

The State of New Hampshire

Hillsborough, ss.

NH Superior Court

Southern District

State of New Hampshire

CASE NO. 2016-2019-CF-0814

v.

HSCS-FEB 6'24AM10:39

DALE E. HOLLOWAY JR.

Judicial Notice of Ineffective Assistance of Counsel(s)

Now Comes the Defendant, Dale E. Holloway Jr., Pro Se, pursuant to 1 NH Evi. MANUAL §201.01, under both state and federal constitutions that guarantee the right to the effective assistance of counsel, who respectfully moves this honorable court to take Judicial Notice of Ineffective Assistance of Counsel(s) for the following:

1. At arraignment, October 15, 2019, New Hampshire Public Defender's office filed an appearance to represent the defendant, Dale E. Holloway Jr. for the state's complaint. In fact, Michael E. Davidow submitted his notes that show his very blatant disregard for the Conflict of Interest violation of New Hampshire Rules of Professional Conduct, Rule 1.7, (see Notes on Arraignment (attached)). Also,

Attorney Davidson "Failed to render adequate legal assistance", in regards to Mr. Holloway's Request for Emergency Treatment Evaluation of his psychological issues. Which shows that Attorney Davidson's performance was deficient and caused an error so bad that Attorney Davidson "did not function as the counsel that is guaranteed by the Sixth Amendment," and "that deficient performance prejudiced Mr. Holloway's defense of INSANITY." which shows that Attorney Davidson's "performance was deficient and caused an error so bad that Mr. Holloway was deprived of a fair and speedy trial." See STRICKLAND V. WASHINGTON, 466 U.S. 668 (1994)

2. The Court was made aware of the Conflict of Interest Between Representation of Mr. Holloway and BRANDON CASTIGLIONE'S CASE in Rockingham, by NHPD'S Notes on Arraignment. Also, The State was made aware of the Conflict Case office being assigned to Hire Contract Attorney(s) for Mr. Holloway's Representation. In which, Mr. Holloway was deemed indigent and qualified for Contract Attorney(s), pursuant to NH RSA c. 604-A. Then,


The Court Appointed Attorney Donna J. Brown, as Counsel, with ~~Attorney~~ Attorney Brian T. Lee, as a Co-Counsel, upon their filed appearances for Mr. Holloway's Representation. Simultaneously, Attorney Brown and Attorney Lee Represented Mr. Holloway in another case, conducting Dual Legal Assistance. See STAGE V. DALE E. Holloway Jr., Case No. 216-2019-CR-01856 (Hills. Cty. - North). Whereas, in that case, both attorneys were Withdrawn based upon the Discovery of Attorney Brown's Admittance of Conflict of Interest and/or Irretrievable Breakdown between Attorney and Client (Mr. Holloway) during pretrial stages, also, the Correspondence between the Conflict Case Administration and Mr. Holloway. Rule 1.7; Strickland v. Washington, supra. ("Prejudice is presumed when Counsel is Burdened by an Actual Conflict of Interest"). However, this Court "Reluctantly" did Appoint New Counsel upon Mr. Holloway's Compelled pro se litigations and open court Arguments. Hillsborough-North did Not Appoint New Counsel for Mr. Holloway's Dual Representation.

3. This Court Accepted Attorney Michael J. Zaino's Appearance without Question of Conflict of Interest. In fact, Attorney Zaino Admitted to this Court (ON RECORD) that He was a Conflict of Interest in Mr. Holloway's Hillsborough-North Case. Which Automatically Deems Him Conflict of Interest in [ANY] Representation of Mr. Holloway. Therefore, Mr. Holloway's Compelled pro se Litigation AND open court Arguments prevailed ANY further Represent-ation By Attorney Zaino, AS He was then WITHDRAWN.

4. Mr. Holloway filed a Request for Contract Attorn-ey(s) to be Appointed for Effective Assistance of Counsel AND Adequate Representation for this Case, in which, the Conflict Case office Hire Attorney John G. MacLauchlan, AS Counsel, with ~~Attorney~~ William Dolan, AS Co-Counsel. During pretrial, New Hampshire DOC Refused Attorney Visits, Legal Mail Correspondence, AND Attorney/Client Privilege collect calls, to AN Exhausting Point of both Counsell(s) AND Mr. Holloway, Causing frustrated and/or

impeded defenses, including Court scheduling and filing deadlines prior to trial. whereas, it is Mr. Holloway's right to the effective assistance of counsel, as "The Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial; since access to counsel's skill and knowledge is necessary to accord defendants the ample opportunities to meet the case of the prosecution to which they are entitled." STRICKLAND v. WASHINGTON, SUPRA. However, although Attorney MacLachlan and Attorney Odian filed a motion to enforce constitutional rights against the NHOOC, Counsel(s) failed to file any petition for a writ of Habeas Corpus to seek an injunctive relief that would possibly end the violation and/or deprivation of Mr. Holloway's constitutional rights; also, failed to properly prepare for the set trial date, which ultimately lead to an irreparable breakdown between attorney(s) and Mr. Holloway, specifically, for lack of communication and/or false representation of entering a waiver of speedy trial. Therefore, both Counsel(s) were then WITHDRAWN.

Wherefore, the Defendant Respectfully Submits
this Judicial Notice of Ineffective Assistance
of Counsel(s) for the Court to take notice at
the Sentencing Hearing.

Respectfully Submitted, Pro Se,

Dale E. Holloway Jr. #117157
NHSP-M
P.O. Box 14
CONCORD, N.H. 03301

Date: January 14, 2024

A ruling on this pleading is not necessary. This is not a proper request for judicial notice under N.H. R. Ev. 201.



Honorable Charles S. Temple
February 15, 2024

Clerk's Notice of Decision
Document Sent to Parties
on 02/16/2024