

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

JULY TERM, 2021

State of New Hampshire

v.

BRANDON CASTIGLIONE

218-2019-CR-01132

**STATE'S PARTIAL ASSENT TO MOTION TO COMPEL OUTSTANDING
DISCOVERY – FINGERPRINT CARDS**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, with this Partial ASSENT to the Defendant's Motion to Compel Outstanding Discovery for the Defendant's fingerprint card and fingerprints of Officer Cameron Verrier of the Londonderry Police Department. The State has been in the process of requesting these materials prior to the defendant's motion, and agrees to print out a new hard copy of the defendant's fingerprint card and to obtain a fingerprint card from Officer Verrier. The State objects to being forced to create high-resolution copies of these fingerprint cards. The only high-resolution images known to exist were two images of the defendant's left thumbprint made from the hard copy of the defendant's fingerprint card, both of which were already provided in discovery. The State agrees to provide the defendant with (1) his own hard copy of his fingerprint card, and (2) a fingerprint card from Officer Verrier, from which the defendant's expert can make high-resolution images, and in support thereof states as follows:

Procedural History

1. The defendant is charged with one count of Second Degree Murder – Reckless, alleging that he recklessly caused the death of Luis Garcia under circumstances manifesting

extreme indifference to the value of human life by shooting Mr. Garcia in the head with a firearm on or about October 1, 2019. The complaint was filed on October 2, 2019.

2. The defendant's competency to stand trial was raised by defense counsel on December 2, 2019. Indictment and all pre-trial motions have been stayed pending the determination of competency. On August 12, 2020, the Court (Wageling, J.) issued an order finding the defendant competent to stand trial.

3. On July 8, 2021, the defendant moved the Court to compel the State to provide fingerprint records of the defendant and Officer Cameron Verrier of the Londonderry Police Department. Officer Verrier is reported as one of the first responders to the defendant's house upon discovering the defendant on the ground near Mr. Garcia's body. The beginning paragraph of the defendant's motion asks for "ten-print fingerprint cards" for both the defendant and Officer Verrier to be provided to the defendant's expert. To this, the State has no objection, and was already in the process of obtaining prior to the filing of the motion by obtaining a hard copy of the defendant's fingerprint card, and asking Officer Verrier to submit a fingerprint card for the defendant's expert.

4. The last numbered paragraph of the defendant's motion modifies his request, however, and asks that his expert be provided with "high-resolution cop[ies] of the fingerprint card[s]," for both the defendant and Officer Verrier. The State objects to this portion of the defendant's request on two basis. First, the State does not have high-resolution images of the defendant's fingerprint card, and is not yet in possession of the fingerprint card requested from Officer Verrier. The only two high-resolution images the New Hampshire State Police Lab generated were two images of the defendant's thumb, which were generated from the hard copy of the defendant's fingerprint card. These two high-resolution images have already been

provided in April of this year. The Lab did not scan high-resolution images of the rest of the defendant's entire fingerprint card since doing so would create an enormous file and be needlessly time consuming with their routine practice to only scan at high resolution areas of cards that are used for side by side comparisons. This is why the State agrees to provide a hard copy of the defendant's fingerprint card so the defendant's expert may do this scanning if he/she/they so chooses. Second, the State does not yet have a fingerprint card from Officer Verrier. Once it does so, it will provide a hard copy of this card as well so the defendant's expert may make a high-resolution scan of it.

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

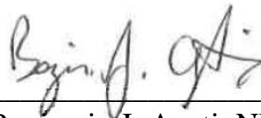
- (A) NOTE the State's assent to provide the defendant with hard copies of the defendant and Officer Verrier's fingerprint cards to enable the defendant's expert to make his/her own high-resolution scans for comparison in this matter;
- (B) DENY the defendant's request to force the State to create complete high-resolution scans of these two fingerprint cards as none currently exist or are warranted; and
- (C) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL



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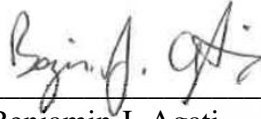
Date: July 13, 2021

Concord, NH 03301-6397
(603) 271-3671

CERTIFICATE OF SERVICE

I certify that a copy of this pleading was uploaded through the e-filing system which provides service to counsel for the defendant, Eliana Forciniti, Esq. and Delia McCarthy, Esq., of the New Hampshire Public Defender's Office – Stratham.

July 13, 2021



Benjamin J. Agati
Senior Assistant Attorney General