

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 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.

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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 New Hampshire Public Defender's Office
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

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City State Zip code

s/ David Sakowich

Signature of Filer

Date

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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.

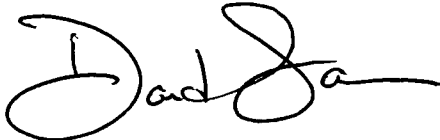
While we are unaware of the basis upon which the Court initially sealed the arrest affidavit, we respectfully believe that, because the defendant has been indicted on murder and other charges, the great public interest in this case outweighs any basis for the continued sealing of the arrest affidavit.

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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Sakowich
Managing Editor, WMUR-TV
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