

STATE OF NEW HAMPSHIRE

COUNTY OF HILLSBOROUGH
SOUTHERN DIVISION

SUPERIOR COURT

Docket No. 459-2013-CR-5738

STATE OF NEW HAMPSHIRE

v.

ALEJANDRA CORRO

**DEFENDANT'S VERIFIED EMERGENCY PETITION FOR WRIT OF HABEAS
CORPUS AND REQUEST FOR IMMEDIATE RELEASE, THE SCHEDULING OF AN
ABILITY-TO-PAY HEARING TO TAKE PLACE AT A LATER DATE BEFORE THIS
COURT, AND APPOINTMENT OF PUBLIC DEFENDER ATTORNEY RYAN
GUPTILL AS COUNSEL**

INTRODUCTION

Pursuant to RSA 534:1, Defendant Alejandra Corro ("Defendant") hereby petitions on an emergency basis for a writ of habeas corpus and requests (i) her immediate release from Valley Street Jail, (ii) the scheduling of an ability-to-pay hearing to be held in 90 days before this Court, and (iii) the appointment of public defender Attorney Ryan Guptill as counsel in future proceedings relating to this matter. *See* RSA 534:1 ("A person imprisoned or otherwise restrained of his personal liberty, by an officer or other person, except in the cases mentioned in the following section, is entitled of right to a writ of habeas corpus according to the provisions of this chapter."); RSA 534:3 ("Application for the writ shall be made to the superior court in the county in which the person is imprisoned, by a person so imprisoned or restrained, or by some person in his behalf.").

In this petition, Defendant seeks immediate release from Valley Street Jail and reversal of the decision made yesterday, on March 4, 2014, by the Nashua 9th Circuit District Court

(Bamberger, J.) jailing Defendant if she did not pay the remaining \$420 of a \$620 fine by the close of business. Prior to issuing this Order, the Circuit Court did not, as is constitutionally required, conduct an ability-to-pay hearing (which Defendant requested), let alone make any findings that Defendant had the ability to pay the remaining fine obligation. Indeed, the Circuit Court was informed by Defendant, through an affidavit under oath, that she had no ability to pay the remaining \$420 amount. Because Defendant had no ability to pay this amount by the close of business yesterday, she is now residing in Valley Street Jail. With one day in jail equating to each \$50 of the remaining \$420 fine imposed, Defendant is slated to be jailed for nine (9) days, until Thursday, March 13, 2014.

The Circuit Court's order is unconstitutional and must be immediately vacated because Defendant is financially unable to pay this \$420 amount, as she is indigent and is therefore not wilfully failing to pay this fine. The United States Supreme Court has made clear that the United States Constitution prohibits jailing defendants who are unable to pay fines and fees assessed against them. *See Williams v. Illinois*, 399 U.S. 235 (1970); *Tate v. Short*, 401 U.S. 395 (1971). Moreover, the Circuit Court failed to appoint counsel when Defendant requested yesterday that an attorney—specifically, public defender Attorney Ryan Guptill who represented Defendant in the underlying action—be appointed to represent her with respect to these proceedings. As Defendant has been confronted with judicial action that immediately threatens her liberty, she is entitled to formal appointment of counsel in future proceedings related to this issue under the Sixth Amendment and Part I, Article 15 of the New Hampshire Constitution. *See Stapleford v. Perrin*, 122 N.H. 1083, 1088 (1982).

This petition has been filed on an emergency basis because, as every minute passes by, Defendant is losing her liberty as a result of the Circuit Court's unconstitutional order. The

Hillsborough County Attorney's Office and the Office of the Attorney General have received a copy of this petition and are aware of the relief it seeks.

FACTS

On August 21, 2013, Defendant—a 22-year-old poor, single mother—was charged with theft, pursuant to RSA 637:3, for taking “assorted clothing totaling \$645.00” in value from Sears (hereinafter, the “underlying charge”). *See* Addendum (“ADD”) at 3; *see also* ADD at 1-2 (docket). The items consisted of infant clothes, as Defendant has two infant children—Alizaeh (age 3) and Rafael (age 2). As the amount taken did not exceed \$1,000, the charge was a misdemeanor. RSA 637:11, III. Defendant was represented by a public defender, Attorney Ryan Guptill, in the underlying action. On November 18, 2003, Defendant pled guilty to a reduced violation-level offense. She was then sentenced by the Nashua 9th Circuit District Court (Leary, J.) to a fine of \$1000.00, with \$500.00 of the fine suspended on the condition that she commit no new felonies or misdemeanors for one year. *See* ADD at 4. Defendant was ordered to pay \$500.00 plus a penalty assessment of \$120.00, for a total of \$620.00, and was authorized to pay this fine through 62 hours of community service by March 4, 2014. *See* ADD at 2, 5 (Order for Community Service). Prior to this incident, Defendant had never been arrested or charged with a crime as an adult.

Yesterday, on March 4, 2014, the Nashua 9th Circuit District Court (Bamberger, J.) conducted a “community service review” hearing. Attorney Guptill was present at the hearing and spoke on Defendant's behalf. Defendant, through Attorney Guptill, explained that she had completed 20 hours of the 62-hour community service obligation at the Nashua Soup Kitchen and Shelter. *See* ADD at 15 (Documentation of Community Service). Defendant further explained that she was not able to complete her community service obligation because her

apartment, located on the second floor of 5 Beard Street in Nashua, was burned in a fire on January 24, 2014. *See* Add at 16 (Nashua Fire Rescue Press Release). During the fire, Defendant and her two children were trapped in their apartment and had to be rescued using the Fire Department's ground ladder from the second floor window. *Id.* The apartment was rendered uninhabitable. Police later arrested Defendant's roommate for felony reckless conduct for improperly disposing of a cigarette in the hallway outside of the apartment, causing the fire. *See* ADD at 17 (Nashua Telegraph Article). As a result of the fire, Defendant and her two children had to move in with Defendant's mother at 60 Palm Street, Apartment A, in Nashua.

