

The State of New Hampshire

Hillsborough, SS.

NH Superior Court
Hills. - Southern District
Case No. 226-2019-CR-0814

State of New Hampshire

v.

Dele E. Holloway Jr.

Notice of Intent to Rely on Alibi Defense(s)

Now Comes the Defendant, Dele E. Holloway Jr., prose, pursuant to NH R. CRIM. PROC. Rule 14(b)(A)(A)(c), UNDER BOTH STATE AND FEDERAL CONSTITUTIONS THAT PROVIDE RIGHTS OF ACCUSED, DUE PROCESS OF LAW, AND EQUAL PROTECTION OF THE LAW, WHO HEREBY RESPECTFULLY FILES THIS NOTICE OF INTENT TO RELY ON ALIBI DEFENSE AT BIFURCATED TRIAL FOR THE FOLLOWING:

1. The Defendant, Dele E. Holloway Jr., WAS ARRESTED ON OR ABOUT OCTOBER 12, 2019 AND ACCUSED OF (2) TWO ATTEMPTED MURDER OFFENSES, AND OTHER RELATED ASSAULT CHARGES, INCLUDING CONVICTED FELON IN POSSESSION OF A DANGEROUS WEAPON (FIREARM), STEMMING FROM AN "ALLEGED" SHOOTING INCIDENT, IN PELHAM, NH.

2. Mr. Holloway states these specifics, in support of his Alibi Defense:

A.) The Place: New England Pentecostal Church
955 Bridge Street
Pelham, NH.

B.) The Witnesses: Rafael Carpio
519 Lake Avenue
Manchester, NH. 03103

Devan LaRose
519 Lake Avenue
Manchester, NH. 03103

C.) The Testimony: "Drove Mr. Holloway to "the Church"
on October 12, 2019 at approximately 9:00 hours.

NH R. Crim. Proc., Rule 14(b)(B)(2)(C) Requires Mr.
Holloway to state the above specifics for his Alibi
Defense Notice.

See (Attached) Interviews.

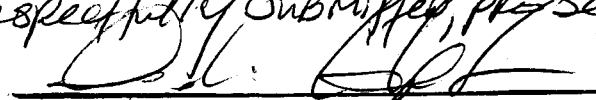
3.

Mr. Holloway is entitled to an instruction on every defensive issue raised by the evidence, regardless of whether the evidence is strong, feeble, unimpeached, or contradicted, and even when the trial court thinks that the testimony is not worthy of belief. The defendant's testimony alone may be sufficient to raise a defensive theory requiring a charge. See Walters v. State, 247 S.W. 3d 204 (Tex. Crim. App. 2007); ("Even a minimum quantity of evidence is sufficient to raise a defense as long as the evidence is supportive for a rational jury finding as to the defense.") See Warren v. State, 565 S.W. 2d 931 (Tex. Crim. App. 1978); Also, see Shaw v. State, 243 S.W. 3d 647 (Tex. Crim. App. 2007) ("A defensive instruction is to be given when that defense is a rational alternative to the defendant's criminal liability."); In which is consistent with NH RSA 626:7 [Defenses; Affirmative Defenses and presumptions]; The Rules of NH Evidence (Subparts I-II); USCA V, VI AND XIV ("The U.S. Constitution [Guarantees] the accused in a criminal prosecution the right to a meaningful opportunity to present a complete defense.") Citing Holmes v. South Carolina, 547 U.S. 319 (2006).

4. NH Constitution, Part 1, Article 15 provides Mr. Holloway "a right to produce all Proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defense, by himself, and Counsel."
5. US Constitution Amendment VI provides Mr. Holloway "[A] [right]" to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense, as well as, "to be confronted with the witnesses against him."
6. Therefore, the State is required to disprove a [Pure Defense] when evidence relevant to the defense is admitted at trial. NH RSA 627:4, I; see State v. Woodburn, 2023 NH Lexis 25 (2023); State v. Munroe, 173 NH 469 (2020); NH RSA 626:1; Also, see State v. Fee, 126 NH 78 (1985) ("An individual is protected from a criminal act under (RSA 627) if he ~~commits~~ commits a criminal act that was urgently necessary to avoid a clear and imminent danger."). Whereas, Mr. Holloway also has the burden of establishing by a preponderance of the evidence, in denial of the element of the offenses in the above case or matter.

Wherefore, the Defendant Respectfully Requests
that this Honorable Accepts this Notice of
intent to Rely on Alibi Defense(s) at Bifurcated
Trials.

any other such relief the Court Deems Fair and Just.

