

THE STATE OF NEW HAMPSHIRE

COOS SS.

MAY TERM 2025

STATE OF NEW HAMPSHIRE

V.

DUSTIN DUREN

214-2024-CR-28

DEFENDANT'S RESPONSE TO STATE'S MOTION TO CONTINUE DEADLINES¹

NOW COMES, the defendant, Dustin Duren, by and through his counsel, Hanna Kinne and Margaret Kettles, Public Defenders, and respectfully submits this response to the State's Motion to Continue Deadline.

In support of this motion, the following is stated:

1. On May 2, 2025, the State filed a Motion to Continue Deadlines.
2. The State requests that the deadlines set forth in an October 3, 2024 structuring proposal be amended given the March 11, 2025 Court order scheduling this matter for trial in October 2025.
3. The State proposes that the deadlines be amended as follows:
 - 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

¹ The filing of this pleading does not intend to waive any speedy trial right but merely tracks the deadlines consistent with rules of criminal procedure according to the court's rescheduling of the trial. The defendant continues to assert his speedy trial right.

4. In the State's Motion to Continue Deadlines, they failed to include amended deadlines for any motions in *limine*, motions to exclude or admit 404b evidence, additional discovery motions, and several other deadlines set forth within the October 3, 2024 structuring order.
5. Undersigned counsel asserts that *all* deadlines included within the October 3, 2024 order were amended by default when the Court canceled the July trial date and rescheduled it to October 2025.
6. As such, defense counsel proposes that the deadlines in this case be amended in accordance with the New Hampshire Rules of Criminal Procedure as follows:
 - a. Defendant's witness list – September 5, 2025²
 - b. State's witness list – August 27, 2025³
 - c. Notice of intent to use 404b evidence deadline – August 7, 2025⁴
 - d. Motion to admit 404b evidence deadline – August 22, 2025⁵
 - e. Motion to exclude 404b evidence deadline – September 6, 2025⁶
 - f. Motions in *limine* deadline – September 5, 2025⁷
 - g. Deadline for defense reciprocal discovery – August 7, 2025⁸
7. Additionally, defense counsel requests that, where no such deadline exists within the New Hampshire Rules of Criminal Procedure, new deadlines be scheduled in accordance with Mr. Duren's constitutional right to due process, a fair trial, effective assistance of counsel and equal protection of the law. See U.S. Const. Amends V, IV and XIV; and N.H. Const. pt. I, arts. 1, 2, 14 and 15.

² New Hampshire Rules of Criminal Procedure 12(b)(4)(C)

³ N. H.R.C.P. 12(b)(4)(B)

⁴ N.H.R.C.P. 12(b)(4)(A)(i)

⁵ N.H.R.C.P. 12(b)(4)(A)(ii)

⁶ N.H.R.C.P. 12(b)(4)(A)(iii)

⁷ N.H.R.C.P. 15(b)(3)

⁸ N.H.R.C.P. 12(b)(2)

8. Given the above constitutional considerations, defense counsel proposes additional deadlines as follows:

- a. Proposed Voir Dire – September 12, 2025
- b. Proposed Jury Instructions – September 26, 2025
- c. Deadline for both sides to depose expert witnesses – July 31, 2025

WHEREFORE, Mr. Duren, by and through counsel, moves this Court to:

- A. Accept this response; or
- B. Hold a hearing on the matter; and
- C. Grant other relief deemed equitable and just.

Respectfully submitted,

/s/Hanna Kinne
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CERTIFICATE OF SERVICE

I hereby certify this motion has been electronically served on Assistant Attorney General, Bethany Durand and Charles Bucca, Esq., representing the State on May 9, 2025.

/s/Hanna Kinne
Hanna Kinne Esq., #18946