

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

No. 2019-0028

State of New Hampshire

v.

Paul “Ray” Spaulding

DEFENDANT’S MEMORANDUM ON BAIL

Paul “Ray” Spaulding was charged in the Cheshire County Superior Court with felony criminal threatening and reckless conduct, and misdemeanor domestic violence. On December 17 and 21, 2018, the court (Ruoff, J.) heard arguments and testimony on the issues of probable cause and bail. The court found no probable cause to support the reckless conduct charge, found probable cause to support the criminal threatening charge, and ordered preventive detention.

Spaulding appeals the preventive detention order.

ARRAIGNMENT AND BAIL HEARING

The court arraigned Spaulding on December 17. BH 3. The State sought preventive detention. BH 4. In support, it argued that Spaulding attempted to physically detain his girlfriend, Tammy Stohl, in her home. BH 5. He then looked for her after she fled the apartment, reentered it, and according to Stohl’s daughter, threatened to kill himself. BH 5. Upon his arrest, the police found

two firearms, a knife, and a pistol magazine. BH 6. Spaulding allegedly said to the police, “I’m going to kill the bitch.” BH 7.

Defense counsel argued that the State failed to justify preventive detention by clear and convincing evidence. BH 9; see RSA 597:2, IV(a) (allowing preventive detention if “the court determines by clear and convincing evidence that release will endanger the safety of that person or the public”). The court found that preventive detention was warranted based on evidence that Spaulding used alcohol, had firearms, and threatened Stohl. BH 11-12.

PROBABLE CAUSE HEARING AND RENEWED BAIL ARGUMENT

On December 21, the court held a probable cause hearing and heard Spaulding’s argument for reconsideration of preventive detention. Hinsdale Police Chief Todd Faulkner testified that on December 16, the department received a call for service at 2:04 a.m. from 23 Canal Street. PC 6, 10-11. Sergeant Murray and Officer Sanmatero responded. PC 15. The officers heard yelling from Apartment 5, entered, and ordered Spaulding to exit. PC 16-17.

Spaulding had a firearm on his right hip. PC 17. During the arrest, Spaulding was angry and vocal. PC 19. He twice said to the officers, “I’m going to kill the bitch.” PC 20-21. After detaining Spaulding, the police recovered a second gun. PC 19. One gun, a Kel-Tec semiautomatic pistol, was missing one round. PC 21. The other, a Smith and Wesson, was not missing any rounds. PC 21.

At the jail, the police additionally seized from Spaulding a magazine and a sheathed knife with a six-inch blade. PC 37.

Stohl told the police that she and Spaulding had been dating for about a year. PC 24. That evening, they were at the VFW, where Spaulding drank. PC 24, 44. The police did not ask Stohl whether she drank. PC 43. When they returned to her apartment, they smoked marijuana. PC 26. For reasons that were not made clear at the hearing, Spaulding became upset. PC 25. Stohl tried to leave the bedroom, but he physically prevented her from doing so. PC 25. When she was able to leave the bedroom, a verbal argument continued in the living room, and she left the apartment. PC 25.

Stohl went to the apartment of a first-floor neighbor. PC 27. Spaulding banged on the neighbor's door, and said that if she did not open it, he would shoot it down. PC 28. Stohl was afraid because she had never seen Spaulding so angry. PC 29. She told Faulkner that while inside the apartment, she heard Spaulding run outside, and then heard a gunshot. PC 29, 40. However, Stohl told Murray that she was hiding behind a car outside when she heard a gunshot. PC 41.

According to Stohl, she returned to her apartment where her daughter, Jessica Atherton, was calling 911. PC 30. Spaulding returned to the apartment and asked Stohl to give him his leather vest, which she did. PC 30. He re-entered the apartment, but there was no further physical contact or threats. PC 31. The police arrived shortly thereafter. PC 31.

