

STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - DISTRICT DIVISION - NASHUA

STATE OF NEW HAMPSHIRE,)
)
Complainant,) District Division Case No.
) 459-2013-CR-05738
vs.)
) Nashua, New Hampshire
ALEJANDRA CORRO,) March 4, 2014
) 1:10 p.m.
Defendant.)
_____)

COMMUNITY SERVICE REVIEW
BEFORE THE HONORABLE THOMAS E. BAMBERGER
JUDGE OF THE CIRCUIT COURT - DISTRICT DIVISION

APPEARANCES:

For the State: John Lehto
NASHUA POLICE DEPARTMENT
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For the Defendant: Ryan Guptil, Esq.
NH PUBLIC DEFENDER
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I N D E X

WITNESS (ES)

DIRECT CROSS REDIRECT RECROSS

FOR THE STATE:

None

FOR THE DEFENDANT:

None

MISCELLANEOUS

PAGE

Sentencing

7

EXHIBITS

ID

EVD

None

1 (Proceedings commence at 1:10 p.m.)

2 THE COURT: Alejandra Corro?

3 MR. GUPTIL: Good afternoon, Judge.

4 THE COURT: Good afternoon.

5 MR. GUPTIL: I represented Ms. Corro on the
6 underlying matter. It was a suspended sentence, so we have --
7 we've been withdrawn. I think there's going to be some issues
8 that are going to require counsel, so I have advised Ms. Corro
9 that she should reapply for counsel, if she --

10 THE COURT: Okay. She still needs 62 hours community
11 service today.

12 MR. GUPTIL: Yes. And she -- that -- there would --
13 I think there would be a contested hearing on some of the
14 issues, Judge.

15 THE COURT: What's the -- either she did the
16 community service or she didn't. What's the contested issue?

17 MR. GUPTIL: Well, the issue would be the ability to
18 pay the balance of the fine.

19 THE COURT: She has two choices -- does she have any
20 community service?

21 MR. GUPTIL: I -- Judge, if I -- I have 20 hours of
22 community service here.

23 THE COURT: Okay. All right. So we'll give her --

24 MR. GUPTIL: And I have --

25 THE COURT: 20 hours community service. 42 hours,

1 \$420 due.

2 Maybe this is the case that goes -- but this is the
3 case -- and I have -- so the record is clear, the Court always
4 advises people who ask for community service that we do not put
5 people in jail for an inability to pay the fine on that date,
6 which would have been November 18th. She was given the ability
7 to pay the fine. She was given the ability to pay the fine by
8 completing the community service. So today she either pays the
9 balance of the fine or she goes to jail for nine days.

10 MR. GUPTIL: And -- Judge, I would -- again, I don't
11 represent her, because I haven't been reappointed. I would --
12 I would --

13 THE COURT: And you -- public defenders are appearing
14 in an awful lot of cases and they stand up and say, "I don't
15 represent them," then they make a representation. Either you
16 guys are representing them or you're not representing them.

17 MR. GUPTIL: What I would ask the Court to do is to
18 appoint counsel for Ms. Corro, if the Court's going to sentence
19 -- if the Court is going to incarcerate her.

20 THE COURT: I'm not sentencing her. She sentenced
21 herself. She was given a clear opportunity to pay the fine.
22 She chose not to pay it. She was given the opportunity to do
23 community service in lieu of paying the fine. For reasons that
24 I don't quite understand, she chose not to do it. Today she
25 pays 420 or she goes to jail for nine days. Thank you.

1 (Recess at 1:12 p.m., recommencing at 1:38 p.m.)

2 MR. GUPTIL: Your Honor, and I know the Court's
3 ruling, I just would ask that we recall the case so she can put
4 the applications for counsel on the record and preserve her
5 appellate rights.

6 THE COURT: She can do that.

7 MR. GUPTIL: Ms. Corro, if you want to step --

8 She's filling out the application right now. She's
9 filled out the fine payment affidavit.

10 THE COURT: Yep.

11 MR. GUPTIL: I would -- again, I would say to the
12 Court, the reason appointing counsel's appropriate in this case
13 is because it's not a willful failure to pay or to do the
14 community service. She had -- there was a significant fire in
15 her home about a month and a half ago.

16 THE COURT: How did that stop her from doing the
17 community service?

18 MR. GUPTIL: Well, it was a significant disruption in
19 her life. They had to be -- the fire department --

20 THE COURT: Attorney Guptil, I want to be real clear.
21 I guess the good news for you all is I'm retiring shortly.
22 This is my position -- and I believe it's going to be Judge
23 Leary's and Judge Ryan's position but I won't speak for them.
24 If the public defenders are going to take the position that
25 folks who don't do community service are entitled to hearings,

1 there will be no more community service. There will be -- so
2 that tool is going to be taken out of the quiver. So I would
3 urge all of you to seriously consider the consequence -- I
4 think community service is a very useful tool, but I am not --
5 repeat -- not going to have my staff going through, setting up
6 community service and then setting up time payments after that.
7 It's just not going to happen. So you need to sit down with
8 Attorney Smith and the rest of the folks at the public
9 defender's office and find out if that's a tool that you want
10 to continue to use. Because I can tell you, if I were
11 continuing here, we would either have the understanding that
12 it's going to be as it has been or it's not going to be. So --

13 MR. GUPTIL: Okay.

14 THE COURT: I'm not chastising you, I just want to be
15 real clear as I'm -- the one thing I'm known for, may be a
16 compliment, may not be, is that I'm usually abundantly clear.

17 So she can submit her application, but it's -- 20
18 hours community service has been completed, 420 due today.

19 MR. GUPTIL: Yes, Your Honor.

20 THE COURT: Thank you.

21 (Recess at 1:40 p.m., recommencing at 2:28 p.m.)

22 THE COURT: Okay. Ms. Corro, I have before me the
23 order for community service that Judge Leary completed and you
24 signed. And at the time of this sentence Judge Leary advised
25 you that he was not sending you to jail on that day for an

1 inability to pay your fine, he was giving you the opportunity
2 to complete community service. That was on November 18th,
3 2013. He indicated to you at that time, orally, that if you
4 did not complete the community service, the fine would be paid
5 through incarceration.

6 The document he provided to you actually circles
7 incarceration and puts 13 days there to underscore for you the
8 fact that if you did not complete payment of this fine or the
9 community service that you would in fact be going to jail. And
10 the orders of this Court are clear, they're unequivocal.

11 My understanding is you do not have the \$420; is that
12 correct?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. I'm remanding you to the House of
15 Corrections. That fine will be paid at \$50 a day. If somebody
16 comes and provides you with some resources, you can certainly
17 shorten your stay at the House of Correction by making payment
18 on the outstanding debt. I am accepting the 20 hours of
19 community service that you completed. That's why the balance
20 due is 420, not 620.

21 (Proceedings concluded at 2:31 p.m.)
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CERTIFICATE

I, DIANNA ALDOM, CET**236, a court approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST(S): KAREN NEVINS, CET**746

DIANNA ALDOM, CET**236
Proofreader

July 29, 2014