

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS.

NOVEMBER TERM, 2001

SUPERIOR COURT

In Re: Grand Jury Proceedings Regarding Chad Evans

**PETITION FOR AUTHORIZATION TO USE AT TRIAL TRANSCRIPTS OF
GRAND JURY TESTIMONY
(UNDER SEAL)**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully petitions this Honorable Court, pursuant to Supreme Court Rule 52(2), to authorize the use at trial of transcripts of grand jury testimony, and in support thereof asserts the following.

1. In August and September of 2001, the State convened a grand jury for the purpose of investigating possible witness tampering in the case of State of New Hampshire v. Chad Evans. On August 17, 2001, this Court ordered that a record be made of the testimony of all witnesses called to testify before the grand jury in the State's investigation. In the course of the investigation, the following individuals testified before the grand jury:

Bruce Aube

Jeremy Hinton

Eric Lepisto

Vanessa Manson

Alan Noyes

Cathy Nuernberg

Michelle Truell

Bruce W. Truell

Charlene D. Truell

Detective Sergeant James White

2. The testimony of the above-named individuals was transcribed, and the State is in possession of transcripts of the above witnesses' grand jury testimony.

3. Under Supreme Court Rule 52(2):

the Attorney General may petition the Court for authority to use at trial any transcript that has been delivered to him under section 1, above. The Court may grant such a petition upon a showing of particularized need for such use. The State shall not use the transcript of testimony of a witness to impeach, refresh recollection or otherwise without first providing a transcript of the entire testimony of that witness to opposing counsel at such reasonable time as the Court may order.

4. The State and/or the defendant may call some or all of the above witnesses at trial. Some of the witnesses are close friends of the defendant. If any of the witnesses testify in a manner that is inconsistent with their testimony before the grand jury, the State should be permitted to use the grand jury transcripts to refresh recollection or to impeach as appropriate.

WHEREFORE, the Attorney General for the State of New Hampshire respectfully requests, pursuant to Supreme Court Rule 52, that this Honorable Court:

(A) Order that the State may use at the trial of Chad Evans the transcripts of the grand jury testimony of the above-listed witnesses;

(B) Order that, before using the transcript of any of the above witnesses' testimony at trial, the State provide a transcript of that witness' entire testimony to defense counsel at such reasonable time as the Court orders;

(C) Order that this petition be sealed, in light of the confidential nature of grand jury proceedings; and

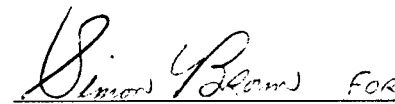
(D) Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Philip T. McLaughlin
Attorney General



N. William Delker
Bureau Chief



Simon R. Brown
Assistant Attorney General
Criminal Justice Bureau
Homicide Unit
33 Capitol Street
Concord, N.H. 03301-6397
(603) 271-3671

November 5, 2001