

**THE STATE OF NEW HAMPSHIRE**

**SENTENCE REVIEW DIVISION**

**SUPERIOR COURT**

The State of New Hampshire

v.

Chad Evans

Strafford County #00-S-888, 891, 893, 895, 896, 934, 935  
Sentence Review #22-02-ST

**ORDER**


The State (Attorney General's Office) has submitted an application for sentence review to the Sentence Review Division in the above matter pursuant to RSA 651:58 (recently amended to allow the State the opportunity to seek sentence review as well as defendants). The Sentence Review Board has previously considered a state application for Sentence Review in the matter of State of New Hampshire v. Bruce Apostolas and rejected the state's application in that matter for failure to fully advise the defendant at the time of sentencing. (See Sentence Review Order dated October 4, 2002 in the matter of State of New Hampshire v. Bruce Apostolas attached hereto).

The Sentence Review Division has reviewed the transcript of the sentencing hearing and determined that the defendant was not informed at sentencing in plain and certain terms that the state could seek an enhancement of his sentence. Accordingly, the Sentence Review Division finds that any relief afforded to the state would violate the

defendant's due process rights. Therefore, the state's application is rejected and the state's request for sentence review is Denied.

So Ordered.

Dated: October 24, 2002

  
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Harold W. Perkins  
Division Chairman