

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 IMMEDIATE DISCLOSURE OF DISCOVERY

NOW COMES the Defendant, Danielle, Dauphinais, by and through counsel, Jaye L. Rancourt and Benjamin Falkner and requests this Honorable Court immediately order the Attorney General's office to disclose any and all statements obtained by Danielle Dauphinais regarding any matter.

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

1. The Defendant is charged with first degree murder as well as other offenses. The Defendant has at all times been prosecuted by attorneys working for the New Hampshire Attorney General's office.

2. Undersigned counsel, Attorney Jaye L. Rancourt, was appointed to represent Danielle Dauphinais upon her arraignment in the Hillsborough County Superior Court originally for charges of witness tampering. The New Hampshire Attorney General's office has been on notice since that time that Danielle Dauphinais has been represented by counsel.

3. Danielle Dauphinais is now represented also by Attorney Benjamin Faulkner. His appearance has been entered in this Court and the Attorney General's office is well aware that Danielle Dauphinais is represented by both Attorney Rancourt and Attorney Faulkner.

4. Despite that knowledge, the Attorney General's office entered into the Hillsborough House of Corrections and pulled Danielle Dauphinais from her cell and began

questioning her. Upon information and belief, this questioning not only involved her current case but also a case involving the Defendant in another case, Kayla Montgomery.

5. New Hampshire Attorney General's office has never disclosed to undersigned counsel that they had questioned Danielle Dauphinais anytime while she has been incarcerated at the Hillsborough County House of Corrections. Upon information and belief, this questioning occurred in March of 2022.

6. Despite this violation of Danielle Dauphinais' constitutional rights to counsel under the Sixth Amendment of the United States Constitution and Part 1, Article 15 of the New Hampshire Constitution, the Attorney General's office has never disclosed to undersigned counsel that Danielle Dauphinais was questioned, nor have they disclosed the content of her statements in the possession of the Attorney General's office. New Hampshire Rules of Criminal Procedure Rule 12(b)(A) requires such disclosure.

7. Not until the morning of October 12, 2022, when media coverage broke regarding a witness list released in the Kayla Montgomery case did undersigned counsel learn that Danielle Dauphinais had been pulled from her cell in or about March of 2022 and questioned.

8. The Attorney General's office has never disclosed that they are in possession of a statement by Danielle Dauphinais in her pending case. Upon information and belief some of that questioning involved the case for which she stands accused in this Court in direct violation of Danielle Dauphinais' constitutional rights and New Hampshire Rules of Criminal Procedure.

9. The Defendant requests this Honorable Court issue an Order, ordering immediate release of any audio, video and written statements currently in the possession of the Attorney General's office regarding statements obtained by them of Danielle Dauphinais while she has been impersonated and represented by counsel.

WHEREFORE, the Defendant respectfully requests this Honorable Court:

A. Issue an Order directing the Attorney General's office to release any and all statements of Danielle Dauphinais in their possession whether they consider those statements to be relevant to her case or the case of any other defendant; and,

B. Issue sanctions against the Attorney General's office for not only failing to disclose statements in their possession by Ms. Dauphinais but by questioning her in violation of her constitutional rights; and,

C. Grant such other relief as justice and equity may require.

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

Dated: October 12, 2022

/s/ Jaye L. Rancourt
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Dated: October 12, 2022

/s/ Jaye L. Rancourt for
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I HEREBY CERTIFY that a copy of the foregoing Motion for Immediate Disclosure of Discovery has been forwarded via ECF on this 12th day of October, 12, 2022, to Bethany J. Durand, Esquire – Office of Attorney General, 33 Capitol Street, Concord, NH 03301-6397.

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