

The State of New Hampshire

Hillsborough, ss.

State of New Hampshire

NH Superior Court

Southern District

Case No. 2016-2019-CR-0814

v.

Dele E. Holloway Jr.

Motion for Change of Pleading to Not Guilty By Reason of Insanity

Now Comes the Defendant, Dele E. Holloway Jr., prose, pursuant to NH R. CRIM. PROC., Rule 15(b)(1), under (both) State AND Federal Constitutions that protect AND/OR provide U.S. Citizens AND NH Residents with Equal protection of the Laws, who hereby Requests that this Honorable Court Allows the Motion for change of pleading to Not Guilty by Reason of Insanity AND asks the state to Accept the pleading for the following:

1. On October 12, 2019 the Defendant was Arrested for an "alleged" shooting incident, in Pelham, AND Arraigned ON October 15, 2019 At Hillsborough County Superior Court - Southern District. During Arraignment, MR. Holloway requested to be [EVAL-

uated] for his [Mental Health Concerns] As He Has previous [Mental Health History] including Hospitalizations. See M.D. Notes on Arraignment (Attached).


2. NYPD's office Suffered from "Conflict of Interest" AND "failed to Enter MR. Holloway's official pleading" in the Case, causing the [Unnecessary Delay] for Resolution of the Complaint filed.

3. New Hampshire Revised Statutes Annotated §651:8-A provides that "Any person prosecuted for an offense may plead that he is [Not Guilty By Reason of Insanity] [OR Mental Derangement]" If the State Agreed that MR. Holloway was [INSANE] at the time of his Arrest, OR at the Arraignment, then perhaps the "Alleged" [ASSAULT] incident would have never occurred. Therefore, MR. Holloway now is establishing his [official] pleading, if the State Disputes the fact of his insanity Defense, then the Mayor can proceed to a [Bifurcated Trial] AND Hearing, pursuant to Novosel v. Helgenor, 118 N.H. 115 (1978), which states: "If [Not Guilty] plea is coupled with [Insanity Defense], Defendant shall, upon request, receive bifurcated (trial) hearing before the same

Judge AND Jury AND Evidence Relating to Defendant's Mental State is Admissible in Guilt Determination Phase Only to show whether Defendant had requisite intent, e.g., purposely or knowingly, for Commission of the Crime AND Evidence tending to show legal sanity or legal insanity, such as [Psychiatric Testimony] is NOT Admissible in the first stage." If the State agrees with Mr. Holloway's plea of [Not Guilty by Reason of Insanity] Court must hold [Commitment Hearing] after which accused is either to be released or to be found "Dangerous" to go at large, but to Commit Accused requires proof beyond reasonable doubt. See RSA 651:9. See (Attached) Newspaper Article (Example).

Wherefore, the Defendant PRAYS that this Honorable Accepts the Change of Pleading to Not Guilty by Reason of Insanity AND Allows the State to Agree or Disagree for the Matter to proceed to Bifurcated Trial or Schedule for Commitment Hearing.

~~Any other such Relief~~ the Court Deems fair AND Just.

Respectfully Submitted, pro se,

By Dale E. Holloway Jr. #117157
NHSP-M
P.O. Box 14
CONCORD, NH. 03301

Date: August 16, 2021

The Court considers this pleading as a notice of insanity defense. A ruling is not necessary. The State is on notice that the defendant is asserting an insanity defense in this case.



Honorable Charles S. Temple
September 1, 2021

Clerk's Notice of Decision
Document Sent to Parties
on 09/01/2021