

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS SUPERIOR COURT NOVEMBER TERM, 2001

In Re: Grand Jury Proceedings Regarding Chad Evans

DEFENDANT'S ANSWER TO STATE'S PETITION FOR
AUTHORIZATION TO USE AT TRIAL TRANSCRIPTS
OF GRAND JURY TESTIMONY
(UNDER SEAL)

NOW COMES Chad Evans and, by his attorneys, responds to the State's Petition For Authorization To Use At Trial Transcripts of Grand Jury Testimony as follows:

1. The State conducted a grand jury proceeding in August, 2001 at which time ten individuals appeared before the grand jury.
2. The State has filed a motion pursuant to Supreme Court Rule 52 seeking authorization to use the grand jury testimony at trial.
3. The State has agreed that defense counsel should be provided a copy of the grand jury testimony.
4. In advance of the grand jury proceeding, defense counsel raised the question as to whether the grand jury proceeding would be used to circumvent the deposition statute requirements of RSA 517:13.
5. Defense counsel remains concerned that the grand jury process was used for the purpose of obtaining evidence regarding Mr. Evans' pending charges.
6. Defense counsel can make a fair judgment about these issues only after reviewing the transcripts of the grand jury testimony.

WHEREFORE, defendant prays that the Court:

1. Order the State to provide a transcript of the grand jury testimony to defense counsel.

2. Schedule a further hearing regarding use of the grand jury testimony after defense counsel has had an opportunity to review the grand jury transcripts.

3. Order that this answer be sealed consistent with orders regarding the grand jury proceeding.

4. And grant such other relief as may be just and proper.

Respectfully submitted,
CHAD EVANS
By his attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANT'S ANSWER TO STATE'S PETITION FOR AUTHORIZATION TO USE AT TRIAL TRANSCRIPTS OF GRAND JURY TESTIMONY (UNDER SEAL) has been forwarded to Senior Assistant Attorney General N. William Delker and Assistant Attorney General Simon R. Brown, this _____ day of November, 2001.

Alan J. Cronheim