

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT
SOUTHERN DISTRICT
CASE NO. 226-2021-CR-00944

STATE OF NEW HAMPSHIRE

v.

DANIELLE D. DAUPHINAIS

**MOTION TO SET/RESET CERTAIN DEADLINES
CONCERNING EXPERT WITNESSES**

Defendant Danielle Dauphinais hereby moves (1) to RESET the deadline for defense expert disclosures to February 8, 2024, the deadline for prosecution rebuttal experts to March 8, 2024 and the deadline to depose expert witnesses to June 15, 2024, and (2) to SET a deadline for motions to exclude expert testimony of July 15, 2024. Dauphinais relies upon the following:

1. Dauphinais is charged with first degree murder, among other things.
2. The deadline for defense expert disclosures is December 8, 2023.
3. The defense has consulted with various experts. The defense expects to make certain expert disclosures. At least one expert who the defense expects to disclose has carefully reviewed voluminous discovery and consulted with defense counsel. However, the expert needs additional time to complete a report concerning her opinions and the bases therefor. The potential expert testimony may be necessary to present an effective defense.

Moot-structuring order submitted by the parties.

Clerk's Notice of Decision
Document Sent to Parties
on 12/19/2023



Honorable Charles S. Temple
December 18, 2023

4. The prosecution rebuttal expert disclosures are currently due January 8, 2024. That deadline should be extended to March 8, 2024.

5. The deposition deadline is April 15, 2024. The deposition deadline for experts should be extended to June 15, 2024.

6. While there is a March 13, 2024 deadline for motions in limine, there is no deadline specific to the exclusion of expert testimony. The defense proposes a deadline of July 15, 2024 for the filing of motions to exclude expert testimony.

7. Jury selection is currently scheduled for October 7, 2024. The defense request to extend the deadline for expert disclosures should not disturb the trial deadline, as the defense expert disclosures would be due approximately eight months before trial, and the experts would be deposed (if at all) more than three months before trial.

8. The extensions sought herein are necessary to preserve Dauphinais' rights to effective assistance of counsel, to present a defense and to a fair trial.

WHEREFORE, for all the foregoing reasons, Defendant Danielle D. Dauphinais respectfully requests that the Court GRANT the within motion and (1) RESET the deadline for defense expert disclosures to February 8, 2024, the deadline for prosecution rebuttal experts to March 8, 2024 and the deadline to depose expert witnesses to June 15, 2024, and (2) SET a deadline for motions to exclude expert testimony of July 15, 2024.

Defendant
Danielle D. Dauphinais
By her Attorneys,

/s/ Benjamin L. Falkner

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Dated: December 8, 2023

CERTIFICATE OF SERVICE

I hereby certify that I served a true and genuine copy of the within document upon counsel to the State via efileing on December 8, 2023.

/s/ Benjamin L. Falkner

Benjamin L. Falkner