

The State of New Hampshire

Hillsborough, ss.

NH Superior Court
Southern District
Case No. 206-2019-CR-0814

State of New Hampshire

v.

Dale E. Holloway Jr.

[Re-Request] for Bifurcated Trial Hearing

Now Comes the Defendant, Dale E. Holloway Jr., Pro se, pursuant to NH R. Crim. Proc., Rule 15(b)(1), UNDER NH RSA 651:8-a AND NH RSA 651:9-a, who respectfully submits this re-request for bifurcated trial to be fully heard in the above case or matter for the following:

1. The Defendant, Dale E. Holloway Jr. was Arrested on or about October 12, 2019 and arraigned on October 15, 2019 for "Alleged" attempted Murder Assault and possession of a Dangerous Weapon Charges. Then, Indicted on or about January 23, 2020 Before the Hillsborough County Grand Jury regarding the above case or matter.

2. NH RSA 651:8-a provides: "Any person prosecuted for an offense may plead that he is [Not Guilty by Reason of Insanity] or [Mental Derangement]." If the State disputes that [Mr. Holloway] was insane at the time of the alleged crimes, then the matter proceeds to trial. If the State agrees that [Mr. Holloway] was insane at the time of the crime, then this trial court can hold a [Commitment Hearing], pursuant to NH RSA 651:9-a.

The defendant has filed two notices of insanity defense and multiple requests for a bifurcated trial in this criminal proceeding. As such, the presently scheduled jury trial will be a bifurcated trial with a guilt phase and a sanity phase. The bifurcated trial will be conducted in accordance with the applicable statutory and decisional law.



Honorable Charles S. Temple
September 7, 2023

Clerk's Notice of Decision
Document Sent to Parties
on 09/08/2023

RSA 651:9-A.

2. A Defendant who pleads Not Guilty By Reason of Insanity has a right to request a bifurcated trial. See Niisol v Helgenae, 118 N.H. at 122-124 (1978). In a bifurcated proceeding, the court first holds a hearing on the issue of "guilt." Id. During the "guilt" phase, the jury will not hear evidence of a mental disease or defect. Id. at 123. If the jury returns a verdict of guilty, a trial is then held on the issue of sanity.

9. Prior to trial on the issue of sanity, the court must inform the jury that if the defendant is found Not Guilty By Reason of Insanity, the defendant will be subject to a hearing which could result in his involuntary hospitalization for life unless earlier discharged. Id. at 125. During the sanity trial, the parties are permitted to introduce evidence tending to show legal sanity or legal insanity, such as expert or lay witness testimony. Id.; see State v. Fichera, 153 N.H. at 595-96 (2006). In addition, during the "sanity" phase, the state enjoys the

Benefit of a presumption of Sanity. Novosel,
118 N.H. at 125.

Wherefore, the Defendant respectfully prays that
this Honorable Court accepts his petition
for New Trial, with prays his guilty plea,
and changes his plea to Not Guilty by rea-
son of Insanity, then orders a bifurcated
Trial Hearing; and/or

A.) Schedules a Hearing for the Matter to be
fully heard (in-person); and/or

B.) Orders a bifurcated Trial Hearing to
be held in determination of the state's
Disputation or Agreement, pursuant to
NH RSA 651:8-A; or

C.) Orders a bifurcated Trial Hearing to
be held in determination of the state's
Disputation or Agreement, pursuant to
Novosel v. Helgemo, 118 N.H. 122-124 (1978).

Any other such relief the Court deems fair and just.