

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

PETITION OF ELLEN D. READ

No. _____

Underlying Cases:

State v. Ellen D. Read, No. 431-2025-CR-01144

(10th Circuit Court – District Division – Derry)

State v. Ellen D. Read, No. 473-2024-CR-03345

(10th Circuit Court – District Division – Salem)

RULE 11 PETITION FOR ORIGINAL JURISDICTION

NOW COMES Ellen D. Read, by and through her authorized representative, Dana Albrecht, appearing pursuant to RSA 311:1, and respectfully petitions this Court to exercise its original jurisdiction pursuant to N.H. Sup. Ct. R. 11 to review the proceedings in Case No. 431-2025-CR-01144, now pending in the 10th Circuit Court, District Division, Derry. This Petition presents a constitutional question of first impression under N.H. Const. pt. II, art. 21 that has never been addressed by this Court in the 242 years since ratification, alongside a fully developed speedy trial and due process claim that independently warrants relief. A Rule 11(2) Compliance Statement is annexed hereto.

I. QUESTIONS PRESENTED

1. What is the scope and application of the legislative privilege from arrest under N.H. Const. pt. II, art. 21 of the New Hampshire Constitution?

2. Whether N.H. Const. pt. I, art. 10 of the New Hampshire Constitution requires that a sitting legislator traveling to or from the General Court be afforded the same functional analysis applied to other state actors – such as law enforcement or emergency personnel – performing their official duties.

3. What period of delay triggers a presumption of prejudice under the first factor of *Barker v. Wingo*, 407 U.S. 514 (1972) when the underlying charge is a violation – the least serious category of offense in New Hampshire law?

4. Whether the constitutional question presented in Question 1 is capable of repetition, yet evading review, such that this Court's exercise of original jurisdiction is warranted notwithstanding the potential resolution of the underlying violation.

II. CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

N.H. Const. pt. II, art. 21 provides:

“No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court. June 2, 1784.”

N.H. Const. pt. I, art. 10 provides, in pertinent part:

“Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men.”

N.H. Const. pt. I, art. 14 provides, in pertinent part:

“Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.”

N.H. Const. pt. I, art. 15 provides, in pertinent part:

“No subject shall be . . . deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.”

U.S. Const. amend. VI provides, in pertinent part:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial”

U.S. Const. amend. XIV, § 1 provides, in pertinent part:

“[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

N.H. Sup. Ct. R. 11(1) provides that petitions requesting this Court to exercise its original jurisdiction “shall be granted only when there are special and important reasons for doing so,” including when a trial court “has decided a question of substance not theretofore determined by this court” or “has so far departed from the accepted or usual course of judicial . . . proceedings as to call for an exercise of this court’s power of supervision.”

RSA 265:60 – Speed; Basic Rule and Maximum Limits – is the statute under which the underlying violation-level charge was brought.

III. STATEMENT OF THE CASE

A. The Charge

1. On June 5, 2025, Petitioner Ellen D. Read was stopped by Deputy Callahan of the Rockingham County Sheriff’s Department and cited for speeding under RSA 265:60 – alleged speed 92 in a 65 zone – on Interstate 93 in Londonderry, New Hampshire. The charge is a violation, the least serious category of offense in New Hampshire law. (App. 53.)

2. At the time of the stop, Ms. Read was a sitting member of the New Hampshire House of Representatives. She was traveling in a vehicle bearing a New Hampshire State Representative license plate. Upon being stopped, Ms. Read informed the deputy that she was returning from the General Court. (App. 50.)

3. Deputy Callahan did not wear or activate a body-worn camera during the traffic stop. There is no video or audio record of the encounter. The State’s case rests entirely on the unaided memory of this single witness.

4. The case was filed on July 10, 2025, in the 10th Circuit Court, District Division, Derry, Case No. 431-2025-CR-01144. Ms. Read entered a plea of not guilty. (App. 36; App. 52.)

B. The Legislative Privilege Motion

5. On September 19, 2025, at a pre-trial conference, Ms. Read filed a Motion to Suppress and Dismiss invoking the legislative privilege under N.H. Const. pt. II, art. 21, arguing that as a sitting member of the House of Representatives returning from the General Court, she was constitutionally privileged from arrest. (App. 50.)

6. On September 30, 2025, Judge Kerry P. Steckowych ordered the motion “to be addressed on trial date” – deferring, rather than deciding, the constitutional question. (App. 49.) The motion has never been substantively addressed.

7. Ms. Read had previously raised the identical N.H. Const. pt. II, art. 21 argument in a related case, *State v. Read*, 473-2024-CR-3345 (Salem District Court), involving a charge of reckless operation arising from a December 2, 2024 traffic stop. In that case, the motion was denied on the record on August 13, 2025,

by Judge Robert S. Stephen. (App. 54.) Petitioner has ordered but not yet received the transcript of those proceedings. (App. 56.)

8. To the best of Petitioner’s knowledge and research, no New Hampshire court has ever issued a written opinion construing the scope or application of N.H. Const. pt. II, art. 21 since its ratification on June 2, 1784.

C. The State’s Last-Minute Continuance

9. Trial was scheduled for January 9, 2026. (App. 48.) On January 2, 2026 – seven days before trial – the State, through Prosecutor Heather L. Iworsky, Esq., filed a Motion to Continue, citing the unavailability of Deputy Callahan due to a “child care issue.” (App. 47.) The State conceded in its motion that it had not contacted Ms. Read before filing. Service was by U.S. mail on the date of filing.

10. Ms. Read received the State’s motion by mail on the evening of January 6, 2026 – two days before trial. On both January 7 and January 8, 2026, Ms. Read was constitutionally required to attend Session of the New Hampshire House of Representatives, as both days had been scheduled for full floor sessions. Both sessions ran past the close of business, preventing Ms. Read from hand-delivering a written objection to the court. (App. 44.)

11. On the evening of January 8, 2026, at 6:14 p.m., Ms. Read received an automated text message from the New Hampshire Court System confirming that

her trial remained scheduled for January 9, 2026 – demonstrating that the court had not pre-granted the State’s continuance and intended to hear from the parties on the trial date. (App. 44.)

D. The Events of January 9, 2026

12. On January 9, 2026, Ms. Read appeared at the Derry courthouse before the scheduled time of trial. She was directed by courthouse staff to wait in the waiting area for her name to be called. (App. 44.)

13. Prior to the scheduled time of trial, Prosecutor Iworsky approached Ms. Read in the waiting area and personally confirmed both that Ms. Read was present and that she intended to object to the continuance. This exchange occurred in the presence of other attorneys, officers, and defendants in the waiting area. (App. 44.)

14. Prosecutor Iworsky then entered the courtroom alone and spoke with the clerk, without Ms. Read present. Upon returning to the waiting area, Prosecutor Iworsky informed Ms. Read that the Motion to Continue had been granted. Ms. Read verbally protested that she had been denied her right to be heard. This exchange likewise occurred in the presence of witnesses in the waiting area. (App. 44.)

15. Ms. Read was never called into the courtroom. She was never afforded the opportunity to present her objection to the court. The Motion to Continue was granted by Judge Steckowych on January 9, 2026. (App. 46; App. 47.)

E. The Cascading Denials

16. On January 20, 2026, Ms. Read filed a Motion to Reconsider, setting forth in detail the facts of the January 9 incident and the grounds on which she would have objected to the continuance. (App. 43; App. 44; App. 45.) The motion was hand-delivered to Prosecutor Iworsky and the Rockingham County Sheriff's Department on the same date. (App. 43.) Neither the prosecution nor the Sheriff's Department contested the motion or disputed any of Ms. Read's factual assertions.

17. On February 4, 2026, Judge Steckowych denied the Motion to Reconsider by checking a box on a standard court form, without written findings, analysis, or explanation. (App. 43.)

18. The Clerk of Court, Robin E. Pinelle, did not issue or transmit the Notice of Decision on the Motion to Reconsider until March 19, 2026 – forty-three days after the ruling. (App. 42.) Service was by U.S. mail.

19. On March 15, 2026 – four days before the Clerk issued the Notice of Decision – Ms. Read drafted a Motion to Dismiss for violation of her right to a speedy trial and failure to prosecute. (App. 39, dated 3/15/26.) Ms. Read filed this

motion on March 19, 2026, by hand-delivery. (App. 39; App. 40.) Because the Clerk had not yet notified Ms. Read of the February 4 denial, Ms. Read drafted and filed her Motion to Dismiss without knowledge that her Motion to Reconsider had been denied. She was not responding to the denial. She was acting blind after six weeks of silence from the court.

