

# THE STATE OF NEW HAMPSHIRE

## SUPREME COURT

**In Case Nos. 2014-0112 and 2014-0743, State of New Hampshire v. Samuel Pennock, the court on December 3, 2015, issued the following order:**

After review of the defendant's motion for reconsideration, the court modifies the slip opinion dated October 27, 2015, as set forth below. In all other respects, the defendant's motion for reconsideration is denied.

The slip opinion is modified as follows:

1. On page 11 of the opinion, the first sentence of the fourth paragraph is deleted and replaced with the following:

Here, viewing the evidence and all reasonable inferences from it in the light most favorable to the State, we conclude that a rational trier of fact could have found, beyond a reasonable doubt, that the defendant provoked the victim verbally with a purpose to cause her physical harm, was the initial aggressor in the altercation, and/or that he used an unreasonable degree of force.

2. On page 16 of the opinion, the term "post-trial" is deleted whenever it refers to the victim's admission. Accordingly, it is deleted in: (1) the first paragraph, lines 3 and 6; (2) the third paragraph, line 6; and (3) the fourth paragraph, lines 2, 5, and 6.

Reconsideration denied;  
slip opinion modified.

Dalianis, C.J., and Hicks, Conboy, Lynn, and Bassett, JJ., concurred.

**Eileen Fox,**  
**Clerk**