

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, S.S.
216-2022-CR-03011

SUPERIOR COURT
NORTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

ALEXANDRA ECKERSLEY

OBJECTION TO MOTION FOR PROBABLE CAUSE HEARING

NOW COMES, the State of New Hampshire by and through the Hillsborough County Attorney's Office, Shawn P. Sweeney, with this objection to defendant's motion for a probable cause hearing and in support thereof states as follows:

1. The defendant has been charged with the following offenses:

Falsifying Physical Evidence (class B felony) in that, believing an investigation was about to be instituted, Eckersley concealed the location of her newborn infant with the purpose to impair its availability in such investigation.

Second Degree Assault (class B felony) in that Eckersley caused bodily injury to another under circumstances manifesting extreme indifference to the value of human life, when Eckersley caused respiratory distress to her newborn infant when she abandoned the newborn infant where the ambient temperature was extremely cold.

Second Degree Assault (class B felony) in that Eckersley recklessly caused bodily injury to another under circumstances manifesting extreme indifference to the value of human life, when Eckersley caused hypothermia to her newborn infant when she abandoned the newborn infant where the ambient temperature was extremely cold.

Endangering the Welfare of a Child (class A misdemeanor) in that Eckersley knowingly endangered the welfare of her newborn infant by purposely violating a duty of care, which endangered the infant's health or safety, when Eckersley abandoned the newborn infant in a tent without heat or proper clothing in the woods

when the outside temperature was approximately 15 degrees Fahrenheit and failed to seek medical assistance for over an hour.

Reckless Conduct (class A misdemeanor – extended term) in that Eckersley recklessly engaged in conduct that placed another in danger of serious bodily injury when Eckersley abandoned her newborn infant where the ambient temperature was extremely cold.

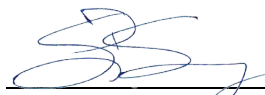
2. The Grand Jury has returned true indictments on all the felonies and the extended term misdemeanor. The charge of Endangering the Welfare of a Child was not presented to the Grand Jury as it is an information.
3. All the charges arise from the defendant giving birth in a tent and abandoning the baby in approximately 18-degree temperatures for over an hour without seeking any assistance or providing any care for the baby.
4. The baby was crying prior to its abandonment. The defendant left the baby to seek warmth and request emergency services for her own care fearing that her health may be at significant risk.
5. While the defendant was being warmed and treated by paramedics, members of the rescue team were attempting to locate the abandoned baby.
6. After receiving treatment by the rescue team, the defendant refused to be transported to the hospital. The defendant misdirected the rescue team for an extended period indicating that she was unable to remember where she had abandoned the baby. The defendant was returned to the ambulance to be reassessed for her fitness to continue to aid in the search.
7. Upon return to the ambulance, the defendant admitted that she had misled the rescue team and that she knew the location of the abandoned baby. The defendant then directed the rescue team to the baby after more than an hour.

8. The rescue team located the baby lying uncovered and unclothed on the floor of a tent suffering from hypothermia and related symptoms.
9. The rescue team warmed the baby and performed CPR and ran back to emergency vehicles with the baby. CPR continued while the baby was transported to the hospital. The baby's condition improved marginally during transport.
10. The defendant again declined medical assistance and agreed to go to the police station to speak with detectives in exchange for some food and a light of her cigarette.
11. "A probable cause hearing shall be scheduled in accordance with this rule in any case which is beyond the trial jurisdiction of the circuit court-district division and in which the defendant has not been indicted." NH R. Crim. Pro. 6 (a)(1) Probable Cause Hearing Jurisdiction.
12. Where the defendant in the above captioned matter has been indicted by the Grand Jury on January 19, 2023, NH R. Crim. Pro. 6 (a)(1) is not applicable.

Wherefore, the State request that this Honorable Court provide the following relief:

- A. Deny defendant's motion, and
- B. Such other relief as the Court deems just and equitable.

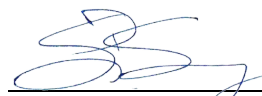
Respectfully Submitted,
State of New Hampshire,



Shawn P. Sweeney, Esq. #14940
Hillsborough County Attorney's Office
300 Chestnut Street
Manchester NH 03101
(603) 627-5605

CERTIFICATION

This motion has been uploaded and filed this date in accordance with eFile & Serve rules.



Shawn P. Sweeney