



- (1) For concurrent terms of imprisonment, the minimum term shall be satisfied by serving the longest minimum term imposed, and the maximum term shall be satisfied by serving the longest maximum term.
  - (2) For consecutive terms of imprisonment, the minimum terms of each sentence shall be added to arrive at an aggregate minimum term, and the maximum terms of each sentence shall be added to arrive at an aggregate maximum term.
- b. A petition to suspend the sentence of any state prisoner may be brought at any time if, prior to the petition being filed, the commissioner of the department of corrections has found that the prisoner is a suitable candidate for suspension of sentence.
  - c. A petition to suspend the sentence of any state prisoner may be brought at any time by the attorney general in recognition of substantial assistance by the inmate in the investigation or prosecution of a serious felony offense.
  - d. Petitions filed which do not meet the criteria in (a), (b), or (c) above shall be dismissed.

#### B. Filing Petitions:

1. Offenders who qualify under RSA 651:20.1 (a) must file their petition directly with the courts.
2. Non-violent offenders who do not qualify under RSA 651:20.1(a) may file a petition for sentence modification or suspension pursuant to RSA 651:20.1 (b) at any time that the inmate believes they have met the required criteria for suitability as expressed in this policy, including the requirement that they shall have served one-half of their minimum sentence.
3. An inmate shall use the Inmate Request Slip as the filing petition, articulating that the inmate is seeking consideration for sentence modification and shall submit the Inmate Request Slip to their case counselor.
4. Petitions filed by an inmate's attorney will be forwarded to the inmate's case counselor for processing in accordance with this policy.
5. Inmates who fall under one of the following criteria are NOT eligible for petitioning for a sentence modification or suspension:
  - a. Capital or First Degree Murder Sentences
  - b. The controlling sentence is a parole violation
  - c. The inmate has a conviction of escape from a secure facility with the past five years
  - d. The inmate is past their minimum parole eligibility date
  - e. The inmate is currently classified as C4 or C5
  - f. The inmate has not completed the requirements of their pre-release plan
  - g. The inmate has not been disciplinary free according to Attachment 1
  - h. The inmate has pending charges in other states/jurisdictions where a detainer has been lodged. Inmates who currently have outstanding charges in other states, in which the state will not lodge a detainer, are not precluded from petitioning.

#### C. Pre-review Process:

1. The assigned Case Counselor/Case Manager (CC/CM) shall meet with the inmate and confirm eligibility utilizing the eligibility checklist (Attachments 1, 1a and 1b) and forward the checklist, letters of recommendation and petition/application to the Warden.
2. The Warden will acknowledge receipt of the petition by IRS response to the inmate; the Warden will initiate the tracking log (Attachment 9), and will forward the packet to the Offender Records.
3. Offender Records will also confirm that the inmate meets the eligibility requirements, print and review a current NCIC report and will prepare a synopsis of the inmate's confinement history noting recommended programs, goals or identified needs. The inmate's assigned CC/CM shall provide Offender Records with a full description of the inmate's participation in such activities.
4. Offender Records shall forward the prepared reports and petition to the Warden of the prison within 30 calendar days of the request. The report should include facts related to the inmate's behavior,

attitude, work, education, training, program and/or treatment progress or completion, and other indicators of positive change.

5. The Warden or designee shall be responsible for tracking the petitions and preparing them for review by the Department's Sentence Modification Review (SMR) designees.