The officers interviewed Atherton and another resident of the housing complex. PC 31-35, 37. Atherton said she went to the VFW with Spaulding and Stohl. PC 31. When they returned, Atherton heard arguing, heard Stohl and Spaulding leave, and heard banging on the neighbor's apartment door. PC 31. She heard Spaulding say, "I'm not doing this any more, I'm just going to shoot it down or I'm not going to take this any more." PC 32. According to Atherton, Spaulding came back up to the apartment and said he was going to kill himself, or "something to that effect." PC 32. He ran outside, and she heard a shot. PC 32.

The resident told the police that he heard an argument in the parking lot, but neither Stohl nor Atherton said any argument occurred there. PC 37, 40. He said he heard a "pop," which he believed to be a gunshot. PC 37. No one saw Spaulding fire a gun. PC 38. The police found no spent shell casing. PC 35-36, 38. No analysis of the gun confirmed that it had recently been fired, and the police did not attempt to look for gunshot residue on Spaulding. PC 42.

After the hearing, the court found probable cause to support the felony criminal threatening charge, but not the reckless conduct charge. PC 54-55. Spaulding asked the court to reconsider its preventive detention order. PC 55. The court agreed that Spaulding presented no risk of flight, and that his criminal record, a misdemeanor marijuana conviction from 1991, was not a factor. PC 56. It took the matter under advisement, but issued an order for preventive detention on the basis of "the combination of alcohol, domestic violence, threats to kill the victim, to shoot a

door down, the discharge of a firearm, the defendant's combativeness with the police, and the fact he was armed with a 12" knife and two loaded semi-automatic 9MM pistols. . . ." Order on Bail/Probable Cause.

ARGUMENT

Spaulding's appeal of the preventive detention order presents a mixed question of law and fact. The Court will defer to the lower court on findings of fact unless clearly erroneous. State v. Thelusma, 167 N.H. 481, 484 (2015). It will consider de novo legal questions, such as the meaning of statutory language. State v. Labrie, __ N.H. __ (decided November 6, 2018).

The probable cause hearing testimony outlined an episode of alleged domestic violence. Like many such incidents, it featured emotion and volatility. Spaulding was armed. The court focused exclusively on the incident to conclude that Spaulding's release would pose a future danger to Stohl. The issue is whether it erred in doing so.

The bail statute provides that "[t]he court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court . . . subject to the condition that the person not commit a crime during the period of his or her release, and subject to the further condition or combination of conditions that the court may require. . . ." RSA 597:2, III(a). "A person who the court determines to be a danger to the safety of

that person or the public shall be governed by the provisions of paragraph IV. . . .” RSA 597:2, III(a). Under paragraph IV, “the court may order preventive detention without bail, or in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will not endanger the safety of that person or the public.” RSA 597:2, IV(a). The statute directs the court to consider conduct as “evidence of posing a danger.” RSA 597:2, IV(a)(1)-(7) (listing examples of potentially relevant conduct).

This Court has not construed the language of this version of the bail statute, which became effective in September of 2018. When construing a statute, the Court will give meaning to all the words of a statute and will not add language that the legislature did not see fit to include. Labrie, __ N.H. at __. It will ascertain the legislature’s intent by considering the statute’s provisions in the context of its structure and scheme. State v. Allain, __ N.H. __ (decided September 11, 2018).

The statute has three features. First, it establishes preventive detention without bail as a last resort. Release on bail is a presumption, RSA 592:2, III(a), and the statute directs the court to consider the restrictive but less severe options of electronic monitoring or supervision even in cases where the defendant’s release may pose a danger. RSA 597:2, IV(a). Second, it does not permit the court to rest the dangerousness determination solely on the defendant’s alleged offense. Third, it does not provide that a domestic violence allegation demonstrates

clear and convincing evidence of danger to the alleged victim to warrant detention without bail. In the second and third respects, this statute is different than the federal bail statute, 18 U.S.C. § 3142(e) & (f), which allows for detention if the defendant has been convicted of, or stands charged with, enumerated offenses. See also Fla. Ann. Stat. § 907.041(4) (listing crimes that qualify for detention); Mass. Gen. Laws Ann. §58A (allowing for detention in certain specified cases); N.H. R.S.A. 597:1-c (no bail for offenses where penalty is life in prison).

