

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
SUPERIOR COURT

Rockingham County

Rockingham Superior Court

**State v. Brandon M. Castiglione**

**218-2019-CR-01132**

SUPPLEMENTAL ORDER ON MOTION TO RECONSIDER

After a hearing, the Court finds that there is insufficient cause to order a new competency evaluation. The Motion to Reconsider is DENIED. The defendant's religious beliefs, and his related comments that integrate his faith and belief structure into this case is not new information. Nor is his penchant for taking a long time (minutes) to respond to counsel's questions. This, too, was present in the prior evaluation.

Prior to reaching this conclusion, the Court has reviewed the prior pleadings, the prior OFE evaluation, and reviewed the record (and exhibits) from the prior, lengthy hearings on competency. The current concerns raised by counsel are not new and were addressed during prior litigation. The Court is also mindful that the defendant declined to participate in the prior evaluations (or at least the portions related to competency) and, based on the Court's own interaction and discussion with the defendant at the recent hearing, finds that the same result would ensue. Thus, any new OFE evaluation would likely be based on the same information contained in the prior evaluation.

The defendant, in fact, articulated an exceptionally clear and rational explanation for his interactions with his attorneys recently. He has "faith" in them, and, not surprisingly, has related some of his religious beliefs to his attorneys (e.g.: seeing Attorney Ashworth as his "savior" and seeing Attorney Harwood as his avenging Angel Gabriel). Metaphorical thinking (even if real to the defendant) is not enough to trigger a new competency evaluation - particularly when the same issues were present in the prior litigation on this same issue.

Because the present request raises no new concerns, or concerns that were not present during the prior evaluation and hearing, the Court is not convinced that a new evaluation is warranted or that there has been such a change in circumstances as to find differently than the Court's prior order finding the defendant competent to stand trial. That finding stands.

As noted in prior hearings and orders, this Court has had multiple discussions with the defendant, on the record, in the past 18 months. The Defendant has displayed clear thinking, understands the roles of the Court and the attorneys, and has no difficulty communicating. The most recent hearing was no exception: he clearly articulated a response to the points raised by counsel and the Court. He has been calm, thoughtful, articulate, and respectful in all proceedings. He also has demonstrated a clear grasp of basic legal concepts and has consistently asserted his right to a speedy trial.

The Court is mindful that “competency” can be a fluid issue, that it should be raised at any time during the proceeding, and does not fault counsel for raising it now. If it is raised again, the Court will address any concerns at that time.

The case shall proceed to trial as scheduled.



Date: March 22, 2023

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Hon. David W. Ruoff

**Clerk's Notice of Decision  
Document Sent to Parties  
on 03/24/2023**