

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 EXPAND THE RECORD-Assented to

NOW COMES the State of New Hampshire, by and through the Hillsborough County Attorney's Office, and moves to expand the record of a status of counsel hearing that occurred in this matter on July 19, 2023, stating in support as follows:

1. On July 19, 2023, this Court (Temple, J.) held a hearing on the status of counsel in this matter.
2. The defendant, Dale Holloway, did not attend this hearing, and it was unclear to the Court and to counsel why Mr. Holloway did not attend the hearing.
3. Subsequently, a legal assistant for State's counsel asked an official from the New Hampshire Department of Correction, New Hampshire State Prisons, where Mr. Holloway is an inmate, why Mr. Holloway did not attend yesterday's status of counsel hearing.
4. Lt. Carver sent the attached memorandum to State's counsel with information about Mr. Holloway's absence from the hearing. Exhibit A.
5. Defense counsel assents to the request to expanding the record.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's Motion, and expand the record to include Exhibit A as part of the record in this matter;
- B. Schedule a hearing thereon, if necessary; and

Granted



Honorable Charles S. Temple
July 21, 2023

Clerk's Notice of Decision
Document Sent to Parties
on 07/24/2023

C. Grant the State any such other relief as may be proper and just.

DATED: July 20, 2023

Respectfully Submitted,

/s/John Harding

John Harding #4067

Assistant County Attorney

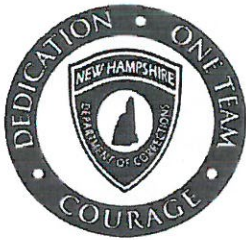
CERTIFICATION

I hereby certify that a copy of the foregoing pleading has this day been sent to John G MacLachlan, Esq., counsel for the defendant.

/s/John Harding

John Harding

Exhibit A



STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
NEW HAMPSHIRE STATE PRISON - CONCORD

P.O. BOX 14
CONCORD, NH 03302-0014
603-271-1801 FAX: 603-271-4092
TDD Access: 1-800-735-2964

Helen E. Hanks
Commissioner

Michelle T. Edmark
Warden

Sarah Provencher
Deputy Warden

FROM: Lt. Carver

DATE: 7/20/2023

SUBJECT: Holloway, Dale # 117157 (Refusal to Appear Reasons)

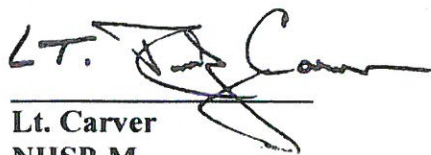
O.I.C: (603)271-1930
OFFICE

TO: John Harding - Attorney

LT: (603)271-1908
PHONE

Good morning,

Today 7/20/2023 I had a conversation with Resident Holloway, Dale # 117157 concerning his missed court date and the reason behind it. When Resident Holloway entered my office, I asked him "did you have a court date yesterday (7/19/2023)?" and he stated "Yes," so I asked, "why did you refuse your court date?" Resident Holloway replied, "Because I wasn't sure what it was for, plus I didn't have a haircut and didn't want to look messy." He went on to state "I am now Pro Se so I should be given all these court dates ahead of time." He went on to say, "I put in a motion to proceed Pro Se and I don't do anything electronic, written motions only, which is a 30-day process." End of conversation.

LT. 

Lt. Carver
NHSP-M
Close Custody Unit
Security Lieutenant