Additionally, by affidavit under oath, Defendant informed the Circuit Court that she is poor and does not have the money to pay the remaining \$420 obligation. *See* ADD at 6-10 (Fine Payment Financial Affidavit). She and her two children formerly received "Temporary Cash Assistance for Needy Families" (TANF) assistance, but she has recently lost access to these benefits and is in the process of reapplying. Defendant has no cash on hand or in a checking account, and she is unemployed. *Id.* Defendant, through Attorney Guptill, explained to the Circuit Court that, because she and her two children had been displaced since the fire in late January, Defendant was unable to complete the remaining 42 hours of community service. Of course, Defendant has every intention of completing her community service obligation. She just needs additional time. Defendant also asked the Circuit Court for an "ability-to-pay" hearing where these facts would be formally presented establishing that she has no ability to immediately pay this fine.

Attorney Guptill, on Defendant's behalf, also requested on two separate occasions that he be appointed as Defendant's counsel for this fine repayment matter. In conjunction with this request, Defendant submitted a Financial Affidavit and Application for Court Appointed Counsel

demonstrating her poverty. *See* ADD at 11-14 (Financial Affidavit & Application For Court Appointed Counsel).

After hearing this information, the Circuit Court ordered in writing that the remaining \$420 was “due to be paid today.” ADD at 4. The Court explained at the hearing that, if this fine could not be paid by the end of the day, Defendant was to be jailed. The Circuit Court did not, as requested, conduct a hearing on Defendant’s ability to pay, let alone make a finding, as is constitutionally required, that Defendant had the means to pay this \$420 fine and therefore had wilfully failed to pay this obligation. The Circuit Court also declined to appoint Attorney Guptill as counsel for Defendant, effectively leaving Defendant unrepresented in future proceedings concerning this matter.

Because Defendant had no ability to pay the \$420 fine, she turned herself into the Hillsborough County Department of Corrections yesterday and is currently residing in Valley Street Jail. With one day in jail equating to each \$50 of the remaining \$420 fine imposed, Defendant is slated to be in jail for nine (9) days, until Thursday, March 13, 2014. Given Defendant’s inability to pay this \$420 fine and the immediate threat of jail, Defendant, through Attorney Guptill, contacted the New Hampshire Civil Liberties Union for emergency representation.

ARGUMENT

The Circuit Court’s order jailing Defendant for failing to pay the remaining \$420 fine, without a hearing on Defendant’s ability to pay and without a formal finding that the failure to pay was wilful, is clearly unconstitutional and must be immediately vacated. Defendant must be immediately released from jail.

The United States Constitution prohibits jailing defendants who are unable to pay fines

and fees assessed against them. *Williams v. Illinois*, 399 U.S. 235 (1970) (holding that a state may not under the Equal Protection Clause subject a certain class of convicted defendants to a period of imprisonment beyond the statutory maximum solely by reason of their indigency); *Tate v. Short*, 401 U.S. 395 (1971) (holding that U.S. Constitution prohibits states from imposing a fine as a sentence and then automatically converting the fine into a jail term solely because the defendant is indigent). Indeed, while courts are permitted to incarcerate those who willfully refuse to pay fines and fees, those who lack the resources to meet their court-imposed financial obligations cannot be incarcerated for failing to do so. To jail those who cannot afford to pay fines and fees would produce an “impermissible discrimination that rests on ability to pay” forbidden by the Equal Protection Clause of the Fourteenth Amendment. *Williams*, 399 U.S. at 241, 244. Accordingly, the United States Supreme Court has made clear that no individual may be incarcerated for failure to pay fines and fees unless the court first “inquire[s] into the reasons for the failure to pay.” *Bearden v. Georgia*, 461 U.S. 660, 672 (1983) (holding that, if a probationer has willfully refused to pay the fine or restitution when he has the resources to pay or has failed to make sufficient bona fide efforts to seek employment or borrow money to pay, the State is justified in using imprisonment as a sanction to enforce collection). Unfortunately, the American Bar Association Journal recently noted that, although the “Supreme Court has unambiguously held that criminal defendants can’t be jailed for inability to pay through no fault of their own . . . [,] state courts across the country routinely ignore that command and send people to jail without the required hearing to determine whether a defendant is indigent.”¹

These constitutional principles have been acknowledged by the New Hampshire Supreme Court. See *State v. Fowlie*, 138 N.H. 234 (1994) (citing *Bearden*, and holding that the trial court

¹ John Gibeaut, Get Out of Jail—But Not Free: Courts Scramble to Fill Their Coffers by Billing Ex-Cons, A.B.A. J., July 2012, at 52.

erred when it based its decision to impose a criminal sentence on a presumption of ability to pay restitution at the time of the original sentence, rather than on defendant's actual ability to pay at any time during the existence of the order to pay); *State v. Morrill*, 123 N.H. 707, 711 (1983) (noting that "[t]he defendant acknowledges that he could not be imprisoned if his indigency rendered him unable to pay the fine imposed"); *see also* N.H. Circuit Court R. 2.7(d) ("Conduct which amounts to willful failure to pay any fine or perform community service as ordered, may be punishable as contempt of court or through the provisions of RSA 618:9.") (emphasis added); RSA 618:10 ("Whenever a person under conviction for a criminal offense and confined in a county correctional facility is unable to pay the fine, the superior court, upon petition of the prisoner or the superintendent and satisfactory proof of such inability, may order the prisoner to be discharged upon such terms as they may think proper."). Indeed, as the New Hampshire Supreme Court has held, Part I, Articles 1 and 2 of the New Hampshire Constitution embody equal protection principles that are at least coextensive with the Fourteenth Amendment's Equal Protection Clause. *In re Sandra H.*, 150 N.H. 634, 637 (2004) ("We have held, in accordance with the United States Supreme Court, that the equal protection guarantee" in the State Constitution "is 'essentially a direction that all persons similarly situated should be treated alike.'") (quoting *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985)).

As was explained to the Circuit Court and as is evidenced by the attached documents that were before that Court (*see* ADD at 3-16), Defendant is indigent and is unable to pay her remaining \$420 fine obligation. Given her economically disadvantaged status, she is not willfully failing to pay this obligation, especially where she is only seeking additional time to perform her community service obligation in lieu of payment. As a result, any order jailing Defendant if she fails to pay this fine discriminates against her because she is poor in violation of

the Fourteenth Amendment and Articles 1 and 2 of the New Hampshire Constitution. Thus, the Circuit Court erred in ordering that Defendant be jailed if she does not pay the remaining \$420 fine obligation by the end of the day. This order should be vacated immediately and Defendant should be released from Valley Street Jail.