The statute thus requires the court to address dangerousness on a case-by-case basis, and to detain the defendant without bail only if danger is so firmly established that there is no viable and less restrictive alternative. Here, the court gave no weight to any circumstance outside the few minutes comprising the alleged criminal episode.

For example, the record is silent on the reasons for the argument between Spaulding and Stohl. If the argument was over some transient concern, Spaulding's release may pose no danger. By contrast, if it was over a matter of continuing import, such as Stohl telling Spaulding that she was going to see other men, Spaulding's angry reaction may more likely signal future danger. Faulkner related that Stohl had never seen Spaulding act this way. That indicates his behavior was out of character. If the relationship was largely characterized by non-violent, non-aggressive behavior on Spaulding's part, his anger was more likely transitory, and his release less likely poses a risk of danger, especially after a relatively long period of incarceration. There was

no evidence that Spaulding had previously abused Stohl, or that he had been accused of domestic violence – or any criminal violence – apart from this episode. There was also no evidence that Stohl or Atherton sought a domestic violence protective order against Spaulding in the wake of this incident. In light of these factors, the record provides no support for the proposition that the safety of all concerned could not be assured by electronic monitoring, bail supervision, or other conditions less restrictive than detention without bail.

With respect to alcohol, the record fails to support a conclusion that Spaulding's level of intoxication on this occasion signals a continuing risk of danger. There was testimony that he, Stohl and Atherton went to the VFW. There was also testimony that Spaulding and Stohl smoked marijuana, PC 26, and that Spaulding had an unspecified number of "Jack and Cokes" at the VFW. PC 43. However, there was no testimony that would permit the court to draw a nexus between alcohol and the offense, and no indication that Spaulding could not abide by a condition of release mandating that he abstain from alcohol. Similarly, with respect to weapons, while Spaulding had guns and a knife, there was no inquiry into whether he had other weapons, and if so, whether he would surrender them and abstain from possessing others as a condition of bail.

Viewed accordingly, the record demonstrates an emotional encounter during which Spaulding threatened Stohl and discharged a gun in a manner that endangered no one. The incident was alarming and warranted a specially crafted bail order.

However, if this incident – absent consideration of any other circumstance – justifies a no-bail hold, there exists the risk that any number of non-dangerous defendants will be detained without bail. That result frustrates the purpose and intended operation of the bail statute, because it focuses the inquiry solely on the offense, and does not compel the court to undergo a rigorous consideration of less restrictive alternatives. It also risks adding an unenacted domestic violence exception to the bail statute, whereby defendants who possess weapons and make threats are routinely detained without bail.

For all these reasons, Mr. Spaulding asks the Court to rule that, on this record, the lower court erred in holding him without bail. It asks the Court to either vacate that order, based on the lack of proof of clear and convincing evidence of danger, or remand his case for further consideration of whether circumstances outside the offense change the dangerousness calculus so he can be released on electronic monitoring, bail supervision, or other conditions less restrictive than a no-bail hold.

Respectfully submitted,

By /s/ David M. Rothstein
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New Hampshire Public Defender
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(603) 224-1236
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing memorandum is being timely provided to the State of New Hampshire through the New Hampshire Supreme Court's electronic filing system's electronic service.

/s/ David M. Rothstein
David M. Rothstein #5991

DATED: March 12, 2019

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
DOMESTIC VIOLENCE/STALKING CRIMINAL ORDER OF PROTECTION
INCLUDING ORDERS AND CONDITIONS OF BAIL**

Case Number: 213-2018-CR-460 PNO Number: 2131840420
 Court: Cheshire Superior ✓
 Court ORI: NH003043J
 Address: 33 Winter St Keene County: Cheshire
 SU Case Number _____ SU PNO _____ SU ORI _____

State of New Hampshire

v.

