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Judge Orders Woodburn Attorney To Court

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Calling it an "11th hour" attempt to delay trial, a judge has denied a request by defense attorney Mark Sisti, pictured here at Coos Superior Court in August, to continue to a later date the domestic violence trial for ex-state Sen. Jeff Woodburn. (File photo by Robert Blechl)

Calling it an "11th-hour" attempt to delay the trial, a judge has ordered the attorney for ex-state Sen. Jeff Woodburn to court.

On Tuesday, defense attorney Mark Sisti filed a motion to continue Woodburn's three-day domestic violence/simple assault trial, which is scheduled from Tuesday, March 12 to Thursday, March 14, because he is the town moderator of Gilmanton and said he couldn't be at court on March 12, which is New Hampshire town meeting day.

Prosecutors from the office of the New Hampshire Attorney General objected, arguing that the trial was scheduled eight months ago and Sisti only told the court during a status conference on Feb. 15 that he couldn't be at court for the first day of the trial, which they said cannot go into Friday, March 15, because of the court's inability to shift trial dates on such late notice.



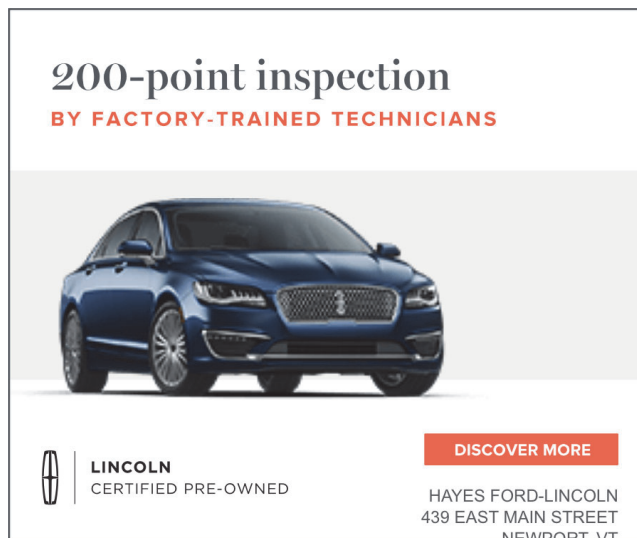
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On Thursday, Coos Superior Court Peter Bornstein denied Sisti's motion to continue the trial to a later date.

“The defendant’s motion to continue is extremely untimely, and the defendant has not articulated any good cause for filing this motion ‘at the eleventh hour,’” wrote Bornstein.

Citing case law, the judge said courts have a legitimate interest in enforcing scheduling deadlines to manage a pending case and retain the credibility of deadlines in future cases.

The alleged victim (Emily Jacobs, Woodburn’s former fiancée) also has an interest in the trial proceeding on the dates on which it was scheduled to be conducted more than eight months ago, said Bornstein.



He confirmed that March 15 is not an available trial date.

“Defense counsel has not even asserted, much less demonstrated, good cause or any exceptional circumstances that account for his failure to file a motion to continue in a timely manner,” wrote Bornstein. “Defense counsel likely knew or should have known at least eight months ago that the 2024 Gilmanton town meeting was scheduled for March 12, 2024, inasmuch as the date of annual town meetings in New Hampshire is prescribed by statute.”

Nevertheless, Sisti (who has served as Gilmanton town moderator since 2004) did not move to continue the March 12-14 trial after receiving the June 2023 trial notice, nor did he move to continue after receiving the August amended notice of jury trial, he said.

“Having considered the procedural history and posture of this case and all other relevant circumstances, the court denies the defendant’s untimely motion to continue,” wrote Bornstein.

Amanda Grady Sexton, director of public affairs for the New Hampshire Coalition Against Domestic and Sexual Violence, applauded the ruling.

“Victims in New Hampshire are often subjected to unnecessary delays in the courtroom,” she said. “Defense attorneys should not be permitted to use continuances as a legal strategy to benefit their clients and delay justice. Victims are afforded rights under New Hampshire law and should not be subjected to these types of unnecessary and unfair delays. Judges must take victims’ rights into consideration and stop this unethical practice. Six years is far too long for any victim to wait for justice.”

The trial comes after the New Hampshire Supreme Court, in March 2023, overturned Woodburn’s 2021 jury trial convictions on one count each of misdemeanor domestic violence and simple assault and remanded the charges back to the superior court.