

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

CARROLL, SS.

JUNE 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



Honorable Mark D. Attorri

Docket No: 212-2023-CR-337

August 21, 2025

**STATE'S MOTION IN LIMINE: TO PRECLUDE RECOVERY OF PRESCRIPTION
MEDICATION**

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 regarding recovered prescription medications for the adult victim. Such information is not relevant in the first instance under New Hampshire Rule 403, and in any event any possible relevance would be substantially outweighed by countervailing circumstances such as juror confusion. 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 documentation of the residence where the victim was found, investigators documented a number of prescription medications in her name, including the names

of those medications.¹ As part of the autopsies conducted on Ms. Falzone and the unborn child, separate toxicology testing was performed on each. Neither toxicology result indicated the presence of medications—prescribed or unprescribed.

3. To the extent that the defense seeks to elicit that investigators recovered a number of prescription medications in Ms. Falzone's name, and/or the names of such medication, the State objects. In particular, the State cites to New Hampshire Rules of Evidence 403, and objects on the basis, among others, that such information is irrelevant and that whatever relevancy the defense may advance would be substantially outweighed by "unfair prejudice, confusing the issues, [and] misleading the jury." N.H. R. Evid. 403.

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."). Nor should the State attempt to surmise for the defense a possible relevancy for the identified information.

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 alleged 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 facts set forth in this motion are based on information contained in Discovery previously provided to the defense.

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

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: June 27, 2025



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic filing to Brett Newkirk, Esq., and Katherine Canny, Esq., counsel for the defendant.



Peter Hinckley