

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICT

NOVEMBER TERM, 2022

STATE

V.

DANIELLE DAUPHINAIS

226-2021-CR-00944

STATE'S ASSENTED-TO STRUCTURING PROPOSAL

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully submits the following assented-to proposal for dates and deadlines for trial and pretrial matters in the above-captioned case. The proposed assented-to structuring proposal only sets deadlines for listed events, and the parties will endeavor to file any applicable pleadings prior thereto, subject to either side's option to seek extensions or changes for good cause.

Defense counsel was previously provided with a copy of this proposal, and they have advised the State that they assent to it. Further, the defendant waives speedy trial and will submit a written waiver of speedy trial.

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|----|-----------------------------|----------------------------|
| 1. | Jury Selection | January, 2024 ¹ |
| 2. | State to provide Discovery: | Completed ² |

¹ As of the submission of this Structuring Proposal, the Court does not have jury pool days scheduled for January 2024.

² To date, the State has provided defense with approximately 5,503 pages of written discovery, 150 media discs and 6 external drives. The State will provide any additional discovery received or generated during the pendency of this matter pursuant to the continuing obligation set forth in N.H. R. Crim. R. 12(b)(7). Supplemental discovery is anticipated to include any materials requested but not received, outstanding expert reports, and the results of anticipated/pending forensic testing.

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| 3. | State to provide notice of Rule 404(b) material | January 4, 2023 ³ |
| 4. | Motions to Dismiss and discovery motions: | January 4, 2023 ⁴ |
| 5. | State expert disclosure/CVs/reports: | February 24, 2023 ⁵ |
| 6. | Notice of defenses: | April 7, 2023 |
| 7. | Defense expert disclosure/CVs/ reports: | May 15, 2023 ⁶ |
| 8. | Motions to Suppress: | June 7, 2023 ⁷ |
| 9. | Depositions of expert/lay witnesses: | September 15, 2023 |
| 10. | Pretrial evidentiary motions, including
<i>motions in limine</i> : | October 4, 2023 ⁸ |
| 11. | Defense reciprocal discovery: | October 16, 2023 |
| 12. | Deadline for negotiated plea: | December 4, 2023 |
| 13. | State's anticipated trial witness list: | December 4, 2023 |
| 14. | Defendant's anticipated trial witness list: | December 11, 2023 |
| 15. | Proposed jury instructions: | December 18, 2023 |

³ As of the submission of this Structuring Proposal, the State has already provided 404(b) notice to defense counsel. The State provided this disclosure in a letter dated June 30, 2022. Any supplement to this information will be provided by the deadline.

⁴ The parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

⁵ As of the submission of this Structuring Proposal, the State has provided the defense with the reports prepared by and CVs of the medical examiner who conducted the autopsy and the toxicologist who conducted testing related to the autopsy. State expert disclosures may be supplemented based on pending/anticipated forensic testing, additional expert reports and in response to notice of defenses and/or defense expert disclosure.

⁶ To the extent that the State seeks to present expert testimony in response to any defense expert disclosure, the State to provide any expert disclosures/CVs/reports within 45 days of receipt of pertinent defense disclosures.

⁷ The parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

⁸ The parties reserve the right to file additional evidentiary motions based on any supplemental discovery that is received. The parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella,
Attorney General

Date: November 1, 2022

/s/ *Bethany Durand*

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CERTIFICATION

I certify that a copy of this proposal has been provided to counsel of record for the defendant, via the electronic case filing system.

November 1, 2022

/s/ *Bethany Durand*

Bethany Durand, NH Bar ID # 273943