D. Review Procedures:

1. The Sentence Modification Review shall be conducted at a minimum of every 30 calendar days and review the submitted petitions, provided they meet qualifying criteria.
2. The review will be conducted by the Commissioner of Corrections, the applicable Warden, and the Director of Field Services, or their designees.
3. All pertinent records to include but not limited to criminal history and prior incarcerations will be considered to arrive at a consensus recommendation on the petition. In case of dispute, the Commissioner's recommendation shall become the Department's position.
4. The recommendation (which shall include reasons for the decision) will be:
  - a. No modification of sentence is recommended. If the SMR recommends no modification of sentence is warranted, the SMR will not consider another petition from that inmate for at least one year from the date of the decision.
  - b. A modification of sentence is recommended. Offender Records will send the recommendation along with a synopsis of the inmate's record, to the court pursuant to Superior Court Rule 103-A (Attachment 8).
  - c. The inmate's department and treatment participation has been acceptable, but no recommendation is offered because of the nature of the offense or other concern. The SMR will not consider another petition from that inmate for at least one year from the date of the decision.
5. Factors considered to be pertinent and required criteria for suitability are listed in Attachment 1.
6. An inmate will be notified of the Board's decision and may petition the courts upon notification that they are considered a suitable candidate for consideration of a sentence modification.
7. Upon request from the court, the Commissioner/designee will author and authenticate the Department's recommendation for consideration and send it, along with a synopsis of the inmate's record, to the court pursuant to Superior Court Rule 103-A.
8. The SMR shall review the court-submitted petition for accuracy and provide correction for any material errors and/or inaccuracies in the Department's response to the courts.
9. Offender Records will furnish the prosecutor's and the petitioner's attorney, if known, with the recommendations made to the court. These recommendations will be made in the form of a synopsis of the inmate's institutional history concluding with the Department's recommendation. The Department will maintain a record of petitions received, offenders involved, the recommendations and the court action taken, if any.
10. Attachments to the synopsis form may be used for brevity, clarity, or clerical ease but must be sent to all parties described above and must be part of the-review process. Pre-sentence investigations are not furnished in this process.
11. Non-media inquiries regarding information contained within the synopsis will be directed to Offender Records which will respond appropriately to the inquiry. Media inquiries should be made to the Department's Public Information Officer.

E. Other petition review:

1. Petitions for sentence modification or suspension pursuant to RSA 651:20.I (a) shall be processed upon request from the court and according to the procedures under RSA 651:20.I (b).
2. Petitions for sentence modification or suspension pursuant to RSA 651:20.I (c) shall be processed upon request and reviewed according to the procedures under RSA 651:20.I (b). In addition, a copy of the SMR-recommendation shall be sent to the Attorney General for review prior to filing with the court.

F. Continued Good Behavior

Recommendations for consideration are based on expectations that the inmate will remain in good standing. Negative behaviors exhibited after obtaining a recommendation may result in the withdrawal of the recommendation.

REFERENCES:

Standards for the Administration of Correctional Agencies  
Second Edition Standards

Standards for Adult Correctional Institutions  
Fourth Edition Standards

Standards for Adult Community Residential Services  
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services  
Third Edition Standards

Other

**RSA 651:20**

**RSA 651:25**

**State v. Reynolds 138 NH 519**

Kench/clr

Attachments

**Criteria for Suitability****A. Category I Sentence Modification Review Board**

(Criteria for non-violent offenders)

1. Must remain disciplinary free: (Worked Off D-Reports are not included)
  - a. No "A" level disciplinary convictions or pleas for 3 years
  - b. No "B" level disciplinary convictions or pleas for 2 years
  - c. No "C" level disciplinary convictions or pleas for 90 days
2. Obtain "Good" Work Reports
3. Obtain "Good" school grades (if applicable).
4. Meaningfully participate and complete all court-ordered programming.
5. Meaningfully participate and complete all DOC-ordered programming/self help groups.
6. Must not have a lengthy or repeat history of incarceration where he or she committed criminal activity as a regular source of income or lifestyle.
7. Must have no prior parole/probation failure in the past five years.
8. Must have at least 2 Letter of Recommendation Forms filled out by DOC staff who have had meaningful interactions with the inmate (not religious or other volunteers). There can be no more than one letter from a specific area, i.e., housing unit, treatment staff, program staff, etc.
9. Must have been determined through use of an evaluation tool if/as determined by the department to be of no greater risk leaving prison now, than at a later date.
10. Must have completed at least one-half of their minimum sentence.
11. Did participate and cooperate with all treatment goals as documented in the medical record and/or CORIS.
12. Did complete pre-release plan.
13. Meaningful participation in self improvement programs.
14. Demonstrates appropriate social responsibility
15. Did pursue and achieve a level of education and/or vocational training as recommended by the individual inmate plan.
16. Any other relevant criteria to include the nature of the crime or indicators that demonstrate a desire for positive change.

