

**THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT**

**STRAFFORD, SS.**

**APRIL TERM, 2024**

**State of New Hampshire**

**v.**

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

**STATE'S SENTENCING MEMORANDUM**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully provides this memorandum in support of its proposed sentences.

1. On April 10, 2024, after a multi-week jury trial, the defendant was convicted of two counts of reckless second-degree murder and five counts of falsifying physical evidence. Those convictions all relate to the defendant's killing of Christine Sullivan and Jenna Pellegrini in Farmington, New Hampshire on January 27, 2017, and his subsequent actions that he took to conceal his role in the murders.

2. A sentencing hearing has been scheduled for May 17, 2024.

3. The defendant will be turning forty-two years old on May 19. He was thirty-four years old when he committed the crimes for which he stands convicted. As a sentenced prisoner the defendant currently will be entitled, pursuant to statute, to a reduction of his minimum sentence of up to twenty-one months, RSA 651-A:22-a, IV, and also can apply for suspension of his sentence after serving two-thirds of his minimum aggregate term. RSA 651:20, I(a).

4. In light of the facts elicited at trial and other circumstances pertinent to sentencing, the State respectfully requests that this Court impose the following sentences, which will amount to an aggregate prison term of from eighty-seven years to life:

<u>Charge ID</u>	<u>Statute</u>	<u>Offense</u>	<u>Proposed Sentence</u>
1438516C	630:1-b, I(b)	2nd Deg. Murder (C. Sullivan)	40 yrs – life, stand committed
1438518C	630:1-b, I(b)	2nd Deg. Murder (J. Pellegrini)	43 yrs – life, stand committed; consecutive to 1438516C
1438519C	641:6, I	Falsifying Phys. Evid. (body of C. Sullivan)	2 – 4 yrs, stand committed; consecutive to 1438516C and 1438518C <sup>1</sup>
1438520C	641:6, I	Falsifying Phys. Evid. (body of J. Pellegrini)	2 – 4 yrs, stand committed; consecutive to 1438516C, 1438518C, and 1438519C
1438521C	641:6, I	Falsifying Phys. Evid. (blood stain)	2 – 4 yrs, stand committed; concurrent with 1438516C
1438522C	641:6, I	Falsifying Phys. Evid. (black trash bag)	2 – 4 yrs, stand committed; concurrent with 1438516C
1438523C	641:6, I	Falsifying Phys. Evid. (clear trash bag)	2 – 4 yrs, stand committed; concurrent with 1438516C

5. The State calculates the defendant’s pretrial confinement period to be 2657 days: from February 6, 2017, the date of his arrest on charges related to this case, until May 17, 2024.

6. The State also requests that the Court order the defendant to pay restitution for funeral and counseling expenses. Those amounts, as well as the party(ies) to be reimbursed, are still being determined.

7. The week before the scheduled sentencing hearing, the State will file sentencing sheets reflecting the terms listed above, including applicable restitution amounts.

8. The Court presided over the defendant’s trial, and is thus well-familiar with the facts of the crimes of which the defendant was found guilty, as well as pertinent surrounding circumstances of those offenses. Those various facts and circumstances justify the State’s proposed sentences. In particular, there exist multiple aggravating factors that weigh in favor of

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<sup>1</sup> The State acknowledges that for recordkeeping purposes it likely would be simpler to impose consecutive sentences on the murder counts and concurrent sentences on all of the falsifying counts, and to incorporate recognition of the falsification offenses through the imposition higher sentences on the murder counts. But such also would not accurately reflect the defendant’s fault and corresponding punishment for those separate crimes.

the sentences proposed by the State. And, as to potential mitigators recognized by the State—the defendant’s drug addiction and mental distress at the time of the charged offenses, and his lack of a criminal record—the former appears to be reflected in the jury’s verdict and the latter should be accurately considered in light of the defendant’s active involvement in narcotics distribution at the time of the crimes. Moreover, the State’s proposed sentences, which allow for an opportunity for the defendant to return to society despite committing murders that were particularly brutal, reflect recognition of existing mitigators. The State’s proposed sentences also are in accord with the well-established sentencing goals of punishment, deterrence, and rehabilitation. Lastly, the State’s proposed sentences are consistent with similar cases, to the extent that such comparison can be made.

