

THE STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

V.

DUSTIN DUREN

214-2024-CR-28

**DEFENDANT'S MOTION IN LIMINE: EXCLUDE AMBER ALERT EVIDENCE**

NOW COMES the defendant, Dustin Duren, by and through counsel, Hanna K. Kinne, Esq., and respectfully requests this Honorable Court to exclude evidence of the existence of an Amber Alert at trial. Such evidence is prohibited under NH R. Evid. 401, 402, and 403. In support, the following is stated:

1. The defendant is scheduled for a jury trial on **October 20, 2025**.
2. Based on the two witness lists submitted by the state, it would appear the state may try to introduce evidence of the existence of an Amber Alert issued by law enforcement on March 1, 2024. Both Amber Legace and Trooper Justin Rowe are expected to testify about the Amber Alert.
3. Specifically, state's discovery would indicate that the defendant called his father after the shooting to report it to the police. His father called 9-1-1 and let them know what the defendant told him, and that he and his two daughters were traveling by car.
4. As a result of that 9-1-1 call, the police began an investigation that included both a "Be on the Lookout" (BOLO) and Amber Alert being issued. Within hours, the defendant had been arrested and the Amber Alert was canceled.
5. The existence of the Amber Alert is not relevant. It does not have any tendency to make a fact more or less probable; it is not a fact of consequence to determine the action. See NH R. Evid. 401(a),(b). The existence of an Amber Alert does not prove whether the defendant's actions were justified. It is therefore irrelevant evidence that is not admissible. See NH R. Evid. 402.
6. Even if this Court determined that evidence related to the Amber Alert is somehow relevant, it must still be excluded, as its probative value is *substantially* outweighed by

a danger of unfair prejudice, confusing the issues, cumulative evidence, and misleading the jury.  
See NH R. Evid. 403.

7. The existence of an Amber Alert (erroneously) suggests the defendant did not have a legal right to custody of his children, and therefore is substantially more prejudicial than any probative value it may have. If admitted, it could confuse the issues and mislead the jurors. Further, it is cumulative, as the state can introduce evidence of the BOLO.

8. The Court must exclude any evidence of the existence of an Amber Alert from trial.

WHEREFORE the defendant respectfully requests this Honorable Court exclude evidence of the existence of an Amber Alert at trial.

Respectfully submitted,

/s/ Hanna K. Kinne

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**CERTIFICATE OF SERVICE:**

I hereby certify that a copy of this Motion has been forwarded electronically to Attorneys Bethany Durand and Joshua Speicher of the Office of the Attorney General this 10th day of October, 2025.

/s/ Hanna K. Kinne

Hanna K. Kinne, Esq.