

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

Coos Superior Court
55 School St., Suite 301
Lancaster NH 03584

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

AMENDED – 12/15/2025

RETURN FROM SUPERIOR COURT – STATE PRISON SENTENCE

Case Name: **State v. Dustin Duren**
Case Number: **214-2024-CR-00028**

Name: **Dustin Duren, 1063 Main Street #1 Berlin NH 03570**
DOB: **March 04, 1987**

Charging document: Indictment

Offense: Reckless Conduct - Deadly Weapon	GOC:	Charge ID: 2217222C	RSA: 631:3	Date of Offense: February 29, 2024
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Disposition: Guilty/Chargeable By: Jury

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached amended sentence sheet and order clarifying sentence.

December 11, 2025
Date

Hon. Jonathan S. Frizzell
Presiding Justice

Viktoriya A. Kovalenko
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **New Hampshire State Prison**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I delivered the defendant to the **New Hampshire State Prison** and gave a copy of this order to the Warden.

Date

Sheriff

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff
 Prosecutor Bethany Jean Durand, ESQ; Joshua L Speicher, ESQ Defendant Defense Attorney Hanna K. Kinne, ESQ; Margaret A. Kettles, ESQ
 Sentence Review Board Sex Offender Registry Other Coos Jail _____ Dist Div. _____

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
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Court's Ex-2

Court Name: Coos Superior Court
Case Name: State v. Dustin Duren
Case Number: 214-2024-CR-00028 Charge ID Number: 2217222C

STATE PRISON SENTENCE

Plea/Verdict: Guilty	
Crime/VOP: Reckless Conduct w/ DW	Date of Crime/VOP: 02/29/2024

Violation of Probation - A finding of TRUE is entered.

CONVICTION AND CONFINEMENT

A finding of GUILTY is entered.

- A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as -Domestic Violence. See attached Domestic Violence Sentencing Addendum Section 2.
- B. This Conviction is for an enhanced misdemeanor AND
 - 1. DOES NOT include as an element of the offense the use or attempted use of physical force or the threatened use of a deadly weapon (2717-b; 2717-14)
 - 2. DOES include as an element of the offense the use or attempted use of physical force, or the threatened use of a deadly weapon (2717-a), AND
 - 2a. there exists a qualifying domestic violence relationship between the victim and defendant. See attached Domestic Violence Sentencing Addendum-Section 1, OR
 - 2b. there is no qualifying domestic violence relationship between the victim and defendant (2717-14)

C. The defendant is sentenced to the New Hampshire State Prison for not more than 7 ~~3 1/2~~ years, nor less than 3 1/2 ~~X~~ years JSF

There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.

Pretrial confinement credit: 0 days.

D. This sentence is to be served as follows:

Stand committed Commencing _____

3 1/2 years of the minimum sentence and 7 years of the maximum sentence is suspended.

Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends 10 years from today or release on **Charge ID 2237508C**

_____ of the sentence is deferred for a period of _____ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

E. The sentence is consecutive to case number and charge ID 2237508C
 concurrent with case number and charge ID _____

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Case Number: 214-2024-CR-00028

STATE PRISON SENTENCE

- F. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.
- G. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.
- H. The Court recommends to the Department of Corrections:
 - Screen and/or assess for drug and alcohol treatment needs.
 - Sentence to be served at House of Corrections
 - _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

- A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.
Effective: Forthwith Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.
- B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

- A. **Fines and Fees:**
Fine of \$ _____, plus a statutory penalty assessment of \$ **0.00** _____ to be paid:
 Today
 By _____
 Through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
 \$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

- B. **Restitution:**
The defendant shall pay restitution of \$ _____ to _____
 Restitution shall be paid through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
 At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
 Restitution is not ordered because: _____

OTHER CONDITIONS

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
 New Hampshire State Prison House of Corrections
- D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.

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STATE PRISON SENTENCE

- E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

The defendant shall have no contact with the family of Caitlyn Naffziger which includes Lori Smith, Bailey Naffziger, Heather Naffziger, and Brenda Plamondon; ~~The defendant shall have no contact, either directly or indirectly, including but not limited to contact in-~~ person, by mail, phone, email, text message, social messaging sites or through third parties, with E.D. and/or V.D. unless such contact is solicited by E.D. and/or V.D. of their own volition, and such contact is in accordance with any applicable, related agreements or Court orders governing such contact; Further, the defendant must comply with any court orders concerning contact with E.D. and V.D. issued by any court having jurisdiction, including any orders issued by the Minnesota Courts related to custody proceedings.