9. Beginning with the existing aggravating circumstances of the defendant’s offenses that warrant weighty sentences, the starting point here is that the defendant committed two separate murders. As the Court is well-aware, although those killings occurred at the same house, the forensic and physical evidence also establishes that they were committed in separate areas of that residence. After murdering one victim, the defendant moved on to commit a second killing that was spatially and temporally distinct from the first. Of course, each separate death is deserving of a separate and meaningful sentence commensurate with the gravity of the offense and the irreparable damage caused to those family members and friends who cared for and lost each victim.

10. Next as to aggravating circumstances is the severity of the murders at issue. Once again, the Court presided over the trial, and is thus well-familiar with the evidence elicited of how the defendant killed his victims. Each death involved violent and prolonged assaults in which the defendant inflicted both severe blunt force trauma as well as multiple stab wounds. It

is neither hyperbole nor exaggeration for the State to assume that the attacks suffered by the victims here at the defendant's hands are among the—if not the—most vicious that the Court has ever come across either as a sitting judge or as a practicing attorney. The extreme brutality and sheer wantonness of the killings committed by the defendant objectively is shocking, and warrants commensurate weighty sentences.

11. With respect to the murder sentences sought by the State, explanation is needed as to why the State has sought a higher sentence for the murder of Jenna Pellegrini than for the murder of Christine Sullivan. To begin, one life does not have greater value over the other, and the difference in sentencing proposed by the State does not reflect that. But just as the killings were plainly separate crimes, so too should the Court take into account the different facts and circumstances surrounding Jenna Pellegrini's murder, which demonstrate even greater callousness on the defendant's part. Not only was the attack objectively more vicious—over forty separate stab wounds, most to the victim's back, in addition to severe blunt force trauma—the evidence at trial established that Jenna Pellegrini was ambushed and killed while asleep.

12. Next as to aggravating circumstances supporting the State's proposed sentences, the evidence at trial established that the defendant's murderous actions were motivated by his concerns that his victims were possibly working with law enforcement and thus a threat to his drug trafficking activities. Regardless of whether those beliefs were correct or not, they were held by the defendant and shaped his subsequent actions against his victims. Such violent and deadly conduct in an effort to protect underlying criminality warrants enhanced sentencing.

13. Yet another legitimate aggravating circumstance present here is the fact that after the defendant committed the two brutal murders, he took great efforts to conceal what he did.

That addition criminality not only is reflected in the multiple falsification convictions, but also in the evidence introduced at trial of the many steps that the defendant took to clean up his murders in order to prevent his apprehension for those crimes. So too did the defendant destroy and conceal evidence, including but not limited to the murder weapons. Those many coverup activities were imperfect, but substantial. They also plainly made more difficult the efforts to hold the defendant responsible for the underlying murders. Thus, his acts of falsification warrant separate and meaningful sentences. Relatedly, the defendant also fled from the police, and he has never expressed any degree of remorse or regret for any of his criminal conduct. These are also legitimate factors supportive of the State's proposed sentences.

14. These many aggravating circumstances more than justify and support the sentences sought by the State. In contrast, although the State recognizes that mitigating circumstances also exists, they do not warrant lesser sentences. As the State argued at trial, the defendant at the time of the crimes was a drug addict, and there was evidence that he was experiencing mental distress related thereto. But first as to these potential mitigators, they appear to be reflected in the jury's verdict, in which the defendant was acquitted of first-degree murder and convicted of reckless second-degree murder. The difference between the crimes—*mens rea*—fairly could be contributed to the defendant's addiction and distress. Regardless of the basis for acquittal on the first-degree murder charges, these mitigators also are reflected in the sentences proposed by the State. As noted, those sentences, although lengthy—commensurate with the gravity of the offenses involved—afford the defendant with an opportunity to return to society. Lastly, these mitigators should be properly gauged in relation to, and do not detract from, the series of knowing and intentional steps taken by the defendant both before and after the heinous murders that he committed, that reflect both upon the

seriousness of his crimes and his ability to consider, and attempt to avoid, the consequences thereof.

