

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

STRAFFORD, SS.

FEBRUARY TERM, 2024

State of New Hampshire

v.

Timothy Verrill
219-2017-CR-00072

SUBMISSION: LIKELY UNAVAILABLE STATE'S TRIAL WITNESS

NOW COMES the State of New Hampshire by and through its attorneys, the Office of the Attorney General, and respectfully presents this submission with respect to its likely future application to admit at trial the testimony from the first trial of Vanessa mango. In support of this submission, 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 March 12, 2024. At the defendant's first trial, the State called to testify Vanessa Mango. Ms. mango testified, and was cross-examined by the defendant's counsel.

2. The State has made various and significant efforts to locate Ms. Mango. Those efforts are outlined in the accompanying affidavit of Attorney Hinckley. Much of the information set forth in that affidavit is contained in various email communications that were provided to the Court recently through Caselines.

3. At this time, the State does not seek to use Vanessa Mango's prior trial testimony pursuant to New Hampshire Rules of Evidence 804(a)(5) and 804(b)(1). That is because the State is still, and will still be, actively attempting to locate and contact Ms. Mango. That being said, the State wanted to give the defense an opportunity to object to admission, as well as the

Court ample opportunity to rule on the matter. Practically speaking, given that the witness is out-of-state, legal process will have to be made in that other state including a hearing on the matter, and travel arrangements would have to be made, the State anticipates that it will “formally” request admission of Ms. Mango’s prior testimony if no contact and/or location has been made by March 14.

4 The State notes two other matters in this submission. First, the State is not requesting a continuance, see Worster v. Watkins, 140 N.H. 546, 550 (1995), because a continuance will not lead to any reasonable likelihood of locating Ms. Mango. As is detailed in the accompanying affidavit, this is not a situation in which a witness’s whereabouts are known, or the witness has an actual verified residence. Nor is it a situation in which the State will be able to ascertain the witness’s actual whereabouts in any reasonable period of time. In other words, based on the information gathered to date the State will be no better position to locate Ms. Mango by the time of trial, or six months later. Ms. Mango does not have a known permanent or temporary address, and no information to date has secured her present whereabouts. And, actual success in locating her will be fortuitous, like it was prior to the retrial in October.

5. Lastly, in anticipation of the need to use Ms. Mango’s prior testimony, the State ordered and has received an audio copy thereof, and if permitted to use the former testimony would do so by redacted audio, much like with deceased witness Stephen Clough.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

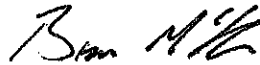
By its attorneys,

John M. Formella
Attorney General

February 21, 2024



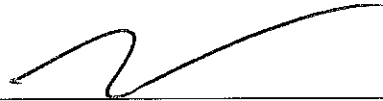
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CERTIFICATE OF SERVICE

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



Peter Hinckley

Hinckley, Peter

From: Taylor, Ashley
Sent: Monday, February 19, 2024 4:51 PM
To: Hinckley, Peter
Subject: Vanessa Mango contact

Hi Pete,

Here are my attempts to contact Ms Mango

2/14/24

Text, no response

2/15/24

Phone call, no answer

Received automated message "the person you are trying to reach has a voicemail box that has not been set up yet"

2/16/24

Phone call, no answer

Rang 2.5 times then received automated message "the person you are trying to reach has a voicemail box that has not been set up yet. Please try again later"

2/19/24

Text, no response

-Ashley

Ashley Taylor
(She/Her/Hers)
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