

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

HILLSBOROUGH, SS.-NORTH

JUNE TERM, 2008

STATE OF NEW HAMPSHIRE

V.

MICHAEL ADDISON

No. 07-S-0254

ASSENTED TO

MOTION FOR DEPOSITION AND

MOTION FOR SERVICES OTHER THAN COUNSEL

NOW COMES the defendant, Michael Addison, by and through his attorney, David Rothstein, Public Defender, and respectfully moves this Honorable Court to enter an order authorizing an expenditure of funds not to exceed four hundred dollars (\$400.000) necessary for the depositions of the individual indicated below, pursuant to RSA 604-A:6

In support of this request, the following is stated:

1. The State has indicted Michael Addison on the charge of Capital Murder in the shooting death of Manchester Police Officer Michael Briggs.
2. The State has assented to the depositions of the following individual:
 - a. Stephen Reardon, Manchester Police
3. This New Hampshire law enforcement officer referenced above was either at or near the scene at the time Officer Briggs was shot and or assisted in the subsequent processing of the

scene. The deposition of this individual is necessary for the adequate preparation of trial and/or pre-trial motions. RSA 517:13, II(b). The State does not object. RSA 517:13, IV.

4. Michael Addison has a constitutional right to effective assistance of counsel and to a fair trial pursuant to the Sixth and Fourteenth Amendments to the United States Constitution and Part I, Article 15 of the New Hampshire Constitution. The defendant further submits that he has a constitutional right to be protected from a denial of equal protection pursuant to the Fourteenth Amendment to the United States Constitution and Part I, Articles 1 and 2 of the New Hampshire Constitution. Finally, the defendant submits that the New Hampshire Constitution provides an independent and adequate basis for his request.

5. The defendant submits that the equal protection guarantee requires that an indigent defendant be provided "with the basic tools of an adequate defense or appeal, when these tools are available for a price to other prisoners." Britt v. North Carolina, 404 U.S. 226, 227, 92 S.Ct. 431, 433 (1971). See also Douglas v. California, 372 U.S. 353, 83 S.Ct. 814 (1963) (Indigent defendant entitled to court-appointed counsel to represent him on an appeal of right).

6. Jan Robin Brown, Deposition Transcription Verbatim has estimated that the total cost of taking and transcribing the depositions described above would not exceed four hundred dollars (\$400.00).

7. A form 604-A:6 is attached hereto.

WHEREFORE, Mr. Addison respectfully requests this Honorable Court authorize the expenditure of funds, not to exceed four hundred dollars (\$400.00) to take the depositions described above.

Dated this 23rd day of June, 2008.

Respectfully submitted,

Z Hyman for

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Franklin Pierce Law Center
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Z Hyman for

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Z Hyman for

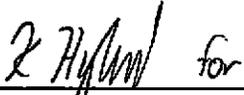
Richard Guerriero, Public Defender
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been forwarded this 23rd day of June, 2008, to the Office of the Attorney General.

 for

David Rothstein, Public Defender

MISSISSIPPOUGH COUNTY

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