

The Law Offices of  
Martin & Hipple, P.L.L.C.

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PARTNERS:

Stephen T. Martin, Esq.

Seth J. Hipple, Esq.\*

\*Also admitted in MA

July 30, 2013

William Domenico

[Sent via e-mail: [bill@resunltd4u.com](mailto:bill@resunltd4u.com)]

**Re: *State v. William Domenico***

**Case No.: Case No.: Not Yet Assigned (DOB: 11/07/1952)**

**Appearance**

**Assented to Motion to Waive Arraignment**

**Discovery Request**

Dear Mr. Domenico:

Enclosed, please find my Appearance and Assented to Motion to Waive Arraignment that I filed with the Court and my Discovery Request that I sent to the prosecutor.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Seth J. Hipple, Esq.

SJH/kad

Enclosure

cc: File # 13-063

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July 30, 2013

9th Circuit – District Division – Manchester  
35 Amherst Street  
Manchester, NH 03101

**Re: *State v. William Domenico***  
**Case No. (Not Yet Assigned) DOB: 11/07/1952**  
**Appearance**  
**Assented to Motion to Waive Arraignment**

Dear Clerk Barton:

Enclosed, please find my Appearance and Assented to Motion to Waive Arraignment for filing in the above-referenced case. Also enclosed, please find a copy of the summons for the Court's reference.

If I can be of assistance, please do not hesitate to contact me.

Sincerely,



Seth J. Hipple, Esq.

SJH/kad  
Enclosure

cc: William Domenico  
Trooper Carrissa Pelletier  
File # 13-063

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

Court Name: 9<sup>th</sup> Circuit – District Division – Manchester  
Case Name: *State v. William Domenico*  
Case Number: Not Yet Assigned (DOB: 11/07/1952)

**APPEARANCE**

Please enter my appearance as **counsel** for William Domenico in the above matter.

I hereby certify that duplicates of this notice were delivered via U.S. Mail to the opposing party.

July 30, 2013

Seth J. Hipple  
*Printed Name*

  
*Signature*

19555  
*NH Bar ID*

877-645-2909 (Ext. 2)  
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SJHipple@NHLegalServices.com  
*E-mail*

22 Bridge Street, Suite 3  
Concord, NH 03301  
*Mailing Address*

STATE OF NEW HAMPSHIRE

9<sup>th</sup> CIRCUIT, SS

DISTRICT DIVISION  
MANCHESTER

Case No. (DOB: 11/07/1952)

*State v.*  
*William Domenico*

**Assented to Motion to Waive Arraignment**

NOW COMES William Domenico (the “Accused”), by and through the Law Offices of Martin & Hipple, PLLC, and states and moves this honorable Court as follows:

**Facts**

1. The Accused was charged with use of unauthorized signage or lighting on July 26, 2013.  
The Accused is aware of no other charges.
2. Arraignment is currently scheduled in this Court for August 8, 2013, at 8:15 a.m.
3. The Accused pleads Not Guilty to the charge and wishes to waive formal arraignment.
4. Attorney Hipple spoke with Officer Carrissa Pelletier on July 30, 2013, and she assents to this motion.

**Prayer for Relief**

WHEREFORE, the Accused, requests this honorable Court to order the following relief:

- A. Enter Not Guilty plea; and
- B. Waive formal arraignment; and/or
- C. Grant any other relief this honorable Court deems just and proper.

Respectfully submitted,  
William Domenico

July 30, 2013

By   
Seth J. Hipple, Esq.  
The Law Offices of Martin & Hipple, PLLC  
22 Bridge Street, Suite 3  
Concord, NH 03301-4987  
877-645-2909 (ext. 2)  
SJHipple@NHLegalServices.com

**Certificate of Service**

Attorney Hipple certifies that a copy of this Motion was mailed postage pre-paid on the above date to Officer Carrissa Pelletier, Manchester Police Department, 405 Valley Street, Manchester, New Hampshire 03103.

  
Seth J. Hipple, Esq.

DOCKET NO. \_\_\_\_\_

MPD CASE NO. 13-58225

CITY OF MANCHESTER  
ORDINANCE VIOLATION

You MUST APPEAR in Manchester District Court, 35 Arden Street, Manchester, New Hampshire at 0815 o'clock AM on Aug 8 to answer this complaint.  
16 YEARS OF AGE MUST APPEAR WITH PARENT.

