

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

SUPERIOR COURT

213-2011-CR-00216

State

v.

Jason Talley

OBJECTION TO MOTION TO RECONSIDER ORDER ON SUBPOENAS

NOW COME Judge Edwin Kelly and Judge Tina Nadeau, by and through their attorneys, the Office of the Attorney General, and respectfully object to the Defendant's Motion to Reconsider the Granting of the State's Motion to Quash as follows.

1. The Defendant has filed a timely Motion for Reconsideration of the Court's Order granting the Motion to Quash, dated March 23, 2012.

2. "A motion for reconsideration . . . shall state, with particular clarity, points of law or fact that the Court has overlooked or misapprehended . . ." *Super. Ct. R. 59-A*. The Defendant's Motion to Reconsider fails to state material points of law or fact that the Court has overlooked or misapprehended.

3. In his Motion, the Defendant simply restates his position that he believes the attendance of Judges Kelly and Nadeau are necessary for a "fair trial and to be fully heard in his defense." This statement of position is no different than the arguments raised in the Defendant's *Response to the State's Motion to Quash Subpoenas* filed on or about March 21, 2012. Even if the arguments articulated by the Defendant in his *Motion to Stay Proceedings and Produce Record*, filed at the same time as his *Motion to Reconsider*, were considered

together, his *Motion to Stay* repeats the same argument that the Defendant's "primary defense strategy lies in creating new precedent...." The arguments raised in his *Motion to Stay* are no different than the arguments presented in his *Objection to Motion to Quash*. It can be reasonably presumed the Court took into account the position of the Defendant when it granted the State's *Motion to Quash*.

4. Because the Defendant has failed to state material points of law or fact that the Court has overlooked or misapprehended, the Motion to Reconsider must be denied.

WHEREFORE, the State respectfully requests that this Honorable Court:

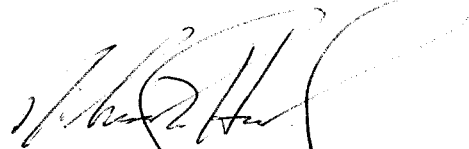
- A. Deny the Motion for Reconsideration; and
- B. Grant such other relief as is deemed just.

Respectfully submitted,

JUDGE EDWIN KELLY AND
JUDGE TINA NADEAU

By their attorney,

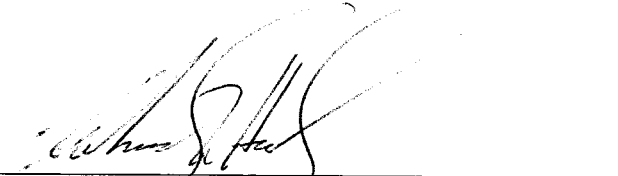
MICHAEL A. DELANEY
ATTORNEY GENERAL



Date: April 2, 2012

Richard W. Head, NH Bar #7900
Associate Attorney General
33 Capitol Street
Concord, NH 03301-6397
(603) 271-1221

I hereby certify that a copy of the foregoing was mailed this day, postage prepaid, to John S. Webb, Esq., Cheshire County Attorney's Office, and Bradley Jardis, 42 Main Street #27, Dover, NH 03820.



Richard W. Head