

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Rockingham County

Rockingham Superior Court

State v. Brandon M. Castiglione

218-2019-CR-01132

ORDER ON EX PARTE HEARING

This case was scheduled on December 1, 2021, for a hearing on pending motions. Instead, the Court had an ex parte hearing with the Defendant, Brandon Castiglione, and his counsel. This order memorializes the fact that the Court held the hearing and summarizes the results.

Mr. Castiglione remains dissatisfied with conditions of his pretrial confinement at the Rockingham County House of Corrections, as has been discussed a number of times since last Spring. He repeated earlier concerns about not having enough time with mental health providers and also expressed the opinion that he would benefit from medically assisted treatment (MAT). After an extended discussion that included counsel, the Court reminded Mr. Castiglione that the Court is neither qualified nor empowered to order particular treatment for those in the custody of the House of Corrections. The Court can make recommendations and requests, but the decisions regarding what kinds of treatment and programming are appropriate for those in custody are made by the correctional authority. Moreover, unless the situation in the House of Corrections affects his right to counsel or another protected constitutional right, it may not be within the scope of his appointed counsel's responsibilities to represent him regarding the conditions of his confinement.

Given the discussion, the undersigned believes it is appropriate to request and recommend that the House of Corrections review Mr. Castiglione's situation, specifically as it relates to mental health needs, and confirm for him that he is receiving what the House of Corrections has determined is appropriate treatment.


The hearing also dealt with the status of counsel, including counsel's obligations and limitations. The Court specifically discussed with Mr. Castiglione the practical reality that if there is a change in counsel at this time, a trial in March 2021 will be virtually impossible. Based on the discussion, the Court did not find it necessary to issue any further orders on the subject at this time. The Defendant was given until December 8, 2021, to submit additional information if he so desires. The Court will consider any such supplemental information if and when it is filed.

The Court rescheduled the hearing on pending motions for January 11, 2022, at 10:00 a.m.

So ordered.

December 2, 2021

Date



Judge Martin P. Honigberg

Clerk's Notice of Decision
Document Sent to Parties
on 12/08/2021