

STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT  
212-2021-CR-53

STATE OF NEW HAMPSHIRE

v.

RILEY HAYES

STATE'S PARTIAL OBJECTION TO DEFENDANT'S MOTION FOR DISCOVERY

NOW COMES the State of New Hampshire, by and through the Office of the Carroll County Attorney, Keith D. Blair, Assistant County Attorney, and states as follows:

1. The defendant Riley Hayes is charged with one count of Aggravated Felonious Sexual Assault.
2. On April 13, 2021 the State provided discovery pertinent to the charge against Mr. Hayes.
3. On June 14, 2021 the defendant emailed the State a request for additional discovery. The majority of list, as the State will illustrate below, is discovery in a matter against another defendant in another court is neither relevant nor exculpatory to Mr. Hayes.
4. Specifically, the defendant requested the following:
  - a. The minimal facts form for G.A.;
  - b. Photos of text messages from C.S.'s mother's phone;
  - c. Instagram messages between C.S. and G.A.;
  - d. Snapchat messages between C.S. and G.A.;
  - e. Any other messages or communication between C.S. and G.A.;
  - f. Any other messages or communications between C.S. and any other individual;
  - g. Messages between C.S.'s mother and G.A.'s mother;
  - h. CAC intake forms for G.A. and L.B.;
  - i. C.S.'s mother's 10/23/20 interview with law enforcement and photos taken from her phone;
  - j. Photos of any messages exchanged between daughter A.A. and her mother.;
  - k. The full cell phone extraction of Riley's phone;
    1. Please preserve Riley's phone. It appears that the extraction we have is for a limited time frame. If there was as full extraction and we have only been provided a portion of that extraction please let us know that information.
  - l. All snapchat data for Riley, Cole, or any other witness;
  - m. The video of L.B.'s CAC;

- n. The video of G.A.'s CAC;
- o. Audio for the videos taken if audio exists.;
- p. Handwritten notes taken by any law enforcement actor during any stage of this investigation to the extent that such notes do not discuss strategy or other work product protected matters;
- q. Any discovery provided to counsel for Cole that has not been provided to us and/or which is not requested above. (This excludes the video of G.A., which we understand you believe you are unable to provide).

5. As to G.A.'s minimal facts form, G.A. reported an incident that occurred with an individual who is not Mr. Hayes. The recitation of that report was placed in a narrative and provided to the defendant. The State does not concede that G.A.'s minimal facts form is relevant, exculpatory, and the State does not seek to introduce the document in trial. However, the State will provide the document under a protective because G.A. is a minor.

6. As to Photos of text messages from C.S.'s mother's phone, the messages do not pertain to or speak specifically about Mr. Hayes. They are neither relevant nor exculpatory to Mr. Hayes.

7. As to the Instagram messages between C.S. and G.A., the State does not conceded that the requested information is either relevant or exculpatory, however the State will provide this requested discovery, under a protective order.

8. As to the Snapchat messages between C.S. and G.A, the State does not conceded that the requested information is either relevant or exculpatory, however the State will provide this requested discovery, under a protective order.

9. The State is unaware of any other communications any other messages or communications between C.S. and G.A.

10. As to "any other messages or communications between C.S. and any other individual," the State finds this request overly broad and burdensome. If the defendant would specify which communications he seeks, the State will determine if it possesses that information. The State will provide any communications of C.S. in its possession that it believes is inculpatory to the defendant, exculpatory to the defendant, or relevant to the defendant's charged offense.

11. As to "messages between C.S.'s mother and G.A.'s mother," the State believes this request is duplicative on the request in paragraph 4. b). Mr. Hayes has not demonstrated how this conversation is either relevant or exculpatory to the charge against him.

12. As to the CAC intake forms, the State will provide the CAC intake for L.B., as she is the complaining witness in the case. The CAC intake form for G.A. is neither relevant nor exculpatory.

13. As to "C.S.'s mother's 10/23/20 interview with law enforcement and photos taken from her phone," this interview does not pertain to the charges against Riley Hayes, and is neither relevant nor exculpatory.

14. The State will provide photos of messages exchanged between A.A. and her mother.
15. The State has provided the cell phone extraction pursuant to the warrant return authorizing the search. The State will preserve the defendant's phone. If the defendant executes a signed release allowing both he and the State to examine a full extraction of the phone, the State will procure one.
16. The State has provided the Snapchat data it believes is relevant or exculpatory. The defendant's request for all Snapchat data is overly broad and unduly burdensome.
17. The video of L.B.'s CAC interview will be provided pursuant to a protective order.
18. The video of G.A.'s CAC interview will be provided pursuant to a protective order.
19. The State is not in possession of the requested audio for the videos taken.
20. There are no handwritten notes to provide.
21. The State finds the defendant's request for discovery provided to C.S.'s counsel overly broad and unduly burdensome. The matter pertaining to C.S. is in another Court with another agency. The defendant has failed to establish how each piece of discovery provided in that matter is either relevant or exculpatory to the defendant in this matter.
22. The defendant's request, is predominantly for discovery in another matter being heard in a separate court where discovery is in the hands of separate State entities. The State complied with obligations under the N.H. Rules of Criminal Procedure and Brady v. Maryland, 373 U.S. 83 (1963), and its progeny including State v. Laurie, 139 N.H. 325 (1995), when it provided the defendant the information that was relevant, exculpatory and that which may be used by the State at trial.

WHEREFORE, the State requests that this Honorable Court:

- A. Deny, in part, the Defendant's Motion without a hearing; or
- B. Hold a hearing on the matter; or
- C. Grant any other relief deemed proper and just.

July 15, 2021

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE



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Keith D. Blair,  
Assistant County Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and all other parties who have entered electronic service contacts in this case.

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE

July 15, 2021



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Keith D. Blair,  
Assistant County Attorney  
Carroll County Attorney's Office