20. On March 30, 2026, Judge Steckowych denied the Motion to Dismiss – again without written findings, analysis, or explanation. (App. 39.) As of April 3, 2026 – the date of trial and the date of this Petition – the Clerk of Court has not issued a Notice of Decision on the denial of the Motion to Dismiss. Petitioner learned of the denial only because her representative, Mr. Albrecht, went to the Derry courthouse in person to inspect the court file. (App. 37.)

21. This is not a one-time administrative oversight. In two consecutive rulings on two consecutive motions, the Clerk of Court has failed to provide timely notice: 43 days on the first, and no notice at all on the second. Ms. Read would be walking into trial today without knowing her Motion to Dismiss had been ruled upon, had her representative not personally inspected the file.

F. Current Posture

22. On April 2, 2026, Dana Albrecht entered an appearance on behalf of Ms. Read as her authorized representative pursuant to RSA 311:1. (App. 37.) Trial is

scheduled for April 3, 2026, at 12:45 p.m. – three hundred and two days after the alleged offense, and two hundred and sixty-seven days after arraignment.

23. In ten months, three substantive motions have been denied without written explanation. Ms. Read has been denied the opportunity to be heard on the motion that caused the primary delay. She has not been timely notified of rulings on her own motions. And the constitutional question she raised at the earliest opportunity – N.H. Const. pt. II, art. 21 – has never been addressed.

IV. STAGE OF PROCEEDINGS AND MANNER IN WHICH ISSUES WERE

RAISED

The questions presented in this Petition arise from the pre-trial and trial stage of a violation-level criminal matter. Every issue has been raised at the trial court level and preserved for review:

24. *Legislative privilege (N.H. Const. pt. II, art. 21):* Raised in Defendant’s Motion to Suppress/Dismiss, filed September 19, 2025 (App. 50). Deferred by the trial court on September 30, 2025, “to be addressed on trial date” (App. 49). Never substantively addressed. The identical argument was raised and denied on the record in the related Salem case, 473-2024-CR-3345. (App. 54.)

25. *Speedy trial and due process*: Raised through (a) Defendant’s Motion to Suppress/Dismiss (September 19, 2025); (b) verbal objection to continuance on the

trial date, communicated to Prosecutor Iworsky (January 9, 2026); (c) Defendant’s Motion to Reconsider (January 20, 2026) (App. 43–45); and (d) Defendant’s Motion to Dismiss for failure to prosecute and violation of the right to a speedy trial (March 19, 2026) (App. 39–40). Ms. Read has asserted her right at every available opportunity and has never acquiesced in the delay.

V. ARGUMENT IN SUPPORT OF ORIGINAL JURISDICTION

A. A Question of First Impression Warrants Original Jurisdiction (Questions 1 and 2)

26. N.H. Const. pt. II, art. 21, ratified June 2, 1784, provides that no member of the House of Representatives or Senate “shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court.” In the 242 years since ratification, this Court has never construed the scope or application of this provision. No reported New Hampshire decision addresses it. This is, by definition, “a question of substance not theretofore determined by this court” under N.H. Sup. Ct. R. 11(1).

27. Ms. Read raised this provision in the trial court at the earliest opportunity – September 19, 2025, at the pre-trial conference. (App. 50.) The trial court deferred the question to the trial date and has never substantively addressed it. Ms. Read raised the identical argument in a related proceeding in Salem District Court, where it was denied on the record without written opinion. (App. 54.)

Petitioner has ordered transcripts of those proceedings (App. 56) but does not yet have the trial court's reasoning.

28. Petitioner does not ask this Court to resolve the Art. 21 question on the present record. The question is novel, the constitutional text has received no judicial construction in any New Hampshire court, and the issue warrants full briefing and careful deliberation. Petitioner respectfully requests that this Court accept the petition for review on this question and order a briefing schedule that allows both parties – and any amici curiae – to develop the constitutional question with the care it deserves.

29. Petitioner does, however, offer a framework for the Court's consideration. The question is not whether a sitting legislator is "above the law." The question is whether N.H. Const. pt. I, art. 10 – which this Court has recognized as "one of many provisions in our Bill of Rights that forms the basis for a citizen's right to equal protection," *Opinion of the Justices*, 144 N.H. 374, 381 (1999), and which guarantees that "[t]he law cannot discriminate in favor of one citizen to the detriment of another," *State v. Pennoyer*, 65 N.H. 113, 114 (1889) – requires that a legislator performing a constitutional duty be afforded the same functional analysis already applied to other state actors performing their official duties. A law enforcement officer who exceeds the speed limit en route to an emergency is not prosecuted – not because officers are above the law, but because the conduct is

analyzed in light of the official function. An emergency medical technician who runs a red light to reach a patient is judged by the same functional standard. The question presented is whether a sitting legislator, traveling to or from the General Court in the exercise of a privilege expressly conferred by N.H. Const. pt. II, art. 21, is entitled to the same analysis – not greater protection, but equal protection.

30. This framing is offered for the Court’s orientation, not as a fully developed argument. The substance belongs on the slow track – proper briefing, proper research, proper consideration. But the framing explains why the question matters and why it is not the radical proposition it might initially appear.

**B. The Trial Court Has Departed from the Accepted Course of Judicial Proceedings
(Question 3)**

B.1. The Barker Analysis Compels Dismissal

31. The right to a speedy trial under N.H. Const. pt. I, art. 14 is analyzed under the four-factor balancing test of *Barker v. Wingo*, 407 U.S. 514, 530 (1972). *State v. Griffin*, 274 A.3d 558, 563 (N.H. 2022); *State v. Brooks*, 162 N.H. 570, 581 (2011); *State v. Locke*, 149 N.H. 1, 7–8 (2002); *State v. Paone*, 142 N.H. 216, 218 (1997). All four factors weigh in Ms. Read’s favor.

Factor One: Length of the Delay

32. The first factor is a “triggering mechanism”: the court does not reach the remaining factors unless the delay is “presumptively prejudicial.” *State v. Griffin*,

274 A.3d at 563; *State v. Brooks*, 162 N.H. at 581. For felony cases, the presumptive prejudice threshold is nine months. *State v. Colbath*, 130 N.H. 316, 319 (1988); *State v. Fletcher*, 135 N.H. 605, 607 (1992); *State v. Locke*, 149 N.H. at 8. For misdemeanor cases, the threshold is six months. *State v. Allen*, 150 N.H. 290, 294 (2003); *see also* *Tompson v. State of N.H.*, 2018 DNH 071, at *15 (D.N.H. 2018) (surveying New Hampshire law and noting the six-month threshold for misdemeanors).

33. No New Hampshire court has set the threshold for a violation – the least serious category of offense. A violation can claim no greater latitude than a misdemeanor. Petitioner submits that the threshold for a violation should be no greater than six months and may well be shorter, given the minimal complexity inherent in violation-level proceedings.

34. Ms. Read was cited on June 5, 2025, and arraigned on July 10, 2025. Trial is set for April 3, 2026 – a delay of 302 days from the offense and 267 days from arraignment. By either measure, the delay exceeds the six-month misdemeanor threshold by a wide margin and exceeds even the nine-month felony threshold.

35. The length of delay must be assessed against the complexity of the case. *Barker v. Wingo*, 407 U.S. at 531. In *State v. Griffin*, this Court found a sixteen-month delay presumptively prejudicial where the defendant faced seventy-two

indictments including a drug enterprise leader charge. 274 A.3d at 563. In *State v. Locke*, a delay of fifty-five months was assessed in the context of a robbery and homicide prosecution involving an interlocutory appeal. 149 N.H. at 9. This case is a single-witness speeding ticket. The factual question is whether a radar device produced a reliable reading on one occasion. There are no co-defendants, no forensic evidence, no multi-count indictments, and no legal complexity warranting extended proceedings. A ten-month delay on a case of this nature is grotesquely disproportionate. The threshold is met with room to spare.

Factor Two: Reason for the Delay

36. The second factor requires assessment of why the trial was delayed, to which party the delay is attributable, and how much weight to assign. *State v. Griffin*, 274 A.3d at 563–64; *State v. Brooks*, 162 N.H. at 582. A deliberate attempt to delay should be “weighted heavily against the government”; a more neutral reason such as negligence “should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant.” *Barker v. Wingo*, 407 U.S. at 531.

