

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

**PARTIAL OBJECTION TO STATE'S MOTION TO COMPEL DISCOVERY  
FROM DEFENDANT'S EXPERT WITNESSES**

Defendant Danielle Dauphinais hereby objects, in part, to the State's Motion to Compel Discovery from Defendant's Expert Witnesses. Dauphinais relies upon the following:

1. Dauphinais is charged with first degree murder, Endangering the Welfare of a Child, and Witness Tampering.
2. Dauphinais will provide Dr. Dickinson's updated CV and list of cases on or before August 19, 2024.
3. Dauphinais has provided Dr. Laposata's list of cases herewith.
4. As to the State's request for expert witness fees disclosure, Dauphinais objects to the information sought by the State. Further answering, the State alleges that Court-approved compensation of defense expert witnesses, provided by the NH Judicial Council concerns the issue of witness "credibility." Dauphinais respectfully disagrees. If the State's theory were correct, then Dauphinais would be able to

question any police witness about their salary, and any State expert witness about their compensation. The State's citation to Davis v. Alaska, 415 U.S. 308 (1974) is not of assistance for at least two reasons: (1) that case deals with a defendant's constitutional right to confront the witnesses against him, not with State rules of evidence concerning the State's right to cross-examine a defense expert, and (2) that case deals with questioning a fact witness about potential pending charges, not questioning an expert witness concerning compensation. The State's citation to N.H. R. Evid. 611(b) takes it no further. While Rule 611(b) allows cross examination regarding credibility, here, the defendant is assisted by Court-appointed counsel and the defense experts are compensated by state and court-approved requests for funds. The State cites no case entitling it to discovery or cross-examination concerning the court-approved compensation of indigent defense witnesses.

5. The State's request stands in direct conflict with RSA 604-A:6, which provides in relevant part, "In any case in which appointed counsel seeks funds for services other than counsel under this section, the application for such funds may be filed with the court on an ex parte basis and may, upon the request of appointed counsel, be sealed until the conclusion of the representation."

6. Where the State seeks disclosure of information protected by RSA 604-A:6 and where the State cites no relevant authority in support of its requests, Dauphinais respectfully requests that the Court deny the State's motion.

**WHEREFORE**, for the following reasons, Defendant Danielle Dauphinais respectfully requests that this Court DENY the State's motion insofar as it seeks expert witness fees disclosure.

Defendant  
Danielle D. Dauphinais  
By her Attorney,

/s/ Benjamin L. Falkner  
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Dated: August 5, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and genuine copy of the within document upon counsel to the State via e-filing on August 5, 2024.  
12 (blf)

/s/ Benjamin L. Falkner  
Benjamin L. Falkner