

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Chad Evans,
Petitioner

v.

No. 1:08-cv-105-JD

Warden,
New Hampshire State Prison,
Respondent

CROSS-MOTION FOR SUMMARY JUDGMENT

Chad Evans files a Cross-Motion for Summary Judgment.

As grounds, Evans states:

1. He incorporates by reference all factual assertions and legal arguments in his Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254.

2. Evans agrees that no evidentiary hearing is necessary to resolve the pending claims and that the Court may enter judgment on the pleadings.

3. For the reasons stated in his Petition, as well as his Memorandum of Law in support of both his Objection to the Warden's Motion for Summary Judgment and his Cross-Motion for Summary Judgment, Evans asserts that he is entitled to summary judgment on the pleadings.

WHEREFORE, Mr. Evans respectfully requests that this Honorable Court:

-2-

- a. Grant his Cross-Motion for Summary Judgment; and
- b. Order the Sentence Review Division of the New Hampshire Superior Court to reinstate Evans's sentence of 28 years to life in prison.

Respectfully submitted,

/s/ David M. Rothstein

By _____
David M. Rothstein #5991
Deputy Chief Appellate Defender
Appellate Defender Program
2 White Street
Concord, NH 03301
603) 228-9218
Email: drothstein@piercelaw.edu

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been emailed this 17th day of March, 2010, to:

Elizabeth C. Woodcock
ASsistant Assistant Attorney General
at: Elizabeth.Woodcock@doj.nh.gov

/s/ _____
David M. Rothstein

DATED: March 17, 2010