

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

Cheshire Superior Court
12 Court St.
Keene NH 03431

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RETURN FROM SUPERIOR COURT

Case Name: **State v. Jason Talley**
Case Number: **213-2011-CR-00216**

Name: **Jason Talley**, 75 Leverett Street Keene NH 03431

DOB: November 10, 1974

Indictment Waiver Information Complaint Viol of Probation

Offense:	Charge ID:	RSA:	Date of Offense:
Disorderly Conduct	547556C	644:2	September 23, 2011
Resisting Arrest or Detention	547557C	642:2	September 23, 2011

T/N:

Disposition: Not Guilty Nolle Pros Quashed/Dismissed Remand

Date: April 16, 2012

By: Judge Jury Prosecutor

Name of Judge: Hon. James J. Barry

C: State Police DMV Dept. of Corr. Defendant Pros. Atty John S. Webb, ESQ
 OCC Defense Atty Jason Talley Other Bradley Jardis
 Dist Ct. #

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

SUPERIOR COURT
No.: 2011-CR-216

State

v.

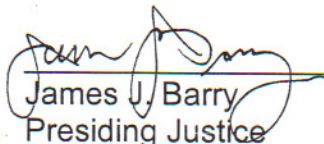
Jason Talley

ORDER

The defendant was charged by two (2) informations dated September 23, 2011, with disorderly conduct and resisting arrest. The defendant was represented by a non-lawyer, Bradley Jardis. The defendant, since the inception, demanded a trial by jury and a jury was drawn for said purpose on April 9, 2012.

On the morning of April 16, 2012, the day scheduled for trial, the prosecutor indicated to the Court that he had failed to provide notice as required pursuant to RSA 625:9, IV (c). He indicated that as a result, the matter could go forward with a jury and be tried as class B misdemeanors. The defendant objected and would not agree to the reduction of the charges pursuant to RSA 625:9, IV (d). The State requested a class B misdemeanor with a jury. The defendant has no right to a jury trial on a class B misdemeanor. State v. Guy, 140 N.H. 453 (1975). The defendant in this case, has not only exercised, but has demanded his right to a jury trial since the inception. The defendant was prepared for a jury trial, however, the State has failed to provide notices required by the Statute. The defendant is also not agreeing to reject any charges pursuant to RSA 625:9, IV (d). Therefore, the case is dismissed without prejudice.

Date: 16 April 2012


James J. Barry
Presiding Justice

CLERK'S NOTICE DATED

4/18/12

CC: J. Webb / Def. / B. Jardis