

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

In Case No. 2014-0299, State of New Hampshire v. Jason Czekalski, the court on May 23, 2017, issued the following order:

After review of the defendant's motion for reconsideration and the State's motion to reconsider, the court modifies the slip opinion as set forth below. In all other respects, the parties' motions are denied.

The slip opinion dated April 11, 2017, is modified as follows:

Pages 5-6, delete the paragraph beginning on page 5 and continuing on page 6, and replace it with the following:

The sentence upon which the defendant relies does not apply to interceptions allowed by RSA 570-A:2, II(d). The second sentence of subparagraph VII(a) applies only to recordings made under "this paragraph," meaning paragraph VII of RSA 570-A:9. By its plain terms, the second sentence does not apply to recordings made pursuant to subparagraph II(d) of RSA 570-A:2.

Page 6, delete the first full paragraph and replace it with the following:

Moreover, while the first sentence of RSA 570-A:9, VII(a) discusses communications "intercepted by any means authorized by this chapter," the second sentence discusses only communications recorded "under this paragraph." *Id.* (emphases added). When interpreting a statute, "[w]e must give effect to all words in a statute, and presume that the legislature did not enact superfluous or redundant words." *State v. Burke*, 162 N.H. 459, 461 (2011). Thus, we must presume that the legislature intended the words "chapter" and "paragraph" to have different meanings. In context, the word "chapter" refers to RSA chapter 570-A and the word "paragraph" refers to paragraph VII of RSA 570-A:9.

Except for its first sentence, paragraph VII of RSA 570-A:9 pertains only to court-ordered interceptions. Therefore, we conclude that the legislature's use of the word "paragraph" was intended to make the second sentence of RSA 570-A:9, VII(a) apply only to court-ordered interceptions, and not to all interceptions allowed by RSA chapter 570-A.

Accordingly, assuming without deciding that the first sentence applies to the communication at issue because it was intercepted by a means “authorized by this chapter,” we, nonetheless, conclude that the second sentence does not apply because the communication was not recorded “under this paragraph.” RSA 570-A:9, VII(a).

Reconsideration denied;
slip opinion modified.

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

Eileen Fox,
Clerk