

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

HILLSBOROUGH, SS.-NORTH

MAY TERM, 2008

STATE OF NEW HAMPSHIRE

V.

MICHAEL ADDISON

No. 07-S-0254

ASSENTED TO

MOTION FOR DEPOSITIONS AND

MOTION FOR SERVICES OTHER THAN COUNSEL

NOW COMES the defendant, Michael Addison, by and through his attorney, Caroline L. Smith, Public Defender, and respectfully moves this Honorable Court to enter an order authorizing an expenditure of funds not to exceed three thousand eight hundred dollars (\$3800.000) necessary for the depositions of the individuals 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 individuals:
 - a. John Breckenridge, Manchester Police
 - b. Simmon Beaulé, Manchester Police
 - c. Emmett Macken, Manchester Police
 - d. Timothy Patterson, Manchester Police
 - e. Ernie Goodno, Manchester Police
 - f. Juan Torres, Boston Police
 - g. Jeffery Cecil, Boston Police

3. The New Hampshire law enforcement officers referenced above were either at or near the scene at the time Officer Briggs was shot and or assisted in the subsequent processing of the scene. The Boson Police Officers are relevant to the Motions to Suppress. The depositions of all of these individuals are 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).

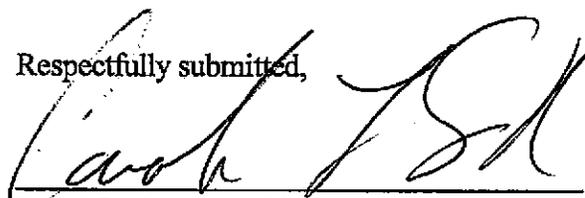
6. Jan Robin Brown, Deposition Transcription Verbatim has estimated that the total cost of taking and transcribing the depositions described above would not exceed three thousand eight hundred dollars (\$3,800.00).

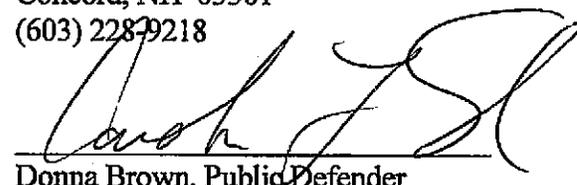
7. A form 604-A:6 is attached hereto.

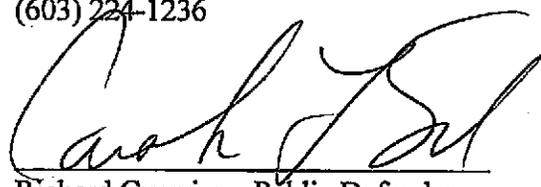
WHEREFORE, Mr. Addison respectfully requests this Honorable Court authorize the expenditure of funds, not to exceed three thousand eight hundred dollars (\$3,8000.00) to take the depositions described above.

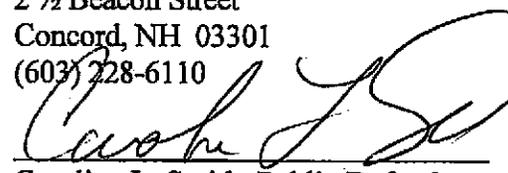
Dated this 8th day of May, 2008.

Respectfully submitted,


for David Rothstein, Public Defender
Franklin Pierce Law Center
2 White Street
Concord, NH 03301
(603) 228-9218

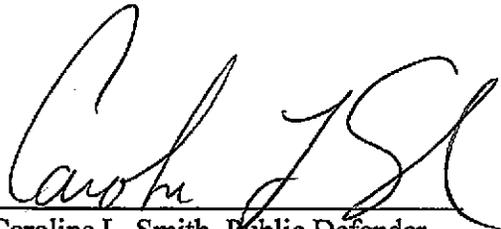

for Donna Brown, Public Defender
N.H. Public Defender
10 Ferry Street
Concord, NH 03301
(603) 224-1236


for Richard Guerriero, Public Defender
N.H. Public Defender
2 ½ Beacon Street
Concord, NH 03301
(603) 228-6110


for Caroline L. Smith, Public Defender
One West Street
Keene, New Hampshire 03431
(603) 357-4891

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been forwarded this 8th day of May, 2008, to the Office of the Attorney General.


Caroline L. Smith, Public Defender

WILSBOROUGH COUNTY

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