

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

6th CIRCUIT – DISTRICT DIVISION
HILLSBOROUGH

The State of New Hampshire

Case No. 444-2024-CR-00109

v.

Joseph Hart

MOTION TO SUPPRESS

Mr. Hart moves this Honorable Court to suppress evidence likely to be introduced by the State of New Hampshire at his upcoming trial in furtherance of their complaint of a violation of the Disorderly Conduct statute found at 644:2 III. (a). In support of this Motion he states the following:

1. The State of New Hampshire has charged Mr. Hart with a violation of RSA 644:2 III. (a) in that it alleges he: “purposely cause(d) a breach of the peace, to wit, (he) continued to yell profanities outside a public place, to wit, the Hillsboro 6th Circuit Court, after being told to cease and desist by Officer Tyler Davy of the Hillsboro Police Department(.)”
2. New Hampshire Rules of Evidence 801(a) defines “statement” as: a person's oral assertion, written assertion, **or nonverbal conduct**, if the person intended it as an assertion.
3. New Hampshire Rules of Evidence 801(c) defines “hearsay” as: a statement that: (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement.
4. In Officer Tyler Davy's report he specifies that two individuals walking towards the Bar Harbor Bank stopped and turned to look in the direction of himself and Mr. Hart. This evidence will likely be attempted to be introduced by the State to justify their arguing for a violation of RSA 644:2 III. (a) on the part of Mr. Hart.
5. Officer Davy did not identify these two individuals so that Mr. Hart could examine them and determine why they turned to look in his direction. Had Officer Davy identified these two individuals Mr. Hart would have required their appearance at trial so that he may question their interpretation of the events that transpired on the date of his arrest.

Prayer for Relief

WHEREFORE, Joseph Hart requests this Honorable Court to order the following relief:

- A. Suppress the ability of the State of New Hampshire to introduce evidence of the two individuals turning to look at Mr. Hart as that would constitute a violation of the hearsay rule, or
- B. Grant any other relief this Honorable Court deems just and proper.

Respectfully submitted,

Joseph Hart
PO Box 833
Keene, NH

By Bradley Jardis

05/13/24

PURSUANT TO CIRCUIT COURT-DISTRICT DIVISION RULE 1.8 (B), THIS MOTION BEING GROUNDED IN BOTH FACT AND NOTICE PLEADING, COUNSEL ACKNOWLEDGES THAT MAKING FALSE STATEMENTS COULD SUBJECT HIM TO CRIMINAL PENALTIES.

I hereby certify that on the above date, a copy of this Motion was mailed to Attorney George Wattendorf.

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