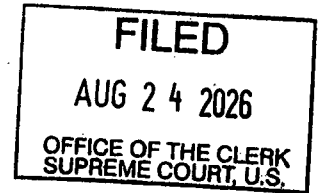


26-5624
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



DENNIS BAILLARGEON, Petitioner

v.

STATE OF NEW HAMPSHIRE, BRENDAN T. CARROLL, ESQ., and PELHAM POLICE

DEPARTMENT, Respondents

APPENDIX

On Petition for a Writ of Certiorari to the

Rockingham County Superior Court, State of New Hampshire

Dennis Baillargeon

Petitioner, pro se

#555 Merrimack Street, #401

Lowell, MA 01854

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APPENDIX A

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**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Rockingham County

Rockingham Superior Court

Dennis D Baillargeon v Brendan T Carroll, ESQ, et al

218-2025-CV-01098

ORDER ON MOTION TO DISMISS

The petitioner, Mr. Baillargeon, seeks a writ of coram nobis to vacate his guilty conviction stemming from a trial at the Salem District Court. (See Complaint, Court Index #1 and Amended Complaint, Court Index #8). The State filed a Motion to Dismiss (Court Index #28), arguing, principally, that on procedural grounds the matter should be barred as Mr. Baillargeon's substantive claims had already been largely addressed in the context of his Supreme Court appeal of the underlying district court conviction. Mr. Baillargeon filed objection(s) to this motion (Court Index #33 and #36). Following a hearing on the motion to dismiss, and for the reasons set forth below, the State's motion to dismiss is GRANTED.

Background

On June 22, 2023, following a trial at the Salem District Court, Mr. Baillargeon was convicted and sentenced for driving while intoxicated, first offense, possession of marijuana, failing to use a turn signal, and driving over the center line. Mr. Baillargeon filed an appeal of this outcome to the New Hampshire Supreme Court identifying five (5) issues on appeal inclusive of the following: 1) Whether the State violated the defendant's due process rights by failing to preserve existing audio cruiser and camera evidence; 2) Whether the prosecution deliberately withheld or destroyed evidence; 3) Whether the trial court should have granted a continuance; 4) whether the State violated

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Brady v. Maryland, 373 U.S. 83 (1963); and 5) Whether the defendant was denied a fair trial by the State's refusal to provide defense discovery or provide notice of police cruiser cam evidence destruction at the trial management conference. On August 22, 2024, the New Hampshire Supreme Court rendered an order denying Mr. Baillargeon's appeal. Of note, while the Supreme Court concluded that certain of the five issues raised on appeal had not been preserved for appeal by Mr. Baillargeon, the Court analyzed all five grounds and found that Mr. Baillargeon's arguments for appeal on the cited grounds were unavailing. On December 24, 2024, Mr. Baillargeon filed a grievance against Attorney Carroll (the prosecutor in the underlying district court case) with the Attorney Discipline Office. On June 25, 2025, Mr. Baillargeon filed a motion for a new trial with the Salem Circuit Court which was denied for lack of jurisdiction. On September 24, 2025 Mr. Baillargeon filed the subject complaint with the Rockingham Superior Court, with the complaint being amended on October 8, 2025. The amended complaint requests relief through Coram Nobis on the basis of allegations of prosecutorial misconduct in the context of the referenced district court trial. Specifically, the complaint references issues surrounding the afore mentioned Brady concerns and the preservation/production (or non-preservation and non-production) of video footage.

Analysis

A writ of coram nobis is a "Hail Mary pass" in that courts may only grant such relief in the "rarest of cases." State v. Santamaria, 169 N.H. 722, 724 (2017). In New Hampshire, there is no "definitive test or analytical framework to help guide [the Court's] decision-making" process for a writ of coram nobis. Hart v. Warden, New Hampshire State Prison, 171 N.H. 709, 717 (2019). While there is no definitive black and white test, a common threshold requirement for bringing a petition for a writ of coram nobis is that sound reasons exist for failing to seek appropriate earlier relief. Santamaria, 169 N.H. at 726. The Court concludes that Mr. Baillargeon fails to meet this threshold requirement in that he has already sought (and been denied) relief on the same or substantially similar grounds. Specifically, the Court concludes that the substantive bases of his petition were already the subject of his direct appeal to the New Hampshire Supreme Court, which was denied. Said another way, the

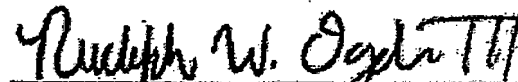
issues at root of this petition mirror those issues dealt with in the context of Mr. Baillargeon's appeal to the Supreme Court. Additionally, direct offshoots of these already litigated issues, such as Mr. Baillargeon indicating in this petition that the State had a duty to notify him *prior to trial* that the dashboard camera recording existed at one time but was lost, certainly could have been brought earlier and were not¹. In sum, the grounds cited by Mr. Baillargeon were largely considered in the context of his Supreme Court appeal and he has provided no sound reason for having not earlier addressed related items of concern. Accordingly, this Court concludes that it would be improper to allow for the extraordinary relief of coram nobis in this context.

