

**THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT**

**STRAFFORD, SS.**

**SEPTEMBER TERM, 2023**

**State of New Hampshire**

**v.**

**Timothy Verrill  
219-2017-CR-00072**

**MOTION TO ADMIT FORMER TESTIMONY OF UNAVAILABLE WITNESS**

NOW COMES the State of New Hampshire by and through its attorneys, the Office of the Attorney General, and respectfully moves to admit at trial the testimony from the first trial of Stephen Clough. In support of this motion, the State submits the following:

1. The defendant is charged with, inter alia, first-degree murder, and his trial is scheduled to begin with jury selection on October 3, 2023. At the defendant's first trial, the State called to testify Stephen Clough. Mr. Clough testified, and was cross-examined by the defendant's counsel.

2. After the final pretrial hearing on this matter conducted last week (September 6), the State learned from court-appointed counsel for Stephen Clough that he had been informed that Mr. Clough had died in a motorcycle accident on August 27, 2023. Upon hearing that information, the State immediately sought to obtain information verifying Mr. Clough's death. Upon receipt of some confirmation, the State notified defense counsel, on September 12, of its belief that Mr. Clough had died. Subsequent to that notification, the State obtained records of the accident at issue and photographic confirmation that the decedent is Mr. Clough. The State has sent those materials to the defense in Discovery.

3. The State seeks to use Stephen Clough's prior trial testimony in this case, pursuant to New Hampshire Rules of Evidence 804(a)(4) and 804(b)(1). The State notified the defense of its intent to admit Stephen Clough's former testimony at the upcoming trial. The defense has notified that State that it would object.

4. At this point the State does not know the specific basis(es) of the defense objection for admission of the prior testimony at issue.

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

Grant the State's motion to admit at the defendant's upcoming trial the prior sworn testimony of Stephen Clough under New Hampshire Rules of Evidence 804(a)(4) and 804(b)(1); and

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


Respectfully submitted,

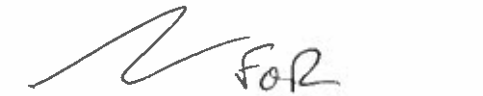
THE STATE OF NEW HAMPSHIRE

By its attorneys,

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September 13, 2023

  
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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was provided to Meredith V. Lugo, Esq., and, Julia M. Nye, Esq., counsel of record for the defendant.

  
Peter Hinckley