The defendant shall not profit in any manner for his role in committing these offenses, nor may he assign his rights to any monetary profit or financial benefit to any other person. Specifically, he may not accept any payment, enter into any contract, or sell rights regarding any book, film, television show, radio show, website, podcast, or any other writing, recording, broadcast, or internet posting relating to the murder of Caitlyn Naffziger, or to the defendant's actions therein.

For Court Use Only

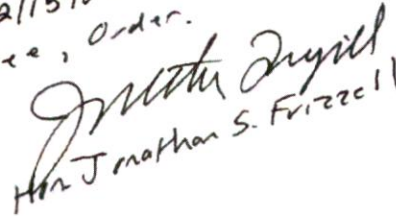
Approved and So Ordered



Honorable Jonathan S. Frizzell

December 11, 2025

AS amended
12/15/25
See order.



Hon. Jonathan S. Frizzell

214-2024-CR-28
Charge ID: 2217222C

THE STATE OF NEW HAMPSHIRE
INDICTMENT

COÖS, SS.

JUNE TERM, 2024

At the Superior Court, holden at Lancaster, within and for the County of Coös, aforesaid, on the 21st day of June in the year of our Lord two thousand and twenty-four

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that


DUSTIN MARK DUREN
DOB: 03/04/1987

of or formerly of Berlin, in the State of New Hampshire, on February 29, 2024, at Berlin in the County of Coös aforesaid, with force and arms, did commit the crime of

RECKLESS CONDUCT WITH A DEADLY WEAPON
(RSA 631:3; 651:2, I-b)

in that, Dustin Mark Duren did recklessly engage in conduct which placed another, E.D., in danger of serious bodily injury to wit: by shooting Caitlyn Naffziger with a firearm while holding E.D.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Bethany Duran
Assistant Attorney General

This is a true bill.


Russell F. Owen
Foreperson

Verdict: Guilty
Entered October 28, 2025


Viktoriya A. Kovalenko
Clerk of Court

RECEIVED
COMPTROLLER COURT
2024 JUN 21 P 12:24

Name: Dustin Mark Duren

DOB: 03/04/1987

Address: _____

RSA: 631:3, I,

Offense level: Class B Felony: 3½ - 7 years NHSP, \$4,000 fine, or both

Dist/Mun Ct: ~~423-2024-CR-00133~~ 214-2024-CR-000284

Direct Indictment

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Coos County

Coos Superior Court

State v. Dustin Duren

214-2024-CR-00028

ORDER TO CLARIFY SENTENCES

Sentencing occurred on December 11, 2025. At the conclusion of the sentencing hearing, the Court clearly and unambiguously stated that it was adopting the State's sentencing recommendations. See, Record. The State's sentencing recommendations were clearly and unambiguously stated as part of the State's Memorandum in Support of Sentencing (Index #212). Those recommendations were also clearly and unambiguously articulated by the State during the sentencing hearing itself.

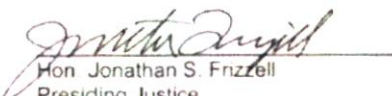
When imposing the sentences under Charge ID #2237508C (Second Degree Murder – Knowing) and Charge ID #2217222C (Reckless Conduct with a Deadly Weapon), the Court read from the proposed Sentence Sheets which had been submitted by the State (Index #'s 213, 214). The Court failed to recognize that the minimum and maximum sentence terms as stated on those two Sentence Sheets had been transposed. Thus, when the Court stated its sentence on Charge ID #2237508C, it read aloud "not more than 45 years, nor less than Life", when the sentence should have been read as "not more than Life, nor less than 45 years." Similarly, when the Court stated its sentence on Charge ID #2217222C, it read aloud "not more than 3 ½ years, nor less than 7 years", when the sentence should have been read as "not more than 7 years, nor less than 3 ½ years."

At the conclusion of the hearing, the Court inquired twice of defense counsel as to whether there was any question or ambiguity as to the Court's sentences. Defense counsel replied that there was no question or need for interpretation. See, Record.

Based upon the foregoing, the Court considers the transposition of the maximum and minimum terms of these two sentences to be a clerical order, for which this Court retains jurisdiction to amend the Sentence Sheets to conform with the State's requested sentences consistent with the State's remarks and its Memorandum. See, State v. Van Winkle, 160 N.H. 337 (2010); State v. Ortiz, 162 N.H. 585 (2011). The amended sentence sheets are attached to this Order as Court's Exhibits 1 and 2. Further, this Order shall be appended to any and all mittimus that are issued with respect to the two Charge ID's listed above.

So Ordered.

Dated: December 15, 2025


Hon. Jonathan S. Frizzell
Presiding Justice