

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 MOTION TO COMPEL DISCOVERY (Dr. Eric Mart report)

NOW COMES the State of New Hampshire, by and through the Hillsborough County Attorney's Office, and brings this Motion to Compel Discovery (Dr. Eric Mart report), stating in support as follows:

1. The defendant, Dale Holloway, is charged in this case with the following offenses: Attempted Murder, First Degree Assault, Second Degree Assault, Felon in Possession of a Deadly Weapon, and Simple Assault.
2. Jury selection in this matter is scheduled for October 30, 2023 with the trial beginning on October 31, 2023. The trial management conference is scheduled for October 19, 2023.
3. Mr. Holloway has repeatedly filed a Notice of Insanity in this matter. See Court Index # 152, 153, and 360.
4. Dr. Eric Mart conducted an evaluation of Dale Holloway in this matter. See State's Motion Regarding Status of Report from Dr. Eric Mart. Court Index #329.
5. To date, Mr. Holloway has not provided the State with any report from Dr. Mart. Mr. Holloway has not provided the State with any report from any other expert on the issue of Mr. Holloway's alleged insanity.

8. With respect to the report from Dr. Mart, the State relies upon Superior Court Rule 12(b)(2) (Pretrial Disclosure by the Defendant), which provides in relevant part:

Not less than sixty calendar days prior to jury selection if the case originated in Superior Court..., the defendant shall provide the State with copies of or access to all books, papers, documents, photographs, tangible objects, buildings or places which are intended for use by the defendant as evidence at the trial...

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's Motion to Compel Discovery, and order the defendant to promptly provide State's counsel with Dr. Mart's report, if the defendant intends to use this report at trial or if the defendant intends to call Dr. Mart as a witness in the trial;
- B. Alternatively, if the defendant chooses not to provide the State with a copy of Dr. Mart's report, bar the defendant from introducing the report and any information from the report, and bar Dr. Mart from testifying at trial;
- C. Schedule a hearing, if necessary; and
- D. Grant the State any such other relief as may be proper and just.

DATED: October 3, 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

