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STATE OF NEW HAMPSHIRE ROCKINGHAM
SUPERIOR COURT

SUPERIOR COURT

2007 NOV -9 P 2:07

NOVEMBER, 2007

ROCKINGHAM, SS.

STATE OF NEW HAMPSHIRE

v.

MICHAEL V. BENTON

07-S-1394 & 1395

DEFENDANT'S MOTION TO EXTEND DEADLINE
RE: NOTICE OF DEFENSES

(NO OBJECTION)

NOW COMES the accused, MICHAEL V. BENTON, by and through his attorneys, Joseph E. Welsh and Richard E. Samdperil, and respectfully requests this honorable court extend the date for filing notice of defenses. The State does not object to this motion.

As grounds for this motion, the following is stated:

1. Michael Benton is indicted for First Degree Murder, and Conspiracy to Commit Capital Murder.
2. The defendant is one of three co-defendants in a capital murder case. The investigation in this case covers three states and a period of almost two years.

3. To date, defense counsel has received over 18,000 pages of discovery, and approximately 100 discs of non-document discovery, containing audio recordings and video images.

4. On August 13, 2007, the Court (Coffey, J.) issued a scheduling order in Mr. Benton's case. Under that order, the defendant's notice of defenses was to be filed by March 14, 2008.

5. Following a conference with counsel in all cases, the Court issued an Order dated September 21, 2007. The Order amended the scheduling orders in all cases to be "those previously established by the court for the case of State v. Brooks. Although the Order specifically refers to "notice deadlines", the amended schedule appears intended to address overlap with respect to pretrial motion and discovery practice.

6. At the conference, undersigned defense counsel specifically raised concerns about accelerating certain prior deadlines in light of the quantity and on-going nature of discovery, and the varying resources of counsel in the cases.

7. Defense counsel is still reviewing discovery in this matter and requests additional time to file his notice of defense.

8. Defense counsel has contacted Charles Keefe, Esquire, of the Attorney General's Office, who stated that he had no objection to this motion.

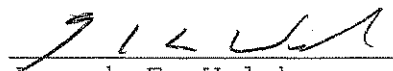
WHEREFORE, the defendant, Michael Benton, respectfully prays this honorable Court authorize:

- a) grant this motion; and
- b) reinstate the original March 14, 2008 deadline for filing notice of defenses; or, in the alternative
- c) extend the deadline for filing notice of defenses for an additional 90 days.

DATED: November 9, 2007.

Respectfully submitted
on behalf of the defendant,
by:


Richard E. Samdperil


Joseph E. Welsh

SAMDPERIL & WELSH, PLLC
111 Water Street
P.O. Box 38
Exeter, NH 03833
(603) 775-7570

CERTIFICATE OF SERVICE

I, Richard E. Samdperil, do hereby certify that a copy of the foregoing Motion has been forwarded this 9TH day of November, 2007, to the Office of the Attorney General.


Richard E. Samdperil