

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

Strafford, ss.

March Term, 2024

STATE OF NEW HAMPSHIRE

v.

Timothy Verrill

#219-2017-CR-072

MOTION TO INTRODUCE STATEMENT BY DEAN SMORONK

NOW COMES the accused, Timothy Verrill, by and through counsel, Julia Nye and Matthew McNicholl, Public Defenders, and respectfully requests that this Honorable Court allow the introduction of the following statements Dean Smoronk during his 911 call:

- a. “But all her stuff is here, her purse, her car, her car keys, everything. And her car is here”.

The audio of Mr. Smoronk’s statement is admissible under Rules 803(1) of the New Hampshire Rules of Evidence. In support thereof, the following is stated:

1. Mr. Verrill is facing a second jury trial on the charges of First- and Second-Degree Murder and Falsifying Physical Evidence because of significant discovery violations by the State.
2. Mr. Verrill intends to introduce portions of an audio of the 911 call made by Mr. Smoronk during the early morning hours of January 29, 2017.
3. Specifically, Mr. Smoronk made statements about what he saw as he was looking at Christine Sullivan’s belongings that were at the house: keys, purse, and car.
4. Rule 803(1) provides that statements of present sense impression are not excluded by the rule against hearsay. Such statements are admissible when they are made “describing or

explaining an event or condition, made while or immediately after the declarant perceived it.”

5. The statement is admissible because Mr. Smoronk was making the statement as he was observing the items of Ms. Sullivan’s belongings.

WHEREFORE, Mr. Verrill respectfully requests that the Honorable Court grant this motion.

Respectfully submitted,

/s/ Julia M. Nye

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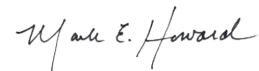
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been forwarded this 11th day of March, 2024 to Peter Hinckley, Esq., and Brian Greklek-McKeon, Esq. of the NH Attorney General’s Office.

/s/ Julia M. Nye

Julia M. Nye

Court Order: After hearing, the court rules as follows. Statement a. is admissible. The State does not object on hearsay or relevancy grounds, but reserves the right to seek admission of other statements made by Smoronk during the 911 call under Rule 106 (the so-called rule of completeness) or Rule 806 to impeach the statement. The State may also seek to play other portions of the statement to demonstrate Smoronk's attitude or state of mind during the 20-minute 911 call that may be relevant to the statement concerning Ms. Sullivan's belongings.



Honorable Mark E. Howard
March 16, 2024