

State of New Hampshire

HILLSBOROUGH, SS.

HILLSBOROUGH SUPERIOR COURT
SOUTHERN DISTRICT
DOCKET NO.: 226-2019-CR-814

STATE

v.

DALE E. HOLLOWAY, JR.,
Defendant

**DEFENDANT'S MOTION TO TRANSPORT DEFENDANT TO COURTHOUSE TO
CONDUCT MENTAL HEALTH EVALUATION BY DEFENDANT'S EXPERT DOCTOR**

NOW COMES DEFENDANT, Dale E. Holloway, Jr. (hereinafter "Defendant"), in the above-captioned matter and respectfully moves this Honorable Court to request a transport order of the Defendant to the courthouse so that Defendant's expert doctor can conduct a mental health evaluation of the Defendant on either May 1, 2, or 3 of 2023, for the reasons hereinafter set forth.

As grounds therefor, Defendant hereby submits as follows:

1. A Status hearing for counsel only in this matter was held on February 13, 2023.
2. Dr. Eric Mart, the mental health expert for defendant, had an evaluation of the Defendant scheduled for this same day in the morning of February 13, 2023 via video.
3. Due to technical difficulties and the inability for the Defendant to properly interact with the tests the expert doctor was conducting due to the prison's limitations, this evaluation could not be properly completed at that time.
4. The expert doctor communicated a concern to counsel, that there are insufficient guarantees of confidentiality and an unacceptable level of distracting noise, as was demonstrated with previously conducted comprehensive evaluation of clients in-person at the New Hampshire State Prison.
5. Due to the difficulties in securing a comprehensive evaluation of the defendant in the New

Hampshire State Prison by defendant's expert doctor, counsel requests the court to order the Defendant transported to the courthouse in order for Defendant's expert doctor to conduct a comprehensive mental health evaluation.

6. The Defendant's doctor has available dates to conduct such an evaluation from May 1-3, 2023.
7. Defendant is now requesting this Court to request a transport order for the Defendant to appear at the courthouse to conduct a mental health evaluation by his expert doctor on either May 1, 2, or 3 of 2023 as those are the earliest dates the defendant's expert doctor is available to conduct such examination.
8. Neither the State of New Hampshire nor the Defendant shall be prejudiced by this request.

WHEREFORE, based upon the foregoing reasons, Defendant hereby requests that this Honorable Court:

- A. Issue a transport order of the Defendant for either May 1, 2, or 3 to the courthouse in order for the defendant's expert doctor to conduct a mental health evaluation; and
- B. Grant any such other relief as may be proper and just.

Dated: March 16, 2023

Respectfully submitted,

Dale Holloway,
By his Attorney,

/s/ John G. MacLachlan

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CERTIFICATION

I hereby certify that a copy of the foregoing pleading has this day been sent to counsel for the State via the electronic filing system.

/s/ John G. MacLachlan
John G. MacLachlan, Esq.