



**STATE OF NEW HAMPSHIRE**

CHESHIRE, SS.  
DOCKET NUMBER: 11-CR-216

SUPERIOR COURT  
FEBRUARY TERM, 2012

**STATE OF NEW HAMPSHIRE**

v.

**JASON TALLEY**

**OBJECTION TO DEFENDANT'S "MOTION TO AUTHORIZE  
CRIMINAL DEPOSITIONS"**

**NOW COMES** the State of New Hampshire, by and through the Office of the Cheshire County Attorney, and OBJECTS to the Defendant's Motion to Authorize Criminal Depositions. In support of its objection the State offers the following:

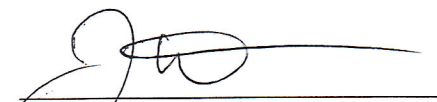
1. The defendant is charged with Contempt, Disorderly Conduct, and Resisting Arrest or Detention. Trial is scheduled for April, 2012.
2. The defendant asks the Court to authorize depositions of four Judges.
3. The State objects.
4. In order to justify depositions, the Court must find, by a preponderance of the evidence, that the deposition is necessary "to ensure a fair trial, avoid surprise or for other good cause shown." RSA 517:13, II. The defendant bears the burden to show that the deposition is necessary. State v. Howe, 145 N.H. 41, 44 (2000).
5. The State argues that the defendant has not offered any valid reason to support a finding that the depositions he seeks are necessary. The Defendant appears to seek material for a

nullification argument. Such an attenuated basis is insufficient to justify depositions.

**WHEREFORE**, the State respectfully requests that this Court:

- a) Deny the defendant's motion without a hearing; or
- b) Hold a hearing on the matter, but only if deemed necessary;  
and
- c) Grant such other and further relief as this Court deems equitable and just.

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE

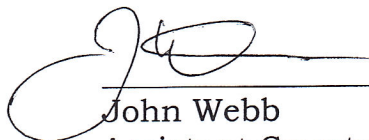


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John Webb #14620  
Assistant County Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing objection will be forwarded on or about this 23<sup>rd</sup> day of February, 2012, to Bradley Jardis, acting as counsel for the defendant. 24<sup>th</sup>



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