

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: Hillsborough Superior Court Southern District

Case Name: State of New Hampshire v. Danielle D. Dauphinais

Case Number: 226-2021-CR-00944

(if known)

**MOTION: Motion to Intervene and Unseal Court Records**

1. | David Sakowich, Managing Editor at WMUR-TV am filing this motion on my own behalf  
AND/OR  
I am a person authorized by court rules to appear on behalf of another in this case. I am filing this motion on behalf of \_\_\_\_\_

2. The facts supporting this motion are:  
WMUR-TV is an FCC-licensed television station in Manchester, New Hampshire and is the broadcaster of local news throughout the state of New Hampshire. The New Hampshire Supreme Court has explained: "The right of a party to intervene in pending litigation in this state has been rather freely allowed as a matter of practice." (Brzica v. Trustees of Dartmouth College).

3. With this motion, I am requesting the following relief:  
WMUR-TV moves to intervene in this case, and to unseal court records

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.  The other party  does  does not agree with the relief requested in this motion.  
OR  
 I was unable to or did not obtain the other party's opinion on this motion because:  
Both parties received copies of this motion on July 7th.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Name: State of New Hampshire v. Danielle D. Dauphinais

Case Number: 226-2021-CR-00944

MOTION: \_\_\_\_\_

**For non e-filed cases:**

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

NH Attorney General's Office

or Atty Benjamin Falkner & Atty. Tracy Scavarelli

Other party

Other party's attorney

**OR**

**For e-filed cases:**

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

**David Sakowich**

\_\_\_\_\_  
Name of Filer

\_\_\_\_\_  
Law Firm, if applicable

\_\_\_\_\_  
Bar ID # of attorney

**WMUR-TV 100 South Commercial Street**

\_\_\_\_\_  
Address

**Manchester**

\_\_\_\_\_  
City

**NH**

\_\_\_\_\_  
State

**03101**

\_\_\_\_\_  
Zip code

**s/ David Sakowich**

\_\_\_\_\_  
Signature of Filer

\_\_\_\_\_  
Date

**(603) 640-9023**

\_\_\_\_\_  
Telephone

**dsakowich@hearst.com**

\_\_\_\_\_  
E-mail

**FOR COURT USE ONLY**

**Granted**



Honorable Charles S. Temple

July 14, 2023

The Department of Justice shall receive notice of this order twenty-four hours before the affidavit is unsealed to allow compliance with the Victim Rights Act.

Clerk's Notice of Decision  
Document Sent to Parties  
on 07/14/2023

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
<http://www.courts.state.nh.us>

HSCS-JUL18 2:33PM 12:44

Court Name: Hillsborough Superior Court Southern District   
Case Name: State of New Hampshire v. Danielle D. Dauphinais  
Case Number: 226-2021-CR-00944  
(if known)

**MOTION:** Motion to Unseal Arrest Affidavit

1. I David Sakowich, Managing Editor at WMUR-TV am filing this motion on my own behalf  
AND/OR  
I am a person authorized by court rules to appear on behalf of another in this case. I am filing this  
motion on behalf of \_\_\_\_\_

2. The facts supporting this motion are:  
**See attached document.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. With this motion, I am requesting the following relief:  
**WMUR-TV is asking the court to unseal the arrest affidavit filed by the New Hampshire**

\_\_\_\_\_  
**Attorney General's office on October 20, 2021. The affidavit was sealed by order of the court**

\_\_\_\_\_  
**at the state's request.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.  The other party  does  does not agree with the relief requested in this motion.  
OR

I was unable to or did not obtain the other party's opinion on this motion because:  
**Both parties received copies of this motion on July 7th.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Name: State of New Hampshire v. Danielle D. Dauphinais

Case Number: 226-2021-CR-00944

MOTION: \_\_\_\_\_

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NH Attorney General's Office

or

Atty Benjamin Falkner & Atty. Tracy Scavarelli

Other party

Other party's attorney

OR

**For e-filed cases:**

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

**David Sakowich**

\_\_\_\_\_  
Name of Filer

\_\_\_\_\_  
Law Firm, if applicable

\_\_\_\_\_  
Bar ID # of attorney

**WMUR-TV 100 South Commercial Street**

\_\_\_\_\_  
Address

**Manchester**

**NH**

**03101**

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip code

**s/ David Sakowich**

\_\_\_\_\_  
Signature of Filer

\_\_\_\_\_  
Date

**(603) 640-9023**

\_\_\_\_\_  
Telephone

**dsakowich@hearst.com**

\_\_\_\_\_  
E-mail

FOR COURT USE ONLY



State of New Hampshire v. Danielle Dauphinais (Case 226-2021-00944)

**Facts supporting the motion to unseal arrest affidavit**

WMUR-TV respectfully requests that this Court unseal the Probable Cause Statement filed on October 21, 2021, in the above-referenced matter by the New Hampshire Attorney General's Office. The court sealed this document at the request of the state presumably because the release of the affidavit and information contained in the document could compromise the integrity of the investigation.

On April 15, 2022, the Hillsborough County Grand Jury returned indictments charging the defendant, Danielle Dauphinais with 1st Degree Murder, 2nd-degree murder, endangering the welfare of a child, and witness tampering.

While we are unaware of the basis upon which the Court initially sealed the arrest affidavit, we respectfully believe that, because the defendant has been indicted on murder and other charges, the great public interest in this case outweighs any basis for the continued sealing of the arrest affidavit.

Please also note that we believe the unsealing of the arrest affidavit at this point in the prosecution of the case would be consistent with other criminal prosecutions where the Office of the Attorney General has sought to unseal previously sealed Probable Cause Statements specifically noting that because the defendant had been "indicted, and the indictments have been made public, there is no further need for the items listed above to remain sealed." See, e.g., State of New Hampshire v. Logan Clegg, docket number 217-2022-CR-1226.

On April 20, 2023, the court granted a similar request by WMUR-TV to unseal the probable cause statement in State of New Hampshire v. Adam Montgomery, docket number 216-2022-CR-02372.

While it is my understanding that this Court will consider motions filed by members of the press and public in this format, should the Court prefer that WMUR file a motion through counsel, we will promptly do so.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Sakowich", with a long horizontal flourish extending to the right.

David Sakowich  
Managing Editor, WMUR-TV  
603-641-9023  
dsakowich@hearst.com