15. Next as to a potential mitigator, the defendant has no criminal record prior to the sentencing offenses.<sup>2</sup> First here, the brutality of the defendant's conduct undermines any argument for leniency that he may attempt to make based upon a lack of a criminal history. Moreover, although the defendant does not have prior criminal convictions, his life at the time when he committed the murders was not law-abiding. To the contrary, the defendant was actively engaged in trafficking narcotics and, as discussed *supra*, his violent actions against the victims were motivated by self-preservation in that illegal endeavor.

16. In short, the aggravating circumstances here are weighty and support the State's proposed sentences, and the acknowledged mitigators do not warrant additional leniency.

17. The State's proposed sentences also are justified because they meet the goals of sentencing. The three-part test for sentencing is well-settled under New Hampshire law. "The legislature has vested in the trial court the ability to adapt sentencing to best meet the constitutional objectives of punishment, rehabilitation and deterrence." *State v. Henderson*, 154 N.H. 95, 97 (2006). No single factor is essential to justify a particular sentence in a particular case, so long as the trial court considers all three goals. *See State v. Wentworth*, 118 N.H. 832, 842 (1978) ("The real purpose of all sentencing is to reduce crime. This theoretically can be done by rehabilitating the individual defendant so he will not offend again. Another way is to punish the individual defendant in the hope that he will be deterred from repeating his crime. Moreover, by punishing the individual defendant, others may be deterred from committing

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<sup>2</sup> Similarly, since the defendant's arrest he has had several but minor disciplinary infractions while incarcerated.

crimes. Whichever sentence is thought to be likely to reduce the most crime is the proper sentence to impose”).

18. With regard to punishment, the New Hampshire Supreme Court has made clear that in addition to rehabilitation and deterrence, “retribution . . . remains a societal goal.” *State v. Farrow*, 118 N.H. 296, 303 (1978). In fact, the New Hampshire Supreme Court has specifically noted that Part I, Article 18 “sanctions ‘punishment’ as a method of reforming the criminal.” *Wentworth*, 118 N.H. at 842. Thus, punishment is an independent goal of sentencing that courts can and should take into account in evaluating the appropriateness of any given sentence. Accordingly, this Court has broad discretion to determine sentences that reflect the appropriate punishment here.

19. It goes without saying that a significant and heavy punishment is justified in this case. The defendant committed not one, but two murders, and each was particularly brutal. After those killings, the defendant took multiple and intentional steps to conceal his crimes and evade responsibility for what he did, and since then has said or done nothing that indicates even a shred of remorse or regret for the lives that he took. The defendant forever deprived two sets of friends and families of their loved ones, and did so in vicious, wanton, and unmitigated acts of violence. The State expects that the Court at the sentencing hearing will hear of the irreparable losses and trauma caused by the defendant from some of the living victims of his crimes. The defendant’s actions are deserving of severe punishment.

20. With regards to rehabilitation, as noted, the defendant’s conduct appears to have been influenced by drug abuse and associated mental distress. Rehabilitation thus appears to be a viable goal of sentencing, and also would be consistent with his to-date minor disciplinary history while incarcerated. But rehabilitation should neither supplant nor supersede the other

applicable goals of sentencing, particularly in a case such as this, involving deadly violence. The State's proposed sentences allow for rehabilitation, and lesser sentences therefore are not warranted to achieve rehabilitative goals. And, that is particularly so given that the defendant will have available to him multiple statutory avenues to reduce his sentence by demonstrating his rehabilitative efforts and potential. *See, e.g.*, RSA 651:20, 651-A:22-a.