Additionally, the Circuit Court's failure to appoint counsel at yesterday's hearing violated Defendant's fundamental due process rights. As Defendant was confronted with judicial action that immediately threatened her liberty, she was entitled to counsel under both the Sixth Amendment and Part I, Article 15 of the New Hampshire Constitution. As the New Hampshire Supreme Court has made clear, "when the court retains the power to impose incarceration at a later time the defendant has been afforded liberty, albeit conditional, which may not be revoked without due process." *See Stapleford v. Perrin*, 122 N.H. 1083, 1088 (1982). Indeed, that Court has found that "a significant liberty interest exists which is worthy of due process protection ... when some condition set by the court has not been met and incarceration is the proposed remedy." *Id.* Under this circumstance, one of the procedures that must be followed is "representation by counsel, to be appointed by the court if the defendant is indigent." *Id.* Accordingly, the Circuit Court erred in effectively denying Defendant's request for appointment of counsel in future proceedings concerning this matter, and Defendant requests that Attorney Guptill be appointed as her counsel.

REQUEST FOR RELIEF

WHEREFORE, Defendant respectfully requests the following relief:

- a) That this Emergency Petition for a writ of habeas corpus be granted;
- b) That Defendant be immediately released from Valley Street Jail;
- c) That the Circuit Court's order requiring that Defendant be jailed if she does not

pay the remaining \$420 in fines owed be immediately vacated;

d) That an ability-to-pay hearing be scheduled to take place before this Court in 90 days (a time frame that will give Defendant time to complete her community service obligation);

e) That Attorney Ryan Guptill be appointed to represent Defendant in all future proceedings related to this fine;

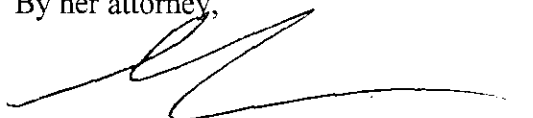
f) That \$50 (or her community service obligation) be reduced from Defendant's remaining fine obligations for every day she stays in jail pursuant to the Circuit Court's unconstitutional order; and

g) Any such other and further relief that this Court deems just and proper.

Respectfully submitted,

ALEJANDRA CORRO,

By her attorney,



Gilles R. Bissonnette (N.H. Bar. No. 265393)
NEW HAMPSHIRE CIVIL LIBERTIES UNION
18 Low Avenue
Concord, NH 03301
Tel.: 603.224.5591
Fax.: 603.226.3149
Gilles@nhclu.org

Dated: March 5, 2014

VERIFICATION

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH


On this 5th day of March, 2014 before me, I swear under oath that the within instrument is true to the best of my knowledge and belief.

Alejandra Corro
ALEJANDRA CORRO

CERTIFICATE OF SERVICE

I hereby certify that a copy of forgoing was served this 5th day of March, 2014 by first class mail, postage prepaid, and by electronic mail, where available, on the following parties:

Ryan Guptill, Esq. (rguptill@nhpd.org) Public Defender 44 Franklin Street, 2nd Floor Nashua, NH 03060 Telephone No.: (603) 598-4986 (counsel to Defendant in underlying action)	Stephen D. Fuller, Esq. (stephen.fuller@doj.nh.gov) Ann Rice, Esq. (ann.rice@doj.nh.gov) Rosemary Wiant, Esq. (Rosemary.Wiant@doj.nh.gov) State of New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301 Telephone No.: (603) 271-1202
Patricia M. LaFrance, Esq. (plafrance@hcao.net) Hillsborough County Attorney 300 Chestnut Street Manchester, NH 03101 Telephone No.: (603) 627-5605	Superintendent David Dionne Hillsborough County Department of Corrections 445 Willow Street Manchester, NH 03103 Telephone No.: (603) 627-5620



Gilles R. Bissonnette, Esq.

CASE SUMMARY

CASE NO. 459-2013-CR-05738

State v. Alejandra Corro

§
§
§
§Location: 9th Circuit - District Division -
Nashua

Filed on: 09/04/2013

CASE INFORMATION

Offense	Deg	Date	Case Type: Criminal
Jurisdiction: Nashua			
1. Theft by Unauthd Taking \$0-\$1000	MISDA	08/21/2013	Case Status: 09/05/2013 Pending
ChargeID: 836634C ACN: 007025J130836634001			
Arrest: 08/21/2013			

PARTY INFORMATION

Defendant Corro, Alejandra
 5 Beard St
 Nashua, NH 03060
 White Female Height 5' 8" Weight 200
 DOB: 12/04/1991 Age: 21

Arresting Agency Nashua Police Department
 ** Confidential Address **

DATE	EVENTS & ORDERS OF THE COURT	INDEX
09/04/2013	Other summons	Index #1
09/04/2013	Notice of Intent to Seek Class A Penalties	Index #2
09/05/2013	Complaint As Accepted For Filing	
09/11/2013	Arraignment on Complaint	
09/11/2013	Financial Affidavit	Index #3
09/11/2013	Assignment of Counsel	Index #4
09/27/2013	Appearance Ryan Guptil / Rule 36 Admittee / Law Student	Index #5
11/13/2013	Withdrawal	Index #6
11/12/2013	Pre-Trial Conference	
11/18/2013	Acknowledgement and Waiver of Rights (Judicial Officer: Leary, James H) Party: Defendant Corro, Alejandra Approved / so Ordered Charges: 1	Index #7
11/18/2013	Plea (Judicial Officer: Leary, James H) 1. Theft by Unauthd Taking \$0-\$1000 Guilty	
11/18/2013	Disposition (Judicial Officer: Leary, James H) 1. Theft by Unauthd Taking \$0-\$1000 Finding of Guilty	

CASE SUMMARY

CASE NO. 459-2013-CR-05738

11/18/2013

Sentence (Judicial Officer: Leary, James H)