If you choose to plead GUILTY or NOLO, and make full payment of a fine of \$ \_\_\_\_\_ to the ORDINANCE VIOLATIONS BUREAU (Tel #624-6546) BY \_\_\_\_\_ (seven days from the date of issuance), it will not be necessary to appear in court on the above date.

SERVED IN HAND BY OFFICER/ID No. \_\_\_\_\_

DATE 7/26/13

ORDINANCE VIOLATIONS BUREAU

PO BOX 1630

MANCHESTER, NEW HAMPSHIRE 03105-0456

Telephone 624-6546

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

Domenico William D

LAST NAME FIRST NAME MI

875 Page St Manchester NH 03109

ADDRESS CITY STATE ZIP

110752 M W 5'11 210 Dark BRO

DOB: MO/DAY/YR SEX RACE HEIGHT WEIGHT COLOR EYES COLOR HAIR

ON Mo. 26 Day July 2013 AT 2:00 P.M. OP. LIC. 11DOW 52071

AT 1200 81st St, Manchester NH 03101

(LOCATION)

DID COMMIT THE OFFENSE OF: USE of unauthoriz-ed syringe on body  
CONTRARY TO ORDINANCE SECTION 97:03 zoning and 9.07

(Records only:)

IN THAT THE DEFENDANT DID UNLAWFULLY Use of a Laser Syringe  
In a public place without acquiring a permit through  
the City of Manchester.

against the peace and dignity of the State.

Manfred Guineo  
Complainant

52  
Manchester Police Department

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

DATE \_\_\_\_\_ Justice of the Peace \_\_\_\_\_

OV019062

OV/DEFENDANT

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PARTNERS:

Stephen T. Martin, Esq.  
Seth J. Hipple, Esq.\*

\*Also admitted in MA

July 30, 2013

Officer Carrissa Pelletier  
Manchester Police Department  
405 Valley Street  
Manchester, NH 03103

**Re: *State v. William Domenico (City Sign Ordinance Violation)***  
**Docket No. Not Yet Assigned**  
**MPD Case No. 13-58225**  
**Request for Bill of Particulars**  
**Discovery**  
**Appearance**

Dear Officer Pelletier,

I represent William Domenico (the "Accused") in the above matter. Enclosed please find my appearance sent to the Court and a copy of my Motion to Waive Arraignment.

I have enclosed a copy of Mr. Domenico's summons for your reference. **As we discussed, please provide me with a written bill of particulars detailing exactly which section of the sign ordinance Mr. Domenico is accused of violating. Given the size and scope of the sign ordinance, I need this information to narrow my preparation for trial. I am hopeful we will be able to work out this discovery issue without the need for a motion.**

Additionally, please preserve and provide the following materials to me:

1. Pursuant to Superior Court Rule 98 and District Court Rule 2.10, a copy of records of statements or confessions, signed or unsigned by the Accused, to any law enforcement officer or his agent. This request includes, but is not limited to, any and all oral statements made by the Accused not recorded in police reports;

2. Pursuant to Superior Court Rule 98 and District Court Rule 2.10, a list of any tangible objects, papers, documents, or books obtained from or belonging to the Accused, when such objects were seized, from where, and by whom;
3. Any video or audio recordings of any police contact with the Accused, Dashboard Camera video, recordings of any interviews or interrogation, and recordings of any booking procedures;
4. Any written reports of any officer who dealt with the Accused on the dates in question (any officer reports not included will be assumed not to have dealt with the Accused);
5. Any photographic evidence;
6. A list of your trial witnesses and their addresses. State v. Drewry, 139 N.H. 678 (1995);
7. Regarding any trial witness who is not an expert, please provide me with:
  - a. Copies of any written statements signed by the witness that pertain to the witness' trial testimony;
  - b. Any report or other record, reflecting an unsigned statement of a witness which continues the witness' recollection of the events about which he or she will testify;
  - c. Copies of drafts, reports, notes, memoranda, diagrams, video or audio tapes, maps, or any other writing or recording of any information provided by any witness or reflecting the statement of any witness, excluding only "mental impressions" or theories of a prosecuting attorney. This request includes preliminary and "scratch pad" notes of any conversation with any witness. State v. Chagnon, 139 N.H. 671 (1995); State v. Drewry, *supra*. I request that you take affirmative steps to preserve all of the foregoing evidence and that you instruct your witnesses and law enforcement personnel within your jurisdiction to do the same. Note, that if any notes, reports, etc., are destroyed or otherwise not preserved, the undersigned will move the court for appropriate relief including, but not limited to, dismissal of the charge or witness preclusion;
  - d. Copies of the witness' criminal record, Davis v. Alaska, 415 U.S. 308 (1974);



