

**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 STATUS CONFERENCE

On June 11, 2020, the Court held a status conference with counsel only. This order memorializes what was said during the conference.


The Court will schedule an in-court hearing to determine if Defendant Brandon Castiglione is competent to stand trial. Witnesses must appear in person for the hearing. All participants must follow the guidelines relative to live hearings provided to them from the clerk of court. Proposed dates were exchanged with counsel (the proposed dates are July 14 and July 16). Counsel will confer with any witnesses needed for the hearing and immediately notify the Court if there are scheduling problems.

Defense counsel informed the Court there are no current discovery issues. However, they related that some weeks back the State provided defense counsel and the NH Office of the Forensic Examiner ("OFE") with copies of recorded telephone calls between Defendant and others. (The recordings were contained on a CD.) Within that discovery were recorded conversations between Defendant and his attorney(s). Once defense counsel realized the problem, they notified the State and the Rockingham County House of Correction ("HOC"). The HOC investigated and learned that due to the pandemic, an alternative meeting room was being used to facilitate private meetings between inmates and their attorneys. The alternative meeting room allows for the recording of conversations. The HOC took immediate action to stop those recordings and purge their system of the recordings. The OFE and defense counsel returned the tainted CD's to the State. The State made new copies of the phone calls and redistributed the discovery to defense counsel and the OFE. The State destroyed the tainted version of the CD's.

The OFE competency evaluation dated April 24, 2020 lists a number of sources of information reviewed by Richelle M. Barb, PsyD. No later than July 1, 2020, the defense must provide the State with copies of all information which may be the subject of questioning during the competency hearing. This information will be subjected to a protective order.

So ordered.

June 12, 2020  
Date



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Marguerite L. Wageling  
Presiding Justice

Clerk's Notice of Decision  
Document Sent to Parties  
on 06/12/2020