1. Theft by Unauthd Taking \$0-\$1000

Sentenced

Fees (Fines: 1,240.00, Suspended Fines: 620.00)

Condition - Adult:

1. Community Service, Fine of \$620.00 paid by 62 hours of community service by 3/4/14 11/18/2013, Active 12/13/2013
2. Good Behavior for One Year, 1 year. 11/18/2013, Active 12/13/2013

03/04/2014

Community Service Review

Docket # 456-13-5738 TN# 836634C
13-67389-A-AR

Docket # 456-13-5738

The State of New Hampshire

COMPLAINT

Amund
11-12-13

☒ VIOLATION ☒ CLASS A MISDEMEANOR ☐ FELONY
☐ CLASS B

YOU ARE TO APPEAR BEFORE THE COURT LISTED BELOW
AT 0815 O'CLOCK IN THE AM/PM ON 9/11 YR. 13
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE ...9TH CIRCUIT, NASHUA COURT, COUNTY OF ...HILLSBOROUGH
THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME CORRO ALEXANDRA
Last Name First Name MI

5 BEARD ST NASHUA, NH 03080
Address State Zip

DOB 12/04/81 OP. LIC.#

WRITE OUT:

Sex	Race	Height	Weight	Color of Hair	Color of Eyes
<u>M</u>	<u>W</u>	<u>5'10"</u>	<u>160</u>	<u>BROWN</u>	<u>BROWN</u>

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+ PASSENGER

AT 310 DANIEL WEBSTER HWY NASHUA, NH
(Location)

ON THE24... DAY OFAugust... YR. 13.. at 4:31 PM

on/at in said county and state, did commit the offense of THEFT BY.....

UNAUTHORIZED TAKING..... contrary to RSA 637:3
and the laws of New Hampshire for which the defendant should be held to
answer, in that the defendant did

knowingly obtain or exercise unauthorized control
over assorted clothing totaling \$645.00, the property of
Sears, with the purpose to deprive the owner thereof

against the peace and dignity of the State.

☐ SERVED IN HAND

Matthew Duncan Nashua
Complainant Printed Name Dept.

Making a false statement on this complaint may result in criminal prosecution.
Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7, I).

Personally appeared the above named complainant and made oath that the above
complaint of him/her subscribed is, in his/her belief, true.

DATE 8/27/13 Willis
Judges of the Peace

11.12.13

1000

SW 120

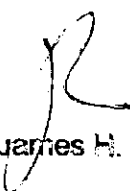
Paid by 62 hrs of CG by ~~3/11/14~~
3/14/14

20 HRS C.S.
\$420.00 to be
paid today

~~James H. Leary~~

Fine/commitment suspended/deferred
for a period of years. The specific
condition of the suspension/deferral is
that the Defendant commit no felonies,
misdemeanors or major motor vehicle
violations during this year period.

11.12.13


James H. Leary

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

ORDER FOR COMMUNITY SERVICE

Case Name:

Alexander Corro

Case Numbers:

13-5-738

Pursuant to orders of this court, the Defendant owes fines and assessments that total:

Six hundred and Twenty dollars (\$ 600.00)

The Defendant is hereby authorized to satisfy the fines and assessments through community service. The community service must be performed for a certified non-profit organization, such as a church, homeless shelter, food bank, senior center or charitable service organization. The community service may also be performed for a municipal entity such as a police department, fire department, school, or local governmental agency.

The Defendant is credited for community service at the rate of \$10.00 per hour. Based on the fines and assessments owed, the Defendant shall perform 62 hours of community service on or before, 3/4/14.

The Defendant must file written verification of the community service performed, on an official letterhead of the organization, and signed by an authorized official of the organization on or before the date specified above to receive credit for the community service.

FAILURE TO ABIDE BY THIS ORDER MAY RESULT IN FURTHER SANCTIONS, INCLUDING BUT NOT LIMITED TO AN ORDER FOR ARREST, FINDING OF CONTEMPT AND/OR INCARCERATION AT THE HOUSE OF CORRECTIONS FOR A NUMBER OF DAYS EQUAL TO ONE DAY FOR EACH \$50.00 OF THE FINE IMPOSED AND REMAINING UNPAID. THE DEFENDANT MAY SATISFY THIS ORDER AT ANY TIME PRIOR TO THE DUE DATE BY PAYING THE BALANCE OF THE FINES AND ASSESSMENTS DUE IN FULL.

IT IS SO ORDERED:

Date

11/11/13

Reviewed and acknowledged:

Date

11/11/13

Justice

James H. Leary

Defendant

Respectfully

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: Nashua District Court
Case Name: State v. Alejandra Corco
Case Number: 2013-CR-5738
(if known)

FINE PAYMENT FINANCIAL AFFIDAVIT

Name: Alejandra Corco Telephone #: H: _____
Address: 60 Palm Street apt 2 W: _____
C: 603-820-3127

Date of Birth: 12-4-1991 Age: 22

Marital Status: ☒ Single ☐ Married ☐ Divorced ☐ Separated

List all dependents you currently support, including your spouse, or any other persons who reside with you (name, relationship, date of birth, and address if different from your own).

A. Alizaeh Corco, Mother, 8-26-10, 60 Palm Street C.
B. Rafael Corco, Mother, 8-1-11, 60 Palm Street D. _____

1. Available Money

	SELF (A)	SPOUSE/ADULT IN HOUSEHOLD (B)
a. Cash on hand	\$ <u>0</u>	\$ _____
b. Checking account	\$ _____	\$ _____
Bank name: _____		
c. Savings account	\$ _____	\$ _____
Bank name: _____		
d. Credit cards (list the balance):		
VISA: _____	\$ _____	\$ _____
Mastercard: _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Available credit on credit cards	\$ _____	\$ _____
e. Stocks, Bonds, Trusts, CDs, Other	\$ _____	\$ _____
f. Christmas Club	\$ _____	\$ _____
g. Other	\$ _____	\$ _____
TOTAL (1)	\$ _____ (1A)	\$ _____ (1B)

Case Name: _____

Case Number: _____

FINE PAYMENT FINANCIAL AFFIDAVIT

2. Monthly Income

(To convert weekly income to monthly, multiply by 4.333)

