

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

MAY TERM, 2024

STATE OF NEW HAMPSHIRE

V.

DANIELLE DAUPHINAIS

226-2021-CR-00944

STATE'S ASSENTED-TO MOTION TO CONTINUE MOTIONS IN LIMINE HEARING

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and submits this assented to motion requesting a continuation of the Motions in Limine Hearing, scheduled for August 5, 2024. In support of this request, the State submits the following:

1. The defendant is currently charged with first-degree murder and related charges for killing E.L. (Age 5) in or around September of 2021 in Merrimack, New Hampshire. The murder charge alleges that Dauphinais did on or between September 27, 2020, through September 24, 2021, commit the crime of first-degree murder by purposely causing the death of E.L. The defendant is also charged with three class B felony counts of tampering with witnesses, and two misdemeanor counts of endangering the welfare of a child for other conduct taken before and after the murder.

2. The case is currently scheduled for trial in October 2024, with jury selection to begin on October 7, 2024.

3. On April 15, 2024, the State filed eight Motions in Limine related to evidentiary issues in this matter. The defendant's responses have been filed. The parties received a Notice of Hearing which scheduled a hearing on these motions for August 5, 2024.

4. Assistant Attorney General Durand is unavailable on August 5, 2024, due to a previously scheduled personal matter. For scheduling purposes, the State notes that Senior Assistant Attorney General Hagaman is scheduled to begin a trial on August 20, 2024.

5. On May 23, 2024, the defendant through Attorney Benjamin Falkner assented to the State's request for a continuance of the hearing. Further, Attorney Falkner indicated that he
Granted Subject to docket availability.



Honorable Charles S. Temple

May 29, 2024

Clerk's Notice of Decision
Document Sent to Parties
on 06/06/2024

is not available between August 7, 2024, and August 9, 2024. Attorney Falkner is available the week of August 12, 2024.

6. The parties request that the Court re-schedule this matter on a date between August 12, 2024, and August 16, 2024.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Continue the Motions in Limine hearing scheduled on August 5, 2024;
- (B) Reschedule the hearing, as the Court's calendar permits between August 12, 2024, and August 16, 2024; and
- (C) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella
Attorney General

May 28, 2024

/s/ Bethany J Durand

Bethany J Durand NH Bar ID # 243973
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was provided to counsel for the defendant through the Court's e-filing system.

May 28, 2022:

/s/ Bethany J Durand

Bethany J Durand, NH Bar ID #273943
Assistant Attorney General