**B. Category II Sentence Modification Review Board**

Criteria for violent offenders (Violent Offender as defined in RSA 651-C:I (I-IX) Attachment 6):

1. Must remain disciplinary free: (Worked-off D-Reports are not included)
  - a. No "A" level disciplinary convictions or pleas for 5 years
  - b. No "B" level disciplinary convictions or pleas for 3 years
  - c. No "C" level disciplinary convictions or pleas for 180 days
2. Obtain "Excellent" Work Reports
3. Must have significant educational achievement, and obtain "Excellent" school grades.
4. Meaningfully participate in and complete all court-ordered programming/self help groups.
5. Meaningfully participate in and complete all DOC-ordered programming.
6. Must not have a lengthy or repeat history of incarceration where he or she committed criminal activity as a regular source of income or lifestyle.
7. Must have no prior parole/probation failure in the past five years.
8. Must have at least 4 Letter of Recommendation Forms filled out by DOC staff who have had meaningful interactions with the inmate (not religious or other volunteers). There can be no more than one letter from a specific area, i.e., housing unit, treatment staff, program staff, etc.
9. Must have been determined by use of an evaluation tool if/as determined by the Department to be of no greater risk leaving the prison now than at a later date, and is not categorized as a Sexually Violent Predator.
10. Must have completed at least *two-thirds* of original sentence.
11. Did participate and cooperate with all treatment goals as documented in the medical record and/or CORIS.
12. Did complete pre-release plan.
13. Meaningful participation in self improvement programs.

14. Demonstrates appropriate social responsibility
15. Did pursue and achieve a level of education and/or vocational training as recommended by the individual inmate plan.
16. Any other relevant criteria to include the nature of the crime or indicators that demonstrates a desire for positive change.
17. Must be actively involved in prison community through volunteer work, etc.
18. Must not meet criteria for RSA 135-E: Involuntary Civil Commitments of Sexually Violent Predators.

**PETITION TO MODIFY OR SUSPEND SENTENCE  
AS PER PPD 1.48, ATTACHMENT 1a  
CRITERIA CHECKLIST (Violent Offenders)**

**Inmate Name** \_\_\_\_\_  
**Inmate Number** \_\_\_\_\_  
**Housing Unit** \_\_\_\_\_  
**CC/CM** \_\_\_\_\_

<b>Requirements</b>	<b>Status</b>	<b>CC/CM Comments</b>
1. Must not meet criteria for RSA 135-E; Involuntary Civil Commitments of Sexually Violent Predators		
2. Must remain disciplinary free a. No "A" levels – 3 years b. No "B" levels – 2 years c. No "C" levels – 90 days		
3. Must have significant educational achievement and obtain "excellent" school grades		
4. Meaningfully participate and complete all court ordered programming/self help groups		
5. Meaningfully participate and complete all DOC ordered programming/self-help groups		
6. Must not have a lengthy or repeat history of incarceration		
7. Must have no prior parole/probation failure in the past 5 years		
8. Must be actively involved in Prison community through volunteer work, etc		
9. Must have completed at least <i>two-thirds</i> of original sentence		
10. Did participate and cooperate with all treatment protocols		
11. Obtain "excellent" work reports		
12. Did complete a pre-release plan		
13. Meaningful participation in self improvement program		
14. Demonstrates appropriate social responsibility		
15. Did pursue and achieve a level of education and/or vocational training as recommended by the individual inmate plan		
16. Must have at least four letters of recommendation forms filled out by the <b>DOC staff</b>		
17. Must have been determined by treatment professionals through the use of a evaluation tool if/as determined by the department to be of no greater risk of leaving prison now than at a later date, and are not categorized as a Sexually Violent Predator		