21. Deterrence, both general and specific (*i.e.*, individual), also supports imposition of the sentences advocated by the State. New Hampshire courts have long acknowledged that general deterrence is a legitimate consideration when handing down a sentence for a particular offense. *See State v. Darcy*, 121 N.H. 220, 225 (1981) ("The real purpose of all sentencing is to reduce crime, and our Constitution recognizes deterrence as a legitimate purpose of sentencing."). In *Wentworth*, 118 N.H. at 842-43, the New Hampshire Supreme Court discussed the role of general deterrence in sentencing in more detail:

Contrary to defendant's assertion, the emphasis on deterrence in this case is not inconsistent with N.H. Const., pt. I, art. 18, which states in part that "the true design of all punishments (is) to reform, not to exterminate mankind." It should be noted that this constitutional language sanctions "punishment" as a method of reforming the criminal. This same language also recognizes deterrence as a valid purpose of sentencing; the implication is that reform will result from the deterrent effect of punishment. General deterrence is also recognized in other language in the article when it states that if the same "severity is exerted against all offenses, the people are led . . . to commit the most flagrant with as little compunction as they do the lightest offenses." Rehabilitation, which in the modern sense of the word includes counseling and training, is not a constitutional requirement. The defendant in this case is an educated, highly motivated individual with no prior record and with no apparent criminal tendencies apart from the practice of civil disobedience to accomplish what he considers to be an important goal. He is not in need of rehabilitation in the modern sense of the word. The State, however, does need to deter repetition of this offense both by the defendant and others. Both individual and general deterrence were important considerations for the imposition of sentence in this and related cases. To accomplish these purposes, the sentence needed to be more severe than in ordinary criminal trespass cases. In deciding on the degree of severity to obtain the necessary deterrent effect, the trial judge was entitled to consider the dedication and motivation of the offender who would not likely be deterred by a lighter sentence, but who with others might be

induced by a more severe sentence to use lawful, instead of unlawful, means to protest. The object is not to stifle protest, but to deter unlawful conduct.

(Internal quotations marks omitted).

22. The New Hampshire Supreme Court in *Wentworth* concluded that as long as a sentencing court does not fail to consider the circumstances of the particular individual defendant in imposing its sentence, “[g]eneral deterrence is a permissible consideration.” *Id.* at 843.

23. Deterrence, both specific and general, as to the murders committed by the defendant is obvious. As to the falsification charges, the defendant’s conduct underlying those counts did in fact hinder efforts to hold him responsible for his heinous killings. Such misconduct is thus deserving of separate and meaningful punishment, both for purposes of specific and general deterrence.

24. Even were the murders here not of the sort that would benefit from the specific deterrent effect of sentencing, the State’s proposed sentences should be imposed to instill confidence in the criminal justice system. As the New Hampshire Supreme Court has observed, in language that may have direct application to the case at hand:

Many persons who are incarcerated for having committed homicide are not dangerous. They committed their crimes, as did this defendant, under a set of circumstances which are not likely to recur. It may be argued that a crime of this nature, committed in the heat of passion, is not likely to be deterred by imprisonment. Yet it is recognized that there are some crimes for which imprisonment may properly be thought to be the appropriate sentence even though it may not have a deterrent effect; otherwise, the seriousness of the crime would be unduly depreciated.

121 N.H. at 225-26. The Supreme Court also stated that “public confidence in the system of justice” is an “important consideration” in sentencing. *Id.* at 225.

25. These proper sentencing considerations have plain import here. A significant prison sentence is required in this case to ensure public confidence in our system of justice. It will hold the defendant accountable for the wholly needless, unjustified, and brutal taking of two

lives for which he and he alone is responsible. That his acts of murder are truly antithetical to lawful society and public safety should not be open to legitimate debate. If ever there were crimes that fit the criteria for lengthy imprisonment regardless of any deterrent effect, the defendant's killings are them.

