

The State of New Hampshire

Hillsborough, SS.

NH Superior Court
Hills. - Southern District
Case No. 226-2019-CR-0814

State of New Hampshire

v.

HSCS-SEP21*23am11:00

Dale E. Holloway Jr.

Subpoena for Third Party Records (Mass Doc/Medical)

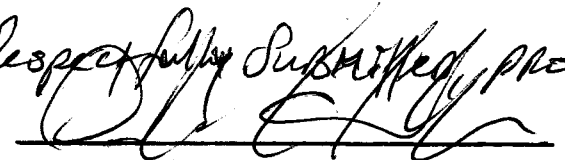
Now Comes the Defendant, Dale E. Holloway Jr., prose,
~~pursuant~~ to NH R. CRIM. PROC., Rule 17(b), under both
State and Federal Constitutions that provide rights
of accused, who respectfully requests that this
Honorable Court allow or grant an issuance
of Subpoena for Third Party Records from Mass
achusetts Department of Corrections, including their
Medical Departments, for the following:

1. The State accuses the Defendant of attempted
murder, first degree assault, second degree
assault, felon in possession of a firearm, and
simple assault charges.

2. NH R. Crim. Proc., Rule 17(b) allows this Court to issue a subpoena to command the current Commissioner of [Massachusetts' Department of Corrections] P.O. Box 8000, (S.B.C.C.), Shirley, MASS. 01464 to produce his [Complete] [Institutional Record], including booking photos, videos, papers, D-Reports, documents, etc. Also, [Medical Records], for Rule 17(b) permits Mr. Holloway to seek its production through the service of a subpoena duces tecum. See (Attached)

3. The State has referenced Mr. Holloway's prior conviction (Commonwealth v. Dale E. Holloway Jr., Docket No. 1657CR001077A) and Rule 12(b)(1) of the NH Super. Ct. Rules for open discovery in the above-captioned matter. Rule 15(b)(5). Whereas, Mr. Holloway would like to obtain the specific discovery to offer at trial, pursuant to NH Rules of Evidence; USCA VI; NH CONST. Pt. 1, Art. 15.

Wherefore, the Defendant respectfully requests that this Honorable Court Issue a subpoena to command the third party records be produced and/or allows or grants this motion.

Respectfully Submitted, pro se,


Dale E. Holloway Jr. #117157

NHSP-M

P.O. Box 14

CONCORD, NH 03301

Dated: September 17, 2023

THE STATE OF NEW HAMPSHIRE
SOUTHERN DISTRICT OF HILLSBOROUGH COUNTY

HILLSBOROUGH, SS.

OCTOBER TERM, 2019

State of New Hampshire

v.

Dale Holloway

Docket No. 226-2019-CR-00814

**STATE'S MOTION TO SEAL SUPPORTING AFFIDAVITS FOR ARREST WARRANT,
APPLICATIONS FOR ARREST WARRANT, AND ANY ARREST WARRANT THAT MAY
ISSUE AND ASSOCIATED RETURN**

FILED UNDER SEAL

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court seal the Supporting Affidavit for Request to Issue Arrest Warrants, Application for Arrest Warrants, Any Arrest Warrants that may be issued, and any Subsequent Returns, dated October 13, 2019, and filed on today's date. As grounds therefore, the State submits the following: thereupon

1. The New Hampshire State Police and Pelham Police Departments are conducting a criminal investigation in reference to a violation of First Degree Assault, pursuant to RSA 631:1, I(b), Attempted Murder, pursuant to RSA 629:1, Felon in Possession, pursuant to RSA 159:3, I, Second Degree Assault, pursuant to RSA 631:2, I(b), and Simple Assault, pursuant to RSA 631:2-a, I(a). As described in the attached affidavit, there is probable cause to believe that Dale Holloway (DOB 08/06/1982), knowingly caused bodily injury to Stanley Choate (age 75) by means of a deadly weapon by shooting him in the chest, aimed a pistol at Stanley Choate and shot him in the chest with the purpose that the crime of murder be committed, did knowingly have in his possession a firearm, to wit, a .380 caliber pistol, after he had been convicted in the Commonwealth of Massachusetts with a felony against the person or property of another, recklessly caused bodily injury to another, Claire McMullen, age 60, by means of a deadly weapon to shoot McMullen in the arm with a pistol, and knowingly caused unprivileged physical conduct to Matt Castiglione, age 60, by striking Castiglione in the head with a firearm, on October 12, 2019.