37. *The State’s continuance.* The primary delay is directly attributable to the State’s Motion to Continue, filed January 2, 2026 – seven days before trial. The reason was not an interlocutory appeal, a complex legal issue, or a matter of public

safety. It was, in the State’s own words, a “child care issue” affecting a single deputy. (App. 47.) The State conceded it made no effort to contact Ms. Read before filing. What was presented as a single-day inconvenience produced a delay of nearly three additional months – from January 9 to April 3, 2026.

38. In *State v. Locke*, this Court assessed the reasonableness of a government-caused delay under the three-factor test of *United States v. Loud Hawk*, 474 U.S. 302, 315–16 (1986): the strength of the government’s position, the importance of the issue, and the seriousness of the crime. 149 N.H. at 8–9. Every factor that counseled in favor of excusing the delay in *Locke* is absent here. The State’s position in seeking a last-minute continuance for a witness’s personal scheduling conflict was negligible. There was no legal question to resolve. And the seriousness of a violation-level speeding charge could not be lower.

39. *Institutional delay by the court.* The court’s administration compounded the delay. The court deferred Ms. Read’s September 19 Motion to Suppress/Dismiss to the trial date rather than ruling in advance. (App. 49.) The court granted the State’s last-minute continuance without affording Ms. Read the opportunity to be heard. (App. 46.) And the Clerk of Court delayed 43 days in notifying Ms. Read of the denial of her Motion to Reconsider (App. 42), during which period Ms. Read could take no informed action – and in fact filed her next motion without knowing the disposition of the prior one. While institutional delay is weighted less heavily

than deliberate delay, it is nonetheless charged to the government. *Barker v. Wingo*, 407 U.S. at 531.

40. *No delay is attributable to Ms. Read.* In *State v. Griffin*, this Court placed significant weight on the defendant's own role in causing delay: he had requested severance, acquiesced to the State's scheduling, and waited months before asserting his speedy trial right. 274 A.3d at 564. Ms. Read did none of these things. She did not request a continuance. She did not acquiesce in the delay. She appeared on the scheduled trial date, ready for trial. Her post-continuance filings – the Motion to Reconsider and the Motion to Dismiss – were responses to delay the State had created, not sources of new delay. A defendant does not forfeit the speedy trial right by seeking recourse from the deprivation of that right.

Factor Three: Assertion of the Right

41. The third factor asks whether and how vigorously the defendant asserted the right to a speedy trial. *State v. Griffin*, 274 A.3d at 564; *State v. Brooks*, 162 N.H. at 582. In *Griffin*, the third factor did not weigh heavily in the defendant's favor because he waited until the eve of trial and his earlier assertions pertained to a different docket. 274 A.3d at 564–65.

42. Ms. Read is the antithesis of the defendant in *Griffin*. She has asserted her right at every stage, all directed at the single, only charge against her: filing a dispositive motion at the earliest opportunity (September 19, 2025); appearing and

attempting to object on the trial date (January 9, 2026); filing a Motion to Reconsider (January 20, 2026); and filing a Motion to Dismiss expressly invoking the speedy trial right (March 19, 2026). She has never acquiesced in a single day of the delay. *Cf. State v. Griffin*, 274 A.3d at 564 (defendant “acquiesced to the State’s preference” at “multiple hearings”); *Barker v. Wingo*, 407 U.S. at 535 (defendant “did not want to be tried” and “hoped to take advantage of the delay”). This factor weighs as strongly in Ms. Read’s favor as it possibly can.

Factor Four: Prejudice

43. The final factor, upon which this Court places “substantial emphasis,” *State v. Griffin*, 274 A.3d at 565; *State v. Brooks*, 162 N.H. at 582, requires assessment of prejudice to the defendant. *Barker v. Wingo* identifies three interests the speedy trial right protects: “(i) to prevent oppressive pretrial incarceration; (ii) to minimize anxiety and concern of the accused; and (iii) to limit the possibility that the defense will be impaired.” 407 U.S. at 532.

44. *Anxiety and concern.* Ms. Read has a documented anxiety disorder. The ten-month pendency of a criminal charge – even a violation – has caused her significant distress, physical symptoms, and interference with her work and daily life. In *State v. Griffin*, the Court found claims of anxiety “unavailing” because the defendant was already incarcerated on multiple other charges. 274 A.3d at 565. Ms.

Read is not incarcerated on any charge. The sole source of her ongoing anxiety is this case.

45. *Impairment of the defense.* The State’s entire case rests on the testimony of a single witness – Deputy Callahan – who did not wear a body-worn camera during the stop. There is no video, no audio, and no contemporaneous documentation beyond the citation itself. The State’s case depends entirely on the deputy’s unaided memory of one traffic stop among presumably hundreds of similar encounters over ten months. Memory degrades. The passage of ten months has materially impaired Ms. Read’s ability to mount an effective cross-examination on the details that matter: traffic conditions, weather, radar calibration, the precise circumstances of the reading. The absence of any independent recording means there is no check on the witness’s recollection.

46. *Presumptive prejudice.* Even absent specific showings, “excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, identify.” *State v. Locke*, 149 N.H. at 10 (quoting *Doggett v. United States*, 505 U.S. 647, 655 (1992)). This presumption “increases with the length of delay.” *Id.* In *State v. Locke*, the Court found the presumption offset by the State’s reasonable diligence in pursuing an interlocutory appeal on a central issue in a murder prosecution. 149 N.H. at 10. In *State v. Griffin*, the defendant’s own acquiescence undercut his claim. 274 A.3d at 565–66. Neither escape hatch is

available here. The delay was caused by a deputy's childcare conflict, not diligent prosecution. And Ms. Read never acquiesced to a single day. Where the State has not pursued the case with reasonable diligence, the presumption of prejudice applies with full force. *See Doggett v. United States*, 505 U.S. at 656.

B.2. The Court's Procedural Handling Denied Ms. Read Due Process

47. Independent of the *Barker v. Wingo* analysis, the procedural history of this case raises serious due process concerns under N.H. Const. pt. I, art. 15 and the U.S. Const. amend. XIV, § 1. The right to be heard before the government deprives an individual of a protected interest is “the fundamental requirement of due process.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

48. The record establishes, and the State has never disputed: (a) the court's automated notification confirmed to Ms. Read on the evening of January 8 that her trial remained scheduled, demonstrating the continuance had not been pre-granted; (b) Ms. Read appeared at the courthouse before the scheduled time; (c) Prosecutor Iworsky personally confirmed Ms. Read's presence and intent to object; (d) Prosecutor Iworsky entered the courtroom alone and spoke with the clerk; and (e) Prosecutor Iworsky returned and informed Ms. Read the motion had been granted – before Ms. Read was ever called into the courtroom. (App. 44.)

49. Whether this resulted from miscommunication, administrative oversight, or something more troubling, the effect was the same: a dispositive

procedural motion – one that vacated the trial date – was granted without hearing from the defendant who was physically present, prepared, and known to the State’s own representative to be objecting. Had Ms. Read been heard, she had substantial grounds to oppose: the motion was filed within the ten-day window; the reason was not an emergency but a personal convenience; and the State had made no effort to contact her. The denial of the opportunity to present these objections produced the very delay that now grounds this Petition.

50. Due process also requires adequate notice of government action. *See Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950); *Jones v. Flowers*, 547 U.S. 220, 226 (2006). The court denied the Motion to Reconsider on February 4, 2026. The Clerk did not mail notice until March 19, 2026—43 days later. Ms. Read drafted her next motion (the Motion to Dismiss, dated March 15, 2026) without knowing the prior motion had been denied, because the court had not told her. The court then denied the Motion to Dismiss on March 30, 2026, and – as of the filing of this Petition – has never issued a Notice of Decision on that denial. This is a pattern: two consecutive motions, two failures to notify. A pro se defendant is entitled to know the disposition of her motions through the court’s own notification system, not through self-help.

C. The Constitutional Question Is Capable of Repetition, Yet Evading Review

(Question 4)

51. This Court should exercise original jurisdiction even if the underlying violation is resolved, because the N.H. Const. pt. II, art. 21 question is capable of repetition, yet evading review. *See S. Pac. Terminal Co. v. ICC*, 219 U.S. 498, 515 (1911).