	SELF (A)	SPOUSE/ADULT IN HOUSEHOLD (B)
a. Wages - Take Home Pay	\$ <u>0</u>	\$ _____
b. Commissions, Bonuses, Tips	\$ _____	\$ _____
c. Unemployment compensation***	\$ _____	\$ _____
d. Veteran's Benefits ***	\$ _____	\$ _____
e. Social Security, Pension, Disability, etc.***	\$ _____	\$ _____
f. Workmen's compensation ***	\$ _____	\$ _____
g. Alimony or Child Support received***	\$ _____	\$ _____
h. Interest and Dividends Income	\$ _____	\$ _____
i. Public assistance/Welfare received***	\$ _____	\$ _____
j. Rental Income	\$ _____	\$ _____
k. Other _____	\$ _____	\$ _____
TOTAL (2)	\$ _____ (2A)	\$ _____ (2B)

A. TOTAL CASH AVAILABLE & MONTHLY INCOME: \$ _____ (1A & 2A) \$ _____ (1B & 2B)

Employment	SELF (A)	SPOUSE/ADULT IN HOUSEHOLD (B)
a. Employer	<u>0</u>	_____
b. Address	_____	_____
c. Phone number	_____	_____
d. Hours per week	<input type="checkbox"/> Full time <input type="checkbox"/> Part time <input type="checkbox"/> Seasonal	<input type="checkbox"/> Full time <input type="checkbox"/> Part time <input type="checkbox"/> Seasonal

If presently unemployed, state the name and address of your last employer and date(s) of employment.

a. Employer	<u>0</u>	Reason for unemployment:
b. Address	_____	_____
c. Phone number	_____	_____
d. Hours per week	<input type="checkbox"/> Full time <input type="checkbox"/> Part time <input type="checkbox"/> Seasonal	

If you have no present income, state how you meet your expenses:

live with my mom Reapplying for TANF

Dependency Status

Are you claimed as an exemption on anyone else's income tax form: ☐ Yes ☒ No

Case Name: _____

Case Number: _____

FINE PAYMENT FINANCIAL AFFIDAVIT

3. Assets

1. Property (Use Fair Market Value for all amounts listed)

Do you own a house or other real estate? ☐ Yes (If yes list) ☒ No

Market Value \$ _____ Mortgage Owed \$ _____

Mortgage Held By _____

Market Value \$ _____ Mortgage Owed \$ _____

Mortgage Held By _____

2. Motor Vehicles (autos, trucks, recreational vehicles, boats, motorcycles, trailers, etc.)

Make NC Model _____ Year _____

Market Value \$ _____ Amount Owed \$ _____

Title Holder _____

Make _____ Model _____ Year _____

Market Value \$ _____ Amount Owed \$ _____

Title Holder _____

3. Do you own any other property that is jointly owned with any other person or entity?

☐ Yes (If yes list) ☒ No

Market Value \$ _____ Mortgage Owed \$ _____

Mortgage Held by _____

4. Sale/Transfer

Have you sold or transferred any real estate or personal property worth \$200.00 or more within the last six months? ☐ Yes (If yes list) ☒ No

Item _____ Value \$ _____

Date of Sale _____ Buyer's Name _____

Amount Received in Sale or Transfer \$ _____

Item _____ Value \$ _____

Date of Sale _____ Buyer's Name _____

Amount Received in Sale or Transfer \$ _____

4. Money Owed to You

Does anyone owe you money? ☐ Yes (If yes list) ☒ No

Who owes you money? _____ Amount owed \$ _____

When do you expect to be paid? _____

Who owes you money? _____ Amount owed \$ _____

When do you expect to be paid? _____

Case Name: _____

Case Number: _____

FINE PAYMENT FINANCIAL AFFIDAVIT

Are you the beneficiary of any estate or trust? ☐ Yes (if yes list) ☒ No

What is the value? \$ 0 When do you expect to receive it? 0

List trustee/fiduciary name and address _____

What is the value? \$ _____ When do you expect to receive it? _____

List trustee/fiduciary name and address _____

List income taxes paid last year: \$ 0

List income tax refund received last year: \$ _____

5. Monthly Expenses

(To convert weekly income to monthly, multiply by 4.333)

1. Housing		6. General and Personal	
a. Rent/Mortgage Payment	\$ <u>0</u>	a. Groceries/Toiletries	\$ <u>0</u>
b. Property Tax	\$ _____	b. Meals Eaten Out	\$ _____
c. Condo Fee	\$ _____	c. Tobacco/Alcohol	\$ _____
d. Maintenance/Improvements	\$ _____	d. Clothing/Shoes	\$ _____
e. Snow Removal/Lawn Care	\$ _____	e. Hair Care/Cosmetics	\$ _____
f. Other _____	\$ _____	f. Pet Food and Care	\$ _____
2. Utilities		g. Church/Charities	\$ _____
a. Heating Oil	\$ <u>0</u>	h. Laundry/Dry Cleaning	\$ _____
b. Wood and Coal	\$ _____	i. Gifts	\$ _____
c. Propane/Natural Gas	\$ _____	j. Newspapers/Magazine	\$ _____
d. Telephone	\$ _____	k. Education (personal)	\$ _____
e. Electricity	\$ _____	l. Dues/Memberships	\$ _____
f. Cable Television	\$ _____	m. Vacations	\$ _____
g. Internet	\$ _____	n. Entertainment/Recreation	\$ _____
h. Water and Sewer	\$ _____	o. Visitation Expenses	\$ _____
i. Trash Collection	\$ _____	p. Cellular Telephone(s)	\$ _____
j. Other _____	\$ _____	q. Other _____	\$ _____
3. Insurance		7. Children's Expenses and Activities	
a. Homeowner	\$ <u>0</u>	a. Clothing and Shoes	\$ <u>0</u>
b. Renter	\$ _____	b. Diapers	\$ <u>31.00</u>
c. Vehicle	\$ _____	c. Day Care	\$ <u>0</u>
d. Health	\$ _____	d. School Supplies	\$ _____
e. Dental	\$ _____	e. School Lunches	\$ _____
f. Disability	\$ _____	f. Tuition and Lessons	\$ _____
g. Life	\$ _____	g. Sports/Camps	\$ _____
h. Other _____	\$ _____	h. Other _____	\$ _____