Respectfully Submitted, please,


Date E. Holloway Jr. #117157
NHSP-M
P.O. Box 14
CONCORD, NH. 03301

Dated September 24, 2023

**NEW HAMPSHIRE STATE POLICE
CONTINUATION OF INVESTIGATION REPORT**

1. CASE NO. MC-19-16053	2. INVESTIGATING TROOPER Det. Sgt. Justin D. Rowe	3. I.D. NO. 874	4. TOWN OF CRIME Pelham	5. TN. CD. ****	6. DATE OF REPORT 10-12-2019
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**INTERVIEW Narrative:
Devan LaRose**

DATE/TIME: October 12th, 2019 at 1648 Hours

LOCATION: Manchester, New Hampshire

PRESENT: Det. Sgt. Justin Rowe, NH State Police – Major Crime Unit
Lt. Brian Newcomb, Hillsborough County Sheriff's Office

RECORDED: (Yes)

On October 12th, 2019 at approximately 1648 hours, this writer was assigned to interview the following person:

**Devan R. LaRose
DOB: 11-04-1988**

Cell [REDACTED]

This interview was conducted in order to obtain information regarding a shooting investigation in Pelham, New Hampshire earlier that same day.

The interview took place in an interview room at the Manchester, NH Police Department. It was both audio and video recorded at the time and a transcript of this interview may later be attached to this report. Copies of the interview were placed onto DVD/CD compact discs, which will be attached to this report and disseminated to the appropriate case files.

The below listed comments/bullets are general in nature and do not reflect all statements made during the course of this interview with **Devan LaRose**. They are solely meant as a guide to the general content of this conversation.

- LaRose confirmed that she owned a 2009 BMW X3. (See the attached registration printout).
- She confirmed that her boyfriend, **Rafael CARPIO** has used her car earlier in the morning to give a guy a ride from Manchester to Pelham.

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- She stated that she didn't know the guy's name and only knew him by his nickname of "Dayo" (Unknown correct spelling). She stated she didn't know this guy at all.
- LaRose provided the following timeline for herself that morning of October 12th, 2019. She stated she awoke at 10:30 a.m. and got ready to go to a hair appointment. She stated that she left her house in her BMW by 11:30 a.m. and stopped at the Dunkin Donuts on Hanover Street in Manchester and then arrived at her hair appointment at noon which was at "The Mane Place" on Brook Street in Manchester. She stated she was at her hair appointment until 3:00 p.m. and then she went directly home and arrived there by 3:15 p.m.
- She clarified that Rafael had woke her up at 9:00 a.m. telling her that he was giving someone a ride and that he'd be back with her car by 11:00 so she could make her hair appointment.
- She stated that Rafael arrived back home around 11:00 a.m. and that he was freaking out. She stated that he told her that he thought he had just been giving this guy a ride to his father's funeral and back but when they arrived the guy started taking items out his pockets and leaving them in the car and stated to Rafael "I'll just be 2 minutes, I'll be right back". She stated that Rafael told her the guy had left 2 cellphones and a bag of tobacco in the car.
- She stated that Rafael then told her about a minute when by people started running out of the church. Rafael told her that he asked one of the people what was going on and they told him there was a shooting inside of the church. She stated that Rafael then told her he freaked out and left and had thrown the guys cellphones out of the car as he left.
- LaRose understood why her vehicle had been seized as part of this investigation and she provided written consent for the State Police to search and document her vehicle at that time. (See the attached consent form).
- LaRose admitted to following the news story of this incident while she was at the hair salon.

End of report.

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**INTERVIEW Narrative:
Rafael CARPIO**

DATE/TIME: October 12th, 2019 at 1719 Hours

LOCATION: Manchester, New Hampshire

PRESENT: Det. Sgt. Justin Rowe, NH State Police -- Major Crime Unit
Lt. Brian Newcomb, Hillsborough County Sheriff's Office

RECORDED: (Yes)

On October 12th, 2019 at approximately 1719 hours, this writer was assigned to interview the following person:

Rafael CARPIO
DOB: 09-12-1988



Cell:

This interview was conducted in order to obtain information regarding a shooting investigation in Pelham, New Hampshire earlier that same day.

The interview took place in an interview room at the Manchester, NH Police Department. It was both audio and video recorded at the time and a transcript of this interview may later be attached to this report. Copies of the interview were placed onto DVD/CD compact discs, which will be attached to this report and disseminated to the appropriate case files.

The below listed comments/bullets are general in nature and do not reflect all statements made during the course of this interview with Rafael CARPIO. They are solely meant as a guide to the general content of this conversation.

