



Honorable Andrew R. Schulman

December 31, 2024

ROCKINGHAM, SS.

12-31-2024

The court assumes that the State is in the process of providing all discovery required by N.H.R.Crim.P. 12(b) as well as any potentially exculpatory evidence. If a further order is needed, defendant may renew this motion.

The dispositional conference need not be re-captioned. It will be an opportunity to discuss the procedural posture of the case. The court understands that the defense does not yet have discovery.

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

Clerk's Notice of Decision  
Document Sent to Parties  
on 12/31/2024

DECEMBER, 2024

STATE OF NEW HAMPSHIRE

v.

GENO MARCONI

**218-2024-CR-1426**

MOTION FOR DISCOVERY

AND

TO CONVERT JANUARY 14, 2025 DISPOSITIONAL CONFERENCE

INTO A STATUS CONFERENCE ONLY

NOW COMES the defendant, Geno Marconi, by and through counsel, Richard E. Samdperil and Joseph E. Welsh, and hereby respectfully requests this Court to order the State to provide discovery in this matter. Because no discovery has been provided yet, the defense requests the court convert the January 14, 2025 dispositional conference into a status conference only.

1. Geno Marconi charged with two felonies and four misdemeanors in connection to allegations that he provided a motor vehicle record to another person, and deleted a voicemail or voicemails from his phone.
2. The indictment and charges were obtained during the September grand jury session.

3. A letter requesting discovery was sent to the Office of the Attorney General on or about October 17, 2024.
4. Arraignment in this matter was scheduled for November 27, 2024. The defendant appeared in court and electronically filed a waiver of arraignment and not guilty pleas to all charges.
5. To date, no discovery has been provided.
6. Although the pretrial disclosure in direct indictment cases is typically due 45 calendar days after the entry of a not guilty plea by the defendant, N.H. R. Crim. Proc. 12(b)(1), it has now been over 90 days since the defendant was indicted and more than 60 days since discovery was requested.
7. The defense anticipates discovery in this matter will be voluminous and that much of the discovery material should be available by this time. Accordingly, the defense requests that the Court order the Office of the Attorney General to provide at least some basic discovery in this matter.
8. Additionally, the Court has scheduled a dispositional conference for January 14, 2025. “The purpose of the dispositional conference is to facilitate meaningful discussion and early resolution of cases.” N.H. R. Crim. Proc. 12(b)(3).
9. No meaningful discussion of this case can occur until discovery is provided. Accordingly, Mr. Marconi requests that the dispositional conference scheduled on January 14, 2025 be converted into a status conference only.

WHEREFORE, the defendant, Geno Marconi, respectfully requests this Court grant this motion and (1) order the State to begin providing discovery in this matter, and (2) convert the dispositional conference scheduled for January 14, 2025 into status conference only.

DATED: December 20, 2024.

Respectfully submitted,

/s/ Richard E. Samdperil

Richard E. Samdperil, N.H. Bar no. 11036  
and

/s/ Joseph E. Welsh

Joseph E. Welsh, N.H. Bar no. 10079

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### **CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Discovery has been forwarded this 20<sup>th</sup> day of December 2024, through the New Hampshire Judicial Branch electronic case filing system (e-file) with service to registered parties, attorneys Dan Alan Jimenez and Joe Michael Finchman of the New Hampshire Attorney General's office.

/s/ Richard E. Samdperil

Richard E. Samdperil