

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

COOS, SS.

APRIL TERM, 2024

STATE OF NEW HAMPSHIRE

v.

TROY E. MERNER

No. 214-2023-CR-00379

STATE'S PARTIAL OBJECTION TO DEFENDANT'S MOTION TO CONTINUE

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby objects in part to Defendant's Motion to Continue. In support thereof, the State asserts as follows:

1. Mediation in the above-captioned matter is currently scheduled for April 5, 2024.
2. On April 1, 2024, the Defendant filed a Partially Assented/Partially Objected to Motion to Continue the mediation due to a conflict with Defense counsel's trial schedule.
3. The Court provided the parties two dates in May and July 1, 2024, as possible dates for mediation. Defense counsel indicated that he was not available either of the dates in May.
4. The State assents to the Defendant's request to continue the mediation currently scheduled for April 5, 2024.
5. However, the State respectfully objects to scheduling mediation as far out as July 1, 2024, given that this case has been pending since November 28, 2023.¹

¹ The State also disputes the Defendant's characterization in ¶ 10 of his Motion that the State's initial offer contained an "illegal condition."

6. Therefore, the State respectfully requests that the Court schedule mediation as soon as the Court's docket allows and as soon as is practicable given the parties' schedules. Defense counsel has indicated willingness to travel to a different venue to conduct mediation. The State is also amenable to scheduling mediation in another Court.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Continue the mediation scheduled for April 5, 2024;
- (B) Schedule mediation as soon as the Court's docket and the parties' schedules allow;
and
- (C) Grant such other and further relief as justice may require.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,
John Formella,
Attorney General

Date: April 2, 2024

/s/ David M. Lovejoy
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CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing has been sent to all parties via the Court's electronic filing system.

/s/ David M. Lovejoy
David M. Lovejoy