

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

No. 2002-287

State of New Hampshire

v.

Chad Evans

MOTION TO ADD ISSUE

Chad Evans moves to add the following issue to his notice of appeal:

Whether the trial court erred by granting the State's request to give a "false exculpatory evidence" instruction?

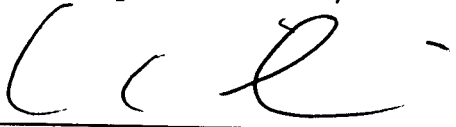
Issue preserved by objection to instruction, pp. 2-4 of transcript of December 18, 2001 hearing.

The State does not object to the issue being added, but reserves the right to argue it is not properly preserved.

WHEREFORE, Mr. Evans respectfully requests that this Motion to Add Issue be granted.

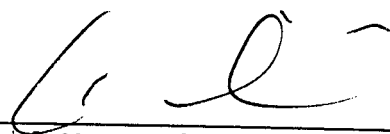
Respectfully submitted,

By

  
\_\_\_\_\_  
David M. Rothstein  
Deputy Chief Appellate Defender  
Appellate Defender Program  
2 White Street  
Concord, NH 03301

CERTIFICATE OF SERVICE

I, hereby certify that a copy of the foregoing motion have been mailed, postage prepaid, to the Office of the Attorney General, Attention: N. William Delker, 33 Capitol Street, Concord, New Hampshire 03301, this 2<sup>nd</sup> day of June, 2003.



---

David M. Rothstein

DATED: June 2, 2003