52. The structural reason there is no case law on Art. 21 after 242 years is that the question arises, by its nature, in the context of low-level charges against sitting legislators – precisely the category of case that resolves too quickly, at too low a level of the judicial system, for appellate review ever to reach the constitutional question. A violation is adjudicated in district court. By the time a defendant could seek appellate review, the underlying case is over or the legislative term has ended. The question evades review not because it is unimportant, but because the procedural vehicle is structurally inadequate to carry it to this Court through normal channels.

53. This is itself a reason to grant original jurisdiction. If this Court does not take the question now, it may wait another 242 years. The question will recur whenever a sitting legislator is stopped while traveling to or from the General Court. And it will continue to evade review for the same structural reasons that have prevented its resolution since 1784.

D. Relief Is Not Available Through Other Processes

54. Normal appellate review is inadequate for several reasons. First, the trial court has never addressed the N.H. Const. pt. II, art. 21 question, having deferred it indefinitely. There is no ruling to appeal on the constitutional question of first impression. Second, the trial court has denied all speedy trial and due process motions without written findings – leaving no reasoning to review. Third, the violation-level nature of the charge means that any conviction would be adjudicated in district court with no intermediate appellate mechanism. Fourth, the ongoing deprivation – the speedy trial violation – is compounded by further delay. Waiting for post-conviction appellate review would add months or years to a case that is already ten months past the presumptive prejudice threshold on a traffic ticket. The delay itself is the harm, and normal appellate channels would compound it.

VI. JURISDICTIONAL BASIS

55. This Petition is brought pursuant to N.H. Sup. Ct. R. 11(1), which authorizes this Court to exercise original jurisdiction when there are special and important reasons for doing so. Three independent bases support jurisdiction:

First, this Petition presents “a question of substance not theretofore determined by this court” – the scope and application of N.H. Const. pt. II, art. 21, unaddressed since 1784 (Questions 1 and 2). Second, the trial court has “decided [the speedy trial question] in a way probably not in accord with applicable decisions

of this court” – the *Barker v. Wingo* analysis on a violation-level charge, with all four factors favoring the defendant (Question 3). Third, the trial court has “so far departed from the accepted or usual course of judicial proceedings” – the defendant was denied the opportunity to be heard; three substantive motions were denied without written findings; the Clerk delayed 43 days in issuing one notice of decision and has never issued another.

56. Jurisdiction is further supported by N.H. Const. pt. I, art. 14 (right to a speedy trial; right to obtain justice promptly and without delay); N.H. Const. pt. I, art. 15 (due process); and U.S. Const. amend. VI (right to a speedy trial).

VII. ISSUE PRESERVATION

57. Every issue specifically raised in this Petition has been presented to the trial court and preserved for review by a properly filed pleading or, where appropriate, by contemporaneous objection:

The legislative privilege question under N.H. Const. pt. II, art. 21 was raised in Defendant’s Motion to Suppress/Dismiss (September 19, 2025) (App. 50). The objection to the continuance was communicated verbally to Prosecutor Iworsky on January 9, 2026, and preserved in writing in the Motion to Reconsider (January 20, 2026) (App. 43–45). The speedy trial and failure-to-prosecute claims were raised in the Motion to Dismiss (March 19, 2026) (App. 39–40). The due process claim regarding the right to be heard was raised in the Motion to Reconsider (App. 43–

45). The due process claim regarding timely notice is raised herein; the deprivation is ongoing and was not discoverable until the Clerk's pattern of delayed and missing notices became apparent.

VIII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

On Questions 1 and 2:

(A) Accept this Petition for review on the question of the scope and application of N.H. Const. pt. II, art. 21 as a matter of first impression warranting original jurisdiction.

(B) Order a briefing schedule on Questions 1 and 2, allowing both parties and any amici curiae to develop the constitutional question with the care warranted by a provision that has received no judicial construction in 242 years.

On Question 3 (Immediate Relief):

(C) Dismiss Case No. 431-2025-CR-01144 with prejudice for violation of Ms. Read's right to a speedy trial under N.H. Const. pt. I, art. 14 and denial of due process under N.H. Const. pt. I, art. 15. In the alternative, remand with instructions to dismiss.

(D) Order that Judge Steckowych set forth, in written narrative orders, the reason(s) for denial of (i) Defendant's Motion to Suppress/Dismiss (deferred

09/30/2025), (ii) Motion to Reconsider (denied 02/04/2026), and (iii) Motion to Dismiss (denied 03/30/2026).

(E) Order that the Clerk of Court issue notices of decision promptly upon entry of orders, consistent with N.H. Const. pt. I, art. 14.

On Question 4:

(F) Declare that the constitutional question presented in Question 1 is capable of repetition, yet evading review, warranting this Court's exercise of original jurisdiction regardless of the disposition of the underlying violation.

Protective:

(G) Order that any stay, temporary restraining order, or other temporary relief issued by this Court in connection with this Petition shall not constitute a waiver of, nor toll the running of, Petitioner's right to a speedy trial under N.H. Const. pt. I, art. 14 and the U.S. Const. amend. VI.

(H) Grant such other and further relief as this Court deems just and appropriate.

IX. PARTIES AND REPRESENTATIVE

Petitioner:

Ellen D. Read
283 Lita Lane
Newmarket, NH 03857
(352) 978-7692

Representative for Petitioner (RSA 311:1):

Dana Albrecht
131 Daniel Webster Hwy #235
Nashua, NH 03060
(603) 809-1097
dana.albrecht@hushmail.com

Respondents:

State of New Hampshire
Service to: Office of the Attorney General
Attn: John Formella, Attorney General
33 Capitol Street
Concord, NH 03301

New Hampshire Department of Safety
Division of Motor Vehicles
By and through its Director John C. Marasco
23 Hazen Drive
Concord, NH 03305

Rockingham County Sheriff's Office
101 North Road
Brentwood, NH 03833

Heather L. Iworsky, Esq. (NH Bar #17471)
Rockingham County Sheriff's Office
101 North Road
Brentwood, NH 03833

Hon. Kerry P. Steckowych
10th Circuit Court – District Division – Derry
10 Courthouse Lane
Derry, NH 03038

Robin E. Pinelle, Clerk of Court
10th Circuit Court – District Division – Derry
10 Courthouse Lane
Derry, NH 03038

X. TRANSCRIPT STATEMENT

Transcripts are necessary if the Petition is accepted for further review.

Petitioner identifies three transcripts in order of urgency:

Immediately necessary:

(1) *January 9, 2026 hearing – State v. Read, No. 431-2025-CR-01144 (Derry)*. This transcript is critical to the due process claims raised herein. The appendix record (App. 44; App. 45) indicates that Prosecutor Iworsky verbally confirmed Ms. Read was present and prepared to object to the Motion to Continue, then entered the courtroom alone, after which the motion was “magically” granted – without Ms. Read being called. This Court and the parties need to know what, if anything, occurred on the record while Ms. Read was in the courthouse lobby and Prosecutor Iworsky was inside the courtroom. If ex parte communication occurred between the prosecutor and the court regarding Ms. Read’s presence or intentions, that is a serious matter. Petitioner’s representative ordered this transcript from eScribers on March 31, 2026, with overnight turnaround. (App. 38.) As of the filing of this Petition, the court has not uploaded the audio recording to eScribers for transcription. This is a significant concern.

(2) *August 13, 2025 hearing – State v. Read, No. 473-2024-CR-03345 (Salem)*. This transcript is necessary because Judge Robert S. Stephen’s written order on Ms. Read’s N.H. Const. pt. II, art. 21 motion states only: “Denied for

reasons set forth on the record 8/13/25.” (App. 54.) The reasoning exists only in oral form – there is no written opinion. The Art. 21 defense raised in the Salem case is substantially similar to the Art. 21 defense raised in the instant case (App. 50), and this Court cannot evaluate the trial court’s treatment of the constitutional question without knowing what reasons were given on the record. Petitioner’s representative ordered this transcript from eScribers on April 2, 2026, with 7-day turnaround. (App. 56.)

