

Clerk's Notice of Decision
Document Sent to Parties

on 09/30/2025

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

COÖS, SS

SEPTEMBER TERM, 2025

Granted

STATE OF NEW HAMPSHIRE



v.

Honorable Jonathan S. Frizzell

DUSTIN MARK DUREN

September 30, 2025

214-2024-CR-00028

STATE'S MOTION TO SEQUESTER WITNESSES

NOW COMES the State of New Hampshire, by and through the Office of the Attorney General, and respectfully asks this Court to issue an order sequestering the witnesses for the trial in this case. In support of its request, the State says as follows:

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 and specifically to his daughter E.D. (DOB: 12/02/2019).

2. New Hampshire Rule of Evidence 615(a) requires the sequestration of witnesses upon a party's request. The State respectfully requests that the Court order the sequestration of witnesses in this case beginning with opening statements, through the completion of the presentation of evidence.

3. Rule 615 does not authorize excluding "a person authorized by statute to be present." N.H. R. Ev. 615(a)(4). Therefore, in accordance with RSA 21-M:8-k, II(e), the victim's immediate family members are not subject to the sequestration order and may attend all

phases of the trial. The term “immediate family” has been defined, in an unrelated statute, to include children, parents, siblings, and grandparents. *See* RSA 397-A:1, VIII-b. Therefore, except for the victim’s immediate family, all other potential witnesses must be excluded from the trial beginning with opening statements, through the completion of the presentation of evidence.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- A. Grant the State’s Motion to Sequester Witnesses; or,
- B. Hold a hearing on the issue; and/or,
- C. Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella
Attorney General

Date: September 12, 2025

/s/ Bethany J. Durand
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CERTIFICATION

I certify that a copy of this motion has been provided to counsel for the defendant, via the electronic case filing system.

Date: September 12, 2025

/s/ Bethany Durand

Bethany Durand, NH Bar ID #273943

Assistant Attorney General