THE SUPREME COURT OF NEW HAMPSHIRE

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Hillsborough-northern judicial district
Case No. 2024-0506
Citation: State v. Laforest, 2025 N.H. 49

THE STATE OF NEW HAMPSHIRE

v.

RAYMOND LAFOREST

Argued: October 9, 2025
Opinion Issued: November 21, 2025

John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Robert L. Baldridge, assistant attorney general, on the brief and orally), for the State.

Stephanie Hausman, chief appellate defender, of Concord, on the brief and orally, for the defendant.

DONOVAN, J.

[¶1] The State appeals a ruling of the Superior Court (Messer, J.) dismissing two indictments against the defendant, Raymond Laforest, based upon the State's failure to bring the defendant to trial within the 180-day limitation prescribed by the Interstate Agreement on Detainers (IAD). See RSA

606-A:1 (2001). The State argues that the trial court erred by concluding that the 180-day limitation period began despite the defendant's failure to deliver his request for final disposition to the court where his charges were pending. We conclude that the defendant served his request upon the "appropriate court" pursuant to RSA 606-A:2 (2001) and, therefore, he complied with the requirements of the IAD. Accordingly, we affirm.

## I. Facts

[¶2] The following facts are drawn from the record. In 2022, grand juries in Manchester, which is located in the northern judicial district of Hillsborough County, indicted the defendant on the two charges that form the basis of this appeal. In 2023, the defendant began serving a sentence for an unrelated matter at a correctional facility in Pennsylvania. At some point during the defendant's incarceration in Pennsylvania, the State lodged a detainer against him.[1]

[¶3] On December 21, 2023, the defendant signed a request for final disposition of the New Hampshire charges pursuant to Article III of the IAD. The defendant's IAD paperwork listed three charges for which detainers were filed against him from Hillsborough County: two pending in the northern judicial district and one pending in the southern judicial district. The superintendent at the Pennsylvania correctional facility sent the defendant's request to the Hillsborough County Attorney's Office and to the superior court in Nashua, which is located in the southern judicial district of Hillsborough County (Hillsborough-South), by certified mail. On or about December 26, 2023, the State and Hillsborough-South received the defendant's request. Hillsborough-South took no action with respect to the request and did not forward it to the superior court in Manchester (Hillsborough-North). The State, citing various reasons for delay, did not complete the IAD paperwork relating to the defendant's request until May 2024.

[¶4] On June 3, 2024, the State filed a motion seeking an extension of the 180-day limitation for bringing the defendant to trial. The State claimed that it was "unaware [that] the Court was served the paperwork," and argued that an extension was warranted due to "the unforeseen delays and lack of docketing of this issue." The defendant objected, arguing that the State could not demonstrate that good cause existed for extending the 180-day limitation. The trial court granted the State a 120-day extension, finding that "adequate service was made under the statute" and declining to attribute the delay entirely to the State or the defendant.

[1] A detainer "is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking that the prisoner be held for the agency, or that the agency be advised when the prisoner's release is imminent." Fex v. Michigan, 507 U.S. 43, 44 (1993).

[¶5] The defendant moved to reconsider. The trial court granted his motion, agreeing with the defendant that the State failed to demonstrate good cause to grant the extension. The court reasoned that the extension was not warranted because, at the time the defendant made his request, there was another detainer lodged against him in Hillsborough-South, and the defendant's paperwork referenced the charges against him in both Hillsborough-North and Hillsborough-South, which could explain why his request was sent to Hillsborough-South. It further found that, although the State received the defendant's request on or about December 26, 2023, it "allowed the paperwork to languish until such time as it was essentially too late to complete the process to bring the defendant to New Hampshire for trial prior to the expiration of the 180-day time period."

[¶6] The defendant thereafter moved to dismiss, arguing that the State failed to bring him to trial within the 180-day limitation period, which expired on June 22, 2024. The State filed a motion to reconsider the order granting the defendant's motion to reconsider and an objection to the defendant's motion to dismiss. The trial court granted the defendant's motion and dismissed the two charges filed in Hillsborough-North with prejudice. See RSA 606-A:1, Art. V(c). It also denied the State's motion to reconsider because the motion was untimely. The State subsequently filed a supplement to its motion to reconsider and objection to the motion to dismiss. The court explained that, although it considered "the content within the motion to reconsider as it was also styled as an objection to the motion to dismiss," the State's supplement did not alter the reasoning in the court's prior decision. This appeal followed.

