

STATE OF NEW HAMPSHIRE

Superior Court – North

Hillsborough, ss.

April Term, 2026

State of New Hampshire

No. 216-2021-CR-1340

v.

James Woodlock

MOTION FOR COMPETENCY DETERMINATION AND ORDER TO THE  
NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS

The defense moves for a competency evaluation and for an order directed to the New Hampshire Department of Corrections requiring that the living conditions of Mr. Woodlock be changed so that he is not in solitary confinement, not in danger, and is held in conditions which are conducive to mental health and competency to stand trial.

FACTS<sup>1</sup>

1. Mr. Woodlock faces trial on a charge of Aggravated Felonious Sexual Assault in this case, 216-2021-CR-1340 (T.T).

2. Mr. Woodlock was previously convicted of two counts of Aggravated Felonious Sexual Assault in *State v. James Woodlock*, 216-2021-CR-00748 (D.M.).

3. On December 10, 2025, this court sentenced Mr. Woodlock to two consecutive terms of 10-20 years in prison.

4. Mr. Woodlock has been at the New Hampshire State Prison in Concord since December 10, 2025.

5. Undersigned counsel has visited Mr. Woodlock in person approximately eight times over four months since he was sent to prison.

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<sup>1</sup> Counsel's affidavit is attached.

6. Mr. Woodlock's family members have been able to talk to him by phone but have not been able to visit him in person.

7. Counsel bases the following on his personal experience and observations, and reports from family members.

8. Mr. Woodlock is 62 years old. Counsel has represented Mr. Woodlock for approximately five years, since charges were filed against him in 2021. Counsel has met with Mr. Woodlock in person many times, for many hours, regarding the case that was tried last fall (D.M.) and the other pending cases. Counsel has also communicated with Mr. Woodlock extensively by phone and email prior to December 10, 2025. Counsel also met in person with Mr. Woodlock's family and talked with them by phone and through email many times.

9. Mr. Woodlock has been in solitary confinement at the prison since his arrival. He is in the Special Housing Unit (SHU). Mr. Woodlock reports that he is locked alone in a cell twenty-three hours a day. He is let out of his cell for one hour a day during which he is allowed to go into a somewhat larger day room that has a shower. He is still alone when he is in the day room. He reports that he spends nearly the entirety of every day without contact with any other human being.

10. Mr. Woodlock is able to make calls to his family in the evening when they are not working. However, he must make the calls on a tablet which is outdated and which has a very limited battery life. He reports he was informed that in-person family visits are not allowed in his conditions of confinement.

11. As a result of these conditions, Mr. Woodlock's mental health has deteriorated dramatically. Counsel's observations are that:

- a. Mr. Woodlock is obviously, in counsel's view, severely depressed. Counsel has practiced law for 42 years, almost exclusively in the area of criminal defense. Counsel has represented many defendants in many different types of cases and routinely consults with psychiatrists, psychologists, and other mental health care

professionals. Counsel is not an expert in mental health but does have extensive experience working with criminal defendants who have mental health issues.

- b. Mr. Woodlock's mental health struggles manifest themselves in obvious ways. Mr. Woodlock has undergone dramatic weight loss. He appeared healthy before going to prison. He now appears gaunt and frail. He reports having lost approximately twenty-five pounds since his incarceration. His hands tremble, his voice is raspy, and he moves slowly and carefully, none of which counsel noticed previously.
- c. Although Mr. Woodlock was able to assist counsel in trial preparations in the fall of 2025 and testify in his trial, counsel does not believe that Mr. Woodlock is capable of those activities at this time.
- d. Mr. Woodlock is able to converse to a limited degree in meetings with counsel, but his memory is markedly poor and quite different from what it was in the fall of 2025. He forgets prior conversations with counsel and has trouble remembering events and circumstances relating to his current cases. Counsel noticed no issues of that kind prior to the last trial.
- e. In addition, Mr. Woodlock exhibits and reports experiencing shortness of breath, panic attacks, dizziness, fits of crying, and sleeplessness. He also comments and appears to be experiencing significant back and hip pain. He reports that he is unable to get regular sleep.

12. Mr. Woodlock's family members say he reports, and they have observed, similar conditions in phone calls with him.

13. Based on the foregoing, counsel does not believe Mr. Woodlock has the present ability, including mental stability, to adequately understand the charges against him, understand trial procedure, understand counsel's advice, or articulate information he may have or goals he may seek. For the same reasons, counsel does not believe Mr. Woodlock is competent to participate in his defense.

14. Notably, Mr. Woodlock suffered from mental and physical health issues prior to the December trial. Those issues were not disabling at the time. The prison has allowed Mr. Woodlock to continue with medications for those issues. However, his conditions of confinement have made his pre-existing conditions much worse despite medication.

