

THE STATE OF NEW HAMPSHIRE
HILLSBOROUGH COUNTY SUPERIOR COURT
SOUTHERN DISTRICT

CASE NO. 226-2021-CR-0944

STATE OF NEW HAMPSHIRE

v.

DANIELLE DAUPHINAIS

MOTION FOR CLARIFICATION

NOW COMES the Defendant, Danielle, Dauphinais, by and through counsel, Jaye L. Rancourt and Benjamin Falkner and requests this Honorable Court clarify whether Joseph Stapf's recorded jail calls should have been provided to the parties.


IN SUPPORT OF THIS MOTION, it is stated as follows:

1. On January 18, 2023, this Court granted Defendant's Assented to Motion for Production of Documents and *In Camera* Review of Confidential Records. In that Motion, it was requested that all phone records and recorded jail/prison phone calls of Joseph Stapf be provided to the parties.

2. This Court issued the Court's Order for production of records and for production to the parties on March 27, 2023. In that Court Order that the House of Corrections was directed to provide to the Court "for production to the parties" all phone records and recorded phone calls of Joseph Stapf while incarcerated at the Hillsborough County Department of Corrections.

3. Thereafter, the parties were notified that documents were available following an *in camera* review of documents provided by the House of Corrections.

4. Attorney Falkner picked up certain records which had been produced by the House of Corrections, reviewed by the Court and subsequently released to the parties per that Court Order. The Court is not in possession of the audio recordings of the phone calls from the House of Corrections. It has released all the documents regarding the phone calls to the parties. The Court orders the House of Corrections/DOC to release copies of the audio recordings to the Hillsborough County Attorney's Office and Attorney Falkner.


Honorable Charles S. Temple
June 15, 2023

Clerk's Notice of Decision
Document Sent to Parties
on 06/20/2023

5. Within those documents produced, the actual recorded phone calls of Joseph Stapf were not produced.

6. Upon information and belief, based upon information provided by the Department of Corrections, the recorded phone calls of Joseph Stapf had been provided to the Court for production to the parties. As of the date of the filing of this Motion, June 1, 2023, the actual recorded phone calls of Joseph Stapf have not been provided. To date, the parties have been provided a written synopsis of phone calls including the number called and the date the phone call. No recorded phone calls have been produced.

7. As recorded calls in the House of Corrections are recorded there is no privacy interest in recorded phone calls made from the House of Corrections. Further, the State has not objected to the production of the recorded phone calls. Upon information and belief, the phone calls themselves were not subject to *in camera* review as the specific request to the Court at the time of the request for production of the documents was that the recorded phone calls be produced directly to the parties, as no privacy interests is involved with those recorded calls.

WHEREFORE, the Defendant requests this Honorable Court:

- A. Clarify for the parties if the recorded phone calls are to be produced to the parties;
- B. If the recorded phone calls are to be produced to the parties and are currently in the possession of the Court, that those calls be produced; and,
- C. Grant such other relief as justice and equity shall require.

Respectfully submitted,
Danielle Dauphinais, Defendant
By and through her attorneys,

Dated: June 1, 2023

/s/ Jaye L. Rancourt
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Dated: June 1, 2023

/s/ Jaye L. Rancourt for
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I HEREBY CERTIFY that a copy of the foregoing Motion for Clarification has been forwarded via ECF on this 1st day of June, 2023 to Bethany J. Durand, Esquire and Meghan Hagaman, Esquire— Office of Attorney General, 33 Capitol Street, Concord, NH 03301-6397.

/s/ Jaye L. Rancourt
Jaye L. Rancourt, Esquire