

THE STATE OF NEW HAMPSHIRE

COÖS, SS

JANUARY TERM, 2026

STATE OF NEW HAMPSHIRE

v.

DUSTIN MARK DUREN

DOCKET NO: 214-2024-CR-00028

**STATE’S RESPONSE TO THE DEFENDANT’S
MOTION FOR RESTITUTION HEARING**

NOW COMES the State of New Hampshire, by and through its attorney, the Office of the Attorney General, and takes no position as to the defendant’s request for a hearing. In support of its request, the State says as follows:

1. On February 29, 2024, the New Hampshire State Police – Major Crime Unit began an investigation into the homicide of Caitlyn Naffziger. Ms. Naffziger was killed by a single gunshot to the head while inside of the defendant’s apartment at 1063 Main Street in Berlin. On March 1, 2024, the defendant was arrested on one count of knowing second-degree murder related to his actions in shooting Ms. Naffziger.

2. On June 21, 2024, the defendant was indicted on charges of first-degree murder (RSA 630:1-a), second-degree murder (reckless) (RSA 630:1-b), and reckless conduct with a deadly weapon (RSA 631:3). Further, the defendant was charged by criminal complaint with one count of endangering the welfare of a child (RSA 639:3). On August 16, 2024, the defendant was indicted on a charge of second-degree murder (knowing) (RSA 630:1-b) and a corrected indictment as to the first-degree murder charge. All of the charges related to the defendant’s fatal shooting of Caitlyn Naffziger (age: 31), and the danger in which that

shooting placed their minor child, E.D (DOB: 12/02/2019). Prior to trial, the State entered a *nolle prosequi* on the charge of first-degree murder.

3. Trial was held between October 20, 2025, and October 28, 2025. During the trial, the State and the defendant presented witness testimony. The defendant testified in his own defense and presented a case in which he claimed that he acted in defense of others when he shot and killed Caitlyn Naffziger. On October 28, 2025, the jury unanimously found the defendant guilty of all charges.

4. Prior to the sentencing hearing, the State provided the defendant with a letter from the New Hampshire Victim's Compensation Program which indicated that the program paid a total amount of \$12,007.69 in restitution related to the murder of Caitlyn Naffziger. This amount includes \$5,002.00 for funeral expenses, \$2,268.00 for mental health services, and \$4,737.60 in lost wages for the victim's mother who left work and moved to New Hampshire for a lengthy period of time to care for Naffziger and Duren's minor children.

5. There was no indication by the defendant prior to sentencing concerning a challenge or issue with the requested restitution. The defendant did check the box on a proposed sentencing form that he submitted to indicate that he could request a hearing as to restitution.

6. The defendant was sentenced on December 11, 2025. There was no argument made by the defendant related to restitution during the sentencing hearing.

7. On December 30, 2025, the defendant filed his Motion for a Restitution Hearing. The defendant has a right to make such a request. It is, however, unclear from the defendant's filing whether he is contesting the entire amount of restitution ordered or specific portions of it.

8. RSA 21-M:8-1 provides that “a court may order restitution to the victims’ assistance fund as part of a sentence,” and that “the amount of assistance provided by the fund shall be established by copies of bills submitted to the victims’ assistance commission.”

9. To date, the State has provided counsel for the defendant with the following materials related to restitution:

- a. November 20, 2025, restitution claim letter,
- b. Claim payment summary for claim #35490 (mental health and lost wages),
- c. Claim payment summary for claim #35202 (funeral expenses),
- d. Funeral Invoice,
- e. Wage Verification Form,
- f. Lost Wages Calculation,
- g. Mental Health Treatment Invoices,
- h. Mental Health Treatment Bills from September 6, and September 11, 2024.

10. The State would request that, should a restitution hearing be held, that witnesses and family members be allowed to participate and/or attend over Webex. As this Court is aware, the family members of both Ms. Naffziger and Mr. Duren reside outside of the State of New Hampshire. To the extent that witnesses and/or family members be unable to attend personally, the State would request that they be allowed to appear over Webex.

WHEREFORE, the State respectfully requests that this Honorable Court order such relief as the Court deems just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella
Attorney General

Date: January 9, 2026

/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: January 9, 2026

/s/ Bethany Durand
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Assistant Attorney General