15. Mr. Woodlock has not had any disciplinary violations since being incarcerated in the prison. He is not being held in solitary confinement because of any misconduct on his part.

16. Mr. Woodlock has attempted to obtain relief from his conditions of confinement. He made a formal complaint through an inmate request slip. He reports that the response was that his “situation is under review” and that he is in solitary confinement because of the “YDC cases against him.” Apparently, this is a reference to the obvious risk of harm to Mr. Woodlock as a result of the nature of his convictions and his prior work as a Juvenile Probation and Parole Officer.

17. Counsel wrote a letter to warden and other prison staff a month ago. A copy of the letter is attached. Counsel has not received a response.

#### LAW AND ARGUMENT

18. It should not surprise anyone that being in solitary confinement results in severe harm to a person’s mental health. Courts have repeatedly recognized as much. The United States District Court in Concord stated, in the landmark case of *Laaman v. Helgemore*, 437 F. Supp. 269 (D.N.H. 1977), that “stringent isolation is both a psychological and a physical horror with the potential of devastating psychic, emotional and physical damage.” *Id.* at 280. The Court reiterated those concerns recently. *See United States v. Fields*, 554 F. Supp. 3d 324, 337 n.5 (D.N.H. 2021) (“Extended seclusion can cause damage to a prisoner’s mental health.”). Likewise, the United States Court of Appeals for the First Circuit in Boston said in 2024, in *Perry v. Spencer*, 94 F.4th 136 (1st Cir. 2024), that “solitary confinement is known to have serious adverse psychological effects on those subjected to it, even when it persists for less than thirty days” and that ““there is not a single published study of solitary or supermax-like confinement...for longer than 10 days...that failed to result in negative psychological effects.”” *Id.* at 151 (quoting Brief of Former Corrections Officials as Amici Curiae at 18).

19. Under Part I, Article 15 of the New Hampshire Constitution and the Fourteenth Amendment to the United States Constitution, a “criminal defendant has a constitutional right not to be tried if he is legally incompetent.” *State v. Decato*, 165 N.H. 294, 296 (2013) (quoting *State v. Gourlay*, 148 N.H. 75, 77 (2002)). See also *State v. Kincaid*, 158 N.H. 90, 93 (2008); *State v. Zorzy*, 136 N.H. 710, 714 (1993) (collecting cases).

20. “The mental competence of a criminal defendant is an absolute basic condition of a fair trial.” *State v. Salimullah*, 172 N.H. 739, 748 (2020) (citing *Zorzy*, 136 N.H. at 714).

21. “Raising the issue of competency is an ethical obligation incumbent upon defense counsel in certain circumstances.” *State v. Veale*, 158 N.H. 632, 640 (2009).

22. “Trial courts are obligated to order an evidentiary hearing whenever there is sufficient doubt concerning a defendant’s competence.” *Hart v. Warden, N.H. State Prison*, 171 N.H. 709, 723-24 (2020) (citing *Zorzy*, 136 N.H. at 714-15). See also *Veale*, 158 N.H. at 640 (“we require that the trial court *sua sponte* inquire into competency whenever a bona fide or legitimate doubt arises whether a criminal defendant is competent to stand trial”). Furthermore, the issue may be raised “at any time during the prosecution of a defendant.” *Hart*, 171 N.H. at 724.

23. Thereafter, the State must prove by a preponderance of the evidence that a defendant is competent to stand trial. *Decato*, 165 N.H. at 296-97.

24. “A defendant’s competency is measured by his ability at the time of the trial proceeding.” *Zorzy*, 136 N.H. at 715 (citing *United States v. Vamos*, 797 F.2d 1146, 1150 (2d Cir. 1986)).

25. New Hampshire follows the two-pronged test set forth by the United States Supreme Court to determine competency wherein the State must establish “that a defendant [has]: ‘(1) a sufficient present ability to consult with and assist his lawyer with a reasonable degree of rational understanding; and (2) a factual as well as rational understanding of the proceedings against

him.” *Decato*, 165 N.H. at 297 (quoting *State v. Moncada*, 161 N.H. 791, 794 (2011) and citing *Dusky v. United States*, 362 U.S. 402 (1960)).

26. For the first prong, “the defendant must be able to communicate meaningfully with his attorney so as to be able to make informed choices regarding trial strategy” and he “must be sufficiently coherent to provide his counsel with the information necessary to construct a defense.” *State v. Gourlay*, 148 N.H. 75, 77-78 (2002). It requires “more than just a factual understanding of the charges against him.” *Id.*

27. For the second prong, “the defendant must have sufficient contact with reality.” *State v. Ke Tong Chen*, 148 N.H. 565, 567 (2002) (quoting *State v. Haycock*, 146 N.H. 5, 6 (2001)). A defendant’s understanding of “cast of characters, their roles, and the object of the proceedings” and his ability to “recall some events, is not enough.” *State v. Champagne*, 127 N.H. 266, 271 (1985). *See also Haycock*, 146 N.H. at 7-8. He “must also have a rational understanding of the nature and charges brought against him and the purpose of the trial proceedings based upon those charges.” *Champagne*, 127 N.H. at 271.