Helpful but not immediately blocking:

(3) *September 19, 2025 pre-trial conference – State v. Read, No. 431-2025-CR-01144 (Derry)*. This is the hearing at which Ms. Read filed her Motion to Suppress/Dismiss raising N.H. Const. pt. II, art. 21. The transcript may shed light on what was discussed regarding the constitutional question before Judge Steckowych deferred it “to be addressed on trial date.” Petitioner’s representative ordered this transcript with overnight turnaround as part of the same request as the January 9 transcript. (App. 38.) It is not yet available.

Emails indicating transcripts have been ordered for the Derry proceedings (January 9, 2026 and September 19, 2025) and the Salem proceedings (April 9, July 9, and August 13, 2025) are annexed hereto. (App. 38; App. 56.)

WHEREFORE, Petitioner respectfully requests that this Court grant the relief requested herein.

Respectfully submitted,

ELLEN D. READ

By her authorized representative,



Dana Albrecht
Authorized Representative (RSA
311:1)
131 Daniel Webster Hwy #235
Nashua, NH 03060
(603) 809-1097
dana.albrecht@hushmail.com
Date: April 3, 2026

CERTIFICATE OF SERVICE

I, Dana Albrecht, authorized representative for Petitioner pursuant to RSA 311:1, hereby certify that on this date, a copy of the foregoing Rule 11 Petition for Original Jurisdiction will be served upon each respondent either by electronic service or first-class postal mail.



Dana Albrecht
Date: April 3, 2026

RULE 11(2) COMPLIANCE STATEMENT

Pursuant to N.H. Sup. Ct. R. 11(2), the following supplementary information is provided:

(a) Decision sought to be reviewed. The following orders are sought to be reviewed: (i) Order of September 30, 2025, 10th Circuit Court, District Division, Derry (Hon. Kerry P. Steckowych), deferring Defendant's Motion to Suppress/Dismiss "to be addressed on trial date" (App. 49); (ii) Order of January 9, 2026, same court, granting the State's Motion to Continue without affording the Defendant an opportunity to be heard (App. 46); (iii) Order of February 4, 2026, same court, denying the Defendant's Motion to Reconsider without written findings (App. 43); (iv) Order of March 30, 2026, same court, denying the Defendant's Motion to Dismiss without written findings (App. 39); (v) Order of August 13, 2025, Salem District Court (Hon. Robert S. Stephen), denying Defendant's Motion to Suppress/Dismiss raising N.H. Const. pt. II, art. 21 in the related case No. 473-2024-CR-03345, "for reasons set forth on the record" (App. 54) – the N.H. Const. pt. II, art. 21 defense in that case is substantially similar to the defense raised in the instant case. Copies are annexed in the Appendix.

(b) Questions presented for review. See Section I of this Petition.

(c) Constitutional, statutory, and rule provisions involved. See Section II of this Petition. The text of N.H. Const. pt. II, art. 21 and all other provisions is set out verbatim in Section II.

(d) Insurance policies, contracts, or other documents involved. Not applicable.

(e) Concise statement of the case. See Section III of this Petition.

(f) Stage of proceedings and manner in which issues were raised. See Section IV of this Petition.

(g) Argument supporting exercise of original jurisdiction. See Section V of this Petition.

(h) Jurisdictional basis. See Section VI of this Petition.

(i) Issue preservation. See Section VII of this Petition.

(j) Parties and counsel. See Section IX of this Petition. Note: Petitioner is represented by Dana Albrecht, an authorized non-attorney representative appearing pursuant to RSA 311:1, not by counsel.

(k) Transcript statement. See Section X of this Petition. Three transcripts are identified in order of urgency. The most critical – the January 9, 2026 Derry hearing – was ordered with overnight turnaround on March 31, 2026, but the court

has not uploaded the audio recording. The August 13, 2025 Salem hearing, at which the N.H. Const. pt. II, art. 21 question was decided on the record without written opinion, was ordered on April 2, 2026. Transcript Order Forms are annexed hereto. (App. 38; App. 56.)

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CASE SUMMARY
CASE NO. 431-2025-CR-01144

State v. ELLEN D READ

§
§
§
§Location: **10th Circuit - District Division
- Derry**
Filed on: **07/10/2025****CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Criminal
Jurisdiction: Londonderry					
1. Speed; Basic Rule and Maximum Limits	265:60	VIOL	06/05/2025	Case Status:	07/10/2025 Pending
ChargeID: 2341538C ACN: 007025J252341538001					
Arrest: 06/05/2025					

PARTY INFORMATION

Defendant	READ, ELLEN D 283 LITA LN NEWMARKET, NH 03857 White Female Height 5'6" Weight 215lbs DOB: 12/20/1979 Age: 45 DL: NH NHL10009495
Arresting Agency	Rockingham County Sheriff's Dept. 101 North Rd Brentwood, NH 03833

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/05/2025	Speed Actual-Posted 92-65 Charges: 1	
07/10/2025	Plea 1. Speed; Basic Rule and Maximum Limits Not Guilty	
07/21/2025	Other Hearing scheduled by CPC. Charges: 1	Index #1
09/19/2025	Pre-Trial Conference	
09/19/2025	Motion to Suppress Party: Defendant READ, ELLEN D /Dismiss	Index #2
09/30/2025	Order (Judicial Officer: Steckowych, Kerry P) To be addressed on trial date	Index #3
01/07/2026	Motion to Continue motion to continue trial on 1/9/26 - from Heather Iworsky Charges: 1	Index #4
01/09/2026	Granted (Judicial Officer: Steckowych, Kerry P)	
01/09/2026	Trial	
01/20/2026	Motion to Reconsider Party: Defendant READ, ELLEN D	Index #5

CASE SUMMARY
CASE NO. 431-2025-CR-01144

02/04/2026	Denied (Judicial Officer: Steckowych, Kerry P)	
03/19/2026	Motion to Dismiss Party: Defendant READ, ELLEN D <i>pull by 3-30</i> <i>Charges: 1</i>	<i>Index #6</i>
04/02/2026	Appearance <i>Dana Albrecht</i>	<i>Index #7</i>
04/03/2026	Trial	

Subject: [NHJB-27274] New Hampshire Certified Transcript Request

From: New Hampshire Orders <sales@escribers.net>

Date: 3/31/26, 19:12

To: dana.albrecht@hushmail.com

CC: sales@escribers.net, webapp@escribers.net

eScribers has received your transcript request in the matter of:

Case Name: State of New Hampshire v. Ellen D. Read

Case Number: 431-2025-CR-01144

Date of Hearing: 09/19/2025, 01/09/2026

Turnaround: Daily

Job Reference Number: NHJB-27274

IMPORTANT: A deposit equal to the Estimated Total Cost of your order is required before eScribers can begin work on your request. Please make payment at <https://escribers.net/payment.php> for us to begin processing your order.

WHAT HAPPENS NEXT?

1. Once your deposit is received, we will begin to process your order by requesting the recorded audio from the specified court.
2. eScribers will notify you via e-mail when the audio has been received. At that point, your requested turnaround time will begin and an estimated Due Date will be entered in your order and provided to you in an email. You can always track the progress of your order(s) online at <https://gateway.escribers.net/newportal/client/home>

PAYMENT OPTIONS

You can pay your deposit now by credit card at the website on your order detail screen. Click on the option to pay and you can complete your deposit through our secure credit card processing site. Or, you can send a check or money order to eScribers:

eScribers

Attn: New Hampshire Orders

7227 North 16th Street, Suite 207

Phoenix, AZ 85020

QUESTIONS?

If you have additional questions or need to provide any additional information, you can always contact an eScribers customer service representative at CustomerService@escribers.net or by phone at 1-800-257-0885. Please include your job reference number in the email.

Thank you for your Order!

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 10th Circuit - District Division - Derry
Case Name: STATE v ELLEN D READ
Case Number: 431-2025-CR-01144
(if known)

MOTION: TO DISMISS

I, Ellen D Read

state the following facts and request the following relief:

MAR 19 2026

[see attachment]

3/15/26
Date
352-978-7692
Telephone

Ellen D. Read
Signature
283 Litch Ln, Newmarket NH 03857
Address

I certify that on this date I provided a copy of this document to Rockingham Co. Sheriff (other party) or to
(other party's attorney) by: ☒ Hand-delivery OR ☐ US Mail OR
☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order).

3/19/26
Date

Ellen D. Read
Signature

ORDER

☐ Motion granted. ☒ Motion denied.

