

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

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<http://www.courts.state.nh.us>

RETURN FROM SUPERIOR COURT – STATE PRISON SENTENCE

Case Name: **State v. Danielle D. Dauphinais**
Case Number: **226-2021-CR-00944**

Name: **Danielle D. Dauphinais, HCHOC 445 WILLOW ST MANCHESTER NH 03103**
DOB: **June 12, 1986**

Charging document: Indictment

Offense: Witness Tampering	GOC:	Charge ID: 1916901C	RSA: 641:5	Date of Offense: October 14, 2021
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Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

October 25, 2024
Date

Hon. Charles S. Temple
Presiding Justice

Amy M. Feliciano
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **New Hampshire State Prison**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court



Amy M. Feliciano
Clerk of Court

SHERIFF'S RETURN

I delivered the defendant to the **New Hampshire State Prison** and gave a copy of this order to the Warden. November 25, 2024

Date

Sheriff

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff Office of Cost Containment

Prosecutor Meghan Carly Hagaman, ESQ; Bethany Jean Durand, ESQ Defendant Defense

Attorney Benjamin L. Falkner, ESQ

Sentence Review Board Sex Offender Registry Other _____ _____ Dist Div. _____

**THE STATE OF NEW HAMPSHIRE
INDICTMENT**

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

APRIL TERM, 2022

At the Superior Court, holden at Nashua, within and for the County of Hillsborough, Southern District aforesaid, on the 15th day of April in the year of our Lord two thousand and twenty two

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

DANIELLE DAUPHINAIS
DOB: 06/12/1986

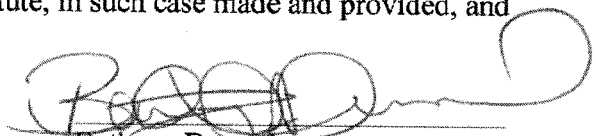
VST
226-2021-CR-944
1916901C

formerly of Merrimack, New Hampshire, on or about October 14, 2021, at Merrimack in the County of Hillsborough aforesaid, with force and arms, did commit the crime of

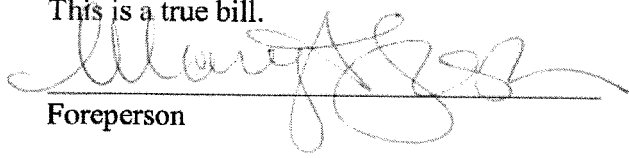
Tampering with Witnesses
(RSA 641:5, I(a))

in that, believing that an official proceeding, as defined by RSA 641:1, II, or investigation is pending or about to be instituted, Danielle Dauphinais did purposely attempt to induce or otherwise cause Bruce Scherzer (aka Bruce Rolland) to testify or inform falsely by telling Bruce Scherzer to tell child protective services that Elijah Lewis (age 5) was with him, when in fact he was not.


Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Bethany Durand
Assistant Attorney General

This is a true bill.


Foreperson

Plea of Guilty
Entered September 26, 2024


Amy M. Feliciano
Clerk of Court

Name: Danielle Dauphinais
DOB: 06/12/1986
Address: _____
RSA: 641:5. I(a)
Offense level: Class B Felony
Dist/Mun Ct: N/A

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

Court Name: Hillsborough Superior Court Southern District

Case Name: State of New Hampshire v. Danielle Dauphinais

Case Number: 226-2021-CR-00944 Charge ID Number: 1916901C

STATE PRISON SENTENCE

Plea/Verdict: Guilty <input type="checkbox"/>	
Crime/VOP: Tampering with Witnesses	Date of Crime/VOP: 10/14/2021

Violation of Probation - A finding of TRUE is entered.

CONVICTION AND CONFINEMENT

A finding of GUILTY is entered.

- A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as -Domestic Violence. See attached Domestic Violence Sentencing Addendum Section 2.
- B. This Conviction is for an enhanced misdemeanor AND
- 1. DOES NOT include as an element of the offense the use or attempted use of physical force or the threatened use of a deadly weapon (2717-b; 2717-14)
 - 2. DOES include as an element of the offense the use or attempted use of physical force, or the threatened use of a deadly weapon (2717-a), AND
 - 2a. there exists a qualifying domestic violence relationship between the victim and defendant. See attached Domestic Violence Sentencing Addendum-Section 1, OR
 - 2b. there is no qualifying domestic violence relationship between the victim and defendant (2717-14)
- C. The defendant is sentenced to the New Hampshire State Prison for not more than 7 years, nor less than 3.5 years

There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.

Pretrial confinement credit: _____ days.

- D. This sentence is to be served as follows:
- Stand committed Commencing 10/25/2024
 - _____ of the minimum sentence and _____ of the maximum sentence is suspended.
- Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends _____ years from today or release on _____
- _____ of the sentence is deferred for a period of _____ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

- E. The sentence is consecutive to case number and charge ID 226-2021-CR-00944 1968131C
 concurrent with case number and charge ID 226-2021-CR-00944 1916903C

Case Name: State of New Hampshire v. Danielle Dauphinais

Case Number: 226-2021-CR-00944

STATE PRISON SENTENCE

- F. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.
- G. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.
- H. The Court recommends to the Department of Corrections:
 - Screen and/or assess for drug and alcohol treatment needs.
 - Sentence to be served at House of Corrections
 - _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

- A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.
Effective: Forthwith Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.
- B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.
Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

- A. **Fines and Fees:**
Fine of \$ _____, plus a statutory penalty assessment of \$ 0.00 to be paid:
 - Today
 - By _____
 - Through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
 - \$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.
- B. **Restitution:**
The defendant shall pay restitution of \$ _____ to _____
 - Restitution shall be paid through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
 - At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
 - Restitution is not ordered because: _____
- C. **Appointed Counsel: NOTE: Financial Obligations, Section C is NOT a term and condition of the sentence.**
 - The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of \$ _____
payable through _____ in the amount of \$ _____ per month.
 - The Court order for repayment is suspended until the time of the defendant's release from state prison.
 - The Court finds that the defendant has no ability to pay counsel fees and expenses.

Case Name: State of New Hampshire v. Danielle Dauphinais

Case Number: 226-2021-CR-00944

STATE PRISON SENTENCE

OTHER CONDITIONS

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
 - New Hampshire State Prison
 - House of Corrections
- D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.
- E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

(1) The defendant waives her right to seek Earned Time Credit under RSA 651-A:22-a

(2) The defendant may not profit in any manner from these offenses including the murder, life of Elijah Lewis or her flight from the investigation. Specifically, she shall not accept any payment, enter into any contract, or sell any rights regarding any book, film, television show, radio show, website, podcast or any other writing, recording, broadcast, or internet posting relating to the offenses, the murder or Elijah Lewis.

For Court Use Only



Honorable Charles S. Temple

October 25, 2024