28. “In determined whether a bona fide or legitimate doubt exists with regard to a defendant’s competency, the trial court should consider numerous factors, including evidence of a defendant’s irrational behavior, his demeanor at trial, and any prior medical opinion on competency.” *Salimullah*, 172 N.H. at 748-49. But this “list of factors...is not exclusive” and a “trial court should exercise its discretion based upon the particular facts and circumstances of the case before it and order a competency hearing as it deems necessary, so as to uphold a defendant’s right to due process.” *State v. Kincaid*, 158 N.H. 90, 93 (2008).

29. Statutorily, RSA 135:17 governs competency evaluations. *See generally State v. Cormiea*, 2025 N.H. 50. If either party raises the issue of competency, the trial court may order an examination by a qualified psychiatrist or psychologist. RSA 135:17, I(a). “RSA 135:17, I(a)

does not set a mandatory deadline, and does not prohibit the trial court from granting a party more than one extension of time.” *Cormiea*, 2025 N.H. 50 at ¶ 15. X

#### CONCLUSION

30. Locking someone in solitary confinement, not because of any misconduct, but supposedly for their protection, is nothing short of cruel. The court’s sentence and the notoriety of Mr. Woodlock’s alleged crimes do not justify such treatment.

31. As a result of the way he has been treated, Mr. Woodlock is not mentally capable of proceeding to trial. His mental condition will continue to deteriorate if his conditions are not changed.

32. Where there is a bona fide doubt regarding competence, the law requires the court to order an evaluation.

33. Considering that there is no reasonable explanation for Mr. Woodlock’s conditions of confinement, the court should order the Department of Corrections to change the conditions.

WHEREFORE, the defense respectfully requests that this court order a competency evaluation of Mr. Woodlock and order the New Hampshire Department of Corrections to change Mr. Woodlock’s conditions of confinement so that he is not in solitary confinement, not in danger, and is held in conditions which are conducive to mental health and competency to stand trial.

Dated this 13<sup>th</sup> day of April, 2026.

Respectfully submitted,

*/s/Richard Guerriero*  
Richard Guerriero  
N.H. Bar # 10530  
Lothstein Guerriero, PLLC  
39 Central Square, Suite 202  
Keene, NH 03431  
(603) 352-5000  
richard@nhdefender.com

CERTIFICATE OF SERVICE

I, Richard Guerriero, do hereby certify that a copy of the forgoing was delivered through the court's e-filing system to registered e-filers, Assistant Attorneys General Audriana Mekula and Melissa Fales.

*/s/Richard Guerriero*

Theodore Lothstein, Esq.  
Kaylee Doty, Esq  
5 Green Street  
Concord, NH 03301  
(603)513-1919



LOTHSTEIN  
GUERRIERO  
PLLC

Richard Guerriero, Esq.  
Oliver Bloom, Esq.  
Chamberlain Block Building  
39 Central Square, Suite 202  
Keene, NH 03431  
(603)352-5000

March 13, 2026

New Hampshire Prison for Men Acting Warden Matthew Stefanczak  
Deputy Director of Classifications & Client Records Natasha Cole  
Captain Peter Ash  
Lieutenant Christopher Brownlie  
Office of the Warden  
New Hampshire State Prison for Men  
281 N State St, Concord, NH 03301  
Concord, NH 03302

By Federal Express to the above address and email to:

matthew.g.stefanczak@doc.nh.gov  
peter.j.ash@doc.nh.gov  
natasha.l.cole@doc.nh.gov  
christopher.t.brownlie@doc.nh.gov

RE: James Woodlock, #156991

Dear Acting Warden Stefanczak, et al,

I am writing in regard to my client, James Woodlock. Mr. Woodlock was sentenced to prison on December 10, 2025. He was initially in R&D, as any inmate would be. However, after R&D, he was placed in Special Housing Unit (SHU) and he has been there for over two months at this point.

I am very concerned about the rapid deterioration of Mr. Woodlock's mental and physical health while in SHU. Having represented him for several years before his sentencing, I know him well. I have visited him in SHU multiple times since he has been housed there. It is obvious to me that his solitary confinement, almost non-existent opportunities for human interaction, limited opportunities for exercise, lack of programming, and other aspects of being confined alone in a cell in SHU are causing his deterioration. The last several times I have seen him in SHU, he has been severely depressed and despondent. There have been obvious negative effects on his mental health. His physical health appears to have worsened as well.