**PETITION TO MODIFY OR SUSPEND SENTENCE  
AS PER PPD 1.48, ATTACHMENT 1b  
CRITERIA CHECKLIST (Non-Violent Offenders)**

**Inmate Name** \_\_\_\_\_  
**Inmate Number** \_\_\_\_\_  
**Housing Unit** \_\_\_\_\_  
**CC/CM** \_\_\_\_\_

Requirements	Status	CC/CM Comments
1. Must remain disciplinary free a. No "A" levels – 3 years b. No "B" levels – 2 years c. No "C" levels – 90 days		
2. Obtain "good" school grades (if applicable)		
3. Meaningfully participate and complete all court ordered programming		
4. Meaningfully participate and complete all DOC ordered programming/self-help groups		
5. Must not have a lengthy or repeat history of incarceration		
6. Must have no prior parole/probation failure in the past 5 years		
7. Did participate and cooperate with all treatment protocols		
8. Obtain "good" work reports		
9. Did complete a pre-release plan		
10. Meaningful participation in self improvement program		
11. Demonstrates appropriate social responsibility		
12. Did pursue and achieve a level of education and/or vocational training as recommended by the individual inmate plan		
13. Must have at least two letters of recommendation forms Filled out by the <b>DOC staff</b>		
14. Must have been determined by treatment professionals through the use of a evaluation tool if/as determined by the department to be of no greater risk of leaving prison now than at a later date		
15. Any other relevant criteria or Indicators that demonstrate a desire for positive change		

Response to Motion to Suspend Sentence

Docket:

Inmate Name: ID Number: Facility: Housing Assignment:

This synopsis is a report of the information presently contained in the subject's Offender Record. The Pre-sentence Report filed in the above docket is incorporated by reference. Criminal Record and mental health data (where appropriate) are attached to the original file in court records.