## II. Analysis

[¶7] The State's sole argument on appeal is that the defendant did not comply with the IAD because he served his request upon Hillsborough-South rather than Hillsborough-North. As a result, the State claims, the 180-day limitation to bring the defendant to trial on the two Hillsborough-North charges did not begin to run. It therefore contends that the order dismissing the charges with prejudice must be reversed.

[¶8] The dismissal of an indictment under the IAD presents a question of law, which we review de novo. See State v. Bjorkman, 171 N.H. 531, 535 (2018). We review the factual findings underlying the decision pursuant to a clearly erroneous standard. State v. Brown, 157 N.H. 555, 556-57 (2008). As a congressionally sanctioned interstate compact, the IAD is a federal law subject to federal construction. State v. Sprague, 146 N.H. 334, 336 (2001); see New York v. Hill, 528 U.S. 110, 111 (2000).

[¶9] "The IAD is a compact entered into by 48 States, the United States, and the District of Columbia to establish procedures for resolution of one State's outstanding charges against a prisoner of another State." Bjorkman,

171 N.H. at 535. Its purpose is to secure the speedy trial of people incarcerated in jurisdictions that have enacted similar statutes. Sprague, 146 N.H. at 335-36.

[¶10] Article III of the IAD provides:

> Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint . . . .

RSA 606-A:1, Art. III(a). In the absence of a waiver, the defendant's inability to stand trial, or a proper continuance, the pending charges must be dismissed with prejudice if a prisoner is not brought to trial within the prescribed time period. Bjorkman, 171 N.H. at 535; see RSA 606-A:1, Art. V(c) (if "the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof," the court "shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect"). The burden of showing compliance with the IAD is upon the State. Bjorkman, 171 N.H. at 535.

[¶11] As an initial matter, the defendant contends that the State failed to preserve its argument for appeal. In addition, he asserts that the State has not provided this court with an adequate record for appellate review, specifically pointing to the State's failure to provide the transcript of the hearing at which the State purportedly changed its position on whether the defendant had served the appropriate court.

[¶12] Generally, we do not consider issues raised on appeal that were not presented to the trial court. State v. Batista-Salva, 171 N.H. 818, 822 (2019). This preservation requirement reflects the general policy that trial forums should have an opportunity to rule on issues and to correct errors before they are presented to the appellate court. Id. The State, as the appealing party, bears the burden of demonstrating that it specifically raised the arguments articulated in its appellate brief before the trial court. Id.

[¶13] In its opening brief, the State asserts that its argument "was preserved by the arguments presented at the hearing on the State's motion for

an extension and in the State's motion to reconsider and objection to defendant's motion to dismiss." Although the defendant correctly notes that the State has failed to provide this court with the hearing transcript cited in its brief, there is nonetheless support in the record demonstrating that the trial court considered the issue the State now raises on appeal. In its order on the State's motion for an extension, the court summarized the State's argument that "service in this matter has not been perfected as the defendant's paperwork was sent to, and received by, the Clerk's Office in [Hillsborough-South] rather than [Hillsborough-North] where the defendant's cases are currently pending." The court proceeded to address this argument in its narrative order, concluding that "given that service was made to the prosecuting authority and a superior court within Hillsborough County, the Court finds adequate service was made under the statute." Furthermore, in a subsequent order, the court stated that it had considered, but was not persuaded by, the State's argument that "service upon this Court remains imperfect and contrary to the statute." We therefore conclude that the State's argument is preserved. See, e.g., State v. Gross-Santos, 169 N.H. 593, 598 (2017) (concluding argument raised by defendant was preserved for appellate review when "the analysis articulated by the trial court demonstrate[d] that it understood and addressed" the issue).

