

# 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.

HSCS-NOV27\*23AM11:04

## Motion to set the Verdict Aside (New Trial)

Now Comes the Defendant, Dale E. Holloway Jr., prose, pursuant to NH R. Crim. P., Rule 25(e), Under Both State AND Federal Constitutions that guarantee the Due process of law, Rights of accused, AND Equal protection of the law, who requests that this Honorable Court grants this Motion to set the Verdict ASIDE for the following:

1. The Defendant, Dale E. Holloway Jr. was found Guilty of 6 of the 7 Charges at Trial in the ABOVE CASE of MURDER. However, MR. Holloway NOW RAISES A Weight-of-the-evidence Challenge for a New Trial.
2. The Jurors Needed a "Deadlock" instruction because they were NOT UNANIMOUS on the first Degree Assault

Charge on C.M.; then, perhaps overwhelmed with the (Three-phase) TRIAL AND RETURNED TWO (ADDITIONAL) VERDICTS.

3. Mr. Holloway Moved to Dismiss BASED ON INSUFFICIENT EVIDENCE AT THE CLOSE OF THE STATE'S CASE, WHICH WAS Denied, AND NOW MR. Holloway Moves this court to Set the VERDICT ASIDE CHALLENGING THE WEIGHT OF THE EVIDENCE REQUESTING A NEW TRIAL. See State v. Hill, 163 N.H. 394

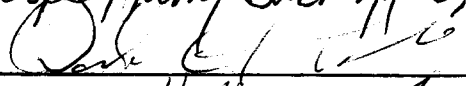
4. Mr. Holloway Also filed Motions for the Direct Verdict of Not Guilty at the Close of the STATE'S CASE AND ALL OF THE EVIDENCE BASED ON SUFFICIENCY OF THE CHARGED OFFENSES. SPECIFICALLY, ATTEMPTED MURDER AND FELONY IN POSSESSION.

5. Experts Testimony PROVED MENTAL ILLNESSES AND/OR DIAGNOSISES WHICH SHOULD HAVE GIVEN A RATIONAL JUDGE TRIAL CLEAR AND CONVINCING EVIDENCE TO BE ABLE TO RETURN AN INSANITY VERDICT. THEREFORE, A REMEDY FOR A SUCCESSFUL WEIGHT-OF-THE-EVIDENCE CHALLENGE IS A NEW TRIAL.

Wherefore, the Defendant Respectfully Requests that this Honorable Court Schedules a Hearing to discuss the Matter further, if necessary; AND/OR

- A.) Grants the Motion to set the Verdict aside for New Trial, pursuant to Rule 25(e); AND/OR
- B.) ORDERS A New Trial, pursuant to NH CONST. Pt. 1, Art. 15; USCA VI; OR
- C.) Schedules a Hearing (in-person) for the Matter to be fully heard.

any other such relief the Court deems fair and just.

Respectfully Submitted, Pks se,  


Dale E. Holloway Jr. #117157

NHSP-M

P.O. Box 14

CONCORD, NH 03301

Dated November 18, 2023

The State of New Hampshire

Hillsborough, ss.

State of New Hampshire

NH Superior Court  
Southern District  
CASE NO. 226-2019-CR-0814

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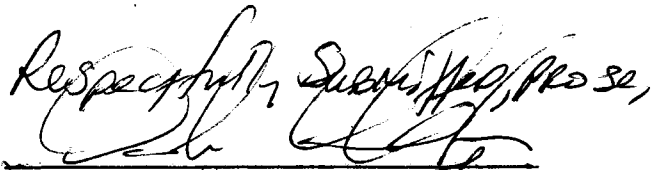
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Dale E. Holloway Jr.

Affirmation to Support

Under Oath, I hereby Depose and State that the following statements are True and Accurate:

1. I Am the Defendant.
2. I AM INDIGENT.
3. I CANNOT AFFORD TO RETAIN PRIVATE COUNSEL FOR MY REPRESENTATION IN THE ABOVE CASE OR MATTER.

Respectfully Submitted, Pro Se,  


Dale E. Holloway Jr. #117157

NHSP-11

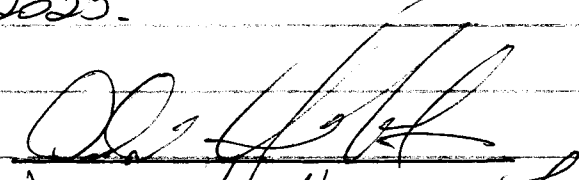
P.O. Box 14

CONCORD, N.H. 03301


Date: November 18, 2023

# Certificate of Service

I, Dale E. Holloway Jr. Do certify that the enclosed has been sent via USPS (first class mail) to the Clerk's office of Hillsborough County - S.D. of 30 Spring Street NASHUA, NH. 03301 for the state on this 18th Day of November 2023.

  
Dale E. Holloway Jr.  
NHsp-M  
P.O. Box 14  
CONCORD, NH. 03301

Denied

  
Honorable Charles S. Temple  
December 7, 2023

The jury verdicts in this case are not in any way against the weight of the evidence admitted at trial. In fact, the jury gave the evidence its proper weight at each phase of the trial. State v. Spinale, 156 N.H. 456, 465-466 (2007). The verdicts are strongly supported by the evidence.

Clerk's Notice of Decision  
Document Sent to Parties  
on 12/08/2023