I am familiar with the Department of Corrections' classification system in Cor 400. The classification system is supposed to be an "objective classification system" that balances various objectives, including resident and staff safety. Cor 403.01(c)(1). The system is supposed to "[p]lace residents in the least restrictive custody commensurate with their security needs and custody requirements with regard to public safety and institutional risk in a consistent and fair manner." Cor

403.01(c)(2). Furthermore, the system “[m]ilitates against extended maximum custody status unless exceptional reasons or circumstances exist, such as but not limited to escape attempts, numerous and recent major disciplinary violations, repeated returns to maximum custody, or an ongoing public threat.” Cor 403.01(c)(3).

Mr. Woodlock has not committed any disciplinary violations while in prison. He has been entirely cooperative with the prison staff. He has no history of escapes or attempted escapes. He has no history of possessing contraband. He has no history of drug use. He has no prior criminal record other than the charges of which he was convicted in 2025 which caused him to be imprisoned. Those charges are based on conduct that occurred over 25 years ago, not on any recent conduct. In addition, Mr. Woodlock is over 60 years old, and his hearing and eyesight are both poor. In short, there is nothing about him or his behavior which would justify the level of confinement he is suffering and which is causing harm to him.

My understanding is that Mr. Woodlock is classified as “C-3”, meaning, “‘medium custody’ where a resident lives, works, recreates, and participates in treatment with the general population of a departmental facility.” Cor 406.01(b)(3). He is not “C-5 or ‘maximum custody’ where a resident lives, works, recreates, and participates in treatment within a secure unit of a departmental facility.” Cor 406.01(b)(5). His classification would also indicate that he should not be held in a level of confinement such as found in SHU.

There is, as I think you know from my December 10, 2025, email and other sources, a concern that Mr. Woodlock might be at risk of harm by other inmates. Mr. Woodlock was a Juvenile Probation and Parole Officer for many years in Manchester. He worked at the Youth Development Center before that. There are former probationers and YDC residents who later committed crimes as adults and were sentenced to the New Hampshire State Prison. Thus, there is a risk that those other inmates might have some perceived grievance against Mr. Woodlock and might attempt to harm Mr. Woodlock. Nonetheless, the fact that other inmates may attempt to harm Mr. Woodlock is not a valid basis for punishing him and placing him in the harshest conditions in the prison.

I recognize that the regulations anticipate that an inmate will bring concerns about housing and classification to prison staff and proceed through the system in the prison to have the concerns addressed. Mr. Woodlock has attempted to do that to the best of his ability, but he remains in SHU. More importantly, based on my observations of Mr. Woodlock, he is suffering irreparable and undeserved harm while his grievance winds its way through the system. Consideration of his housing should be addressed promptly considering his circumstances.

Lastly, I do want to note that courts recognize the harm that solitary confinement causes to an inmate. The United States District Court in Concord stated, in the landmark case of *Laaman v. Helgemore*, 437 F. Supp. 269 (D.N.H. 1977), that “stringent isolation is both a psychological and a physical horror with the potential of devastating psychic, emotional and physical damage.” *Id.* at 280. The Court reiterated those concerns recently. *See United States v. Fields*, 554 F. Supp. 3d 324, 337 n.5 (D.N.H. 2021) (“Extended seclusion can cause damage to a prisoner’s mental health.”). Likewise, the United States Court of Appeals for the First Circuit in Boston said in 2024, in *Perry v. Spencer*, 94 F.4th 136 (1st Cir. 2024), that “solitary confinement is known to have serious adverse psychological effects on those subjected to it, even when it persists for less than thirty days” and that “there is not a

single published study of solitary or supermax-like confinement for longer than 10 days that failed to result in negative psychological effects.” *Id.* at 151.

Considering all of the foregoing, I am asking that you please take action regarding Mr. Woodlock and his housing situation. Assuming he needs some special housing situation in order to protect him from other inmates, he should not be punished because he needs protection. He should not be in SHU or in any housing situation where he continues to suffer the level of confinement in SHU. I respectfully request that you take action as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Guerriero", written in a cursive style.

Richard Guerriero  
NH Bar #10530

STATE OF NEW HAMPSHIRE

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No. 216-2021-CR-1340

v.

James Woodlock

AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION

I, Richard Guerriero, hereby affirm, under the pains and penalties of perjury, that all factual representations made by me in the Motion are based on my personal experiences.

Signed April 13, 2026 at Keene, New Hampshire.

  
Richard Guerriero, Attorney at Law  
NH Bar No. 10530

On March 2, 2026, personally appeared before me the above-named Richard Guerriero, known to me, or proven to be the same, who affirmed under penalty of perjury that the foregoing statements are true, to the best of his knowledge and belief.

  
Justice of the Peace  
My Comm. Expires: **Kristen Maclean**  
Justice of the Peace  
State of New Hampshire  
Commission Expires 2/5/2030