

MERRIMACK, SS. THE STATE OF NEW HAMPSHIRE SUPERIOR COURT

217-2018-CV-00133

ERIC CABLE

v.

STATE OF NEW HAMPSHIRE

COUNTERCLAIM PURSUANT TO RSA 622:56

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby asserts a counterclaim against Eric Cable, stating in support as follows:

The Department of Corrections requests a trial by jury.

1. Eric Cable (“Cable”) asserts he was incarcerated at the New Hampshire State Prison for Men in Concord from February 13, 2014, to November, 8, 2017. *See* Complaint, ¶3. Cable’s sentence to the prison resulted from a finding of guilt of Negligent Homicide – DUI under RSA 630:3, II.

2. The annual cost of care incurred by Department of Corrections (“DOC”) per offender is published each year in the annual report. The expense incurred as a result of Cable’s incarceration is as follows:

- a. Year ending June 30, 2014: annual expense \$33,540 or \$91.89 per day.
- b. Year ending June 30, 2015: annual expense \$34,155 or \$93.57 per day.
- c. Year ending June 30, 2016: annual expense \$35,832 or \$98.17 per day.
- d. Year ending June 30, 2017: annual expense \$36,960 or \$101.26 per day.
- e. The cost associated with an offender’s incarceration in FY2018 has not yet been determined.

3. Cable was incarcerated 137 days in FY2014 amounting to an expense of \$12,588.93. He was incarcerated all of FY2015 at an expense of \$34,155. He was incarcerated all of FY2016 at an expense of \$35,832. Cable was incarcerated all of FY2017 at an expense of \$36,960. He was incarcerated 130 days in FY2018 and that expense has not yet been determined. Therefore, the total identifiable expense incurred as a result of Cable's incarceration is \$119,535.93 plus the portion of FY2018, which will be provided.

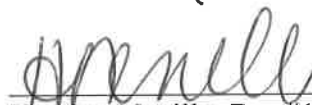
4. RSA 622:56 provides: "After release, the department may seek reimbursement of cost of care against any inmate within 6 years of release from imprisonment of such inmate." Further, "[t]he department may recover the expenses incurred by an inmate during the entire period such inmate was confined in a correctional facility." RSA 622:56.

5. In accordance with RSA 622:56, DOC is entitled to reimbursement for the cost of care during the period Cable was confined.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE
By its attorney,

GORDON J. MACDONALD
ATTORNEY GENERAL

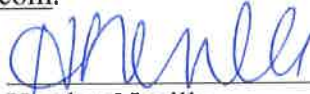


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Date: July 31, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed this 31st day of July 2018, postage prepaid, to Lawrence A. Vogelmann, Esq., 77 Central Street, Manchester, NH 03101; and via email: L.Vogelman@davenixonlaw.com.



Heather Neville