[¶14] Turning to the merits, there is no dispute that the "prosecuting officer," here the Hillsborough County Attorney, received the defendant's request as required by the IAD.[2] See RSA 606-A:1, Art. III(a). Further, the parties do not dispute that the superior court, specifically Hillsborough-South, received the defendant's request. The narrow issue before us is whether the defendant caused his request for final disposition "to be delivered to . . . the appropriate court of the prosecuting officer's jurisdiction" by sending it to Hillsborough-South rather than Hillsborough-North. See id. The State asserts that the "appropriate court" for purposes of Article III(a) of the IAD was Hillsborough-North, the court where the charges for which the defendant sought final disposition were pending. The defendant counters that "service on the southern judicial district was effective for purposes of his request for speedy disposition of his charges in the northern judicial district."

[¶15] Resolving the parties' dispute requires that we engage in statutory interpretation. It is well established that, when engaging in statutory interpretation, we first look to the language of the statute itself, and, if possible, construe that language according to its plain and ordinary meaning. State v. Fortune, 177 N.H. 7, 8 (2024), 2024 N.H. 52, ¶4. We give effect to every word of a statute whenever possible and will not consider what the

[2] The defendant's request was mailed to the superior court and to the Hillsborough County Attorney's Office in Nashua, which are located at the same address. The State does not assert that service upon the Nashua address, rather than the Manchester office of the Hillsborough County Attorney's Office, was inadequate.

legislature might have said or add language that the legislature did not see fit to include. Id. We also construe all parts of a statute together to effectuate its overall purpose. Id. However, we do not construe statutes in isolation; instead, we attempt to construe them in harmony with the overall statutory scheme. Id.

[¶16] In addition to adopting the IAD, the legislature has defined the term "appropriate court" in RSA 606-A:2. RSA 606-A:2 provides: "The phrase 'appropriate court' as used in the agreement on detainers shall, with reference to the courts of this state, mean the municipal court, the district court or the superior court." Therefore, within the context of Article III of the IAD, a defendant "shall be brought to trial within 180 days after he shall have caused [his request for final disposition] to be delivered to the prosecuting officer" and the municipal court, the district court, or the superior court "of the prosecuting officer's jurisdiction." RSA 606-A:1, Art. III(a); RSA 606-A:2.

[¶17] Contrary to the State's argument, the statute does not include within its definition of "appropriate court" any requirement that the request for final disposition be sent to a particular judicial district of the superior court within the prosecuting officer's jurisdiction. See RSA 606-A:2. Nor does it specify that the request must be delivered to the court where the charges are pending. See id. The State's interpretation of the IAD — requiring a prisoner to deliver his or her request to the judicial district of the superior court where the charges are pending — would require adding words to RSA 606-A:2 that the legislature did not include. See id.; Fortune, 177 N.H. at 8, 2024 N.H. 52, ¶4.

[¶18] Had the legislature intended to narrow the definition of "appropriate court" and specify that a defendant must serve the court in the judicial district where the charges were pending, it presumably would have done so. Indeed, Congress has crafted a narrower definition of "appropriate court" for purposes of the IAD with reference to federal courts. See 18 U.S.C. app. 2 § 4 (defining "appropriate court" as, "with respect to the United States, the courts of the United States, and with respect to the District of Columbia, the courts of the District of Columbia, in which indictments, informations, or complaints, for which disposition is sought, are pending." (emphasis added)). Other states have followed suit. See, e.g., Vt. Stat. Ann. tit. 28, § 1531 ("The phrase 'appropriate court' as used in the Agreement on Detainers, with reference to the courts of this State, means the Superior Court where the Vermont charge is pending." (emphasis added)); Utah Code Ann. § 77-29-6 ("The phrase 'appropriate court' as used in the agreement on detainers shall, with reference to the courts of this state, mean any court with criminal jurisdiction in the matter involved." (emphasis added)). Of course, if the legislature disagrees with our interpretation, it is free to amend the statute as it sees fit. See Attorney General v. Hood, 177 N.H. 176, 188 (2025), 2025 N.H. 3, ¶31 (per curiam).

