

Clerk's Notice of Decision
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on 08/22/2025

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

CARROLL, SS.

JUNE TERM, 2025

DEFERRED, by agreement, until
trial. See record of hearings on
7/21/25 and 8/21/25.

State of New Hampshire

v.

William Kelly
212-2023-CR-0337



Honorable Mark D. Attorri

August 21, 2025

MOTION IN LIMINE: PRECLUSION OF VICTIM MEDICAL INFORMATION

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General (“the State”), and respectfully submits the following motion in limine, seeking to preclude any introduction by the defense regarding the adult victim’s and unborn child victim’s toxicology results, absent a preliminary showing of relevance as well as admissibility under New Hampshire Rule of Evidence 403. In support of this motion, the State submits the following.

1. The defendant is charged with two counts of reckless second-degree murder, arising out of the beating death of his girlfriend Christine Falzone and the resulting death of her unborn child on about December 17, 2023, in Ossipee, New Hampshire. Trial is scheduled to commence with jury selection on November 3, 2025.
2. As part of the autopsies conducted on Ms. Falzone and the unborn child, samples of their blood were separately submitted for toxicology screening, a process that identifies a wide array of substances, including, for example, caffeine and nicotine.
3. To the extent that the defense seeks to elicit results from either or both toxicology screening, the State would object to the elicitation of any such information. In particular, the

State cites to New Hampshire Rules of Evidence 403, and objects on the basis, among others, that such information is irrelevant.¹

4. By this motion, the State does not set forth its full factual and legal bases for objection. Nor should the State do so at this time. The State has alerted the Court and defense counsel to the evidentiary issue raised herein. As the proponent of such possible evidence, it is incumbent upon defense counsel, should counsel seek to elicit it, in the first instance to identify for the Court outside the presence of the jury what is sought to be elicited and the proffered legal basis for admission thereof. N.H. R. Evid. 103(d) (“To the extent practicable, the court must conduct a jury trial so that inadmissible evidence is not suggested to the jury by any means.”).

5. Lastly, should the defense attempt to seek to introduce the information at issue, and set forth a potential factual predicate therefore, the defense should do so under seal, as it would reference confidential medical information regarding the victim of a crime. See RSA 21—M:8—k, I(a) & II(a); N.H. R. Crim. Proc. 50(b)(3)(B)(ii).

¹ The State also raises a hearsay objection under Rule 802, but would withdraw such objection were a proper foundation to be laid.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- A. Grant the State's motion; and
- B. Grant such further relief as may be just and proper.

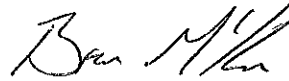
Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

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June 25, 2025



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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been provided to Brett W. Newkirk, Esq., and Katherine Canny, Esq., counsel for the defendant, via the electronic case filing system.



Peter Hinckley