SUPREME COURT OF NEW HAMPSHIRE

Starr v. Governor

151 N.H. 608 (2004) · Decided December 29, 2004

SUMMARY

The New Hampshire Supreme Court held that RSA 524:1-b requires mandatory interest on pecuniary damages awarded in an equity proceeding. The court concluded that all prisoners receiving damages from the invalid 5% prison canteen surcharge were entitled to judgment interest, and it reversed and remanded. The plaintiff’s separate challenge to a later 6% surcharge was not preserved for appellate review.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Nadeau, J.; Dalianis, J.; Duggan, J.; Galway, J.
JURISDICTION	New Hampshire
DECIDED	December 29, 2004
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the New Hampshire trial court denying the plaintiff's request for interest on a judgment obtained against the State and failing to address the legality of a later prison-canteen surcharge.
STANDARD OF REVIEW	De novo review applies to the interpretation of a statute because statutory interpretation presents a question of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Darren Starr v. Governor, State of New Hampshire

TOPICS

statutory interpretation · remedies · appellate procedure · preservation of error · standard of review

PRACTICE AREAS

statutory interpretation · remedies · appellate procedure · constitutional law

QUESTIONS PRESENTED

1. Whether RSA 524:1-b requires the clerk to add judgment interest to pecuniary damages awarded in an equity proceeding.
2. Whether all prisoners who received pecuniary damages from the equity action were entitled to judgment interest, or whether interest was limited to the named plaintiff and other formal parties.
3. Whether the legality of the subsequently imposed 6% prison-canteen surcharge was preserved for appellate review.

HOLDINGS

1. RSA 524:1-b makes the addition of judgment interest mandatory, not discretionary, when pecuniary damages are awarded in an equity proceeding.
2. The request for judgment interest was not untimely because interest could not be added until judgment was entered.
3. All prisoners who received pecuniary damages as a result of the equity action were entitled to judgment interest.
4. The court could not review the legality of the subsequent 6% surcharge because the plaintiff failed to alert the trial court to the alleged error.

KEY QUOTATIONS

> *"We will neither consider what the legislature might have said nor add words that it did not see fit to include."* (151 N.H. at 610)

> *"Because we conclude that the language of the statute is mandatory, we need not address the State's argument that an award of interest would constitute unjust enrichment."* (151 N.H. at 610)

> *"Accordingly, all prisoners who receive pecuniary damages as a result of this equity action are entitled to judgment interest."* (151 N.H. at 611)

FACTUAL BACKGROUND

The plaintiff, an incarcerated person in the New Hampshire State Prison system, challenged a 5% surcharge on goods sold at the prison canteen. The Supreme Court previously held that the surcharge was a tax that was disproportionately applied and unconstitutional, leading to an order requiring reimbursement to affected prisoners. On remand, the plaintiff sought judgment interest under RSA 524:1-b, and also asserted that the canteen later imposed a 6% surcharge without amending its procedures.

PROCEDURAL HISTORY

The plaintiff challenged a 5% surcharge imposed on goods sold at the New Hampshire State Prison canteen. In Starr I, the Supreme Court held that the surcharge was an unconstitutional tax and remanded; the trial court then ordered reimbursement, and the Supreme Court summarily affirmed that order. After the State filed a schedule of compliance, the plaintiff sought mandatory costs and judgment interest under RSA 524:1-b, but the trial court denied the requests. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court was required to award judgment interest to prisoners receiving pecuniary damages as a result of the equity action and otherwise proceed consistently with the opinion.

CASES CITED

- Starr v. Governor, 148 N.H. 72 (2002)
- Starr & a. v. Governor & a., No. 2003-0465 (N.H. 2003)
- Hutchins v. Peabody, 151 N.H. 82, 84 (2004)
- N.H. Dep't of Resources and Economic Dev. v. Dow, 148 N.H. 60, 63-64 (2002)
- Nault v. N & L Dev. Co., 146 N.H. 35, 38 (2001)
- N.H. Dep't of Corrections v. Butland, 147 N.H. 676, 679 (2002)