Recommended:

Date

Signature of Marital Master/Referee

Printed Name of Marital Master/Referee

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

3/30/26
Date

[Signature]
Signature of Judge

Kerry P. Steckowych
Printed Name of Judge Judge

Facts supporting Motion to Dismiss for Failure to Prosecute/Right to a Speedy Trial:

1. The date of offense of this case was June 5, 2025.
2. The trial is set for April 3, 2026, which is 10 months after the offense date.
3. In New Hampshire, a delay of over 9 months is presumptively prejudicial under State v. Locke, 149 NH 1 (2002), and 10 months is well beyond that window.
4. Ms. Read has a right to a speedy trial.
5. The trial was continued by the prosecution, for non-emergency reasons, within the 10 day window before the trial when such motions are not typically granted.
6. The prosecution's motion to continue was granted on the date of trial, without allowing opportunity for Ms Read to object in person, nor the standard 10-days window to file an objection.
7. Ms Read missed work in order to be present at the scheduled trial date, and as was personally verified by the prosecution, she was punctual and prepared to object to continuance.
8. Ms. Read protested the lack of opportunity to object to continuance of the case verbally to the prosecutor and court clerk at the time and filed a timely reconsideration motion regarding it the decision to continue, which was made without giving Ms Read the opportunity to object.
9. The court has not responded to Ms Read's motion to reconsider, and the prosecution has not contested the motion to reconsider, despite receiving the requisite copy of the motion.
10. The sole witness for the prosecution, Deputy Callahan, did not wear a body-worn camera during the traffic stop.
11. By the time of trial, because there was no use of BWC, the witness will be expected to remember details of one traffic stop amongst hundreds of other such similar events that he witnessed in the interceding 10 months, and therefore his memory cannot be expected to be reliable.
12. Without the reliable memory of this sole witness, the prosecution has no evidence to make a case.
13. Ms. Read has a documented anxiety disorder, and the anxiety caused by the prolonged process of this case has interfered with her work and life and caused her distress, physical symptoms and emotional damage.

In summation, the prosecution has delayed this case for non-emergency reasons over Ms. Read's objection, and Ms. Read here asserts her right to a speedy trial and requests relief from the court in the form of immediate dismissal of the case for failure of the prosecution to guarantee a speedy trial.

10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF HEARING

FILE COPY

Case Name: State v. ELLEN D READ
Case Number: 431-2025-CR-01144

The above referenced case(s) has/have been scheduled for:
Trial

<u>Charge ID</u>	<u>Statute</u>	<u>Description</u>
2341538C	265:60	Speed; Basic Rule and Maximum Limits

Date: April 03, 2026
Time: 12:45 PM

10 Courthouse Lane
Derry NH 03038

If you are unable to appear, you must file a request for a continuance, in writing, with the Court and a copy of your request must be sent to the prosecutor. Please indicate in writing that you have sent this copy when you file your request for continuance. All such motions shall be filed at least ten (10) days prior to the above court date. No motion to continue filed within ten days of the date of the hearing shall be considered by the Court, unless good cause is shown and is verified under oath by affidavit. The hearing will remain as originally scheduled unless your request is approved by the Court. If the request is granted, you will receive a new hearing notice. **FAILURE TO APPEAR WILL RESULT IN AN ADMINISTRATIVE FINDING OF GUILTY AND IMPOSITION OF THE PRE-SET FINE.**

When a person pleads guilty/no contest, the court expects all fines imposed to be paid in full on the date of the hearing.

Multiple cases are scheduled at this time.

You should notify the court well in advance of the hearing date if it is expected that an interpreter will be required.

Please advise clients, witnesses, and others that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11,V in a courtroom or area used by a court.

February 05, 2026

Robin E. Pinelle
Clerk of Court

(157)

C: Rockingham County Sheriff's Dept.; ELLEN D READ

10th Circuit - District Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

March 19, 2026

FILE COPY

Case Name: **State v. ELLEN D READ**
Case Number: **431-2025-CR-01144**

Enclosed please find the Ruling on the Motion To Reconsider.

Robin E. Pinelle
Clerk of Court

(41)

C: ELLEN D READ; Rockingham County Sheriff's Dept.

JUDICIAL BRANCH

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

CC
RM8:39

Court Name: 10th Circuit Court-District Division - Derry
Case Name: State v. ELLEN D READ
Case Number: 431-2025-CR-01144
(if known)

MOTION: Reconsider

I, Ellen D. Read

state the following facts and request the following relief:

See Attachment

Jan. 16, 2026
Date

Ellen D. Read
Signature

Telephone

Address

I certify that on this date I provided a copy of this document to Prosecutor Iwanski (other party) or to Dorchester CO. Sheriff's Dept (other party's attorney) by: ☒ Hand-delivery OR ☐ US Mail OR ☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order).

Jan 20, 2026
Date

Ellen D. Read
Signature

ORDER

☐ Motion granted.

☒ Motion denied.

Recommended:

Date

Signature of Marital Master/Referee

Printed Name of Marital Master/Referee

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge

Kerry P. Steckowyc.
Judge

Facts supporting Motion to Reconsider:

1. Ms. Read had a right to be heard, and her right was denied to her:
 - a. The motion to continue was made within 10 days, for non-emergency reasons due to convenience of a witness, and Ms. Read should be given the standard 10 days, or until the date of trial, to respond.
 - b. Ms. Read received a Court System Text message at 6:14pm, Thursday January 8th, notifying her that her trial was still set for the next day, January 9th, 2026, *indicating that the court had not granted the motion to continue without giving Ms. Read the expected time to respond*, and that she would have the opportunity to object at court.
 - c. Ms. Read arrived at the courthouse, and was waiting in the waiting area having been instructed by staff to wait for her name to be called, before the time of trial on the scheduled date.
 - d. Prosecutor Iworski verbally confirmed with the defendant that she was present, and intending to object to the motion, before the scheduled time of trial. Other attorneys, officers, and defendants in the waiting area were witness to this exchange.
 - e. Prosecutor Iworski went into the courtroom alone, spoke to the clerk according to the statement of the bailiff, and returned to the waiting area, informing Ms Read that the motion to continue had been granted. Ms Read verbally protested, asserting that her right to be heard at court had been denied. Other attorneys, officers, and defendants in the waiting area were witness to the exchange.
 - f. This sequence of events makes it clear that the court had not granted the motion, without giving Ms Read her required time to respond, before the trial date, and was intending to hear Ms Read on the date of trial as is typical...but instead gives the appearance that it is possible that Prosecutor Iworkski, having material evidence that Ms Read was present, punctual, and prepared to object to the motion, may have implied to the clerk that Ms. Read was absent. If true, this presents a serious violation of professional ethics.
2. Ms Read was prepared to object to the motion, at the date of trial, and on strong grounds:

- a. The prosecution's motion was made within the 10 day window (seven days, according to the date of motion)
- b. The prosecution, as cited on the motion, did not attempt to contact Ms. Read regarding the motion, and so Ms Read received the motion only two days before the trial, in the mail on the evening of January 6th, 2026.
- c. Both of the interceding days between receiving the motion, January 7th and 8th, Ms Read had a constitutional duty, as an elected state representative, to be in Session of the House of Representatives, as both days had been scheduled for full floor session of the body, and both days ran late into the day, past the close of business, preventing Ms Read from hand delivering an objection.
- d. The reason for the motion cited by the prosecution is not an emergency, typically the only reason granted within the normal 10 days...but instead was child care.
- e. This child care need was known to the prosecution and witness at least seven days in advance, indicating that it was not an emergency
- f. Convenience of a witness is not considered a good cause for non-attendance at court, nor for continuation, particularly within the 10 day window
- g. Ms Read feels that had she made a motion to continue within the 10 day window for non-emergency reasons of convenience, that she would not have been afforded the same consideration, as it is usually not the practice of the court to grant such requests

For these reasons, in summary that Ms Read had a right to be heard regarding her objection to the motion, and was neither given her due opportunity which is within the 10 days, nor a chance to be heard in court...and that it appears the court was under the incorrect assumption that she had not been present and prepared to object, which Prosecutor Iworski was fully aware of...and that had Ms Read been given her due opportunity to object, she had strong grounds to argue that the motion to continue be denied, which Prosecutor Iworski was presumable aware of, *Ms Read here requests relief from the court in the form of a reconsideration to the motion of continuation which she had not been afforded the opportunity to be heard on, and objects to the original motion to continue.*

10th Circuit - District Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF DECISION

FILE COPY

Case Name: **State v. ELLEN D READ**
Case Number: **431-2025-CR-01144**

Please be advised that on January 09, 2026 the Court made the following Order relative to:

Motion to Continue- "Granted"
/s/ Judge Kerry P. Steckowych

Hearing notice will fall under separate cover

January 20, 2026

Robin E. Pinelle
Clerk of Court

(985)

C: ELLEN D READ; Rockingham County Sheriff's Dept.

