

New Hampshire Supreme Court

Case Acceptance List

Cases Accepted December 01, 2024 thru December 31, 2024

<u>Case Number</u>	<u>Case Title</u>	<u>Acceptance Date</u>	<u>Lower Court/Agency</u>
2024-0602	In the Matter of Daniel Rochford and Katlynn Hamel	12/18/2024	6th N.H. Circuit Court - Franklin Family Division
2024-0603	In re H.P.; In re L.P.; In re K.P.	12/10/2024	6th N.H. Circuit Court - Concord Family Division
2024-0613	M.F. v. R.T.	12/04/2024	10th N.H. Circuit Court - Salem Family Division
2024-0614	William Bartoswicz & a. v. Town of Effingham	12/06/2024	Hillsborough County Superior Court North
2024-0616	State of New Hampshire v. Bryan Thomas Foley	12/05/2024	Rockingham County Superior Court
2024-0619	In the Matter of Melissa Dugan and Aaron Dugan	12/16/2024	2nd N.H. Circuit Court - Lebanon Family Division
2024-0622	Tyler Whipple & a. v. Stanley Jackson Jr.	12/02/2024	Merrimack County Superior Court
2024-0625	State of New Hampshire v. Matthew Brousseau	12/05/2024	Grafton County Superior Court
2024-0629	E.S. v. C.L.	12/04/2024	10th N.H. Circuit Court - Candia Family Division
2024-0630	Kelley Gomes & a. v. Todd Lacourse	12/24/2024	3rd N.H. Circuit Court - Ossipee District Division
2024-0631	In the Matter of Danielle Morello and Jesse Morello	12/04/2024	9th N.H. Circuit Court - Goffstown Family Division
2024-0633	State of New Hampshire v. Kaden Lee Covill	12/10/2024	Coos County Superior Court
2024-0636	Constance Martell & a. v. Gold Bess Shooting Club, LLC & a.	12/06/2024	Grafton County Superior Court
2024-0639	In re J.F.; In re C.F.; In re E.M.; In re S.M.	12/05/2024	6th N.H. Circuit Court - Concord Family Division
2024-0642	State of New Hampshire v. Sherry Connor	12/05/2024	Belknap County Superior Court
2024-0643	State of New Hampshire v. Kenneth E. Lyon	12/04/2024	10th N.H. Circuit Court - Salem District Division

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2024-0644	Lise Mahoney & a. v. Samantha L. Anderson & a.	12/02/2024	Rockingham County Superior Court
2024-0645	A.C. v. A.D.	12/02/2024	3rd N.H. Circuit Court - Ossipee Family Division
2024-0647	In the Matter of Andrew Kapchensky and Carolyn Kapchensky	12/09/2024	5th N.H. Circuit Court - Newport Family Division
2024-0648	Town of Hanover/Hanover Police Department v. Valley News	12/18/2024	Grafton County Superior Court
2024-0650	A.K. v. B.K.	12/10/2024	9th N.H. Circuit Court - Manchester Family Division
2024-0652	Floros Realty Trust v. Goodfellas Properties, LLC d/b/a Hammer Pub and Grille & a.	12/10/2024	Rockingham County Superior Court
2024-0653	C.S. v. N.V.	12/16/2024	10th N.H. Circuit Court - Portsmouth District Division
2024-0662	Chad Mauldin & a. v. Angelo Fionda & a.	12/16/2024	Hillsborough County Superior Court South
2024-0671	In re S.W.	12/23/2024	4th N.H. Circuit Court - Laconia Family Division
2024-0672	In the Matter of Kyle Sterling and Heather Patterson	12/20/2024	6th N.H. Circuit Court - Franklin Family Division
2024-0673	In the Matter of Kyle Sterling and Heather Patterson	12/20/2024	6th N.H. Circuit Court - Franklin Family Division
2024-0679	Wayne G. Saykaly, II v. Hooksett Police Department	12/26/2024	Merrimack County Superior Court
2024-0680	In re Guardianship of K.C.	12/24/2024	8th N.H. Circuit Court - Jaffrey Family Division
2024-0690	Corina McLaughlin v. Vermont Mutual Insurance Company	12/31/2024	Hillsborough County Superior Court North

Addendum to Case Acceptance List – Issues on Appeal

December 1, 2024 through December 31, 2024

The following summaries of the issues on appeal have been prepared by clerk’s office staff for the convenience of the public. The Supreme Court has neither approved nor reviewed any of the summaries. The parties’ filings and the applicable record — not these summaries — define and establish the issues that the Supreme Court will consider in a case. Please note that, in the interest of brevity, some issues in a listed case may have been combined or not summarized.

