

# The State of New Hampshire

HSCS-SEP 8'23am10:10

Hillsborough, Ss.

NH Superior Court

Southern District

CASE NO. 226-2019-CR-0814

State of New Hampshire

v.

Dale E. Holloway Jr.

## Motion to Continue Trial Dates Scheduled By Withdrawn Contract Attorneys and/or State

Now Comes, the Defendant, Dale E. Holloway Jr., pro se,  
pursuant to N.H. R. CRIM. PROC., Rule 15(B)(4), and  
under NH Constitution, Part the First, Article 15,  
who respectfully requests that this Honorable Court  
allows this Motion to Continue Trial Dates Scheduled  
By Withdrawn Contract Attorneys and/or State  
for the following issues:

1. The State accuses the Defendant, Dale E. Holloway Jr. of Attempted Murder charges and other related offenses, stemming from his arrest on or about October 12, 2019, regarding a shooting incident at the New England Pentecostal Ministries Church, in Pelham, New Hampshire.

2. The Court Has Appointed [NHPD's office] at arraignment, who has [withdrawn], then [Contract Attorneys] Donna J. Brown, Michael J. Zano, and (lastly) John G. MacLauchlan, who have been [withdrawn], as Mr. Holloway now [plans] to "fully" represent himself with standby counsel for trial. Under the New Hampshire Constitution part, Article 15, and the Sixth Amendment of the Federal Constitution, a defendant has a right to represent himself in a criminal trial. See State v. Settle, 123 N.H. 34, 38, 455 A.2d 1031, 1033-34 (1983); Farella v. California, 422 U.S. 806 (1975).

3. Contract Attorney(s) have scheduled trial dates with the state for [their [available] [calendars]. However, Mr. Holloway has received the "Relinquished" files from withdrawn counsels and files this Motion to continue trial dates scheduled by withdrawn contract attorneys and/or state to [Review the files, [Study Case Laws] and [Court Rules], [prepare] and [file] (as necessary) [Plead Motions], as well as [Receive] [Transcribed] [Versions] of [New Discovery] and/or [Evidence] admissible at trial. N.H.R. Crim. Proc., Rule 15(b); 1 NH Evidence Manual §402.01, Rule 402 [General Admissibility of Relevant Evidence]

4. Additionally, Mr. Holloway needs to [Re-schedule] a [New Trial] date because of [Recent] [Deaths] in his family, as [Several] [Funeral Services] have been [Scheduled] in September and

His potential witnesses cannot attend the TRIAL DATES Scheduled by Contract Attorneys AND/OR STATE. In which, Mr. Holloway's proposed witness list consists of (At least) 50-75 Family Members, who are attending (Both) (Most recent) Deaths of Joseph Townes, and Daryl E. Holloway Jr.; After the (previous) Deaths of Marcus A. Merritt, Wesley & Barbara Merritt, Rhonda Dickson & Carroll Smith.

5. Furthermore, Mr. Holloway is incarcerated at New Hampshire state prison for men, in the custody of NHDOC who continues to house him in STHU AND CCU without access to the courts, access to the law library or legal materials, AND/OR access to his legal work, including (personal) papers (Trial Notes), discovery files, which interferes with his self-representation before the court. See Inmate Request Slip, Dated 8/20/2023, in which requests: "legal work in L.T. Carver's office." AND denies access to legal work for a remark: "you are now in STHU on PAR status.", Dated 9/1 (2023); Also, see NHDOC property inventory form (page 1 of 1), Dated 8/31/2023, in which does not describe any legal work, legal (Attached)

Books, (PERSONAL) TRIAL NOTES, Legal Materials, or Legal Mail,  
needed to Review the files, study case laws, and Court  
Rules, prepare and file necessary [pretrial motions] in  
the above case or matter. Note: [SHU] (Special Housing  
Unit) Also, [Restricts] Mr. Holloway from [Phone use] & "C.P. of  
• obtain witnesses in his favor, [Guaranteed] by NH CONST.  
pt. 1, Art. 15; USCA VI. ("Compulsory process").

5. Therefore, it is impossible for Mr. Holloway to have a fair  
trial in this [Condition of Confinement] [at NHSP] and/or  
Self-represented (pro se) without a new trial date, and so  
Mr. Holloway seeks an [Extended period] of [1 full year]  
for a [New Trial Date]. Especially, a [Bifurcated Trial] with  
over [150 witnesses] attending, and (on-going) Discovery  
Motions pending, including Transcribed Versions of  
New Discovery / New Evidence / Court proceedings. The  
State's prosecution Team(s) should not oppose to a new  
set trial date with [No further Continuance Agreement],  
to show good faith or equal opportunity in the defense  
of an accused with the severity of the "Alleged" crimes  
in the case. [August 2024] is suitable for a [New set trial].

Wherefore, the Defendant respectfully prays that this honor-  
able court allows the above-said Motion to continue  
trial dates scheduled by withdrawn contract attorneys.

