

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT  
SEPTEMBER TERM, 2025

State of New Hampshire

v.

Brandon Castiglione

Docket No. 218-2019-CR-01132

**STATE'S OBJECTION TO DEFENDANT'S MOTIONS TO VACATE  
CONVICTION AND FOR NEW TRIAL**

NOW COMES, the State of New Hampshire, by and through the Office of the Attorney General, with this Objection to the Defendant's Motions to Vacate his conviction and for a New Trial. The State received a copy of the defendant's pleading on September 10, 2025, through the courtesy of the Clerk of Court. Despite knowing that he was required to send a copy of the pleading to the State, and indicating on his pleadings that he mailed a copy of his pleadings by U.S. mail, the defendant failed to do so. The State would have had no notice of this pleading and no opportunity to respond had the Clerk of Court not been so gracious as to inform the State. The State thus responds now, three business days later, with this objection.

In short, the defendant's motion for New Trial, literally alleges nothing - no facts or reasoning for his requested relief. In addition, the defendant's motion to vacate the jury's verdict says nothing of substance, and even if generously construed to raise an ineffective assistance of counsel claim, it manifestly fails to state facts sufficient to support one. The

Court should deny the defendant's demands, and in support of this objection, the State submits the following:

1. Despite knowing that he was required to send a copy of the pleading to the State, and indicating on his pleadings that he mailed a copy of his pleadings by U.S. mail, the defendant failed to do so. The State would have had no notice of this pleading and no opportunity to respond had the Clerk of Court not been so gracious as to inform the State. While this leaves the State to question whether the defendant intentionally did not send a copy to the State in the hope that the Court would act as soon as the State's deadline to respond had passed - as all his previously post-trial pleadings were properly served - the State looks past this as the defendant's motion for New Trial, literally alleges nothing - listing no facts or reasoning for any requested relief as to why a new trial should be awarded. If filed by counsel, such a pleading would be frivolous and may lead to sanctions. As the motion has been filed with no factual or legal basis to request the relief desired, it should be summarily dismissed by the Court without a hearing.

2. Similarly, the defendant's motion to vacate the jury's verdict and his conviction should also be summarily dismissed. There, without listing any factual or legal basis, the defendant only writes that he has "specific instances were [sic] [he] was directly prejudiced by the delay of almost four years," and that "if my attorneys put in a motion to reconsider based on specific instances of prejudice, I would have been able to address my concerns related to and specified in Barker v. Wingo." Defendant's Motion to Vacate ¶1.

3. The defendant neglects to say that he already raised this same issue regarding the timing of his trial in his October 2022 Motion to Dismiss, and the Court's thorough explanation behind its denial of that motion in its Order of November 3, 2022. The

defendant also fails to write that he moved to reconsider the denial on November 17, 2022, which was similarly reviewed and denied on January 9, 2023. Whether the defendant intentionally did not accurately state his procedural history or was ignorant of his own pleadings – including one which he himself wrote by hand - the defendant now has merely rewrapped his argument to regift it to the Court with no basis for doing so.

4. The defendant's motions do not seek a new trial pursuant to RSA 526:1, but dismissal of the indictment for a violation of the defendant's right to a speedy trial. See *State v. Dufield*, 119 N.H. 28, 32 (1979) ("[T]he only remedy for its violation [i.e., the right to speedy trial] is dismissal of the indictment."). The defendant has already filed this, had his claim denied, filed a motion for reconsideration, and had this claim denied again. Thus, the defendant's requested remedy in this case may now only be through a writ of habeas corpus. See RSA 534. As the defendant's current motions do not comply with the process required for a petition for writ of habeas corpus, they must then be summarily denied. See *State v. Thompson* (Delker, J.), Docket No. 218-2012-CR-0258 Rockingham Sup. Ct. (Oct. 18, 2016); 2016 N.H. Super. LEXIS 23, at \*2-3 (Motion denied as '[t]he defendant's current motion plainly does not comply with the process required for a petition for writ of habeas corpus under state law.').

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

A. Deny the Defendant's motions without a hearing; and

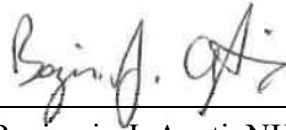
B. Order such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella  
Attorney General



September 15, 2025

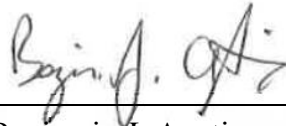
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**CERTIFICATION**

I certify that a copy of this pleading shall be promptly sent to the defendant via U.S. Mail as he appears *pro se* in this matter.



September 15, 2025

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Benjamin J. Agati  
Senior Assistant Attorney General

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