In these summaries, “Rule Type” refers to the particular Supreme Court Rule under which the case has been docketed. “Type” and “Subtype” refer to the case type and case subtype, as determined in accordance with the definitions in the *State Court Guide to Statistical Reporting*, a publication of the Court Statistics Project (a joint project of the National Center for State Courts and the Conference of State Court Administrators).

2024-0602, In the Matter of Daniel Rochford and Katlynn Hamel

Rule Type: Rule 7 Discretionary
Type: Family
Subtype: Child Support/Custody/Visitation

Whether the trial court’s decision to grant mandatory visitation to the child’s former guardian (a grandparent) violates the parent’s constitutional right to make decisions in the best interest of the child.

2024-0603, In re H.P.; In re L.P.; In re K.P. – Confidential

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Termination of Parental Rights

Whether the trial court erred in finding that the parents failed to correct the conditions that led to the children’s removal from the home, that DCYF made reasonable efforts to assist the parents in correcting those conditions, and that termination of parental rights was in the children’s best interests.

2024-0613, M.F. v. R.T.

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in issuing a domestic violence order of protection where the defendant claims that he did not initiate the incident with the plaintiff (his brother-in-law) and that the plaintiff sought the protective order as retaliation.

2024-0614, William Bartoswicz & a. v. Town of Effingham

Rule Type: Rule 7 Mandatory
Type: Administrative
Subtype: Municipal Board Decision

Whether the trial court erred in upholding the planning board's decision to conditionally approve a site plan application for a gas station/convenience store despite the environmental and safety concerns raised by the plaintiffs.

2024-0616, State of New Hampshire v. Bryan Thomas Foley

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Felony

Whether the trial court erred in denying the defendant's motion for a mistrial after late-disclosed video evidence was provided by the State partway through the State's case. Whether there was sufficient evidence to uphold the conviction for attempted simple assault based on the testimony at trial regarding where the victim was at the moment of the incident, as well as the location, trajectory, and perceived intent by the defendant in throwing the projectile (a glass).

2024-0619, In the Matter of Melissa Dugan and Aaron Dugan

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court unsustainably exercised its discretion in fashioning a parenting plan and dividing marital assets.

2024-0622, Tyler Whipple & a. v. Stanley Jackson Jr.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in resolving the petition to quiet title in favor of the plaintiffs in their action arising out of a dispute regarding a purchase and sales agreement, which the defendant claims the court misinterpreted and misapplied.

2024-0625, State of New Hampshire v. Matthew Brousseau

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Felony

Whether the defendant's State and Federal rights to confront his accuser were violated by the trial court's decision to allow the victim to testify outside of the defendant's presence. Whether the defendant's right to a fair trial was violated by decisions admitting a firearm into evidence and allowing evidence regarding the facts and circumstances of the seizure of the firearm.

2024-0629, E.S. v. C.L.

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in issuing a domestic violence order of protection where the defendant asserts, among other things, that the decision is unsupported by the evidence and that he is physically incapable of having committed the acts of domestic violence.

2024-0630, Kelley Gomes & a. v. Todd Lacourse

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Small Claim

Whether the trial court erred in finding in favor of the plaintiff following a hearing on the merits in this small claim action.

2024-0631, In the Matter of Danielle Morello and Jesse Morello

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court unsustainably exercised its discretion in declining to order alimony and in dividing marital assets and liabilities.

2024-0633, State of New Hampshire v. Kaden Lee Covill

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Felony

Whether the trial court erred by failing to allow the defense to introduce images of the complainant that would have established that she lacked credibility. Whether the court erred in admitting evidence of the defendant's prior acts that, the defendant claims, were irrelevant, were intended to inflame the jury's passion, and were more prejudicial than probative. Whether the prosecutor's personal statement of belief in his case unduly prejudiced the case such that it unduly influenced the jury. Whether there was sufficient evidence to support conviction.

2024-0636, Constance Martell & a. v. Gold Bess Shooting Club, LLC & a.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in holding that, pursuant to RSA 159-B, the defendants are immune from civil liability, injunction, and/or nuisance action, in actions concerning noise or noise pollution relative to the operation of a gun range. Whether the trial court erred in determining that the defendants' gun range was "in lawful operation" before the relevant noise ordinance became effective.