☐ ADOPTED BY SU ☐ AMENDED ORDER ☐ VACATE ORDER Date _____

DEFENDANT'S NAME			DEFENDANT IDENTIFIERS			
First	Middle	Last	DOB	11/03/1963	HEIGHT	6'02"
PAUL	RAY	SPAULDING	SEX	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	WEIGHT	250
DEFENDANT'S ADDRESS:			RACE	WHITE	EYES	Brown ✓
14 MONTEIRO DRIVE, HINSDALE, NEW HAMPSHIRE			State/Birth	_____	HAIR	Brown ✓
Agency Case Number: 18-263+-ar			ETHNICITY			
Date of Offense: 12/16/2018			<input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused			
PROTECTED PARTY #1 NAME: TAMMY STOWELL			DOB _____			
			<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female			
DEFENDANT'S RELATIONSHIP TO PROTECTED PARTY*						
Intimate Partner:			Other:			
<input type="checkbox"/> Spouse			<input type="checkbox"/> Protected Party is			
<input type="checkbox"/> Former spouse			Child of Intimate			
<input type="checkbox"/> Parent of defendant's child			Partner			
<input checked="" type="checkbox"/> Cohabit/Cohabited (intimate relationship required)			<input type="checkbox"/> Parent			
* <input type="checkbox"/> Additional protected parties on Page 2						
DISTINGUISHING FEATURES:						
SKIN TONE _____						
SCARS, MARKS, _____						
TATTOOS: _____						
Location and description _____						
CAUTION			LICENSE INFO:			
<input checked="" type="checkbox"/> Weapon involved			DRIVER'S LICENSE# 11SGP63031			
<input type="checkbox"/> Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 597			STATE NH			
			EXP DATE _____			
			STYLE _____			
			COLOR _____			
			VIN # _____			

WARNING: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). As a result of this order it may be unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) and state law. The defendant is advised that he/she has the further opportunity to be heard before a judge on bail issues within 24/48 hours of the request being made to the court, excluding weekends and holidays (RSA 597:6-e, I).

The above named defendant is restrained from harassing, stalking, or threatening an intimate partner, or child of an intimate partner or of the defendant, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily harm to the intimate partner or child; and

The defendant is prohibited from the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; and/or

☒ The above named defendant represents a credible threat to the physical safety of such intimate partner or child;

Case Name: State of New Hampshire v

Case Number: 213-201 SCR 460

PNO: _____

CRIMINAL ORDER OF PROTECTION INCLUDING ORDERS AND CONDITIONS OF BAIL

It is hereby ordered pending ☐ arraignment ☐ trial ☐ probable cause hearing ☐ appeal ☐ other that:

- I. A. ☐ The defendant shall be released on \$ _____ personal recognizance and subject to conditions listed in Paragraph II and those conditions indicated in Paragraph III.
- B. ☐ The defendant shall be released on \$ _____ cash/surety bond subject to conditions listed in Paragraph II and those conditions indicated in Paragraph III.
- C. ☐ The defendant shall be detained to permit revocation of conditional release.
- D. ☐ The defendant shall be detained for not more than 72 hours to allow for filing of a probation violation.
- E. ☐ A hearing pursuant to RSA 597:2, III shall be conducted before the acceptance of bail.

F. ☒ The Court hereby orders that the defendant be detained without bail pursuant to RSA 597:2, ~~III~~ IV (a). *see record of hearing + cambodian victimization dig*

II. Defendant's release is subject to the conditions that:

- A. Defendant not commit a federal, state or local crime while on release. *assault + theft + firearms + lewdness*
- B. Defendant appear at all court proceedings as ordered.
- C. Defendant advise the court in writing of all changes of address within 24 hours.
- D. Defendant comply with all civil domestic violence and stalking orders of protection.