26. Accordingly, for all of the reasons discussed above, the State's proposed sentences advance all of the legitimate goals of sentencing, and the Court should impose those sentences.

27. Lastly, the proposed sentences are commensurate with sentences imposed in cases involving similar circumstances. As a starting point here, every case and every defendant is unique. That being said, general consistency in sentencing reflects fairness both in the criminal justice system and in the sentencing process. Here, the State looked for violent crimes including murder in cases involving multiple victims, under circumstances reflecting particular brutality and in which the perpetrator actively engaged in cover-up. Although the State was unable to identify any such cases involving analogous circumstances, the cases listed below are somewhat comparable and provide some sentencing guidance. Moreover, these cases reflect that the murder sentences proposed by the State are neither arbitrary nor disproportionate.

- i. State v. Steven Spader (10-S-240-245) – Hillsborough County Northern District Superior Court*

28. The defendant and three accomplices broke into a residence at night. Once inside, the defendant and one of his codefendants attacked a mother and her daughter with a knife and a machete, killing the parent and severely injuring the child. Afterwards, the defendant and his codefendant took multiple steps to conceal the evidence of their crimes, including disposing of the weapons used and lying to the police. After trial, the defendant was convicted of, *inter alia*, first-degree murder, attempted murder, and other charges. The defendant was sentenced to life

without the possibility of parole for the first-degree charge, and a consecutive sentence of from fifty years to life for attempted murder. Because the defendant was a juvenile when he committed the murder, a resentencing hearing was conducted pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012), after which his initial first-degree murder sentence remained unchanged.

ii. *State v. Kirkman Cassavaugh* (06-S-0580) – Belknap County Superior Court

29. The defendant shot his girlfriend to death, and shot and stabbed her brother to death, inside a trailer where he lived. The defendant moved the bodies to a burn pile, where they were discovered by investigators. After trial, the defendant was convicted for knowing second-degree murder for his girlfriend's death, and first-degree murder for the death of her brother. The defendant was sentenced to life without the possibility of parole on the first-degree murder count, and a consecutive sentence of from forty years to life on the second-degree murder charge.

iii. *State v. Matthew Packer* (226-2011-CR-0770) – Hillsborough County Southern District Superior Court

30. The defendant committed an unprovoked knife assault on three strangers, killing one man and injuring two women. The defendant pleaded guilty to knowing second-degree murder and two counts of felony assault. He received a sentence of from forty-five years to life on the murder count, and consecutive sentences of from six years to fifteen years and from one year to seven years on the assault counts.

iv. *State v. Logan Clegg* (217-2022-CR-1226) – Merrimack County Superior Court

31. The defendant for no apparent reason gunned down a couple walking along a public hiking path, and then took multiple steps to conceal the crimes, including moving and hiding the victims' bodies. After trial, the defendant was found guilty of, *inter alia*, two counts of second-degree murder and multiple counts of falsification of physical evidence. The

defendant was sentenced to consecutive sentences of from fifty years to life on the murder counts, as well as a consecutive term of from three and a half years to seven years on the falsification counts.

32. Again, none of these cases—or any other cases involving somewhat similar circumstances—is on all-fours with respect to the case at hand, either with respect to the circumstances of the offender or with respect to the circumstances of the offense. For example, unlike the defendant in *Clegg*, the defendant here had no prior criminal record, but the killings here objectively are more vicious. In the end, these cases all involve multiple victims and some similar aggravating circumstances, in which sentences on murder convictions are consistent with the sentences advocated by the State here. Nor are those proposed sentences outliers.

33. For the reasons described above, the State respectfully requests that this Court impose the sentences proposed by the State.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Impose the sentences proposed by the State; and
- B. Order such further relief as may be deemed just and proper.


Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

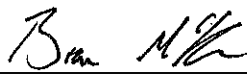
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April 30, 2024



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CERTIFICATE OF SERVICE

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



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Peter Hinckley