

# THE STATE OF NEW HAMPSHIRE

COÖS, SS.

SUPERIOR COURT

No. 214-2019-CR-00007

State of New Hampshire

v.

Jeffrey Woodburn

## ORDER

On March 23, 2023, the New Hampshire Supreme Court affirmed the defendant's two convictions for criminal mischief. See State v. Woodburn, 175 N.H. 645, 648, 656 (2023). Thereafter, the defendant filed a Motion for New Trial as to the two criminal mischief charges based on alleged ineffective assistance of counsel. (Index #135.) On August 10, 2023, following an evidentiary hearing on the defendant's Motion for New Trial, the Court denied said motion, denied the defendant's request to modify or amend his July 13, 2021 sentence on the criminal mischief charge identified as Charge ID. 1580455, and granted his request to stay execution of the sentences on his criminal mischief charges pending the final disposition of his appeal of the Court's order denying his Motion for New Trial. (Index #140.) On July 30, 2023, the New Hampshire Supreme Court affirmed this Court's "decision to deny the defendant's motion for a new trial." (Index #176 at 4.)

This matter is now before the Court on the State's Motion to Impose Sentence, in which it requests that the Court "schedule a hearing for the purpose of imposing the previously ordered sentences" on the defendant's two criminal mischief convictions. (Index #175 at 1.) The defendant objects and also requests a sentence modification (Index #177), to which the State filed a Response (Index #179.)

Having considered the parties' pleadings and arguments, the procedural history and posture of this case, and the applicable law, the Court GRANTS the State's motion and DENIES the defendant's request for sentence modification for the reasons articulated by the State in its pleadings. Without limitation, the Court concludes that: (1) the defendant's request for sentence modification is untimely in the extreme; (2) the defendant has waived any right, if any, he may have had to request a sentence modification; (3) there is no legal or factual basis for granting the requested sentence modification; and (4) even if the Court was to consider the defendant's request for sentence modification on the merits, it would deny same because his criminal mischief sentences reflected all relevant facts and circumstances and appropriately balanced and promoted the goals of sentencing.

The Clerk shall schedule an imposition of sentence hearing as soon as the docket permits.

So Ordered.

Date: 8/15/24

  
\_\_\_\_\_  
Hon. Peter H. Bornstein  
Presiding Justice

Clerk's Notice of Decision  
Document Sent to Parties  
on 08/15/2024