

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

JUNE, 2021

Granted w/o objection.



Honorable Marguerite L. Wageling
June 15, 2021

STATE OF NEW HAMPSHIRE

v.

BRANDON CASTIGLIONE
218-2019-CR-1132

Clerk's Notice of Decision
Document Sent to Parties
on 06/15/2021

MOTION TO EXTEND CONTESTED DISCOVERY DEADLINE

NOW COMES the Accused, Brandon Castiglione, through counsel, Eliana Forciniti, and respectfully moves for the Court to grant this Motion to Extend the Defense's Contested Discovery 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. On March 24, 2021, the Court issued an order on the Accused's Motion to Compel Outstanding Discovery, namely, the discovery file in State v. Holloway, No. 226-2019-CR-814 (the "Holloway File"). In its decision, the Court ordered the State to obtain the Holloway file from the Hillsborough County Attorney's Office, review all the materials, and provide any favorable or exculpatory evidence contained within that file to the Mr. Castiglione. The Court set a deadline of April 23, 2021. Subsequently, the State, by an

assented to motion, requested an extension of that deadline. The Court granted that motion and gave the State until May 7, 2021 to provide the materials.

3. On May 7, 2021, the State filed a notice to the Court that they had concluded their review of the materials and intended on providing Mr. Castiglione with “several items.”
4. On May 14, 2021, the State filed a motion requesting a protective order for the materials they intended on providing to the Defense. Included in that protective order was a requirement that the Defense not leave any of the Holloway file materials with Mr. Castiglione including in digital format.
5. This motion was granted on May 26, 2021.
6. The Holloway file was received by the Defense on June 1, 2021. However, the discovery was not processed or uploaded (and therefore not available to Undersigned Counsel) until June 9, 2021.
7. The discovery is substantial and includes several pages of discovery and 16 audio recorded interviews. However, it is not the full Holloway file.
8. Moreover, due to the requirement that Mr. Castiglione not be provided with a copy of the discovery, the Defense will need to visit with Mr. Castiglione to review this additional discovery with him.
9. On April 5, 2021, the Defense submitted an assented to structuring proposal. It was granted on April 6, 2021. This proposal included a deadline of June 15, 2021, to file motions on any contested discovery matters.
10. Due to the size of the additional discovery and the requirement that counsel meet with Mr. Castiglione to review the discovery, the Defense requests an extension of the June 15, 2021 until Jun 29, 2021. Though, currently, the Defense does not foresee the need to

file any additional motions for contested discovery, it is possible that upon review of the Holloway discovery more or other discovery will be requested including additional documents contained within the Holloway file.

11. The State's position was requested concerning this motion. However, upon this filing their position is not known.

WHEREFORE, Mr. Castiglione requests that this Honorable Court:

- (A) GRANT the Accused's Motion to Extend the Contested Discovery 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** #

Eliana Forciniti, Bar ID 21160
N.H. Public Defender
P.O. Box 679 Stratham, NH 03885
(603) 778-0526

CERTIFICATE OF SERVICE

I hereby certify that a copy of this foregoing Motion was forwarded this _14th day of June, 2021 to the Attorney General's Office .

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