III. The Court hereby determines that defendant's release under Paragraph I (A) or (B):

- ☐ will not reasonably assure the appearance of defendant as required; and/or
- ☒ will endanger the safety of the defendant or of another person or the community.

By reason of such determination, the Court imposes the following additional conditions that defendant:

- A. ☒ Shall have no contact with TAMMY STOWELL by mail, telephone, fax, e-mail, the sending or delivery of gifts, through a third party or any other method unless specifically authorized by the Court, and is further ordered not to interfere with this person at his/her residence, school or place of employment and additionally is ordered to refrain from going within 300 feet of where such person(s) may be.

Protected Party #2 name: JESSICA ATHERTON DOB: _____ ☐ M ☐ F

Protected Party #3 name: _____ DOB: _____ ☐ M ☐ F

Protected Party #4 name: _____ DOB: _____ ☐ M ☐ F

~~B. ☒ Shall live at: _____~~

C. ☒ Shall not travel outside of: New Hampshire

D. ☐ Other travel restrictions: _____

E. ☒ Shall refrain from possessing a firearm, destructive device, dangerous weapon, or ammunition.

F. ☒ Shall refrain from any use of alcohol, and use of a narcotic drug or controlled substance as defined in RSA 318-B.

G. ☐ Shall comply with the following curfew: _____

H. ☐ Is ordered not to drive until defendant's license or privilege is restored by the Director of Motor Vehicles.

Case Name: State of New Hampshire v

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PNO: _____

CRIMINAL ORDER OF PROTECTION INCLUDING ORDERS AND CONDITIONS OF BAIL

I. ☐ Shall report to arresting law enforcement agency or _____ as required.

J. ☐ Shall remain in the custody of _____, a responsible adult residing at _____, N.H, who agrees to supervise the defendant and to report any violation of a release condition to the Court. The Court has found that the above named adult has reasonably assured the Court that the defendant will appear as required and will not pose a danger to the safety of any person in the community.

~~K. ☒ Sign a waiver of extradition before released on bail.~~

L. ☒ Shall not use or attempt to use or threaten to use physical force against the protected party(ies) TAMMY STOWELL, or the parties' children which would reasonably be expected to cause bodily injury.

M. Is restrained from harassing, stalking, abusing or threatening to abuse the protected party(ies) family or household members, or protected party(ies) relatives (regardless of place of residence), or engaging in other conduct which would place a person in reasonable fear of bodily injury to the person or person's household members or relatives.

~~N. ☒ Other: The defendant shall not be on the property of 23 Canal Street in Concord, NH.~~

IV. The defendant is hereby advised that in the event the defendant violates any of the above conditions of release the defendant may:

A. Be subject to immediate arrest and detention;

B. Be subject to imprisonment for contempt of court;

C. Be subject to immediate revocation of release;

D. Be subject to additional imprisonment of one year if the defendant commits a misdemeanor while on release; and

E. Be subject to additional imprisonment of seven years if the defendant commits a felony while on release.

So Ordered:

Date

Signature of Judge / Bail Commissioner

Printed Name of Judge / Bail Commissioner

Acknowledgment of Receipt:

I hereby acknowledge receipt of the above order and the penalties notification on pages 4 & 5 of this form.

Date

Signature of Defendant

Signature of Surety

Amendments to bail conditions so ordered:

12-17-18
Date

DLR
Signature of Judge
David W. Ruoff, Presiding Justice

Printed Name of Judge

CRIMINAL ORDER OF PROTECTION INCLUDING ORDERS AND CONDITIONS OF BAIL

I. PENALTY FOR OFFENSE COMMITTED WHILE ON RELEASE

A person convicted of an offense while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense, to:

- A. A term of imprisonment of not more than 7 years if the offense is a felony; or
- B. A maximum term of imprisonment of not more than 1 year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment. Neither the penalty provided by this section nor any prosecution under this section shall interfere with or prevent the forfeiture of any bail or the exercise by the Court of its power to punish for contempt, but this section shall be construed to provide an additional penalty for failure to appear.

