

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
DOCKET NO. 226-2019-CR-00814

SUPERIOR COURT
SOUTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

DALE HOLLOWAY

**STATE'S LIMITED OBJECTION TO DEFENDANT'S RE-REQUEST FOR
BIFURCATED TRIAL HEARING**

NOW COMES the State of New Hampshire, by and through the Hillsborough County Attorney's Office, and objects in part to the Defendant's pleading, stating in support as follows:

1. In the pending pleading, the defendant, Dale Holloway, makes several requests, including that the Court accepts his petition for a new trial, and allows him to withdraw his guilty plea.

2. The pending matter in docket number 226-2019-CR-00814 is scheduled for jury selection on October 30, 2023 with the trial to begin on October 31, 2023. Mr. Holloway has not yet been tried in this matter, nor has he pled guilty to the pending charges.¹

3. To the extent that Mr. Holloway is requesting a new trial in 216-2019-CR-01856, the State objects.

4. To the extent that Mr. Holloway is requesting to withdraw his guilty plea in 216-2019-CR-01856, the State objects.

5. Mr. Holloway also requests to change his plea, presumably in Docket Number 226-2019-CR-00814, to a plea of not guilty by reason of insanity. He has also recently filed a Renewed Motion for Change of Pleading to Not Guilty by Reason of Insanity. Court Index # 360.

¹ The defendant did plead guilty to charges in Docket Number 216-2019-CR-01856.

6. The State takes no position with respect to Mr. Holloway's plea of not guilty by reason of insanity nor with respect to his request for a bifurcated trial.

7. R.S.A. 651:8-a allows "[a]ny person prosecuted for an offense [to] plead that he is not guilty by reason of insanity or mental derangement."

8. The State is prosecuting Mr. Holloway for several offenses in this matter.

9. The State does not accept Mr. Holloway's plea of not guilty by reason of insanity.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Deny the Defendant's requests for a new trial and to allow him to change or withdraw his guilty plea;
- B. Schedule a hearing thereon, if necessary; and
- C. Grant the State any such other relief as may be proper and just.

DATED: September 5, 2023

Respectfully Submitted,

/s/John Harding

John Harding #4067

Assistant County Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing pleading has this day been sent to the defendant.

/s/John Harding

John Harding