ROCKINGHAM, SS

10th Circuit Court – District Div –Derry

State v. Ellen Read
431-2025-CR-1144

MOTION TO CONTINUE

NOW COMES the State of New Hampshire by and through its agent the Rockingham County Sherriff's Office and says as follows:

1. The defendant is scheduled for a trial on 1/9/26 at 12:45pm.
2. The State was made aware this that Deputy Callahan, a necessary witness is unavailable for court that day due to a child care issue.
3. The State has not been able to contact the defendant before the filing of his motion due to the expedited nature.
4. There have been no prior continuances requested by the State.

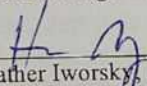
WHEREFORE the State requests that the Court;

- a) Grant the motion and reschedule the trial, or
- b) Grant any other such relief as the Court deems just.

Respectfully Submitted,

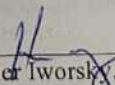
The State of New Hampshire
By and through its agent

Date: January 2, 2026


Heather Iworsky, Esq.
RCSO

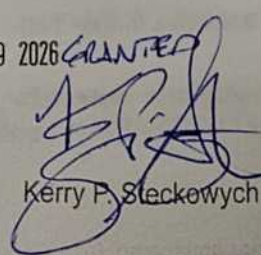
CERTIFICATION OF SERVICE

I hereby certify that on 1/2/26 I mailed a copy of this motion to the defense.


Heather Iworsky, Esq.

JAN 09 2026

GRANTED


Kerry P. Steckowych

NOTICE OF HEARING**FILE COPY**

Case Name: State v. ELLEN D READ
Case Number: 431-2025-CR-01144

The above referenced case(s) has/have been scheduled for:
Trial

<u>Charge ID</u>	<u>Statute</u>	<u>Description</u>
2341538C	265:60	Speed; Basic Rule and Maximum Limits

Date: January 09, 2026
Time: 12:45 PM

10 Courthouse Lane
Derry NH 03038

If you are unable to appear, you must file a request for a continuance, in writing, with the Court and a copy of your request must be sent to the prosecutor. Please indicate in writing that you have sent this copy when you file your request for continuance. All such motions shall be filed at least ten (10) days prior to the above court date. No motion to continue filed within ten days of the date of the hearing shall be considered by the Court, unless good cause is shown and is verified under oath by affidavit. The hearing will remain as originally scheduled unless your request is approved by the Court. If the request is granted, you will receive a new hearing notice. **FAILURE TO APPEAR WILL RESULT IN AN ADMINISTRATIVE FINDING OF GUILTY AND IMPOSITION OF THE PRE-SET FINE.**

When a person pleads guilty/no contest, the court expects all fines imposed to be paid in full on the date of the hearing.

Multiple cases are scheduled at this time.

You should notify the court well in advance of the hearing date if it is expected that an interpreter will be required.

Please advise clients, witnesses, and others that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11,V in a courtroom or area used by a court.

September 25, 2025

Robin E. Pinelle
Clerk of Court

(157)

C: Rockingham County Sheriff's Dept.; ELLEN D READ

10 Courthouse Lane
Derry NH 03038

TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF DECISION

FILE COPY

Case Name: **State v. ELLEN D READ**
Case Number: **431-2025-CR-01144**

Please be advised that on September 30, 2025 the Court made the following Order relative to:

Defendant's Motion to Suppress/Dismiss;

"To be addressed on Trial date."

September 30, 2025

/s/Kerry P. Steckowych

October 15, 2025

Robin E. Pinelle
Clerk of Court

(74)

C: ELLEN D READ; Rockingham County Sheriff's Dept.

v.
ELLEN READ
431-2025-CR-01144

DEFENDANT'S MOTION TO SUPPRESS/DISMISS

1. Defendant, Ellen Read, is charged with a violation of 265:60, Speed Basic Rule and Maximum Limits.
2. At the time she was pulled over, Defendant was a member of the New Hampshire House of Representatives, and was in a vehicle equipped with a N.H. State Rep. license plate.
3. Upon being pulled over, Defendant informed the arresting officer that she was coming directly from the House (the General Court), in Session, and that such is protected legislative privilege under the NH Constitution from detainment/seizure/arrest.

1. DEFENDANT WAS SEIZED AND ARRESTED/CHARGED, IN VIOLATION OF THE NEW HAMPSHIRE CONSTITUTION

4. Under Part II Art 21 of the N.H. Constitution, [Privileges of Members of Legislature.]

"No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court.
June 2, 1784".

5. Under the plain language of the New Hampshire Constitution, defendant was unlawfully detained/seized/arrested in violation of her Legislative privilege. All evidence illegally obtained should be suppressed, and the charge dismissed.

6. Defendant seeks to be heard at time of trial on this motion.

9/30/25 TO BE ADDRESSED ON TRIAL DATE.

Kerry P. Sleskowsky
Judge

/s/ Ellen Read

Ellen Read
283 Lita Lane
Newmarket NH 03857
352-978-7692

Certificate of Service

A copy of this motion has been provided to prosecutor on date of filing

Ellen Read

/s/ Ellen Read

Affidavit

I, Ellen Read, do state under the pains and penalties of perjury, that the facts relied on in this motion are true to the best of my belief.

/s/ Ellen Read

rec'd 9-19-25

FILE COPY

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT
NOTICE OF HEARING

Case Name: State v. ELLEN D READ

Case Number: 431-2025-CR-01144

The above referenced case(s) has/have been scheduled for:

Pre-Trial Conference

Charge ID
2341538C

Statute
265:60

Description
Speed; Basic Rule and Maximum Limits

Date: September 19, 2025
Time: 8:30 AM

10 Courthouse Lane
Derry NH 03038

If you are unable to appear, you must file a request for a continuance, in writing, with the Court and a copy of your request must be sent to the prosecutor. Please indicate in writing that you have sent this copy when you file your request for continuance. All such motions shall be filed at least ten (10) days prior to the above court date. No motion to continue filed within ten days of the date of the hearing shall be considered by the Court, unless good cause is shown and is verified under oath by affidavit. The hearing will remain as originally scheduled unless your request is approved by the Court. If the request is granted, you will receive a new hearing notice. **FAILURE TO APPEAR WILL RESULT IN AN ADMINISTRATIVE FINDING OF GUILTY AND IMPOSITION OF THE PRE-SET FINE.**

When a person pleads guilty/no contest, the court expects all fines imposed to be paid in full on the date of the hearing.

Multiple cases are scheduled at this time.

You should notify the court well in advance of the hearing date if it is expected that an interpreter will be required.

Please advise clients, witnesses, and others that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11,V in a courtroom or area used by a court.

July 21, 2025

Robin E. Pinelle
Clerk of Court

(1071)

C: Rockingham County Sheriff's Dept.; ELLEN D READ



State of New Hampshire
DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, NH 03305
Telephone: (603)227-4010 TDD Access Relay NH 7-1-1



DOCKET #: 431-2025-CR-01144

CHARGE ID: 2341538C

NOTICE OF NOT GUILTY PLEA

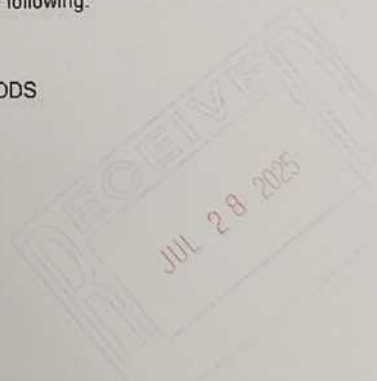
The not guilty plea that was electronically submitted for the below referenced Plea by Mail Citation/Ticket has been accepted by the Division of Motor Vehicles and will be forwarded to the NH Circuit Court for further processing. **For additional information, please call 1(855)212-1234.**

Customer Name: ELLEN D READ
Ticket Number: 25800001024
Issuing Department: ROCKINGHAM COUNTY SHERIFF
RSA: 265:60
Ticket Issuance Date: 06/05/2025
Plea Received Date: 07/04/2025

The NH Circuit Court will contact me regarding this Citation/Ticket at the following:

Mailing Address: 283 GREAT BAY WOODS

Phone Number: 352-978-7692



PLEASE NOTE: ADDRESS AND CONTACT INFORMATION ENTERED VIA THE ONLINE NOT GUILTY PLEA SERVICE DOES NOT UPDATE YOUR RECORD WITH THE NEW HAMPSHIRE DIVISION OF MOTOR VEHICLES.

