

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2023-0227, State of New Hampshire v. Jennifer Lyn Jemiolo, the court on March 19, 2024, issued the following order:

The court has reviewed the written arguments and the record submitted on appeal and has determined to resolve the case by way of this order. See Sup. Ct. R. 20(2). The defendant, Jennifer Lyn Jemiolo, appeals her conviction, following a jury trial in Superior Court (English, J.), on charges of kidnapping, simple assault, and witness tampering. The sole issue that the defendant raises in her brief is whether the trial court erred by not granting her a new trial for ineffective assistance of counsel based upon her trial counsel's failure to object to joinder of the witness tampering charges with the remaining charges. We agree with the State, however, that this case is not the "extraordinary case where the factual basis of the [ineffective assistance of counsel] claim appears indisputably on the trial record" so as to allow the issue to be addressed on direct appeal. State v. Thompson, 161 N.H. 507, 527 (2011) (quotation omitted). Because the defendant raises no other issue in her brief, we affirm her conviction. This order is without prejudice to the defendant pursuing a collateral challenge to her conviction based upon ineffective assistance of counsel. See id.

Affirmed.

MacDonald, C.J., and Bassett, Hantz Marconi, Donovan, and Countway, JJ., concurred.

**Timothy A. Gudas,
Clerk**