Case Name: _____

Case Number: _____

FINE PAYMENT FINANCIAL AFFIDAVIT

4. Uninsured Health Care		8. Financial	
a. Medical	\$ <u>1</u>	a. Federal Income tax	\$ <u>1</u>
b. Dental	\$ <u>1</u>	b. Social Security/Medicare	\$ <u>1</u>
c. Orthodontic	\$ <u>1</u>	c. Loan payments	\$ <u>1</u>
d. Eye care/Glasses/Contacts	\$ <u>1</u>	d. Education loan	\$ <u>1</u>
e. Prescription drugs	\$ <u>1</u>	e. 401(k)IRA	\$ <u>1</u>
f. Therapy/Counseling	\$ <u>1</u>	f. IRA	\$ <u>1</u>
g. Other _____	\$ <u>1</u>	g. Other _____	\$ <u>1</u>

5. Transportation		9. Other Expenses	
a. Primary Vehicle Payment	\$ <u>1</u>	(List only those payments made on a regular basis) (DO NOT list any payments already listed elsewhere. e.g. rent, utilities, etc)	
b. Other Vehicle Payments	\$ <u>1</u>	a. _____	\$ <u>1</u>
c. Vehicle Maintenance	\$ <u>1</u>	b. _____	\$ <u>1</u>
d. Gas/Oil	\$ <u>1</u>	c. _____	\$ <u>1</u>
e. Registration fees	\$ <u>1</u>	d. _____	\$ <u>1</u>
f. Other _____	\$ <u>1</u>	e. _____	\$ <u>1</u>
		f. _____	\$ <u>1</u>

B. TOTAL MONTHLY EXPENSES (1-9) \$ _____

Financial Resources available : transfer figures from A & B to calculate amount:

A. Total cash and monthly income: \$ 100

B. Total monthly expenses: \$ 1

BALANCE: \$ 99

Note: Some sources of income are protected from federal and state law from execution, levy, attachment or garnishment. If any sources of your income fall into these categories, the court will determine whether or not you will be required to pay a civil judgment. You may be ordered by the court to use some of this income to pay taxes, child support, restitution and criminal fines.

I understand that it is my responsibility to notify the court in writing of any change of my address and/or financial circumstances.

I swear (affirm) under penalties of law that to the best of my knowledge and belief the foregoing information is correct and complete.

3-4-14
Date

Alexander Coure
Signature

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: 9th Circuit - District Division - Nashua

Case Name: Shale v. Alejandra Corro

Case Number: 2013 - CR - 5738
(if known)

FINANCIAL AFFIDAVIT & APPLICATION FOR COURT APPOINTED COUNSEL

RSA: _____

Check Case Type: ☐ Homicide ☐ Felony (Non Homicide) ☐ Misdemeanor Appeal
☒ Misdemeanor ☐ Juvenile ☐ Other ☐ Supreme Court Appeal

This form must be filled out completely. If an item does not apply to you enter N/A. In this affidavit & application you will swear that all the information is correct and state "I understand that I may be required to repay the services provided me by court appointed counsel unless the court finds that I am or will be financially unable to pay."

Name: Alejandra Corro Soc. Sec. No: 003-84-2878

Address: 60 Palm Street apt 1A

Telephone: (603) 820-3127 Date of Birth: 12-4-1991 Age 22

Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed

List dependents you personally support: (Include address if not same as yours. List relationship & age)

a. Aliraeh Corro, son, 3 c. _____
b. Rafael Corro, son, 2 d. _____

1. AVAILABLE MONEY

	YOURS (A)	SPOUSES (B)
a. Cash on Hand	\$ <u>0</u>	\$ <u>0</u>
b. Checking Accounts	\$ <u>0</u>	\$ <u>0</u>
c. Savings Accounts	\$ <u>0</u>	\$ <u>0</u>
d. Stock, Bonds, Trusts, CD's, Other (CSVLI etc.)	\$ <u>0</u>	\$ <u>0</u>
TOTALS 1:	\$ <u>0</u>	\$ <u>0</u>

2. INCOME

	YOURS (A)	SPOUSES (B)
a. Salary/Wages - Take home pay (weekly _____ x 4.333=)	\$ <u>0</u>	\$ <u>0</u>
b. Alimony or Maintenance Received (weekly _____ x 4.333=)	\$ <u>0</u>	\$ <u>0</u>
c. Child Support Received (weekly _____ x 4.333=)	\$ <u>0</u>	\$ <u>0</u>
TOTALS 2:	\$ <u>0</u>	\$ <u>0</u>

3. EMPLOYMENT YOURS

a. Employer: N/A
b. Address: _____
Check: ☐ Full Time ☐ Part Time ☐ Seasonal ☐ Full Time ☐ Part Time ☐ Seasonal

SPOUSES

4. HOUSING COSTS

a. Monthly Rent or Mortgage	\$ <u>0</u>
b. Utilities (Electricity, heat, etc)	\$ <u>0</u>
TOTALS 4:	\$ <u>0</u>

Case Name: _____

Case Number: _____

FINANCIAL AFFIDAVIT & APPLICATION FOR COURT APPOINTED COUNSEL

5. MONTHLY LOAN PAYMENTS (List only loans and regular payments not listed elsewhere. NOT for monthly living expenses.)

Name	Purpose	Still Owe	Monthly Payment
_____	_____	\$ <u>0</u>	\$ <u>0</u>
_____	_____	\$ _____	\$ _____
TOTALS 5: _____			\$ _____

6. OTHER PAYMENTS - Alimony Paid, Child Care, Support

Name	Purpose	Still Owe	Monthly Payment
_____	_____	\$ <u>0</u>	\$ <u>0</u>
_____	_____	\$ _____	\$ _____
TOTALS 6: _____			\$ _____

7. PROPERTY

a. Do you own a house or other real estate) ☐ Yes (if yes, list) ☒ No
Market Value \$ _____
Who holds mortgage _____ Mortgage Owed \$ _____

b. Have you sold or transferred any real estate or personal property worth \$200 or more in the last 6 months? ☐ Yes (if yes list) ☒ No

Property	To Whom Transferred	Value	Amount Received
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

8. REMARKS

PLEASE READ THIS CAREFULLY!