DOCKET #: 431-2025-CR-01144

CHARGE ID: 2341538C

COMPLAINT (VIOLATION ONLY)

You DO NOT have to come to court. You MUST answer this complaint to the Department of Safety within (30) days from the date of issuance. DATE OF ISSUANCE: 06/05/2025 AT 10:37 AM

TO AVOID ANY ADDITIONAL ADMINISTRATIVE FEES OR REINSTATEMENT FEES SEE REVERSE SIDE FOR INSTRUCTIONS AND PENALTY INFORMATION.

DEPARTMENT OF SAFETY

FINANCIAL RESPONSIBILITY SECTION - RBM

PO BOX 3838, CONCORD NH 03305

603-227-4010 <http://www.nh.gov/payticket>

You must come to the court listed at on to answer this complaint.

10TH CIRCUIT - DISTRICT DIVISION - DERRY

DISTRICT COURT

10 COURTHOUSE LANE

STREET

DERRY

TOWN/CITY

NH

STATE

03038

ZIP CODE

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

READ FIRST NAME MIDDLE NAME D

283 LITA LN NEWMARKET NH 03857

ADDRESS CITY STATE ZIP CODE

DOB 12 20 1979 YR. 66 HEIGHT 215 lbs WEIGHT BRO CLASS RED

F SEX W DAY MO YEAR OP LICENSE # COLOR EYES COLOR HAIR

LICENSE PRESENTED: YES NO

ON THE 5TH DAY OF JUNE YR 2025 AT 10:37 AM

DID OPERATE M.V. REGISTRATION # 3098620 PLATE TYPE PC STATE NH

MAKE TOYOTA YR 2009 TYPE YARIS - HB

COMMERCIAL VEHICLE HAZMAT 16+ PASSENGER

AT LOCATION: LONDONDERRY GPS

Upon a certain public highway to wit - 93

at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of

traveling at a rate of 92 m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.

Contrary to RSA 265:60 Radar Aircraft Clocked Laser

did fail and neglect to stop the said vehicle for a certain:

stop sign (contrary to RSA 265:31)

traffic light (contrary to RSA 265:9) before entering intersection of:

did fail and neglect to have the said vehicle inspected in accordance with the regulation of the Director

of Motor Vehicles. Contrary to RSA 266:5.

did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40.

other:

Contrary to RSA:

Against the peace and dignity of the State.

MAKING A FALSE STATEMENT ON THIS COMPLAINT MAY RESULT IN CRIMINAL PROSECUTION (RSA 502-A.7.1)

ROCKINGHAM COUNTY DEPUTY SHERIFF M. 016-CALL

Complainant

Complainant Signature

Badge Number

FINED FROM SCHEDULE \$ 434.00

YOU MUST COMPLETE THE REVERSE SIDE OF THIS FORM

SEE REVERSE FOR INSTRUCTION AND PENALTY INFORMATION.

DO NOT WRITE IN THESE SPACES

DO NOT WRITE IN THESE SPACES

PLEA: Guilty Not Guilty Nolo Contendere

Change of Plea Not Guilty to Guilty Not Guilty to Nolo

Negotiated Plea Dismissed

FINDING: Guilty Not Guilty Dismissed

Waiver of Counsel and Rights Acknowledged

Appearance of for the defendant

Nolle Prossed by on DATE

Continued from to by

Continued from to by

SENTENCE: Fine of \$ amount suspended \$ P.A. \$ Total \$

Time Payment (amount suspended on conditions stated below)

Ordered Recommended defendant's license (privileges) to operate a motor vehicle be:

suspended revoked for a period of License Forwarded

Defendant placed on probation for a period of

Case continued for sentence Complaint placed on file with without finding

(This disposition may not apply to CDL operators or commercial vehicle offenses)

Other

DEFAULT:

Fine \$ P.A. \$ Admin. Fee imposed \$ waived Total \$

Defendant failed to appear on DATE pay on DATE

Bench Warrant Ordered (date) issued (date)

for non-appearance non-payment

Bail to be determined by Bail Commissioner \$

Bail set by Court \$ PR / CASH / SURETY

Other

Recommended license suspension

Justice Signature

APPEAL:

To Superior Court (De Novo trials only): The Defendant appeals.

To Superior Court: To be perfected within 30 days or sentence will be invoked.

Default Date

Justice Signature

Conviction Date

Justice Signature

Original abstract forwarded (date)

RECEIVED

AUG 01 2025

Salem Circuit Court

THE STATE OF NEW HAMPSHIRE

SALEM DISTRICT COURT

STATE OF NEW HAMPSHIRE

v.

ELLEN READ

473-2024-CR-3345

DEFENDANT'S MOTION TO SUPPRESS/DISMISS

1. Defendant, Ellen Read, is charged with reckless operation for speeding above 100 MPH, occurring on December 12, 2024.

December 2, 2024 Per DH.

2. At the time she was pulled over, Defendant was a member of the New Hampshire House of Representatives, and was in a vehicle equipped with a N.H. State Rep. license plate.

3. Upon being pulled over, Defendant informed the arresting officer that she was coming from the House (the General Court).

I. DEFENDANT WAS SEIZED AND ARRESTED/CHARGED IN VIOLATION OF THE NEW HAMPSHIRE CONSTITUTION

4. Under Part II Art 21 of the N.H. Constitution, [Privileges of Members of Legislature.]

"No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court. June 2, 1784".

5. Under the plain language of the New Hampshire Constitution, defendant was unlawfully detained/seized/arrested in violation of her Legislative privilege. All evidence illegally obtained should be suppressed, and the charge dismissed.

5. Defendant seeks to be heard at time of trial on this motion.

Denied

*TH READS
Set FORTH ON*

to RECORD.

/s/ Dan Hynes



Dan Hynes #17708
212 Coolidge Ave

*8/13/25 Robert S. Stephen
Judge*

Manchester, NH 03102
(603) 674 - 5183

Certificate of Service

A copy of this motion has been provided to prosecutor on date of filing

Dan Hynes

/s/ Dan Hynes



Affidavit

I, Dan Hynes, do state under the pains and penalties of perjury, that the facts relied on in this motion are true to the best of my belief.

/s/ Dan Hynes



Subject: [NHJB-27297] New Hampshire Certified Transcript Request

From: New Hampshire Orders <sales@escribers.net>

Date: 4/2/26, 10:57

To: dana.albrecht@hushmail.com

CC: sales@escribers.net, webapp@escribers.net

eScribers has received your transcript request in the matter of:

Case Name: State of New Hampshire v. Ellen D. Read

Case Number: 473-2024-CR-03345

Date of Hearing: 04/09/2025, 07/09/2025, 08/13/2025

Turnaround: 7-Day

Job Reference Number: NHJB-27297

IMPORTANT: A deposit equal to the Estimated Total Cost of your order is required before eScribers can begin work on your request. Please make payment at <https://escribers.net/payment.php> for us to begin processing your order.

WHAT HAPPENS NEXT?

1. Once your deposit is received, we will begin to process your order by requesting the recorded audio from the specified court.
2. eScribers will notify you via e-mail when the audio has been received. At that point, your requested turnaround time will begin and an estimated Due Date will be entered in your order and provided to you in an email. You can always track the progress of your order(s) online at <https://gateway.escribers.net/newportal/client/home>

PAYMENT OPTIONS

You can pay your deposit now by credit card at the website on your order detail screen. Click on the option to pay and you can complete your deposit through our secure credit card processing site. Or, you can send a check or money order to eScribers:

eScribers

Attn: New Hampshire Orders

7227 North 16th Street, Suite 207

Phoenix, AZ 85020

QUESTIONS?

If you have additional questions or need to provide any additional information, you can always contact an eScribers customer service representative at CustomerService@escribers.net or by phone at 1-800-257-0885. Please include your job reference number in the email.

Thank you for your Order!