th. The structuring proposal created a deadline of August 3, 2021, for Defense expert disclosure/CVs/reports.

5. Upon information and belief, the State intends on calling four expert witnesses. As of today's date, the Defense has deposed two of those witnesses — Jill Therriault and Stephen Ostrowski. Both individuals were involved in testing and analyzing the 9mm Glock, fired bullet and fired cartridge.
6. The Defense has yet to depose Rachael Martinez (fingerprints) or Jennie Duval (forensic pathology). The parties are scheduled to depose Dr. Duval on August 20th and are working on scheduling a deposition of Ms. Martinez.
7. The Defense can state they do not intend on calling a firearm expert in this case. However, without deposing Dr. Duval or Ms. Martinez, the Defense does not know whether a Defense expert in the field of fingerprints or forensic pathology is needed.
8. Therefore, the parties agree to extend the Defense's deadline to disclose any Defense experts to September 13th.
9. The State, through Benjamin Agati, Esq., assents to this request.

WHEREFORE, Mr. Castiglione requests that this Honorable Court:

- (A) GRANT the Accused's Motion to Extend the Defense Expert Disclosure Deadline
- (B) SCHEDULE a hearing on this motion
- (C) GRANT such further relief as may be deemed just and proper.

Respectfully submitted,

/s/ **Eliana Forciniti**#

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this foregoing Motion was forwarded this _30th day of July, 2021 to the Attorney General's Office .

/s/ **Eliana Forciniti** _____
Eliana Forciniti, #21160