

# The State of New Hampshire

ROCKINGHAM COUNTY

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

V.

BRANDON CASTIGLIONE

Docket No.: 218-2019-CR-1132

## **ORDER ON EX PARTE HEARING - STATUS OF COUNSEL and SCHEDULING**

On August 4, 2021, the Court held an ex parte hearing with counsel and Defendant Brandon Castiglione. This order memorializes the fact that the Court held the hearing and certain topics discussed during the hearing.

Defendant shared that he has difficulty transitioning from the virtual solitary confinement he is subject to at the Rockingham County House of Correction and being able to engage in thoughtful conversations with counsel. He indicated he is not receiving mental health treatment at the House of Correction and is not being given adequate time to consult with counsel in order to properly prepare his case. Insofar as the House of Correction is able, while abiding by its administrative rules, the Court requests that Defendant be afforded mental health treatment and that he is allowed further access to counsel.

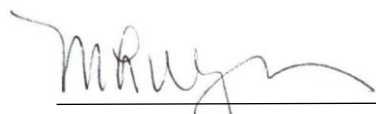
On July 14 2021, the Court held a hearing with counsel and Defendant. The Court issued an order thereafter instructing defense counsel to inform the court no later than July 23, 2021 as to Defendant's position on scheduling. See Doc. 123. At today's hearing, Defendant advised the Court that he does not want to further delay the start of his trial

and, therefore, he will not agree to a June 2022 start date for his trial (thereby allowing Attorney Eliana Forciniti to remain as lead counsel for Defendant notwithstanding her planned leave of absence from mid December 2021 through March 2022). Defendant asserted his speedy trial rights and asked that the trial begin as soon as possible. For this reason, it is the Court's understanding the NH Public Director will re-assign one of its attorneys – specifically, Attorney Eliana Forciniti will file a withdrawal and a new attorney will file an appearance in her place. This change of counsel will result in the trial being moved from its tentative February 7, 2022 jury selection date to a new date in March 2022. While the July 14, 2021 order contemplated that the trial might be able to remain in February 2022, because of the delay in obtaining a decision from Defendant, that option is no longer realistic. The Court warned Defendant that the change in counsel may ultimately result in a delay in the start of his trial. The Court asks that as soon as a decision on reassignment is made, the NH Public Defender consult with the State relative to scheduling. No later than August 20, 2021, the NH Public Defender must inform the Court of the newly assigned attorney and provide input on scheduling. The Court will thereafter schedule a status hearing. As a result of the change in counsel, the currently schedule August 27, 2021 hearing on pending motions will be rescheduled.

A copy of this order shall be sent to the Rockingham County House of Corrections.

So ordered.

August 6, 2021  
Date

  
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Marguerite L. Wageling  
Presiding Justice