[¶19] In this case, the State was required to bring the defendant "to trial within 180 days after he . . . caused [his request for final disposition] to be delivered" to the Hillsborough County Attorney's Office and the superior court within the Hillsborough County Attorney's jurisdiction. See RSA 606-A:1, Art. III(a); RSA 606-A:2. The defendant's request was delivered to the superior court in Nashua, Hillsborough-South, which is within the Hillsborough County Attorney's jurisdiction. See RSA 7:34 (2020); RSA 496:1, I(f) (2010). Therefore, the defendant complied with the IAD's requirements by serving his request upon Hillsborough-South and the Hillsborough County Attorney's Office on December 26, 2023, and the State was required to bring him to trial within 180 days thereafter. See RSA 606-A:1, Art. III(a).

[¶20] Moreover, pursuant to Article III(d) of the IAD, "[a]ny request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed." RSA 606-A:1, Art. III(d) (emphases added). Although the two charges forming the basis of this appeal were pending in Hillsborough-North, Form III of the defendant's request for final disposition of those charges identifies another detainer "on file" based upon a third charge. That third charge, as the trial court observed, was pending in Hillsborough-South. As previously mentioned, the defendant's request was "directed" to the Hillsborough County Attorney and delivered to Hillsborough-South. Thus, the defendant's IAD forms constituted a request for final disposition of all the New Hampshire charges "on the basis of which detainers [were] lodged against" him. Id.

[¶21] Our conclusion is consistent with the IAD's purpose: "to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints." RSA 606-A:1, Art. I; see also Bjorkman, 171 N.H. at 536 (recognizing that the IAD's legislative history "emphasizes that a primary purpose of the Agreement is to protect prisoners against whom detainers are outstanding"). The delivery of the defendant's request to both the Hillsborough County Attorney's Office and Hillsborough-South served as notice that the State had 180 days to bring the defendant to trial on the charges pending against him. See RSA 606-A:1, Art. III(a); Bjorkman, 171 N.H. at 535 (State bears burden of showing compliance with IAD).

[¶22] The delays in this case were caused by both the State's and Hillsborough-South's failure to promptly act upon the defendant's request. RSA 606-A:3 (2001) requires that "[a]ll courts, departments, agencies, officers and employees of this state . . . are hereby directed to enforce the agreement on detainers and to cooperate with one another . . . in enforcing the agreement and effectuating its purpose." (Emphasis added.) Although the State

acknowledged that it received the defendant's request for final disposition in late December 2023, it did not complete the IAD paperwork until May 2024, nor did it request an extension of the 180-day period, which was set to expire on June 22, until June 3. In addition, although the defendant served his request for final disposition upon Hillsborough-South, where a charge for which a detainer was lodged against him was pending, Hillsborough-South never docketed the request. Hillsborough-South's failure to docket the request as to the charge pending in that court and to forward to Hillsborough-North the defendant's request as to the two other pending charges contravenes the statutory directive that New Hampshire courts cooperate with one another to effectuate the IAD's purpose.

[¶23] The State's argument that Hillsborough-South does not have jurisdiction over the two charges filed against the defendant in Hillsborough-North does not alter our conclusion. Although the defendant cannot be tried in Hillsborough-South on the charges filed in Hillsborough-North, which arose from offenses allegedly committed in Goffstown, see RSA 602:1 (2001) ("Offenders shall be prosecuted and tried in the county or judicial district in which the offense was committed"); RSA 496:1, I(f) (Goffstown is in the northern judicial district of Hillsborough County), the defendant's delivery of his request for final disposition to Hillsborough-South was adequate under the provisions of RSA chapter 606-A, and the State was required to bring him to trial within 180 days thereafter. See RSA 606-A:1, Art. III(a).

## III. Conclusion

[¶24] Because the defendant delivered his request for final disposition to the prosecuting officer and appropriate court of the prosecuting officer's jurisdiction in compliance with the IAD, the trial court properly concluded that the 180-day limitation was triggered. See id. Here, the State did not bring the defendant to trial on the two charges pending in Hillsborough-North within the prescribed time period. We therefore conclude that the trial court properly entered an order dismissing the two indictments with prejudice. See RSA 606-A:1, Art. V(c) (requiring dismissal with prejudice if defendant not brought to trial within prescribed time limitation). Accordingly, we affirm.

Affirmed.

MACDONALD, C.J., and COUNTWAY and GOULD, JJ., concurred.