



STATE OF NEW HAMPSHIRE

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

SUPERIOR COURT
APRIL TERM, 2012

STATE OF NEW HAMPSHIRE

v.

JASON TALLEY

**OBJECTION TO DEFENDANT'S "MOTION TO COMPEL RETURN
OF PROPERTY"**

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 Compel. In support of its objection the State offers the following:

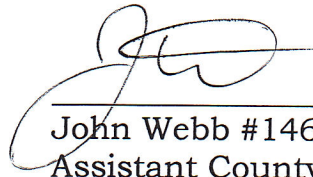
1. The defendant was charged with Contempt, Disorderly Conduct, and Resisting Arrest or Detention. Trial was scheduled for April, 2012. Prior to trial the State disposed of the Contempt charge by means of nolle prosequi. After jury selection, but prior to the swearing-in of the jury, the Court dismissed the remaining two charges because the State had not notified the defendant of the State's intention to seek class A misdemeanor penalties as required by RSA 625:9, IV (c). The Court, however, ruled that the dismissal was without prejudice (i.e., that the State could re-file charges).
2. The defendant asks the Court to order the Sheriff's office to return property held in evidence.
3. The State objects.
4. The property in question is relevant evidence in the investigation involving the defendant. The State may yet re-file charges against the defendant. Therefore, until such determination is made, the

State objects to any order compelling return of the evidence. See RSA 595-A:6 (noting that the police must keep such property “so long as necessary to permit them to be produced or used as evidence in any trial”).

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.

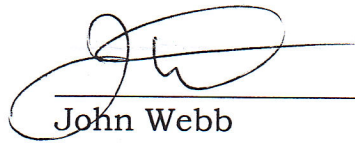
Respectfully Submitted,
STATE OF NEW HAMPSHIRE



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 25th day of April, 2012, to Bradley Jardis, acting as counsel for the defendant.



John Webb
Assistant County Attorney
12 Court Street
Keene, NH 03431