

**THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT**

**HILLSBOROUGH, SS.
SOUTHERN DISTRICT**

SEPTEMBER TERM 2024

**STATE OF NEW HAMPSHIRE
V.
DANIELLE DAUPHINAIS**

226-2021-CR-0944

STATE'S REQUEST FOR JUDICIAL NOTICE (TIME ZONES)

NOW COMES the State of New Hampshire, by and through the Office of the Attorney General, and respectfully requests that this Honorable Court take judicial notice at trial of various time zones, and the differences between local time and those time zones, pursuant to New Hampshire Rules of Evidence Rule 201. Specifically, the State is requesting that the Court take judicial notice of the time differences between Universal Time (UTC), Eastern Daylight Time (EDT), Central Daylight Time (CDT), Mountain Standard Time (MST), and Pacific Daylight Time (PDT).

In support of this request, the State submits that:

I. RELEVANT FACTS¹

1. The defendant is currently charged with first-degree murder and related charges for killing E.L. (Age 5) in or around September of 2021 in Merrimack, New Hampshire.

¹ The facts are derived from the Probable Cause Affidavit and other discovery materials provided to defense counsel. The facts included are those relevant to the evidence that is the subject of the State's Motion.

Specifically, this charge alleges that Dauphinais did, on or between September 27, 2020, through September 24, 2021, commit the crime of first-degree murder by purposely causing the death of E.L. The defendant is also charged with three class B felony counts of tampering with witnesses, and two misdemeanor counts of endangering the welfare of a child for other conduct before and after the murder.

2. By way of background, on October 14, 2021, the Merrimack Police Department began an investigation into the whereabouts of E.L. who was last known to be in the custody of his mother, Danielle Dauphinais (defendant), and her boyfriend, Joseph Stapf (Stapf). Based on the investigation, E.L. arrived in New Hampshire in May of 2020, and resided with the defendant and Stapf in a basement apartment at 7 Sunset Drive in Merrimack, New Hampshire from that time until the time of his death.

3. On October 14, 2021, when directly asked where E.L. was located, the defendant told multiple stories about his whereabouts placing him (1) as a runaway, (2) in California, and (3) in Texas. Further, E.L.'s biological father resided in Arizona where E.L. had also lived prior to his arrival in New Hampshire.

4. Also on October 14, 2021, the defendant and Stapf fled New Hampshire. On October 17, 2021, the defendant and Stapf were arrested in Bronx, New York.

5. Investigators utilized multiple sources to locate the defendant and Stapf as well as to search for E.L. and to determine the course of events that led to his death. Specifically, investigators obtained cellular phone records (*e.g.* call detail records), forensic downloads of cellular phone content, cellular location data, social media records, and Google account information for the defendant and Stapf. Investigators received screen images of text message communications between the defendant and individuals in Texas. Further, investigators

received police reports, logs, and body worn camera recordings from law enforcement agencies in Massachusetts, New York, California, Texas, and Arizona. Given the various geographical locations involved, there are multiple time zones involved in these various records anticipated to be introduced at trial.

6. UTC is a fixed time zone that serves as the basis for all local times worldwide.²

7. On October 14, 2021, New Hampshire, Massachusetts, Connecticut and New York were in the local time zone identified as Eastern Daylight Time (EDT). EDT is the valid time zone for New Hampshire during daylight savings time, which in 2021 was from March 14, 2021, through November 7, 2021.³ EDT is equal to UTC minus 4 hours. UTC time is thereby four hours later than the local time in New Hampshire (EDT). For example, 12:00 P.M. (noon) EDT in New Hampshire is the same as 4:00 P.M. in UTC time.

8. At the same time, California was in the local time zone identified as Pacific Daylight Time (PDT). PDT is equal to UTC minus 7 hours. PDT time is thereby three hours earlier than the local time in New Hampshire (EDT). For example, 12:00 P.M. (noon) in New Hampshire is the same as 9:00 A.M. in California.

9. At the same time, Texas was in the local time zone identified as Central Daylight Time (CDT). CDT is equal to UTC minus 5 hours. CDT time is thereby one hour earlier than the local time in New Hampshire (EDT). For example, 12:00 P.M. (noon) in New Hampshire is the same as 11:00 A.M. in Texas.

10. Lastly, at the same time, Arizona was in the local time zone identified as Mountain Standard Time (MST).⁴ MST is equal to UTC minus 7 hours. MST is thereby three

² See generally <https://www.timeanddate.com/time/aboututc.html> (last visited September 16, 2024)

³ See <https://www.timeanddate.com/time/change/usa?year=2021> (last visited on September 16, 2021).

⁴ Arizona does not participate in daylight savings time. See <https://www.timeanddate.com/time/zone/@5303754> (last visited on September 16, 2021).

hours earlier than local time in New Hampshire (EDT). For example, 12:00 P.M. (noon) in New Hampshire is the same as 9:00 A.M. in Arizona.

11. In preparation of trial, the State has prepared a trial exhibit to aid jurors in interpreting the different time zones and to understand the timeline of the events and evidence in the instant case. This exhibit is included herein as Attachment A.

12. Pursuant to New Hampshire Rules of Evidence Rule 201, the Court shall take judicial notice of facts that are not subject to reasonable dispute. The Rule states:

A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to source whose accuracy cannot reasonably be questioned.

N.H. R. of Evid201.

13. Specifically, Rule of Evidence 201 goes on to state that “a court shall take judicial notice if requested by a party and supplied with the necessary information.” *Id.* at (d).

14. Here, the State seeks to have the Court take judicial notice of undisputed facts that are capable of being easily determined by the Court. The accuracy of the time zones and differences between local time and other time zones outlined above can readily be determined by the Court through reliable sources.

15. The State contacted counsel for the defendant in order to obtain the defendant's position as to this request but has not received a response.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's Request for Judicial Notice (Time Zones); and/or:
- B. Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorney

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Attorney General

September 20, 2024

/s/ Bethany J. Durand

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CERTIFICATE OF SERVICE

I certify that on this day I sent a copy of the foregoing to counsel for the defendant through the Court's e-filing system.

September 20, 2024

/s/ Bethany J. Durand

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Assistant Attorney General

Attachment A

Time Zone Differences in October 2021

| Location: | Time Zone: | Time Difference to New Hampshire: | Example: |
|---|---------------------------------|-----------------------------------|----------|
| New Hampshire Massachusetts Connecticut New York | Eastern Daylight (EDT) (UTC-4) | 0 | 12:00 PM |
| Fort Worth, Texas | Central Daylight (CDT) (UTC-5) | 1 hour Earlier | 11:00 AM |
| Phoenix, Arizona | Mountain Standard (MST) (UTC-7) | 3 hours Earlier | 9:00 AM |
| Los Angeles, California | Pacific Daylight (PDT) (UTC-7) | 3 hours Earlier | 9:00 AM |
| UTC (Universal Time) | Universal Time (UTC) (UTC 0) | 4 hours Later | 4:00 PM |