Initial each box to show that you have read and understand this application.

☒ I request that the court appoint an attorney to represent me in defense of the charges against me as I can not afford to retain private counsel.

☒ I understand that if an attorney is appointed to represent me, I shall be liable for all legal fees and any other court approved costs of my defense and will be ordered to repay the state according to my ability which will be determined by the Office of Cost Containment (OCC). I understand that I must contact OCC within 5 days to confirm my mailing address, verify my ability to repay and make ongoing payment and contact arrangements.

☒ I understand that if I do not agree with the eligibility findings or ability to repay decisions made by OCC, I may appeal to the court but must prove to the court that any claimed shortage of funds is total or permanent or future employment is unlikely.

☒ I understand that I am required to notify the OCC and the court of every change of address while I still owe the state for the cost of my representation. I further understand that if at any time prior to the disposition of my case, my financial condition changes, I must notify the Court and OCC immediately.

I swear that the foregoing information and answers are true to the best of my knowledge and are given to induce the state to appoint counsel to represent me because I am currently unable to retain private counsel. I have made the statements on the financial affidavit and understand that I make them under the penalty of perjury the punishment for which is imprisonment for not more than seven years. This has also been explained to me by a court officer.

Case Name: _____
Case Number: _____
FINANCIAL AFFIDAVIT & APPLICATION FOR COURT APPOINTED COUNSEL

AUTHORIZATION FOR THE RELEASE OF INFORMATION

To whom it may concern:

I hereby authorize the State of New Hampshire, Office of Cost Containment, to obtain any and all information with regard to my employment and financial condition from government agency, bank, creditor or employer.

3-4-14
Date

Alejandra Corro
Applicant Signature

State of New Hampshire, County of Hillsborough

This instrument was acknowledged before me on 4th of March 2014 by Alejandra Corro
My Commission Expires _____
Affix Seal, if any

[Signature]
Signature of Notarial Officer / Title

Justice of Peace
Joseph D. Tessier Esq.

FOR COURT USE

☐ Application Approved: If approved this form and NE/NFL required – send to OCC.

☐ Application Denied: If denied send this form to OCC. NE/NFL not required.

Date

Presiding Justice
(Signature required only if application denied)

Case Name: _____

Case Number: _____

FINANCIAL AFFIDAVIT & APPLICATION FOR COURT APPOINTED COUNSEL

Financial Affidavit Worksheet

Enter totals listed on front of form.

STEP ONE.

Market Value of Property 7A. \$ _____

Mortgage Owed 7B. (-) \$ _____

NET VALUE OF REAL ESTATE > \$ _____

If value of real estate is equal to or greater than the amount listed on Financial Eligibility Table (OCC Fm2) then the defendant is "INELIGIBLE" for indigent defense funds. Proceed to next step regardless of results.

STEP TWO.

Available Money 1A. \$ _____

1B. (+) \$ _____

Monthly Income 2A. (+) \$ _____

2B. (+) \$ _____

TOTAL PART ONE > Line A \$ _____

Housing Costs 4. \$ _____

Monthly Loan Payments 5. (+) \$ _____

Other Payments 6. (+) \$ _____

Minimum Living Exp (Individual) (+) \$ _____ 250.00

Listed Dependents x \$100.00 (+) \$ _____

TOTAL PART TWO > Line B \$ _____

TOTAL FUNDS AVAILABLE FOR REPRESENTATION

Line A minus Line B > Line C \$ _____

If available funds for representation is equal to or greater than the amount listed on Financial Eligibility Table (OCC Fm 2) then the defendant is "INELIGIBLE" for indigent defense funds. See instruction manual.

If the defendant is "ELIGIBLE" for indigent defense funds (including eligible but liable for partial payment before trial):

Divide Line C by two (2) and enter results > Line D \$ _____

Round result of Line D down to the nearest \$5.00 value and if the amount is greater than zero (0) enter this amount on the "NOTIFICATION OF ELIGIBILITY, APPOINTMENT OF COUNSEL, NOTIFICATION OF LIABILITY & REPAYMENT ORDER" as the "First payment due" (See instruction manual for instructions on filling out NE-NFL).



Nashua Soup Kitchen & Shelter, Inc.

Documentation of Community Service

Name: Alejandra Cerro

11/19/13
Today's Date

Total hours needed: 62 hours

Schedule of Hours Worked:

Date	Time In	Time Out	# of Hours	Supervisor's Initials
11/15	3pm	7pm	4	KB
11/16	3pm	7pm	4	KB
11/21/13	3pm	7pm	4	Alber Canty
11/22/13	3pm	7pm	4	Alber Canty
11/23/13	3pm	7pm	4	Alber Canty

This is to certify that Alejandra Cerro
Name of person who performed service at Nashua Soup Kitchen & Shelter, Inc.

has completed ~~62~~ 20 hours of volunteer service at the Nashua Soup Kitchen and Shelter.

Kyle Fields
Kyle Fields, Kitchen Manager
Kevin Miller, Kitchen Assistant
Damien Fournier, Kitchen Assistant

**NASHUA SOUP KITCHEN
& SHELTER**
NSK&S Stamp

NOTE: This form is not valid unless it bears the Nashua Soup Kitchen & Shelter, Inc. stamp.

Nashua Soup Kitchen & Shelter, Inc. is a 501(c)3 tax-exempt organization as determined by the IRS.



11/15

**City of Nashua, New Hampshire
Nashua Fire Rescue**

Press Release

Prepared by: Deputy Chief Karl P Gerhard
Number of Alarms: 1
Incident Commander: Deputy Chief Karl P Gerhard
Personnel Called Back / Platoons: None
Incident Number: 14-583-IN
Incident Date and Time: 01/24/2014 0011
First Unit on Scene: Engine 1 (Amherst Street Fire Station)

Incident Location: 5 BEARD ST Apt. #2 5 BEARD ST

Property Owners Name: 5 BEARD ST
Property Owners Address: 5 BEARD ST
NASHUA, NH 03060

Incident Type: Building Fire with Rescue

Smoke Detectors Present? Yes
Smoke Detectors Working? None sounding upon arrival of Fire Department.