**PRESENTLY HOUSED:**

**PRESENT CRIME:**

**PRIOR New Hampshire STATE PRISON INCARCERATIONS:**

**PAROLE VIOLATIONS:**

**PRESENT MINIMUM ELIGIBILITY DATE:**

**MAXIMUM RELEASE DATE:**

**COURT-ORDERED RECOMMENDATIONS:**

**CASE PLAN REQUIREMENTS:**

**CASE PLAN RECOMMENDATIONS:**

**STATUS OF REQUIREMENTS:**

**STATUS OF RECOMMENDATIONS:**

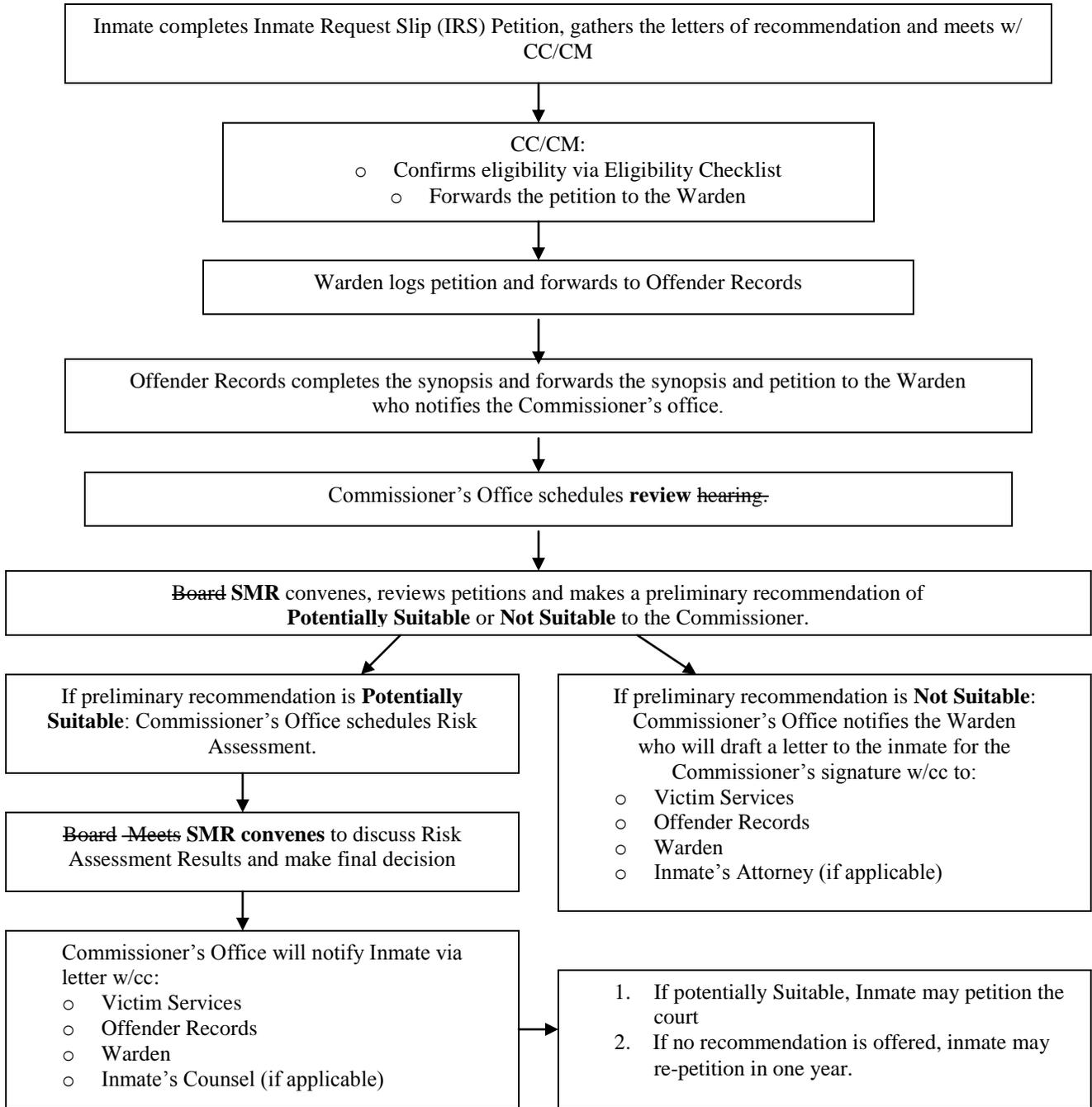
**OTHER PERTINENT INFORMATION:**

**CASE COUNSELOR COMMENTS:**

**DISCIPLINARY RECORD:**

CC: County Attorney  
Defense Counsel  
Inmate

PPD 1.48  
 Petition for a Recommendation for Modification of Sentence  
 Process Map





**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS**

P.O. BOX 1806  
CONCORD, NH 03302-1806  
603-271-5603 FAX: 603-271-5643  
TDD Access: 1-800-735-2964

**William Wrenn  
Commissioner**

**Letter of Recommendation Form**  
(For Internal NH DOC Use Only)

**From:**  
(Staff member making recommendation)

**Date:**

**Position:** **No. of Years with NHDOC:**

**Re: Inmate Name:** **ID No.:** **Housing Unit:**

Pursuant to PPD 1.48, the information contained herein is an accurate reflection of my professional interaction with and knowledge of the aforementioned inmate. The below statement(s) is/are my professional opinions and is/are supported by factual information, observations and documentation.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**SENTENCE MODIFICATION CONSIDERATION  
ROUTING SHEET**

SUBJECT: \_\_\_\_\_ BOOKING # \_\_\_\_\_ DATE: \_\_\_\_\_

Current Housing: \_\_\_\_\_ County of Proposed Residence: \_\_\_\_\_

ORIGINATOR \_\_\_\_\_ MINIMUM PAROLE DATE: \_\_\_\_\_

**Victim/Witness Notification** Y N (circle one). If yes, notified Victim Services Office on:

**(REFER TO THE KEEP SEPARATES SCREEN ON CORIS)**

\_\_\_\_\_ Date

\_\_\_\_\_ CC/CM Signature

ADDRESSEE	DATE IN	DATE OUT	INITIALS	RECOMMEND
CC/CM :				
Comments:				
Warden:				
Offender Records :				
Comments:				
Warden:				
Comments:				
Commissioner:				
Comments:				

