

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

COÖS, SS

MAY TERM, 2025

STATE OF NEW HAMPSHIRE
V.
DUSTIN MARK DUREN

214-2024-CR-00028

STATE'S MOTION TO CONTINUE DEADLINES

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court continue the deadlines for provision of witness lists in light of the Court ordered continuance of the trial date. In support of the State's position, the State submits the following:

1. The defendant is charged with alternative charges of first-degree murder, purposeful, second-degree murder, knowing, and second-degree murder, reckless for killing Caitlyn Naffziger on February 29, 2024, in Berlin, New Hampshire. The defendant is further charged with reckless conduct with a deadly weapon and child endangerment related to his actions in the homicide.

2. On October 3, 2024, the Court granted the assented-to structuring proposal which established deadlines for the case including the filing of motions and defenses. The Court's order established deadlines in the case. At this time, the only deadlines that have not passed include:

- a. State's Witness List – June 1, 2025
- b. Defense Witness List – June 11, 2025

3. On February 28, 2025, the Court issued a notice continuing the scheduled July trial date in this matter. On March 11, 2025, the Court determined that a new trial date would be

scheduled in October of 2025. On March 14, 2025, the Court issued a notice of jury trial which provided new hearing and trial dates for this case including,

- a. Final Pre-trial – September 15, 2025
- b. Jury Selection – beginning October 6, 2025
- c. Jury Trial – beginning October 20, 2025

4. Given the Court’s continuance of the trial in this matter, the State proposes that the following amended dates be scheduled as deadlines in the case:

- a. State’s witness list – September 1, 2025
- b. Defendant’s witness list – September 12, 2025
- c. Proposed Voir Dire – September 12, 2025
- d. Proposed Jury Instructions - September 12, 2025

5. On April 29, 2025, the State advised counsel for the defendant through email that we would be filing this request.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: May 2, 2025

/s/ Bethany J. Durand
Bethany J. Durand, NH Bar ID #273943
Assistant Attorney General
New Hampshire Attorney General’s Office
1 Granite Place
Concord, NH 03301
(603) 271-3671

/s/ Charles O. Bucca
Charles O. Bucca, Bar #275327
Assistant Attorney General
New Hampshire Attorney General’s Office
1 Granite Place
Concord, NH 03301

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was filed through the Court's electronic filing system and will be electronically served by the e-Filing system on counsel for defendant.

May 2, 2025

/s/ Bethany J. Durand
Bethany J. Durand

Motion granted, however, consistent with the parties' apparent agreement, the State's witness list is to be submitted 8/27/25, and the Defendant's witness list is to be submitted 9/5/25. The Court has reviewed the Defendant's Response and the State's Reply to that Response. The Court does not adopt the reasoning that any deadlines were "amended by default". If the Defendant seeks any relief from any of the other existing deadlines, the Defendant shall file a specific motion seeking such relief (stating the grounds therefor), subject of course, to conferring with counsel for the State in relation to any such proposed further adjustment to the currently existing deadlines. SO ORDERED.



Honorable Jonathan S. Frizzell

May 19, 2025

Clerk's Notice of Decision
Document Sent to Parties
on 05/19/2025