

THE STATE OF NEW HAMPSHIRE

COÖS, SS

MARCH TERM, 2025

STATE OF NEW HAMPSHIRE

v.

DUSTIN MARK DUREN

DOCKET NO: 214-2024-CR-00028

**STATE'S ASSENT TO DEFENDANT'S MOTION
FOR SCHEDULING CONFERENCE**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and files this Assent to Defendant's Motion for Scheduling Conference.

In support of this pleading, the State provides 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.
2. On February 3, 2025, the parties appeared for a status hearing during which the defense expressed that they were ready for trial. Given information known at that time, the State concurred, and the parties agreed that the case was on track for a July trial date. The Court indicated that it would make efforts to ensure that the July trial date could proceed despite resource issues.
3. On February 6, 2025, the defense filed a notice of expert witness which consisted of a forensic psychiatric report.

4. On February 27, 2025, the State filed a Motion to preclude the testimony of the forensic psychiatrist.
5. On February 28, 2025, the Court issued an Order cancelling the July 2025, trial date due to resource issues that continue to persist. That Order requested that the parties discuss scheduling.
6. On March 3, 2025, the State contacted counsel for the defendant to start a discussion concerning scheduling.
7. On March 4, 2025, defense counsel filed the instant motion. Only after filing, did counsel respond to the State's efforts for communication. In that communication, counsel indicated they were seeking a trial date in May, September, or November consistent with information known to them concerning availability in the Coös Superior Court. Counsel recognized that May would likely be too early, a fact that with which the State concurs.
8. The State assents to a Court held structuring discussion.
9. The State does not believe that an August or September date is feasible given scheduling of other matters. Currently, Assistant Attorney General Bucca is scheduled for trial between August 11, 2025, and August 29, 2025 (*State v. Lance Goodrich*, 215-2021-CR-0619, Grafton County). Assistant Attorney General Durand is scheduled for trial in a non-bifurcated insanity case involving a homicide (with three victims) beginning on September 8, 2025 (*State v. Eric Sweeney*, 217-2023-CR-0721, Merrimack County).
10. An August or September trial in the instant matter also may not be feasible given the issues raised in the State's pending motion.

WHEREFORE, the State respectfully requests that this Honorable Court:

- B. Hold a hearing on this issue; and/or:
- C. Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorney

John M. Formella
Attorney General

March 4, 2025

/s/ Bethany J. Durand
Bethany J. Durand, NH Bar ID # 273943
Assistant Attorney General
New Hampshire Attorney General's Office
1 Granite Place, South
Concord, New Hampshire 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, South
Concord, New Hampshire 03301
(603) 271-3671
Charles.O.Bucca@doj.nh.gov

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was provided to counsel for the defendant, Hanna Kinne, Esq. and Margaret Kettles, Esq., through the Court's e-filing system.

March 4, 2025

/s/ Bethany J Durand
Bethany J. Durand, NH Bar #273943
Assistant Attorney General