- CARPIO had been located at his residence earlier that afternoon and he agreed to come speak with investigators voluntarily.

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- **CARPIO** admitted to being the driver of the BMW that had given the suspect a ride to the church in Pelham but stated he had no idea what was about to happen.
- **CARPIO** stated that he has only known the suspect for approximately one month and doesn't even know his real name and that he just went by the nicknames "Dale" or "Deo". He stated that they live on the same street and that "Dale" sold him marijuana three times since. He described him as having tattoos all over his head.
- **CARPIO** stated that "Dale" recently told him his father had been killed and that it was an "assassination" recently and that he had shown him some of the news clip on his phone. (Londonderry homicide of Luis Garcia on 10/1/19).
- **CARPIO** stated that he had received a text message from "Dale" this morning around 0900 stated that he needed him and asked him for a ride to his father's funeral in Pelham. (See the attached text messages).
- **CARPIO** stated that he agreed to give "Dale" a ride to and from Manchester to Pelham but that he needed to be home by 1100 to give his girl her car back.
- **CARPIO** stated that "Dale" met him at his house and they then drove away in his girlfriend's (Devan LaRose) BMW suv shortly after 0930 hours.
- **CARPIO** stated that they had made a brief stop at the Irving gas station on Lake Ave in Manchester to put air in the tires of the BMW and then they drove straight to the church in Pelham.
- **CARPIO** stated that during the drive, "Dale" seemed to be acting normal and they were having conversations about marijuana and "Dale" was showing him a sex video that eh and a girl had made.
- **CARPIO** stated that "Dale" had 2 cellphones with him at that time and that he was using one (I-Phone with a dirty white or clear case) as a GPS for them and that he had put the churches address in it to navigate. He stated that "Dale's" second cellphone was a Samsung in a silver case and that he was using that to text someone as they drove and that he also was watching a YouTube tribute video of his deceased father over and over during the drive, approximately 3-4 times. (See the attached video).
- **CARPIO** stated that he believed they arrived at the church between 1000-1015 and that "Dale" had told him where to park once they pulled into the parking lot.

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- **CARPIO** stated that "Dale" started to take things out of his pockets and to leave in the car while he was inside which he thought was strange. He stated that "Dale" took out both cellphones, a portable JBL Bluetooth speaker, a bag of Fontana King tobacco and a small bag of marijuana.
- **CARPIO** stated that he had told "Dale" that he would like to come in with him to the church to pay his respects to his dad but stated that "Dale" told him not to worry about it and that "I'm not going to take much of your time; I'm just going in to show my condolences, show some love and I'll be right back out".
- **CARPIO** stated that after 30 seconds of "Dale" being in the church he saw people running out of the church yelling and saw a woman carrying a little girl. He stated that he asked one of the people what was going on and they stated that there was a shooting inside the church. He stated that he then panicked and drove out of the church parking lot and went down the road for a bit.
- **CARPIO** stated that he then pulled back into the church lot shortly thereafter to see if "Dale" might be outside and again asked someone outside what was going on and he was told that someone got shot inside of the church and that they had tackled the shooter.
- **CARPIO** stated that he then panicked again and decided to leave for good and drove off again. He stated that shortly after pulling out of the church he saw "Dale's" belongings on the passenger seat still, so he then threw the 2 cellphones and the tobacco pouch out of the passenger side front window as he drove away.
- **CARPIO** stated that he never saw "Dale" with a gun at all during the ride to the church and that he swore he didn't know what "Dale" was about to do and that he just thought he was giving him a ride. "Dale" never made any comments during the ride to suggest otherwise.
- **CARPIO** completed a hand drawing showing the church parking lot and where he had parked. (See the attached drawing).
- **CARPIO** described "Dale's" clothing that morning as being: a white button down shirt with red hearts on it, a sweater, a black Boston Red Sox baseball hat with a gold "B" and black/white Adidas sneakers.
- **CARPIO** agreed to drive with me to show me where he had thrown out the cellphones.

End of report.

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10:25

100% BATTERY



1 (877) 247-9865



Share your name and photo?

Refuse Cancel Share



OK

8:21 PM

Today 8:50 AM

What's Good Bro
Need You RN

8:50 AM

What up bro ?

8:51 AM

I wanna Pull Up On Someone
No Ride
Help Me
If U Can

8:57 AM

Where u need to go ?

8:57 AM

Baltimore

8:58 AM

Am Back

8:58 AM

Whats that like a 20 minute
ride ?

8:10 AM

Thats next to salem right ?

