

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<https://www.courts.nh.gov/>

Court Name: Hillsborough Superior Court Southern District
Case Name: State v. Dale E. Holloway, Jr.
Case Number: 226-2019-CR-00814
(if known)

STATEMENT OF COUNSEL FEES

TYPE OF BILLING:

Final Interim Supplemental

BILLING PERIOD (chronological dates)

Statement for period beginning 01/11/2023 and ending 03/27/2023

BILLING AMOUNT *

| | | | |
|---|-----------------------------|--------------|--------------------------------|
| (A) Counsel Fees for major crime cases: | <u>16.30</u> | X \$125/hr = | \$ <u>2,037.50</u> |
| Counsel fees for all other cases: | <u> </u> | X \$90/hr = | \$ <u>0.00</u> |
| Paralegal Fees: | <u> </u> | X \$40/hr = | \$ <u>0.00</u> |
| Total Fees | | | \$ <u>2,037.50</u> |
| (B) Expenses | | | |
| Travel hours (major crime cases) | <u>6.40</u> | X \$125/hr = | \$ <u>800.00</u> |
| Travel hours (all other cases) | <u> </u> | X \$90/hr = | \$ <u>0.00</u> |
| Other Expenses | | | \$ <u> </u> |
| Total Expenses | | | \$ <u>800.00</u> |
| (C) INVOICE TOTAL | | | \$ <u>2,837.50</u> |

Section (A) amount submitted on prior invoices \$ 10,628.50

*Major Crime Cases: Capital Murder / Homicide / First Degree Assault / AFSA / FSA/ Class A Felony Robbery/Felony Arson

I represent that the foregoing is a true and reasonable bill for services I rendered and for the costs incurred. I certify that I have not and will not receive any other compensation for the services or costs specified on the attached itemization.

/s/ John MacLachan
Signature of Attorney for Defendant
John MacLachlan 15596
Law Firm Bar ID # of attorney

03/27/2023
Date

Case Name: State v. Dale E. Holloway, Jr.

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STATEMENT OF COUNSEL FEES

FOR COURT USE

Request is Approved Denied

I hereby certify that I have examined the above statement and find the charge of \$ 2,837.50 to be reasonable.



Honorable Charles S. Temple

March 28, 2023

Clerk's Notice of Decision

Document Sent to Parties

on 03/29/2023

MAXIMUM COMPENSATION

Maximum fee aggravated felony sexual assault, felonious sexual assault: \$12,500.

Maximum fee for all other felonies: \$5,500.

Maximum fee for misdemeanors: \$2,000

Maximum fee (per co-counsel) for homicides under RSA 630:1-2: \$20,000.

Matter Billing Guide

Date: 03/27/2023
 Staff Responsible: John MacLachlan
 Staff Acting: John MacLachlan
 Staff Assisting: Christopher Federico

 Matter: 186 Mr. Dale E. Holloway Jr.
 MAJOR FELONY- NEGLIGENT HOMICIDE- NH Public Defender (CONFLICT)
 Debtor: Mr. Dale E. Holloway Jr.

| Trust Account Balances | | Withdrawals | Deposits | Balance | | |
|------------------------|--------|---------------|----------|----------|----------|----------|
| Aged Receivables | Totals | Rtnr./Credits | Current | >30 days | >60 days | >90 days |
| Retained Trust Funds | - | - | - | - | - | - |
| | - | - | - | - | - | - |

Breakdown:

Billable WIP

| Date | Billor | Description | Hours | Rate | Amount (Ex) | Tax | Amount (Inc) |
|------------|--------|---|-------|----------|-------------|-----|--------------|
| 01/18/2023 | CDF | Draft additional funds for Dr. Mart (mental health). | 0.40 | \$125.00 | \$50.00 | - | \$50.00 |
| 01/19/2023 | CDF | Draft continuance of status date, email ADA on their position. | 0.30 | \$125.00 | \$37.50 | - | \$37.50 |
| 01/26/2023 | CDF | Email correspondence with Prosecution, co-counsel Bill Dolan, and Clerk's to figure out status hearing on Monday and unavailability of all counsel. | 0.50 | \$125.00 | \$62.50 | - | \$62.50 |
| 01/26/2023 | CDF | Edit draft of status continuance motion and send to prosecution for his review/position. | 0.70 | \$125.00 | \$87.50 | - | \$87.50 |
| 02/09/2023 | JGM | Travel (1.7) (Danvers-Concord) (11:18-12); Meeting w/client @ state prison (2hr). Meeting w/co-counsel and investigator. (2.3); Travel (Concord-Danvers) (1.6) (4:20-5:57). | 7.60 | \$125.00 | \$950.00 | - | \$950.00 |
| 02/10/2023 | CDF | Draft status continuance motion - evaluation falls on the as same date as the status hearing. | 0.30 | \$125.00 | \$37.50 | - | \$37.50 |

- Note: 1) Displays items excluding tax
 2) Excludes items marked as "Billable on a later invoice"
 3) "Billed to date" includes draft invoices
 4) Invoices must be marked printed and sent final to appear under Aged Receivables

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 MAJOR FELONY- NEGLIGENT HOMICIDE- NH Public Defender (CONFLICT)

Debtor: Mr. Dale E. Holloway Jr.

