

The State of New Hampshire

Hillsborough, ss.

NH Superior Court  
Southern District

State of New Hampshire

Case No. 226-2019-CR-0814

v.

Dale E. Holloway Jr.

Motion for Required Finding of Not Guilty  
At Close of All Evidence

Now Comes the Defendant, Dale E. Holloway Jr., pro se,  
pursuant to NH Super. Ct. Rules, Rule 44, under  
NH RSA 626:2 A, who respectfully requests that  
this Honorable Court enter a finding of not guilty  
on the above-numbered complaint or case at close  
of all evidence.

1. Whereas reasons therefore, the evidence presented  
by the State is insufficient, as a matter of both  
fact and law, to sustain a conviction on the attempt-  
ed Murder charges against the Defendant.

2. The Supreme Judicial Court outlined, in Commonwealth  
v. Lapinore, 378 Mass. 671, 393 N.E. 2d 370, 374-375  
(1979), the applicable standard to be followed:

This motion is premature. The court can only rule upon this motion after  
the State presents its evidence at trial.

Clerk's Notice of Decision  
Document Sent to Parties  
on 10/24/2023

Denied

Honorable Charles S. Temple  
October 24, 2023

"[The] Question is whether after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt (Emphasis in the original). See Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979). Thus, to sustain the denial of a directed verdict, it is not enough for the appellate court to find that there was some record evidence, however slight, to support each essential element of the offense; it must find that there was enough evidence that could have satisfied a rational trier of fact of each such element beyond a reasonable doubt." See NH RSA 626:21.

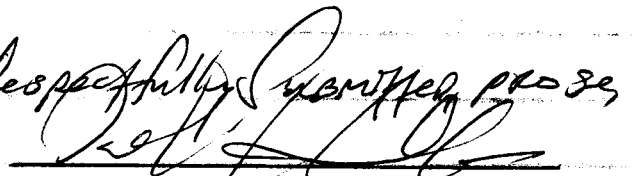
3. The State does not possess sufficient evidence to reasonably infer "beyond a reasonable doubt of each essential element of the crime charged." See Commonwealth v. Ferguson, 422 N.E. 2d at 1367. "[W]hether an inference is warranted or impermissibly remote must be determined not by hard and fast rules of law, but by experience and common sense." See Commonwealth v. Mandile, 403 Mass. 93, 101, 525 N.E. 2d 1322, 1327 (1988). The defendant further relies on oral argument at trial based on the state of the evidence

Presented prior to this Motion. See STATE v. McADAMS,  
134 N.H. 445 (1991) ("Sufficiency of the Evidence Review").

4. Therefore, Mr. Holloway will further argue this motion orally based on facts as they actually are entered into evidence. Said oral argument is incorporated by reference into this motion. The Defendant reserves the right to supplement this motion.

Wherefore, the Defendant respectfully requests that this Honorable Court allows this motion for required finding of Not Guilty at close of all evidence.

any other such relief the Court deems fair and just.

Respectfully Submitted, pro se,  


Eric E. Holloway Jr. #117181

NHSP-M

P.O. Box 14

CONCORD, NH, 03301

Date: October 13, 2023