II. DETENTION AND SANCTIONS FOR DEFAULT OR BREACH OF CONDITIONS

A. A peace officer may detain an accused until he can be brought before a justice if he has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if he witnesses a breach of conditions of release. The accused shall be brought before a justice for a bail revocation hearing within 48 hours, Saturdays, Sundays and holidays excepted.

B. A person who has been released pursuant to the provisions of RSA 597:2 and who has violated a condition of this release is subject to a revocation of release, an order of detention, and a prosecution for contempt of court under the provisions of RSA 597:7-a.

C. The State may initiate a proceeding for revocation of an order of release by filing a motion with the Court which ordered the release. The Court may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before the Court for a proceeding in accordance with the section.

III. RSA 641:5 TAMPERING WITH WITNESSES AND INFORMANTS. A person is guilty of a class B felony if:

A. Believing that an official proceeding, as defined in RSA 641:1, II or investigation is pending or about to be instituted, the person attempts to induce or otherwise cause another person to:

- 1. Testify or inform falsely; or
- 2. Withhold any testimony, information, document or thing; or
- 3. Elude legal process summoning him to provide evidence; or
- 4. Absent himself from the proceeding or investigation to which he has been summoned;
or

B. The person commits any unlawful act in retaliation for anything done by another person in the capacity as witness or informant; or

C. The person solicits, accepts, or agrees to accept, any benefit in consideration of his or her doing any of the things specified in Paragraph A.

Case Name: State of New Hampshire v

Case Number: 2:132018-CR-460

PNO: _____

CRIMINAL ORDER OF PROTECTION INCLUDING ORDERS AND CONDITIONS OF BAIL

**NOTICE OF INTERSTATE ENFORCEMENT AND
COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

1. This criminal protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This Court has jurisdiction over the parties and the subject matter; the defendant has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of any such jurisdiction.
2. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. § 2262(a)(1) or (2) (1994).
3. It shall be unlawful for any person subject to a qualifying protection order to possess any firearm or ammunition in or affecting commerce; or to ship, transport or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. A qualifying court order is an order that was issued after a hearing of which the defendant received actual notice, and at which the defendant had an opportunity to participate; and includes a finding that such person represents a credible threat to the physical safety of an intimate partner or child of such person or intimate partner or which restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. 18 U.S.C. § 922 (g) (8).
4. It shall be unlawful for any person convicted in any court of a misdemeanor crime of domestic violence to ship, transport in interstate commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. 18 U.S.C. § 922 (g) (9).
5. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Cheshire County

Cheshire Superior Court

State v. Paul R Spaulding

213-2018-CR-00460

ORDER ON BAIL/PROBABLE CAUSE

As explained at the hearing in this matter, the Court finds probable cause for the two pending domestic violence misdemeanor charges and the felony criminal threatening.

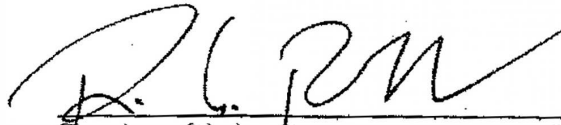
The Court does not find probable cause on the felony reckless conduct charge and that charge is dismissed.

Upon reflection, the Court's prior order of preventative detention remains in effect. The Court finds that the combination of alcohol, domestic violence, threats to kill the victim, to shoot a door down, the discharge of a firearm, the defendant's combativeness with the police, and the fact that he was armed with a 12" knife and two loaded semi-automatic 9MM pistols all warrant detention without bail.

So Ordered.

December 21, 2018

Date



Signature of Judge

Hon. David W. Ruoff

Printed Name of Judge

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CLERK'S NOTICE DATED

12/26/18
CC: J. Kilham / M. Lugo / ccHoc

NHJB-2010-DFPS (11/01/2011)