2. Premature disclosure of information contained in the above-referenced affidavit could compromise the integrity of the ongoing investigation by revealing information known only to authorities.
3. The Court has the authority to grant the requested relief when it will protect an ongoing investigation. *Cf. RSA 595-A:4; Petition of the State of New Hampshire (Bowman Search Warrants)*, 146 N.H. 621 (2001).
4. In addition, disclosure of the information contained in the affidavit could adversely affect the ability of the Grand Jury to conduct its investigation into the crimes of Dale Holloway enumerated above and any other crimes associated with the shooting at the New England Pentecostal Church in Pelham, New Hampshire on October 12, 2019.
5. The State is asking this information be sealed from the public for a period of no less than 90 days.

WHEREFORE, the State of New Hampshire respectfully request that this Honorable Court:

- A. Grant's the State's motion and seal the above-referenced Supporting Affidavits for Requests to Issue Arrest Warrant, Application for Arrest Warrant, Any Arrest Warrants That May Issue, and any Subsequent Return for a period not less than 90 days; and
- B. Order such further relief as this Court may deem just and equitable.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Gordon J. MacDonald
Attorney General

/s/ Benjamin J. Agati
Benjamin J. Agati, NH Bar #16161
Senior Assistant Attorney General
Criminal Justice Bureau
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Date: October 15, 2019

D.O.B. 08/06/1982
NHSPMAJOR# MC19-16053
Cir. Ct. # (1678544c)
Sup. Ct. # 226-2019-CR-00814 (1678544c)

RSA Ch. 159:3,1
Felon in Possession of Dangerous Weapon
Class B Felony
3 1/2 to 7 years; \$4000

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

SUPERIOR COURT

INDICTMENT

At the Superior Court, holden at Nashua, within and for the County of Hillsborough aforesaid, in the month of **January** in the year **Two Thousand Twenty** the **GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE**, on their oath, present that

226-2019-CR-814

**DALE HOLLOWAY
445 WILLOW ST
MANCHESTER, NH 03103**

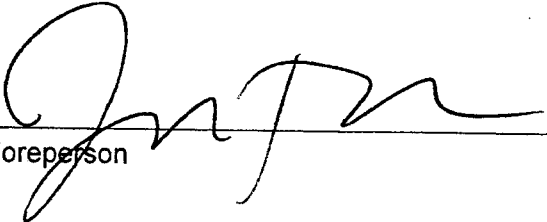
1678544c

on or about the 12th day of **October 2019**, at **Pelham** in the County of Hillsborough, aforesaid, **did commit the crime of PISTOLS & REVOLVERS; CONVICTED FELONS, FELONY** in that he knowingly had in his possession a firearm, specifically a .380 caliber pistol after having previously been ^{*convicted of*} in the Commonwealth of Massachusetts of a felony against a person or property of another, specifically **Assault and Battery with a Dangerous Weapon and Assault to Kill** ^{*in*} the Suffolk County Superior Court in 2003 under docket no. **0110467001 and 0110467002**

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

1/21/20
Date


Foreperson

Michael Conlon
Hillsborough County Attorney

by: *Catherine M. Devine*
Catherine M. Devine #629
Assistant County Attorney

HSCS-JRN23*20AN-8:23

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Offender Face Sheet

Page 1 of 3

Date : 20160824

W106746

Admit Date : 20160414

HOLLOWAY

DALE

LEGAL NAME : HOLLOWAY DALE

DATE OF BIRTH : 19820806

PLACE OF BIRTH CITY : BOSTON

PLACE OF BIRTH STATE: MA

SID # : MA10041063

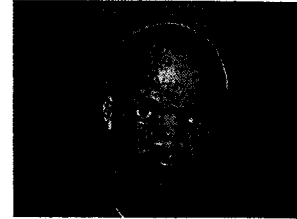
FBI NO # : 740094DB1

PCF # : 1836962

PRIMARY SSN : 017646130

DRV LICENSE NO # : STATE OF ISSUE :

PRIOR COMMITMENTS : W81911 A94028 W88385 M111527 M95180 A96816



STREET : 1561 north shore road

CITY : REVERE

STATE : MASSACHUSETTS

ZIP : 02151

PHONE :

INMATE'S CHARACTERISTICS

SEX : MALE

HEIGHT : 5'10"

WEIGHT : 215

BUILD : NO

GLASSES : NO

CONTACT LENS : NO

DEXTERITY : BOTH

FACIAL HAIR : BEARD

HAIR COLOR : BLACK

HAIR LENGTH : Short

EYE COLOR : BROWN

COMPLEXION : LIGHT BROWN

RACE : BLACK

HISPANIC_FLAG : NO

LANGUAGE : ENGLISH

LANGUAGE 2ND : SPANISH

COMPREHEND ENGLISH : YES

CULTURE : AMERICAN

RELIGION :

MARITAL STATUS :

CITIZENSHIP : UNITED STATES OF AMERICA (USA)