8. Regarding any expert who will testify at trial, please provide me with any reports containing their theories, their opinions, or the basis for their theories or opinions. State v. Chagnon, supra. State v. Drewry, supra.;
9. Any internal e-mails, text messages, or other communications relating to The Accused or his/her case;
10. All information, which may be exculpatory or favorable to the accused. Kyles v. Whitley, 115 S.Ct. 1555 (1995); United States v. Bagley, 473 U.S. 667 (1985); Brady v. Maryland, 373 U.S. 83 (1963); State v. Laurie, 139 N.H. 325 (1995). Regarding this request, please note that:
  - a. This request is not limited to information known to you personally. I specifically request that you question your witnesses, including any law enforcement personnel, for this information and include their answers in your response. Kyle v. Whitley, supra.;
  - b. This request is not limited to information which has been documented in your file. I specifically request that you provide me with information known to you or your witnesses, regardless of whether it has been recorded in writing or otherwise. Kyle v. Whitley, Id.;
  - c. This request should be answered without regard to whether such evidence would be admissible at any trial or hearing. State v. Laurie, supra.;
11. The name of the officer, attorney, or other person who will primarily be responsible for the prosecution of this case;
12. Please provide me with all information, which may affect the credibility of any potential state witness, including law enforcement personnel. I specifically request:
  - a. Any information which tends to show a witness' bias, motive, untruthfulness, untrustworthiness, unreliability, incompetence, drug or alcohol use, history or emotional or psychological problems, or bad character;
  - b. Any information regarding **any criminal record of any witness**, any criminal investigation of any witness, any plea bargain any witness has, or has had, with any state or federal prosecuting agency, any other promises made by the state or law enforcement to any witness, any witness' probation status, or any compensation or benefit provided to any witness;

- c. Any previous unsubstantiated, inconsistent or false information given by any witness. Kyle v. Whitley, supra; United States v. Bagley, supra; Davis v. Alaska, 415 U.S. 308 (1978); Giglio v. United States, 405 U.S. 150 (1972); State v. Laurie, supra.;
13. Please provide me with a notice of your intent to offer at trial any evidence pursuant to Rule of Evidence 404(b). I request that you “state the specific purpose for which the evidence is offered” and that you “articulate the precise chain of reasoning by which the offered evidence will tend to prove or disprove an issue actually in dispute, without relying upon forbidden inferences of predisposition, character, or propensity.” State v. McGlew, 139 N.H. 505 (1995);
  14. If this case involves a motor vehicle offense, a copy of your certified copy of the Accused’s motor vehicle record;
  15. Any items or documents not mentioned above which the State intends to use as evidence in its prosecution of the case;
  16. A written and signed statement as to which of the foregoing items, or any part thereof, will be offered at the trial.
  17. In addition, please preserve any and all physical evidence for my inspection, review, testing and possible use in this case. Please also preserve all documentation of such evidence including crime scene reports, photographs, measurements, notes, test reports or other contemporaneous records of physical evidence.
  18. Lastly, please provide a written statement detailing why any of the above requested items were not provided, whether because it does not exist, is not available, or is privileged. If privileged, please create a privilege log and submit it with your response. *See New Hampshire Bar Association Litigation Guidelines 6(D).*

Please provide your response by mail to 22 Bridge St., Ste. 3; Concord, NH 03301. You may also respond electronically to [Contact@NHLegalServices.com](mailto:Contact@NHLegalServices.com). If you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Best Regards,



Seth J. Hipple, Esq.

cc: William Domenico  
File # 13-063