8:11 AM



Message



0:25

14 LTE

51 (887) 347 9886



Share your name and photo?
Refer: Contact: Share



Where u need to go ?

8:07 AM

Palham

8:09 AM

And Back

RC

8:09 AM

Whats that like a 20 minute ride ?

9:10 AM

Thats next to salem right ?

9:11 AM

9:14 AM

ime like 20 minutes we can head out this is quick tho right i gotta be back by 11

9:17 AM

9:20 AM

Im ready bro

9:28 AM

Delivered

Im outside

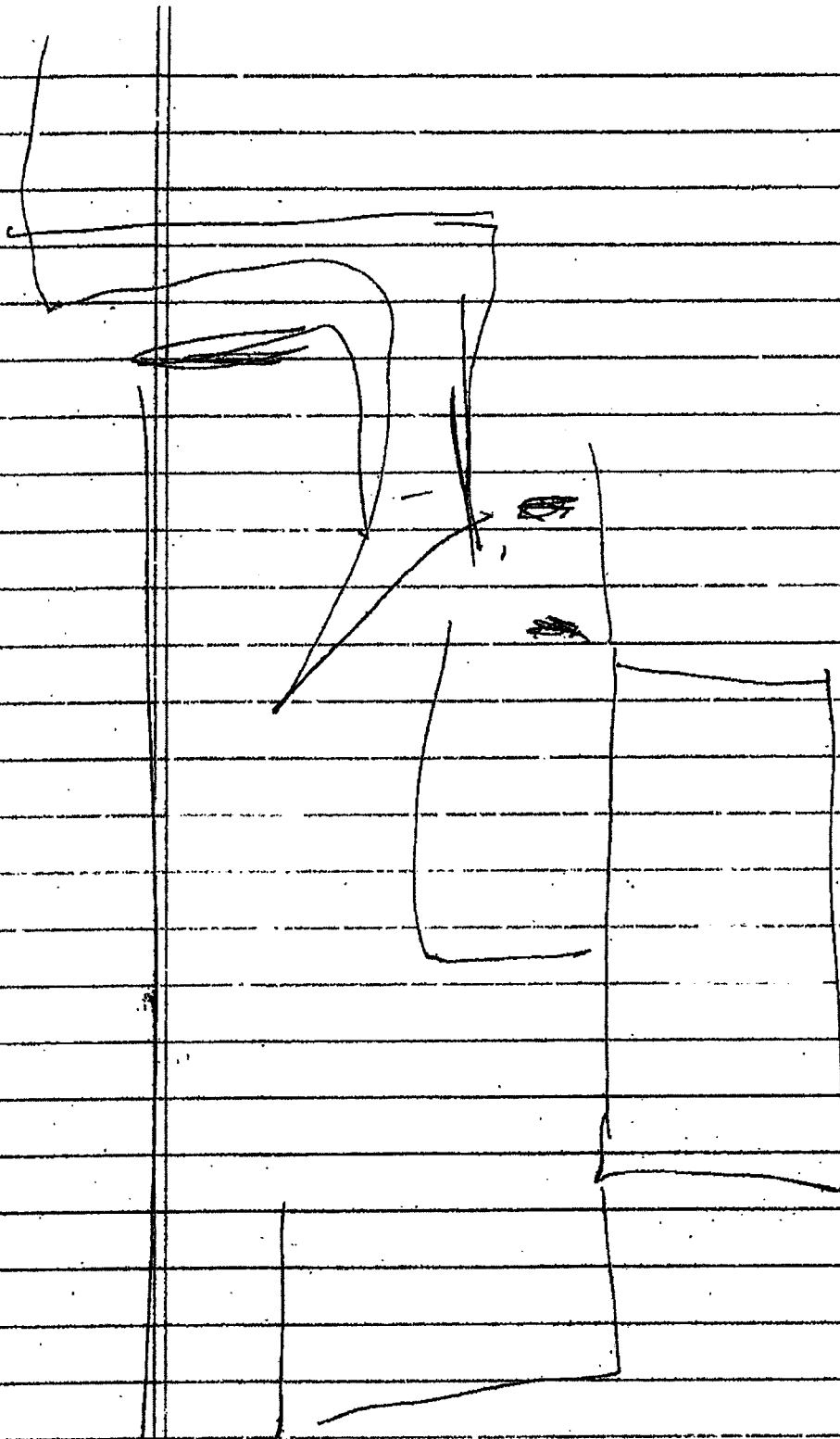
9:30 AM



Message



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Robert [unclear]

10/12/19

MC19-16053