

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

SUPERIOR COURT

213-2011-CR-00216

State

v.

Jason Talley

MOTION TO QUASH

2012 MAR 15 A 11:57

CHESHIRE COUNTY
SUPERIOR COURT

NOW COME Judge Edwin Kelly and Judge Tina Nadeau, by and through their attorneys, the Office of the Attorney General, and respectfully request that this Court quash subpoenas duces tecum issued to each of them.¹

1. The judges who have received subpoenas are required to appear at the Cheshire County Superior Court the week of April 9, 2012 to testify in the matter of *State v. Jason Talley*. Copies of the subpoenas are attached as Exhibit A. The subpoenas, which require the same thing from each judge, include the following production requirement:

and you are required to bring with you and produce at that time knowledge pertaining to the origination of New Hampshire Circuit Court Order 2011-03 which became effective on July 1st 2011, the New Hampshire superior court order issued on July 1st 2011 which enforced circuit court order 2011-03 in the superior court, and the "order in reference to administrative order 2011-3" issued in the Cheshire County Superior Court on July 15th 2011.²

2. The three documents regarding which the Defendant seeks testimony are all court orders. The first, Circuit Court Order 2011-03, is an administrative order of Judge Kelly,

¹ Upon information and belief, subpoenas have also been signed to compel the appearance of Judge Edward Burke and Judge John Arnold. Neither of those subpoenas has been served upon them. The Office of the Attorney General reserves the right to amend this Motion upon receipt of proof of service on Judges Burke and Arnold.

² The Subpoenas require the judges bring with them "knowledge pertaining to...." Undersigned counsel has interpreted this to mean the subpoenas seek only testimony regarding the subjects listed, and not records.

GRANTED
[Signature]
Kathleen A. McGuire
Presiding Justice

3/23/12

CLERK'S NOTICE DATED

3/26/12

CC: J. Webb/R. Head/Def/B. Jordis