

Clerk's Notice of Decision
Document Sent to Parties
on 03/06/2024

THE STATE OF NEW HAMPSHIRE

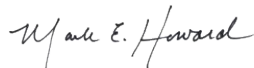
ROCKINGHAM, SS.

SUPERIOR COURT

MARCH 2024

Granted

STATE OF NEW HAMPSHIRE



Honorable Mark E. Howard
March 6, 2024

v.

TIMOTHY VERRILL
219-2017-CR-72

**ADDENDUM TO MOTION FOR AUTHORIZATION
TO OBTAIN SERVICES OTHER THAN COUNSEL**

1. On September 27, 2019, defense counsel filed a *Motion for Authorization to Obtain Services Other than Counsel* for the services of NMS Laboratory, a DNA laboratory, and in specific, Jennifer Sears, an NMS analyst. The Court granted this motion.
2. The defense included Ms. Sears on their witness list as well as on their expert disclosure. The State deposed her. The defense seeks to present Ms. Sears as a witness at trial.
3. During the course of this case's investigation, the State obtained numerous items that were sent to the State Lab for DNA testing. The State Lab ultimately sent fingernail clippings from both victims and a broken ring from one victim's body to NMS Labs for testing, as they were seeking testing for male touch DNA, a specialized for of testing which the NH State Lab does not conduct. The testing NMS Labs performed resulted in exculpatory results—the items contained male DNA and Mr. Verrill was excluded as the source.
4. When the defense filed the motion to obtain funds for Ms. Sears in 2019, Ms. Sears was still employed as an analyst at NHM Labs. Based on the NMS estimate, defense counsel requested \$5,000 in 2019.
5. After the first trial, Ms. Sears changed employers and is now employed as a Senior DNA Analyst at DNA Labs International. DNA Labs Internation estimates a total of 16 hours of travel time (from Pennsylvania) at a rate of \$350 an hour, and 10 hours of preparation of in-court time at a rate of \$350 an hour. Travel, meals, and lodging will also be required. Therefore, counsel's best estimate is \$11,500.
6. In this case, no alternative device would fulfill the function of Ms. Sears' testimony. The expert testimony is valuable to the defendant to obtain effective assistance of counsel under the State in Federal constitutions.

WHEREFORE, the defense submits this addendum to the *Motion For Authorization To Obtain Services Other Than Counsel*.

Respectfully submitted,

DATED: March 6, 2024

/s/ Matt McNicoll
Matthew McNicoll, 268556
New Hampshire Public Defender
142 Portsmouth Avenue, PO Box 679
Stratham, NH 03885-0679
(603) 778-0526

Certificate of Service

I hereby certify that a copy of the foregoing motion has been forwarded on March 6, 2024 to the Attorney General's Office.

/s/ Matt McNicoll
Matthew McNicoll
Bar ID: 268556