Mutual Aid to Scene: None
Mutual Aid Coverage/Stations: N/A

Situation Encountered/Action Taken: Engine 1 and Ladder 1, both of the Amherst Street Fire Station, and Engine 4 of East Hollis Street Station were dispatched to a reported building fire at the listed address. En route, companies were notified of people trapped on the second floor of the building.

Engine 1 and Ladder 1 arrived and located a fire in the stairway/hallway of second floor. Additionally 4 occupants served by this egress were at a 2nd floor window requiring rescue. Engine 1 attacked the fire while Ladder 1 simultaneously conducted the rescue by ground ladder, safely removing 2 adults and 2 children from the building. Engine 4 arrived and provided water supply and searched the remainder of the building, waking and removing several occupants who all exited the building without further assistance.

The fire was quickly brought under control and damage was limited to the area fire origin. Five persons were displaced for the night, pending minor salvage and inspection of the building by code officials. All persons displaced had shelter for the night by friends or family in the area.

Ladder 2 (Lake Street Fire Station), Engine 5 (Pine Hill Road Fire Station), and AMR ambulance also responded to the fire and stood by.

Special Hazards Encountered: Extreme cold resulting in icing and wear on crews and equipment.

Rescues: 2 adults and 2 young children were removed by ground ladder from a second floor window.

Accomplishments: All occupants safely removed, no injuries to occupants or responders, minimal damage to building beyond area of fire origin.

Cause: The fire is under investigation by the City of Nashua Fire Marshal's office and Nashua Police Department. Please contact these agencies for further questions pertaining to the investigation.

Injuries: [Gender/Age/Injuries/Condition]: None.

1/26

The Telegraph

It's Your Community.

This is a printer friendly version of an article from www.nashuatelegraph.com

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[Back](#)

Published: Tuesday, February 4, 2014

Nashua woman charged with starting Beard Street fire, forcing dramatic rescues

By JOSEPH G. COTE

Staff Writer

NASHUA – A woman was arrested in Nashua on Monday and charged with starting a fire that forced a dramatic, second-floor escape by a mother and two young children.

Nashua police arrested Maliea Martin, 25, of no fixed address, around 11 a.m. Monday and charged her with felony reckless conduct. Police say Martin started a fire at 5 Beard St. on Jan. 24 by improperly disposing of a cigarette.

Nashua firefighters were called to the apartment building on a small street between Main and Amherst streets, shortly after midnight when two adults, including Martin, and two children became trapped in a second-floor apartment.

Rescue crews encountered flames in a stairway and had to evacuate the people using a ladder truck. A fire escape was blocked by a large piece of furniture.

A fifth person was able to escape from the first floor without assistance.

The fire was quickly knocked down and contained to the area where it started, according to fire officials.

Nashua police Lt. Denis Linehan said an investigation determined that Martin discarded a cigarette near some flammable materials and ignited the blaze.

Firefighters encountered extreme cold in the single digits while fighting the fire, leading to ice forming and wear on crews and equipment, according to a press release.

The building did have smoke detectors, but none was sounding when rescue crews arrived, according to the fire department.

Martin was is scheduled to be arraigned at Nashua district court Tuesday morning, Linehan said.

Joseph G. Cote can be reached at 594-6415 or jcote@nashuatelegraph.com. Also, follow Cote on Twitter (@Telegraph_JoeC).

Nashua police say fire was arson



Maliea Martin Nashua police

upstairs hallway just outside of Apt. 2, where an air conditioner and a child's plastic toy car were stored, according to court documents.

An occupant of the apartment building, Alejandra Corro, told police that Martin started the fire intentionally, in part because Martin is "frustrated by the lack of progress in her (sexual assault) case."

When police questioned Martin about the fire, Densmore said, she was deceptive throughout the interview, repeatedly changing her story about what transpired the night of the fire.

Martin eventually admitted she had gone out into the hallway with the intention of burning her arm with a cigarette, although she changed her mind and threw the cigarette onto a bench next to a trash bag.

"Martin stated that she was concerned the bag would catch fire, so she swatted the cigarette towards a corner of the hallway where a pile of miscellaneous debris was located," says the police affidavit.

Martin then went back into her apartment, which filled with smoke a few minutes later as the discarded cigarette ignited a blaze, according to court records. The fire spread quickly, preventing two children and two adults from exiting their apartment door. The four individuals were eventually rescued by firefighters through a second-floor window.

"Martin was adamant that the fire was an accident, and that she would not deliberately endanger her friend and her friend's children," says the affidavit.

While searching the damaged apartment building, Pouliot told police the charred debris could not be sent to a laboratory to test for accelerants because the chemicals within the melted plastic car would cause a false negative, according to court documents.

All other sources for the fire were ruled out as possibilities, Pouliot told authorities.

Martin was arraigned Tuesday at the 9th Circuit Court, Nashua District Division, and is being held on \$15,000

A Nashua woman is under arrest for allegedly starting a suspicious fire last month that required the rescue of two children and two adults from a second-story window.

By KIMBERLY HOUGHTON

Union Leader Correspondent

NASHUA — A local woman is accused of starting a fire last month that required the rescue of two children and two adults from a second-story window.

Maliea Martin of 5 Beard St. has been charged with a felony count of reckless conduct for the Jan. 24 fire at the apartment building where she resided.

An occupant of the five-unit building told police she was "confident that Martin had intentionally started the fire for both the attention from police and also to try and frame the man she alleges raped her a few weeks ago," says a police affidavit written by Detective Donald Densmore of the Nashua Police Department.

Fire Marshal Adam Pouliot deemed the fire suspicious and also discovered that the blaze originated in the corner of an

3/5/2014

www.unionleader.com/apps/pbcs.dll/article?AID=/20140205/NEWS03/140209618/0/SPORTS21&template=printart

cash or surety bail. She will be back in court on Feb. 13 for a probable cause hearing.

khoughton@newstote.com