

The State of New Hampshire

Hillsborough, ss.

MSCS-OCT 6'23am10:53

State of New Hampshire

v.

Dale E. Holloway Jr.

Motion to Depose Defense's Potential Witnesses

Now Comes the Defendant, Dale E. Holloway Jr., pro se, pursuant to NH R. Crim. Proc., Rule 13 (1)(2), under NH RSA 517:13 II (A)(B), and both state and federal constitutions that provide or guaranteed rights of accused, who hereby moves this honorable court for a Deposition Hearing for the following:

1. The Defendant was arrested on or about October 12, 2019. The state accuses Dale E. Holloway Jr. of two (2) counts of Attempted Murder, and other Assault charges, including being a convicted felon in possession of a firearm, stemming from an alleged shooting incident at a church, in Pelham.

2. Mr. Holloway Now Moves this Honorable Court to Depose the potential witnesses He plans to call for the Trial. See Defendant's List of His Potential Witnesses. Thus, this Court can properly Exercise its Discretion and Allow a Deposition to be taken as Good Cause Exists to Ensure that the Jury can Hear these Witnesses' Testimonies, After possibly Testing "positive" of COVID-19's ("Coronavirus") pandemic. See State v. Schonarth, 152 NH 560, 883 A.2d 305 (2005). Whereas, the State of New Hampshire Declared an Emergency "lockdown" for precaution of any further spreading of the Coronavirus (COVID-19). "The Coronavirus" is known to cause a Respiratory Disease, that has already infected 240 Million people and caused 4.9 Million Deaths worldwide, and other complications that may affect the live testimony. NH RSA 517:13, II (A); Rule 13 (1). Also, due to the fact that Mobility of the Witnesses are out-of-state and may need an Early Notice to attend the Trial.

3. Therefore, Mr. Holloway seeks a fair, prompt, and orderly Disposition of these Criminal Allegations, in which, the State may offer its plea before such

Motion(s) to take Depositions of His witnesses
AND other potential witnesses. See Stage V.
Sargent, 104 N.H. 211, 182 A.2d 607 (1962); Rule 13(2).

Wherefore, the Defendant respectfully requests that
this Honorable Court allows or grants this Motion
to Depose the Defense's potential witnesses intended
to be presented at trial, who may be unavailable
due to illnesses, absence, or reluctance to coop-
erate, after the COVID-19 Global Pandemic and Crisis;
and/or

- A.) Schedules a Hearing to be held, pursuant to
NH RSA 517:13, II (A); and/or
- B.) Issues summonses for the Defense's potential
witnesses; and/or
- C.) Orders a Deposition Hearing to be held,
pursuant to Stage V. Sargent, 104 N.H. 211 (1962).

any other such relief the Court deems fair and just.

Respectfully Submitted, P/O SE,

Dale E. Holloway Jr. #117157

NHsp-M

P.O. Box 14

CONCORD, NH, 03301

Date: October 1, 2023