

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

THE STATE OF NEW HAMPSHIRE

v.

GENO J. MARCONI

218-2024-CR-01426

**STATE'S TO MOTION TO CONTINUE TRIAL**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, respectfully requests this Honorable Court to continue the jury trial in the above-captioned matter. In support thereof, the State represents as follows:

1. This matter is currently set for jury selection for November 3, 2025, with a trial scheduled for the weeks of November 3, 2025, and November 10, 2025. There have been no continuances granted in the matter.

2. In State v. Anna Barabara Hantz Marconi (217-2024-CR-01167), the Court has scheduled jury selection date of November 4, 2025, and then trial scheduled for November 17<sup>th</sup>-November 19<sup>th</sup> 2025. This is the second scheduled trial date for State v. Anna Barabara Hantz Marconi.

3. The State has the same two attorneys assigned to both matters and each has handled the two matters since the inception of each case. Both cases have nearly identical deadlines approaching and will require significant pre-trial litigation and trial preparation in anticipation of trial. Some witnesses are expected to testify in both trials. Simply put, the State's attorneys cannot

try the cases, and the witnesses cannot testify, simultaneously in concurrent prosecutions in the two venues. Accordingly, the State requests this Court continue the above captioned-matter.

4. N.H. R. Crim. P. 15(d)(4) provides that a previously scheduled trial (like the above-captioned matter) may be continued in favor of a subsequently scheduled trial (like State v. Anna Barbara Hantz Marconi) in any of the following relevant circumstances: “(i) A subsequently scheduled case involving trial by jury in a superior . . . court . . . . (iii) The court finds that the subsequently scheduled case should take precedence due to a defendant’s rights to speedy trial or other constitutional rights. (iv) Unusual circumstances causing the respective courts to agree that an order of precedence other than the above shall take place.”

5. The case of State v. Anna Barbara Hantz Marconi is scheduled for jury trial before the Merrimack Superior Court. Accordingly, under Rule 15(d)(4)(i), continuance of the above-captioned case is proper.

6. The case of State v. Anna Barbara Hantz Marconi has parallel litigation that is stayed pending the resolution of that criminal trial. *See In the Matter of Anna Barbara Hantz Marconi, Esquire* (LD-2024-0014). The defendant in that case has been on administrative leave from the New Hampshire Supreme Court since July 25, 2024; that administrative leave has been extending pending resolution of the criminal case; and the defendant in that case has assented to the suspension of her practice from law for a period of time coextensive with her administrative leave pending resolution of the criminal case and further litigation of her attorney discipline case. *See Order Granting Assented-to Motion to Accept Recommended Suspension* (LD-2024-0014) (<https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2024-10/10-31-24-order-granting-assented-to-motion-to-accept-recommended-suspension.pdf>). Accordingly, under Rule 15(d)(4)(iii), continuance of the above-captioned case is proper.

7. Given the apparent unusual circumstances of these two prosecutions, under Rule 15(d)(4)(iv), the State anticipates that should this Court confer with the Merrimack Superior Court, the courts would agree that the case of State v. Anna Barbara Hantz Marconi should take precedence and a continuance in the above-captioned matter should be granted.

8. Additionally, this Court has four (4) pending motions before it where the State has objected, as well as pending sealed motions by the State. These motions include two dispositive motions to dismiss and a motion to suppress evidence collected during the investigation. These motions have not been ruled on, nor have they been scheduled for hearing before the Court. Similarly, were this Court to grant all or some of the pending motions to dismiss the parties will have ten days to file a motion to reconsider. *See N.H. R. Crim. P. 43(a)*. Some of these are dispositive motions wherein if the State is unsuccessful would then likely appeal to the Supreme Court. When those motions are decided, the orders will likely be substantial and will require significant time to review, and both parties' trial strategies would likely shift accordingly.

9. There have been no prior continuances in this matter. The parties have raised and are waiting to litigate important issues. Understandably, it has taken the Court period of time to review those issues. A continuance would not result in any prejudice to the Defendant. He is not held, and this is the first trial date. The Court should exercise its discretion and continue the case.

10. Richard Samdperil, counsel for Defendant, objects to the relief requested in this Motion to Continue.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Continue the trial; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: September 29, 2025

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the Court's e-filing system to counsel of record.

/s/ Dan A. Jiménez  
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