AND/OR STATE FOR THE ABOVE STATED ISSUES

AND/OR =


- A.) Schedules a Hearing for the Matter to be fully heard (via Webex) with the attendance of NHDC Commissioner Helen E. Hanks and NHSP-M Warden Michelle T. Edmark; and/or
- B.) Allows the Motion to Continue Trial Dates scheduled by withdrawn counsel attorneys and/or state, pursuant to NH R. Crim. Proc., Rule 15(b)(4); or
- C.) Orders a Commital Hearing to determine if Mr. Holloway is either to be released or found too dangerous to go at large, pursuant to NH RSA 651:9-a (eff. July 1, 1985); NH RSA 651:8-a; Novodol v. Helgeson, 118 NH 122-124 (1978).

Any other such relief the Court deems fair and just.

Respectfully Submitted, pro se,  
~~\_\_\_\_\_~~  
Date E. Holloway Jr. #117157  
NHSP-14  
P.O. Box 14  
CONCORD, NH. 03301

Date: September 3, 2023

Denied

  
Honorable Charles S. Temple  
September 19, 2023

This request for a continuance is inconsistent with the Court's finding of the defendant's invocation of his right to a speedy trial on August 9, 2023. (See Court Index No.335). This case has been pending since October 15, 2019. Covid delays and multiple requests by the defendant for continuances have delayed the trial. Further, status of counsel issues have served to contribute to the trial delay. The time has come for the trial to move forward. The defendant's stated reasons for a continuance simply to not justify a delay of one year and stand in opposition to his express invocation of his right to a speedy trial.

Clerk's Notice of Decision  
Document Sent to Parties  
on 09/19/2023

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: 8/20/23

FROM: Holloway Jr. Dale E

ID #: 117157

Last Name

First Name

Middle Initial

SHU

~~DALE~~ J E

Facility

Housing Unit

Cell

Work/Shift

INMATE REQUEST:

My legal work is in LT Carver's office, please visit CCU for me to retrieve if when you get a chance.

(if you need more space, use plain paper)

*[Handwritten Signature]*

Inmate Signature

TO: CPT. MORIN / LT. CARVER

DATE:

FROM: Unit Supervisor, Security Lieutenant or CC/CM

REMARKS:

Staff Signature

FROM: Capt Morin  
Staff Member Name/Office

DATE: 9/1

REMARKS: You are now in SHU on PAR status.

*[Handwritten Signature]*  
Staff Signature

Received By

*[Handwritten Signature]*  
Inmate Signature

## INSTRUCTIONS

This form will be used by inmates of the New Hampshire Department of Corrections Facilities in Concord, Lakes Region, Goffstown, Berlin and Community Corrections Centers to communicate requests/issues to members of the Department of Corrections staff. Inmates serving sentences at other than New Hampshire State Prison Facilities may use stationary rather than inmate request slips.

The Yellow and White copies will be returned to you with a response. You must acknowledge receiving this response by signing the White original, which will then be returned to Offender Records for storage in archives for 3 years, after which it will be destroyed.

**The Yellow copy is YOUR copy. Please keep this for your records. This is your receipt of the request.**

Distribution of copies of this form: Give ALL copies to the Unit Supervisor, Security Lieutenant, or CC/CM.

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### ADDRESS YOUR REQUEST AS FOLLOWS

Give all requests to your Unit Supervisor, Security Lieutenant, or CC/CM for prompt attention.

Strictly Confidential Requests may be placed in a sealed envelope and addressed to the appropriate staff member or Office (Commissioner, Warden, Bureau Administration, Investigations). If it is determined that your request could have been handled by a different party, it will be returned to your Unit Supervisor, Security Lieutenant, or CC/CM.

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### IMPORTANT

**DO NOT** send requests written on other forms/paper. You **MUST USE THIS FORM** when communicating with staff. Other written forms will be returned unanswered.





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Hillsborough, SS.

NH Superior Court  
Hills. - Southern District  
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v.

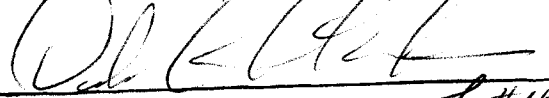
DALE E. HOLLOWAY JR.

Affidavit to Support

Under Oath, I Dale E. Holloway Jr. Herely Depose  
AND STATE that the following statements are  
True AND Accurate:

1. I AM THE DEFENDANT, PRO SE, IN THE ABOVE MATTER.
2. I AM INDIGENT AND CANNOT AFFORD PRIVATE COUNSEL  
FOR MY REPRESENTATION.
3. I AM INCARCERATED AT NHSP-M, IN CONCORD, NH,  
SERVING 7 1/2 - 15 YEARS WHILE PENDING TRIAL IN  
THE ABOVE CASE.

Respectfully Submitted, Pro Se,



Dale E. Holloway Jr. #117151

NHSP-M

P.O. Box 14

CONCORD, NH 03301

Date: September 3, 2023

Certificate of Service

I, Dale E. Holloway Jr. do certify that the  
Enclosed has been sent via USPS, per NADOC  
"Free Legal Mail" policy, to the Clerk's office of  
Hillsborough County - Southern District 30 Spring  
Street, Nashua, NH, 03060, for the State, on this  
3<sup>RD</sup> Day of September 2023.



Dale E. Holloway Jr. #117157

NHSP-M

P.O. Box 14

281 N. State Street

Concord, NH, 03301