Billable WIP

| Date | Billor | Description | Hours | Rate | Amount (Ex) | Tax | Amount (Inc) |
|------------|--------|--|-------|----------|-------------|-----|--------------|
| 02/13/2023 | JGM | Meeting w/co-counsel on status, strategy and competency/CR issues. (2) (11:18-1:20); Meeting w/prosecution and hearing. (.8); Travel. (.9) (Nashua-Danvers) (2:15-3:08); Telephone call with Dr. Mart on email, hearing and plan for evaluation. (.6). | 4.30 | \$125.00 | \$537.50 | - | \$537.50 |
| 02/23/2023 | CDF | Email correspondence with Dr Mart office and warden about mental health evaluation for client. | 0.20 | \$125.00 | \$25.00 | - | \$25.00 |
| 03/16/2023 | JGM | Telephone call with Dr. Mart regarding status of evaluation and times/availability to conduct evaluation at courthouse. | 0.30 | \$125.00 | \$37.50 | - | \$37.50 |
| 03/16/2023 | JGM | Draft motion and file for leave to conduct metal health evaluation and courthouse and transport client to courthouse for mental health evaluation. | 0.70 | \$125.00 | \$87.50 | - | \$87.50 |
| 03/22/2023 | JGM | Email correspondence with John Harding (Prosecution) regarding motions; Review responsive pleading filed by prosecution regarding motion to transport defendant for a mental health evaluation. Telephone call with co-counsel regarding States position and defense response. | 1.20 | \$125.00 | \$150.00 | - | \$150.00 |
| 03/23/2023 | JGM | Review of prior motion to continue, email correspondence and affidavits by Dr. Mart and docket. Draft Motion to Continue Criminal Mediation and file with the court. | 1.30 | \$125.00 | \$162.50 | - | \$162.50 |
| 03/24/2023 | JGM | Travel (Danvers MA - Nashua) (1) (11:11-12:15); Meeting w/client, Hearing, Meeting w/prosecution (1.7); Travel (1.2) (1:56-3:09); Draft and File Motion to Continue Case Management and Trial. | 4.60 | \$125.00 | \$575.00 | - | \$575.00 |
| 03/27/2023 | JGM | Review email for prosecution. Draft and file waiver of speedy trial for continuance of trial. | 0.30 | \$125.00 | \$37.50 | - | \$37.50 |
| | | | 22.70 | | \$2,837.50 | - | \$2,837.50 |

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CCA

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Brian Lee withdrew.

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay (800) 735-2964
http://www.courts.state.nh.us

Case Name: State v. Dale E Holloway, JR
Case Number: 226-2019-CR-00814

APPOINTMENT OF COUNSEL BEFORE ARRAIGNMENT

Dale E Holloway, JR, the court has granted your request for a lawyer. Here is the name and contact information of the attorney appointed to represent you. You must contact your attorney immediately.

Name: NH Public Defender, Hillsborough County-South

John MacLachlan NH Bar ID# 15596
Law Office of John G. MacLachlan & Associates, LLC
5 Elm Street, Ste. 3
Danvers, MA 01923
Office: (978) 745-9569
NH Bar ID# 15596

Appointment contingent on reimbursement for all travel time and continuances of currently scheduled court dates.

expenses. Within 5 days of this order, you are

arraignment (OCC)

State House Annex, Room 400
25 Capitol Street
Concord, NH 03301
(603) 271-1436

You will be required to:

- Verify your address and make payment arrangements.
- Make first payment unless OCC finds that you do not have the ability to pay.
- Make monthly payments until your minimum legal expense is paid.
- Continue to update the Court and OCC with any address changes until the amount is repaid.

| If you are charged with a | Your MINIMUM legal expense is |
|---|-------------------------------|
| <input type="checkbox"/> Misdemeanor | \$450 |
| <input type="checkbox"/> Felony | \$825 |
| <input checked="" type="checkbox"/> AFSA/FSA/Conspiracy to commit murder/1 st degree assault | \$2,490 |

Offense:

1st Degree Murder
1st Degree Assault w/Deadly Weapon
Felon in Possession of Dangerous Weapon
2nd Degree Assault; Deadly Weapon & BI
Simple Assault

GOC:
Attempt

RSA:
630:1-a
631:1,1(B)
159:3
631:2,1(b)
631:2-A

You may also be required to pay additional costs or legal expenses.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A CONTEMPT CITATION, DEDUCTION FROM YOUR WAGES OR BOTH.

