

STRAFFORD, SS

SUPERIOR COURT
DOCKET NO. 219-2022-CR-00068

THE STATE OF NEW HAMPSHIRE

v.

MAURICIO GUERRERO

JURY INSTRUCTION # 2 – Intent to commit a crime

NOW COMES, the Defendant, Mauricio Guerrero, by and through his Attorney, Harry N. Starbranch, who respectfully moves this Honorable Court to give the following instruction on the Defendant's intent.

1. The crime of Burglary.
2. In this case, the State has alleged that at the time of the criminal trespass, or unprivileged entry, the Defendant had the intent to commit the crime of theft, or the crime of invasion of privacy.
3. This means he intended to commit one of these crimes at the time of his entry. It is not enough if he formed an intent to commit a crime after he entered the premises. It has to be his purpose, his conscience object, to commit either the crime of theft or the crime of invasion of privacy.
4. If you cannot agree that his conscience object, or intent, was to commit a crime before entry, or if you cannot agree unanimously which crime he intended to commit before he actually enters, you must find the Defendant not guilty of burglary.

WHEREFORE, your Defendant moves that this Honorable Court Grant the following relief:

- A) That this Honorable Court grant your Defendant's Motion for an Evidentiary Hearing;
- B) That this Honorable Court schedule an Evidentiary Hearing at the Courts earliest availability, and;
- C) Any such other and further relief as may be deemed just and proper.

Respectfully submitted,
Mauricio Guerrero,
By and Through his Attorney,
Harry N. Starbranch

Dated: May 12, 2023

/s/ Harry Starbranch
Harry N. Starbranch
NH Bar No. 6991
171 Middle Street
Portsmouth, NH 03801
(603) 436-5566

CERTIFICATE OF SERVICE

I, Harry N. Starbranch, Jr., Esq., hereby certify that a true copy of the foregoing **Motion for Evidentiary Hearing** has this date been served upon the Petition through ECF: Emily Garod, Esq., Strafford County Attorney's Office.

Dated: May 12, 2023

By: /s/ Harry Starbranch
Harry N. Starbranch, Jr., Esq.