

THE STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

V.

DUSTIN DUREN

214-2024-CR-28

NOTICE OF DEFENSE: DEFENSE OF OTHERS

NOW COMES the defendant, Dustin Duren, by and through counsel, Hanna K. Kinne and Margaret Kettles, Esq., and respectfully notifies this Honorable Court and the State of New Hampshire that he may rely on the defense of Physical Force in Defense of a Person, pursuant to RSA 627:4, II(c).

This Motion is based on the following grounds:

- 1) The State accuses the defendant of 1st and 2nd Degree Murder, as well as Reckless Conduct and Endangering the Welfare of a Child.
2. The state alleges the defendant shot Caitlyn N. in the head one time, while grabbing his four-year old daughter from Caitlyn's grip, during an argument in the defendant's living room.
3. The state obtained this information after speaking to the defendant about the circumstances of the incident, and is well aware of the defendant's version of events.
4. At trial, the defense may rely on the defense of Physical Force in Defense of a Person.
5. NH RSA 627:4, II(c) states, in pertinent part, "A person is justified in using deadly force upon another person when he reasonably believes that such other person:
(c) Is committing or about to commit kidnapping."

6. The trial court must grant a Defendant's requested jury instruction on a specific defense if there is some evidence to support a rational finding in favor of that defense. *State v. Vassar*, 154 N.H. 370, 373 (2006).

WHEREFORE the defendant submits this Notice of Defense.

Respectfully submitted,

/s/ Hanna K. Kinne

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CERTIFICATE OF SERVICE:

I hereby certify that a copy of this Motion has been forwarded electronically to of the Office of the Attorney General this 14 day of November, 2024.

/s/ Hanna K. Kinne

Hanna K. Kinne, Esq.