Defendant is detained at: Hillsborough County HOC

Person responsible for paying legal fees and expenses:

Name: Dale E Holloway JR
Address: Address Unknown
Phone Number
Date of Birth: 08/06/1982

October 15, 2019
Date

Amended: 2/15/22

/s/ Tina L. Nadeau, Chief Justice

Assigned Counsel

State of New Hampshire

HILLSBOROUGH, SS.

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

STATE

v.

DALE E. HOLLOWAY JR.,
Defendant

EXPEDITED EX PARTE MOTION TO EXCEED MAXIMUM COMPENSATION

NOW COMES the defendant, Dale E. Holloway Jr., by and through his attorney, John G. MacLachlan of *John G. MacLachlan & Associates, LLC*, and hereby requests this Honorable Court authorize undersigned counsel to exceed the \$20,000.00 maximum compensation for this case.

1. Mr. Holloway is charged with four felonies – 1st degree attempted murder, 1st degree assault w/deadly weapon, felon in possession of a deadly weapon, and 2nd degree assault w/deadly weapon and bodily injury. He is also accused of one misdemeanor – one count of simple assault. Counsel accepted assignment of Mr. Holloway's case on February 15, 2022.
2. Counsel moves the Court to grant leave to exceed the \$20,000.00 maximum compensation in this case. The amount of time necessary to provide adequate representation will exceed the limit set forth in N.H. Supreme Court Admin. Rule 47(2)(d) of \$20,000.00. This rule allows this court to authorize compensation in excess of the maximum fee limit where there is a finding of good cause and exceptional circumstances. Counsel submits that those circumstances exist in this case.
3. Undersigned counsel, along with co-counsel, are the fifth attorney or set of attorneys assigned to represent Mr. Holloway. While the case is three years old, undersigned

Granted



Honorable Charles S. Temple
May 20, 2022

Clerk's Notice of Decision
Document Sent to Parties

counsel has only been afforded six months to prepare for trial or about nine months after assignment.

4. Counsel has not been able to recover much work product from previous counsel.
Counsel must more or less start over.
5. Further, counsel has attempted to visit Mr. Holloway at the New Hampshire State Prison for Men to develop a relationship with Mr. Holloway and expects to attempt and make many more leading up to trial. The amount of time spent at the prison with Mr. Holloway in the coming months will be greater than is usually required. First, to no fault of undersigned counsel or Mr. Holloway, undersigned counsel must somehow develop a trusting relationship due to the nature and severity of the charges against Mr. Holloway. This is particularly important considering Mr. Holloway's relationships with previous counsel.
6. There are also mental health concerns relating to Mr. Holloway that needs to be explored.
7. The amount of discovery in this matter is excessive and needs to be fully explored and investigated in order to ensure the rights of Mr. Holloway.
8. Counsel and co-counsel have filed several motions for services other than counsel.
Counsel will need to interface with and direct these experts.
9. To date, counsel has logged 31.7 hours. In total, current fees and expenses are approximately \$3,170.00. Although that leaves approximately 168 hours in possible fees, for several reasons that will not be enough. It is likely that counsel will expand, *at a minimum*, an additional 50 to 60 hours more of discovery review based on experience. Second, there will be several or more trips to the New Hampshire State Prison to build a relationship with the client. These trips and meetings will likely be 40 hours or more. Third, this case is extremely unlikely to resolve short of a trial. Trial preparation, jury selection and trial will be at least another 100 hours. Fourth, there are likely 10-12 hours

of motion hearings for motions in limine, several pretrial motions that will be adopted by the defense. Based on experience there is at least another 20 hours of miscellaneous work including interfacing with experts, collaboration between co-counsel, legal research, and etc.

10. Even though a small percentage of available funds have been used so far, Counsel makes this request in good faith now because it will be required. Also, counsel would like to focus on the case and not worry about getting close to or exceeding the cap.
11. Attorney Sarah Blodgett, Executive Director of the NH Judicial Council, supports this Motion and endorses its granting.
12. This Motion is filed *ex parte* with a request to seal. The State has no standing in matters pertaining to Counsel's compensation and billing. Further, the public should not have access to this pleading as it reveals, to a degree, the work counsel has performed on behalf of Mr. Holloway.

WHEREFORE, for the above-stated reasons, Dale E. Holloway Jr., by and through counsel, hereby requests this Court issue an order:

- a) Granting approval to exceed maximum compensation; AND
- b) Granting any further relief deemed just and proper consistent with the prayer for relief.

Dated: May 13, 2022

Respectfully submitted,

Dale E. Holloway Jr.
By his Attorney,

/s/ John MacLachlan

John G. MacLachlan
Attorney for Defendant
Law Office of John G. MacLachlan &
Associates, LLC
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Ste. 3
Danvers, MA 01923
BBO#: 15596
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