**651:20 Incarceration Under Suspended Sentence. –**

I. Notwithstanding any other provision of law, except as provided in subparagraphs (a), (b), and (c), the sentence to imprisonment of any person may be suspended by the sentencing court at the time of imposition of the sentence or at any time thereafter in response to a petition to suspend sentence which is timely brought in accordance with the limitations set forth below in subparagraphs (a), (b), and (c).

(a) Any person sentenced to state prison for a minimum term of 6 years or more shall not bring a petition to suspend sentence until such person has served at least 4 years or 2/3 of his minimum sentence, whichever is greater, and not more frequently than every 3 years thereafter. Any person sentenced to state prison for a minimum term of less than 6 years shall not bring a petition to suspend sentence until such person has served at least 2/3 of the minimum sentence, or the petition has been authorized by the sentencing court. For the purposes of this subparagraph:

(1) For concurrent terms of imprisonment, the minimum term shall be satisfied by serving the longest minimum term imposed, and the maximum term shall be satisfied by serving the longest maximum term.

(2) For consecutive terms of imprisonment, the minimum terms of each sentence shall be added to arrive at an aggregate minimum term, and the maximum terms of each sentence shall be added to arrive at an aggregate maximum term.

(b) A petition to suspend the sentence of any state prisoner may be brought at any time if, prior to the petition being filed, the commissioner of the department of corrections has found that the prisoner is a suitable candidate for suspension of sentence.

(c) A petition to suspend the sentence of any state prisoner may be brought at any time by the attorney general in recognition of substantial assistance by the inmate in the investigation or prosecution of a serious felony offense.

(d) Petitions filed which do not meet the criteria in (a), (b), or (c) above shall be dismissed without a hearing.

II. A person whose sentence has been suspended may be required to report to the institution to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct, except that weekend sentence provisions do not apply to the New Hampshire state prison. Time so spent in said institution shall be deducted from the maximum term, and where there is both a minimum and maximum term, from both. Any part of a day spent in the institution shall count as a full day toward the sentence.

III. As a condition of any suspension of sentence, the court may include restitution to the victim, as provided in RSA 651:6267, performance of uncompensated public service as provided in RSA 651:6870, and such other conditions as the court may determine.

Source. 1971, 518:1. 1979, 407:3. 1981, 516:1. 1982, 36:3. 1990, 266:3. 1992, 254:13. 1994, 129:1, eff. July 22, 1994; 192:5, eff. July 1, 1994. 1996, 286:5, eff. July 1, 1997. 2008, 114:1, eff. January 1, 2009.

**Amendments**

2008. The 2008 amendment in the introductory language of I(a), added for a minimum term of 6 years or more in the first sentence and added the second and third sentences; added I(a)(1) and I(a)(2).

# TITLE LXII CRIMINAL CODE

## CHAPTER 651-C DNA TESTING OF CRIMINAL OFFENDERS

### Section 651-C:1

**651-C:1 Definitions.** – In this chapter:

I. "CODIS" means the Combined DNA Index System, the FBI's national DNA identification index system.

II. "Department" means the department of safety.

III. "Division" means the division of state police, department of safety.

IV. "DNA" means deoxyribonucleic acid.

V. "DNA record" means the DNA identification information stored in the state DNA database or CODIS for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the objective form of the DNA analysis test and may include numerical representation of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and similar characteristics obtained from a DNA sample, all of which are of value in establishing the identity of individuals. A DNA record may not specify the presence, absence, or alteration of any gene or chromosome.

VI. "DNA sample" means a blood, tissue, hair follicle, or other biological sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

VII. "FBI" means the Federal Bureau of Investigation.

VIII. (a) "Sexual offender" means a person who has been convicted of any violation of:

(1) RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4; or

(2) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (1).