2024-0639, In re J.F.; In re C.F.; In re E.M.; In re S.M. - Confidential

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Termination of Parental Rights

Whether the trial court erred in determining that the parent failed to correct the conditions that led to the finding of neglect and in finding that termination of parental rights was in the children's best interests.

2024-0642, State of New Hampshire v. Sherry Connor

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Bail Issue

Whether the trial court erred when it determined pursuant to NH RSA 597:2, III(a) that the State had met its burden by clear and convincing evidence that the defendant's release would endanger the safety of others.

2024-0643, State of New Hampshire v. Kenneth E. Lyon

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Misdemeanor

Whether the evidence was sufficient to find the defendant guilty of driving under the influence.

2024-0644, Lise Mahoney & a. v. Samantha L. Anderson & a.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court committed an error of law in vacating the defendants' proposed decree and otherwise erred in granting relief to the plaintiffs in this quiet title action.

2024-0645, A.C. v. A.D.

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in issuing a domestic violence order of protection based on incomplete evidence.

2024-0647, In the Matter of Andrew Kapchensky and Carolyn Kapchensky

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred in failing to find one party at fault for the breakdown of the marriage. Whether the trial court erred in awarding insufficient alimony and in counting, valuing, and dividing marital assets.

2024-0648, Town of Hanover/Hanover Police Department v. Valley News

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil - Other

Whether the trial court erred in ruling that the town neither knew nor should have known that it had violated the Right-to-Know Law by withholding each of the five arrest records. Whether the Valley News was entitled to attorney's fees and costs in the trial court action.

2024-0650, A.K. v. B.K.

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in determining, based "in particular [upon] the parties' continued cohabitation and marital relations following the acts of violence," that the defendant did not pose a credible threat to the plaintiff's safety.

2024-0652, Floros Realty Trust v. Goodfellas Properties, LLC d/b/a Hammer Pub and Grille & a.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court misinterpreted the language of the right of way in the deed and erroneously applied the rule of reason in its interpretation. Whether the court unlawfully set aside an interpretation of the right of way language that had become law of the case.

2024-0653, C.S. v. N.V.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil Stalking

Whether the trial court erred in entering a civil stalking order of protection against the defendant, who asserts that the order was not supported by the credible evidence and that his conduct was lawful.

2024-0662, Chad Mauldin & a. v. Angelo Fionda & a.

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in finding for the defendants following a bench trial in this action seeking damages and equitable relief related to the purchase of real property. Whether the trial court erred in refusing to accept uncontroverted testimony by the plaintiffs and their expert.

2024-0671, In re S.W. – Confidential

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Termination of Parental Rights

Whether the trial court erred in finding that the parent failed to correct the conditions that led to the child’s removal from the home, that DCYF made reasonable efforts to assist the parent in correcting those conditions, and that termination of parental rights was in the child’s best interest. Whether the trial court should have excluded CASA’s position on relevant issues if CASA failed to follow the permanency plan for reunification.

2024-0672 and 2024-0673, In the Matter of Kyle Sterling and Heather Patterson

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Parenting Plan – unmarried parents

Whether the trial court erred in its application or interpretation of the child support guidelines, resulting in an unjust or inappropriate determination of child support obligations. Whether the trial court erred in denying the petitioner’s motion for reconsideration as untimely filed and as containing new information and evidence not previously presented to the trial court.

2024-0679, Wayne G. Saykaly, II v. Hooksett Police Department

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil – Other

Whether the trial court erred in, among other things, dismissing the Right-to-Know Law case without prejudice due to the plaintiff’s failure to serve the defendant.

2024-0680, In re Guardianship of K.C. – Partially Confidential

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Guardianship of Minor

Whether the trial court erred in dismissing the petition for guardianship filed pursuant to RSA 463 by concluding that guardianship had been vested in DCYF under RSA 170-C and that the petitioner was thus precluded from seeking guardianship under RSA 463 as a matter of law. Whether the trial court thereby erred in failing to determine whether appointment of the petitioner as guardian was in the minor’s best interest.

2024-0690, Corina McLaughlin v. Vermont Mutual Insurance Company

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in finding that the homeowner insurance policy at issue excluded coverage for a tortfeasor’s liability for negligent supervision and negligent failure to protect as to sexual molestation, where the policy failed to include an “anti-concurrent clause” or anti-concurrent language in the personal liability portion of the policy.