

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
DOCKET NO. 226-2019-CR-00814

SUPERIOR COURT  
SOUTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

DALE HOLLOWAY

**State's Response to Defendant's Objection to State's Motion to Order the Defendant to Submit to a Psychiatric Examination by State's Expert / \*Expedited Ruling Requested\***

NOW COMES the State of New Hampshire, by and through the Hillsborough County Attorney's Office, and responds to the defendant's objection, and requests an expedited ruling, stating in support as follows:

1. In the defendant's Objection to State's Motion to Order the Defendant to Submit to a Psychiatric Examination by the State's Expert (hereafter "Objection"), the defendant notes that he "...does not waive his right against self-incrimination..." ¶1 (emphasis in original).

2. The Supreme Court in State v. Marchand ruled that "requiring [a] defendant to undergo an examination by the State's expert would not violate his right against self-incrimination under either the State or Federal Constitution..." 164 N.H. 26, 34 (2012).

3. Mr. Holloway appears to claim in his pleading that a psychiatric examination by the State's expert is unnecessary as he is not calling an expert to support his insanity claim. Objection, ¶3.

4. The defendant's position is not supported by the Court's ruling in State v. Marchand in which the defendant in that matter also did "not intend to introduce any expert testimony developed from an evaluation conducted after the [charged crime]." 164 N.H. at 28.

5. The State requests an expedited ruling on this issue as the State has already scheduled an examination to be conducted by Dr. Shannon Bader for August 28, 2023.

6. The defendant's requests to quash the indictments are without support, and should be denied.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's Motion;
- B. Schedule a hearing thereon, if necessary; and
- C. Grant the State any such other relief as may be proper and just.

DATED: August 17, 2023

Respectfully Submitted,

/s/John Harding

John Harding #4067

Assistant County Attorney

**CERTIFICATION**

I hereby certify that a copy of the foregoing pleading has this day been sent to the defendant.

/s/John Harding

John H. Harding