(b) "Sexual offender" also means a juvenile who has been found delinquent because of actions which, if the juvenile were an adult, would be crimes under RSA 632-A:2, 632-A:3, or 632-A:4. In the case of a juvenile offender, a DNA sample shall be provided prior to the juvenile's eighteenth birthday, or in the case of a person sentenced under RSA 169-B:4, prior to such person's nineteenth birthday.

IX. "Violent crime" means a capital, first degree, or second degree murder, attempted murder, manslaughter, first degree assault, second degree assault, felony arson, kidnapping, robbery, felony burglary, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.

**Source.** 2002, 183:1, eff. May 15, 2002.

# TITLE X PUBLIC HEALTH

## CHAPTER 135-E INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

### Section 135-E:2

**135-E:2 Definitions.** – In this chapter:

I. "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the department of corrections, or a person who was involuntarily committed upon a finding that the person was not guilty by reason of insanity or incompetent to stand trial.

II. "Commissioner" means the commissioner of the department of corrections.

III. "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Found incompetent to stand trial on a charge of a sexually violent offense and the court makes the finding required pursuant to RSA 135-E:5.

IV. "Court" means the superior court in the county where that person was last convicted of a sexually violent offense, or if the person is in custody on an out-of-state or federal sexually violent offense the county where the person plans to reside upon release or, if no residence in this state is planned, in the county where the facility from which the person to be released is located.

V. "Department" means the department of corrections.

VI. "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree that the person has serious difficulty in controlling his or her behavior as to pose a potentially serious likelihood of danger to others.

VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

VIII. "Parole board" means the adult parole board established in RSA 651-A:3.

IX. "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this chapter.

X. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

XI. "Sexually violent offense" means:

(a) Capital murder in violation of RSA 630:1, I(e);

(b) First degree murder in violation of RSA 630:1-a, I(b)(1);

(c) Aggravated felonious sexual assault in violation of RSA 632-A:2;

(d) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;

(e) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;

(f) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or

(g) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense;

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and

(c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B.

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections or the department of health and human services. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections or is being held in any other secure facility for any reason. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

**Source.** 2006, 327:21, eff. Jan. 1, 2007. 2007, 337:1, 2, eff. Jan. 1, 2008.

THE STATE OF NEW HAMPSHIRE v. JOSEPH LECOUFFE  
SUPREME COURT OF NEW HAMPSHIRE  
152 NH 148152 N.H. 148; 872 A.2d 773872 A.2d 773; 2005 NH LEXIS 562005 N.H. LEXIS 56  
No. 2004-526  
April 22, 2005, Opinion Issue

The terms of a criminal defendant's sentence, particularly those addressing when he is allowed to bring petitions to suspend his sentence, are governed by the statutes in effect when he committed his crime – See *State v. Reynolds*, 138 N.H. 519, 522-23, 642 A.2d 1368 (1994). The defendant committed his crimes in 1990, and the version of RSA 651:20 in effect at the time allowed state prisoners to bring petitions to suspend their sentences every two years. RSA 651:20. Following the rule laid out in *Reynolds*, the defendant's sentence is governed by the 1990 version of RSA 651:20. He is, therefore, entitled to petition the court for suspension of his sentence every two years.

**Superior Court Rule 103-A**

Superior Court Rule 103-A states “Whenever any petition to suspend, amend, reduce or otherwise change the custody status of any person incarcerated in New Hampshire State Prison is filed with the Court, a copy thereof shall be forwarded by counsel for the defendant to the Prosecutor and the Warden of the State Prison. In the event that the defendant files such petition pro se, the Clerk shall forward a copy thereof to the Prosecutor and the Warden of the State Prison. The Prosecutor and the Warden of the State Prison shall have a period of thirty (30) days in which to file a response thereto with copies thereof furnished to petitioner, or petitioner’s counsel, if represented. This rule does not apply to petitions for habeas corpus.”