Conclusion

Based on the record before and for the reasons set forth above, the State's Motion to Dismiss is GRANTED.

So Ordered.

January 27, 2026
Date


Judge Rudolph W. Ogden, III

Clerk's Notice of Decision
Document Sent to Parties
on 01/27/2026

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¹ The Court notes that Mr. Baillargeon refers to facts concerning the prosecutor's knowledge of the lost video footage prior to trial becoming clear in the context of the prosecutor's response to Mr. Baillargeon 2024 petition to the Attorney Discipline office. The Court concludes that on the record before it the unavailability of the footage as a result of a technological conversion at the police department pre-dating the trial was discussed at trial. As this was already part of the trial record, it is unclear why relief was not sought earlier (or in the context of the afore mentioned direct appeal).

APPENDIX B

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, ss

SUPERIOR COURT

The motion to reconsider is, respectfully,
denied. Mr. Baillargeon has failed to show
that this Court overlooked or
misapprehended any point of law or fact in
this matter and as such the motion for
reconsideration is denied.

DENNIS BAILLARGEON,
Petitioner,

v.

BRENDAN T. CARROLL, ESO., AND

STATE OF NEW HAMPSHIRE,
Respondents',

CIVIL ACTION

#218-2025-CV-01098

PETITIONER'S MOTION FOR RECONSIDERATION
OF THE COURT'S ORDER GRANTING THE
STATE'S MOTION TO DISMISS

Now come's the petitioner, Dennis Baillargeon, and
respectfully move's this Honorable Court to reconsider the
court's order granting the state's motion to dismiss based on
the ground that the court has overlooked or misapprehended
facts and law. In suport of this motion, the petitioner
states as follows:

I. Factual Background

1. On Nov. 07, 2025, the state filed a Motion to Dismiss
claiming the petitioner argues the same issues as he did
on appeal, and that all the petitioner's newly discovered
evidence shows is that Mr. Carroll disclosed the issue the
petitioner complains about to the court in the criminal
matter. p.6 para.10. see, Note: 1.
2. On Nov. 11, 2025, Brendan T. Carroll, esq. (hereafter, "Mr.
Carroll") filed a Motion to Join the State's Motion to

Note: 1. The page and/or paragraph citation to the Motions
identified are referenced to as: "p.# para.#".

APPENDIX C

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2026-0244, Dennis D. Baillargeon v. Brendan T. Carroll, Esq. & a., the court on May 13, 2026, issued the following order:

Notice of appeal is declined. See Rule 7(1)(B).

Under Supreme Court Rule 7(1)(B), the supreme court may decline to accept a notice of discretionary appeal from the superior or circuit court. No appeal, however, is declined except by unanimous vote of the court with at least three justices participating.

This matter was considered by each justice whose name appears below. If any justice who considered this matter believed the appeal should have been accepted, this case would have been accepted and scheduled for briefing.

Declined.

MacDonald, C.J., and Donovan, Countway, Gould, and Will, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

Clerk, Rockingham County Superior Court, 218-2025-CV-01098
Honorable Rudolph W. Ogden, III
Dennis D. Baillargeon
Brendan T. Carroll, Esquire
Robert L. Baldrige, Esquire
Anthony J. Galdieri, Esquire
Attorney General
File

APPENDIX D

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2026-0244, Dennis D. Baillargeon v. Brendan T. Carroll, Esq. & a., the court on June 8, 2026, issued the following order:

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the plaintiff's motion for reconsideration and conclude that no points of law or fact were overlooked or misapprehended in our decision declining this discretionary appeal. Accordingly, upon reconsideration, we affirm the May 13, 2026 decision and deny the relief requested in the motion.

Relief requested in motion for
reconsideration denied.

MacDonald, C.J., and Donovan, Countway, Gould, and Will, JJ.,
concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

Clerk, Rockingham County Superior Court, 218-2025-CV-01098
Honorable Rudolph W. Ogden, III
Dennis D. Baillargeon
Brendan T. Carroll, Esquire
Robert L. Baldrige, Esquire
Anthony J. Galdieri, Esquire
Attorney General
Sherri L. Miscio, Supreme Court
File

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**Additional material
from this filing is
available in the
Clerk's Office.**