

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2021-0337, State of New Hampshire v. Grace Woodham, the court on June 29, 2023, issued the following order:

The court has reviewed the written arguments and the record submitted on appeal, and has determined to resolve the case by way of this order. See Sup. Ct. R. 20(2). The defendant, Grace Woodham, appeals an order of the Superior Court (Bornstein, J.), following a hearing, finding that she is dangerous, within the meaning of RSA 135:17-a, V (2021), and ordering that she remain in custody for 90 days to be evaluated for the appropriateness of involuntary treatment. The defendant challenges the finding of dangerousness, asserting that, in so finding, the trial court improperly relied upon certain events that were too remote, and that the evidence did not support a finding that she is a danger. Although the defendant acknowledges that the 90-day detention period has expired, she urges us to address her appeal on its merits, arguing that the finding of dangerousness carries a stigma, and that her appeal raises issues of pressing public interest that are capable of repetition but evade judicial review. See Olson v. Town of Grafton, 168 N.H. 563, 566 (2016). The State counters that the case is moot, and urges us to dismiss it.

A matter is moot when it no longer presents a justiciable controversy because the issues involved in the case have become academic or dead. Londonderry Sch. Dist. v. State, 157 N.H. 734, 736 (2008). Nevertheless, “[m]ootness is not subject to rigid rules, but is a matter of convenience and discretion.” Royer v. State Dep’t of Empl. Security, 118 N.H. 673, 675 (1978). A case may not be moot if it “presents legal issues that are of pressing public interest and are capable of repetition yet evading review.” Olson, 168 N.H. at 566 (quotation omitted). In this case, we agree with the State that the issues raised are moot. In light of the facts and circumstances in this case, we are not persuaded that it presents a matter of sufficiently pressing public interest or the potential for stigmatization that warrants deciding it on the merits. When a case becomes moot on appeal “due to circumstances unattributable to any of the parties,” vacatur — remand to the trial court with instructions to vacate its judgment — tends to be favored. U.S. Bancorp Mortg. Co. v. Bonner Mall Partnership, 513 U.S. 18, 23 (1994) (quotation omitted). “A party who seeks review of the merits of an adverse ruling, but is frustrated by the vagaries of circumstance, ought not in fairness be forced to acquiesce in the judgment.”

Id. at 25. Accordingly, we vacate the superior court's decision and remand with instructions to dismiss on the grounds of mootness.

Vacated and remanded.

HICKS, BASSETT, HANTZ MARCONI, and DONOVAN, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Appx (B)



THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

No. 215-2019-CR-00425; 00259; 00214

State of New Hampshire

v.

Grace Woodham

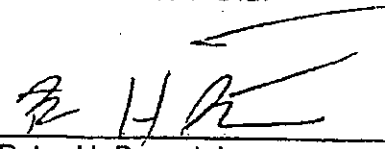
ORDER

On June 17, 2021, the Court conducted an evidentiary hearing to determine whether the defendant is dangerous to herself or to others. See RSA 135:17-a, V. The defendant appeared and was represented by Mark Sisti, Esquire; the State was represented by Grafton County Attorney Martha Hornick. At the outset, the parties stipulated on the record that the March 21, 2021 report of Eric K. Drogin and the June 11, 2021 report of Jennifer Mayer Cox, both of whom performed a dangerousness evaluation, may be admitted as full exhibits. Dr. Cox and Dr. Drogin testified at the June 17, 2021 hearing, and the parties made closing arguments that concluded on July 23, 2021.

After carefully considering the evidence presented, and for the reasons set forth at length on the record, the Court rules that the State has satisfied its burden of proving by a preponderance of the evidence that the defendant is dangerous to others within the meaning of the statute. See State v. Lavoie, 155 N.H. 477 (2007). Accordingly, the defendant shall remain in custody for a period of 90 days to be evaluated for the appropriateness of involuntary treatment pursuant to RSA 135-C:34 and RSA 171-B:2.

So Ordered.

Dated: 7/23/2021


Peter H. Bornstein
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

No. 215-2019-CR-00214; 00259 and 00425

State of New Hampshire

v.

Grace Woodham

ORDER

This matter is before the Court for hearings pursuant to RSA 135:17-a. The defendant was present and was represented by Mark Sisti, Esquire, and the State was represented by John Bell, Esquire.

At the outset, the parties stipulated on the record that the August 23, 2020 report of Eric Y. Drogin, who performed a competency examination of the defendant, may be admitted into evidence as a full exhibit and that it continue to be sealed. The parties further stipulated that the defendant presently is not competent to stand trial. In accordance with the agreement of the parties, who are optimistic that they will be able to resolve by agreement the issue of restorability, the Clerk shall schedule a status conference in January 2021, as the docket permits. In light of the Court's competency determination, the Court takes no action on the defendant's motions regarding status of counsel at this time. See record.

So Ordered.

Dated:

12/11/2020

Peter H. Bornstein
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 12/11/2020