

# The State of New Hampshire

Hillsborough, ss.

State of New Hampshire

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

v.

HSCS-NOV27\*23am11:43

Dale E. Holloway Jr.

Clerk's Notice of Decision  
Document Sent to Parties  
on 12/07/2023


## Motion to Continue Sentence Hearing Date (January 29, 2024)

Now Comes the Defendant, Dale E. Holloway Jr., pro se, pursuant to NH R. Crim. P., Rule 29(a)(2), under both state and federal constitutions that guarantee due process of law, rights of accused, and equal protection of law, who requests that this Honorable Court grants this Motion to Continue Sentence Hearing Date (January 29, 2024) for the following:

1. The Defendant, Dale E. Holloway Jr. is currently serving 7½ - 15 years (with 5-10 years suspended) at the New Hampshire State Prison for Men, Concord, NH, in ("Holloway II") State v. Dale E. Holloway Jr., Case No. 216-2019-CR-01856 (Hills.-N.D.), while pending the trial in the above matter.

Denied

See orders on motion for access to legal work (473) and request for expedited hearing (479). Defendant has ample time and resources to prepare for the sentencing hearing.

  
Honorable Charles S. Temple  
December 7, 2023

2. NHSP-M Has Allowed Captain John Morin to Stop Access to this court, for the pretrial, trial, and sentencing stages of the above matter. See Inmate Request Slips (attached) as proof and evidence of refusals/denials of legal requests at this meaningful time, which violates U.S. CONST. AMEND. V, VI, AND XIV; NH CONST. PT. I, ART. 15.

3. Upon return to NHSP-M from ~~THIS~~ court during trial, Captain Morin confiscated the laptop, legal work/paperwork, and refused access to any discovery files. Blatant disregard for Mr. Holloway's constitutional rights of accused, and including the court's orders.

4. Currently, Mr. Holloway does not have access to the laptop and discovery files to prepare his defense for the sentencing hearing date [because of Captain Morin's interference] with the approved access, which is an intentional retaliation for all previous complaints regarding staff misconduct.

5. Rule 29 (a)(2) provides: "Right to present witnesses, evidence, and testify" at the sentencing hearing. However, Captain Moran's individual interference with access to legal work and materials have impaired Mr. Holloway's defense for January 29, 2024.

6. Therefore, Mr. Holloway respectfully filed a previous Motion for Court Order to Access Legal Work to Reinstatement NHDOC to allow him to prepare his pro se defense for the entire process of this case, including sentencing and appeal review or brief.

Therefore, the Defendant respectfully requests that this Honorable Court GRANT this Motion to Continue Sentence Hearing Date (January 29, 2024) AND/OR:

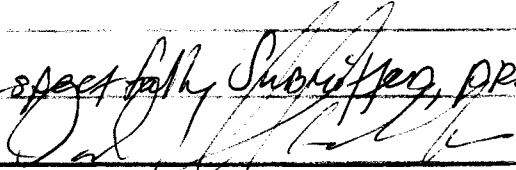
A.) Schedule an Expedited Hearing with an issuance of summons for Captain John Moran to appear and explain to the court why he has [ON-CALL] overridden access to legal work and materials, including photocopies; NH Law Directory Book;

including laptop and Discovery files; and/or

B.) Orders the NHDOC to keep Mr. Holloway  
separated from Captain Morin (permanently)  
for the above case, including Appeal Brief;  
and/or

C.) Grants the Motion to Confine the Sentence  
Hearing Date (January 29, 2024), pursuant to  
Rule 29 (a) (2).

any other such relief the Court deems fair and just.

Respectfully Submitted, pro se,  


Dale E. Holloway Jr. #117157

NHSP-M

P.O. Box 14

CONCORD, NH. 03301

Date: November 18, 2023

INMATE REQUEST SLIP

Submit this request to the Unit Supervisor, Security Lieutenant, or CC/CM. Your Unit Supervisor, Security Lieutenant, or CC/CM will help you resolve the issue or it will be forwarded to the appropriate person. Unit Supervisor, Security Lieutenant, or CC/CM will be forwarded to you.

TO: Unit Supervisor, Security Lieutenant, CC/CM

DATE: 11/2/2003

FROM: Holloway Sr. Dale E.

ID #: 017157

Last Name

First Name

Middle Initial

SKM

E

2

Facility

Housing Unit

Cell

Work/Shift

INMATE REQUEST: I need legal photocopies of the (attached) papers. Thank You! X10 (copies)

(if you need more space, use plain paper)

[Handwritten Signature]

Inmate Signature

TO: Law Library

DATE:

FROM: Unit Supervisor, Security Lieutenant or CC/CM

REMARKS:

Capt Morris 11/14

Staff Signature

FROM: Capt Morris  
Staff Member Name/Office

DATE: 11/16

REMARKS: Resubmit w/ completed cash withdrawal slip.

Capt Morris  
Staff Signature

Received By \_\_\_\_\_  
Inmate Signature

INMATE REQUEST SLIP

Submit this request to the Unit Supervisor, Security Lieutenant, or CC/CM. Your Unit Supervisor, Security Lieutenant, or CC/CM will help you resolve the issue or it will be forwarded to the appropriate person. Unit Supervisor, Security Lieutenant, or CC/CM will be forwarded to you.

TO: Unit Supervisor, Security Lieutenant, CC/CM

DATE: 11/12/23

FROM: Holloway Jr. Dale E

ID #: 117157

Last Name

First Name

Middle Initial

SPU

E

2

Facility

Housing Unit

Cell

Work/Shift

INMATE REQUEST:

Photocopies from Discovery files on the laptop. See sentence folder. Thank you!

(if you need more space, use plain paper)

Inmate Signature

TO: Law Library

DATE:

FROM: Unit Supervisor, Security Lieutenant or CC/CM

REMARKS:

Staff Signature

FROM: Capt Morin Staff Member Name/Office

DATE: 11/16

REMARKS: I spoke to you on 11/15 concerning this.

Capt Morin Staff Signature

Received By

Inmate Signature