

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT  
218-2021-CR-00119

STATE OF NEW HAMPSHIRE

v.

BRYAN ERICKSON

STATE'S OBJECTION TO THE MOTION TO RECONSIDER

NOW COMES the State of New Hampshire, by and through the Office of the Rockingham County Attorney, and states as follows:

1. On February 11-12, 2021 the Court held a bail hearing on this case. CPL Raymond was not called as a witness during the hearing. At the conclusion of the bail hearing the Court indicated it would not issue an order on February 12<sup>th</sup>.
2. On February 16, 2021 at 7:16 AM CPL Raymond of the Rockingham County Department of Corrections Pretrial Release Program emailed both the State and Defense Counsel the report from CPL Raymond regarding the assessment of this Defendant in the program. This report would also have been submitted to the Court shortly after. It was attached to the Defendant's Motion to Reconsider.
3. On the same day at 9:27 AM the Court issued its order leaving the preventative detention bail order in place, including the no-contact provision with the alleged victim.
4. Also, on the same day at 3:52 PM the Defendant filed a Motion to Reconsider Order Regarding Bail.
5. The State objects.
6. CPL Raymond concludes that the Defendant would be a high risk.
7. CPL Raymond's Assessment does not include any new facts or law that was not previously considered by the Court. Defense Counsel already argued for Pretrial Release prior to the Court's Order and the Court did not find his argument compelling. During the hearing the Defendant argued that he could live in Seabrook, NH and be placed on a bracelet. See Defendant's Memorandum in Support of Release, previously marked s Defense Exhibit D. In support of this, the Defendant also admitted Defense Exhibit E, a residential lease. The Defendant, through counsel, was in communication with CPL Raymond prior to the bail hearing and could have called CPL Raymond to testify – the Defendant chose not to.
8. Moreover, the State specifically addressed the limitations of the pretrial release program in its argument. While the Rockingham County Pretrial Release Program is an excellent

alternative to preventative detention in other cases, it is not appropriate in this case. Placing a bracelet on the Defendant may indicate where the Defendant is on a map but it does not indicate who he is with, what he is doing, who he is communicating with, etc. It also cannot monitor whether or not the Defendant has access to the internet, is using the internet, etc. The Court agreed with the State that even supervised release would not be appropriate and that there are no conditions to otherwise mitigate the safety risks of allowing the Defendant to be released.

9. CPL Raymond's assessment does not present new facts or law not previously considered by the Court. The safety risks have not changed. The Defendant's Motion to Reconsider should be denied.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Deny the Defendant's Motion to Reconsider; and
- B. Grant such further and other relief as justice may demand.

Respectfully submitted,  
THE STATE OF NEW HAMPSHIRE

02/19/2021

/S/Ryan C. Ollis  
Ryan C. Ollis  
Assistant County Attorney  
New Hampshire Bar # 20808

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing State's Pleading has on this date been forwarded to counsel for the Defendant, William A. Gilmore, Esq., at 378 South Main Street, Haverhill, MA 01835.

/S/Ryan C. Ollis  
Ryan C. Ollis  
Assistant County Attorney