

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
DOCKET NO. 216-2022-CR-03011

SUPERIOR COURT  
NORTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

ALEXANDRA ECKERSLEY

**MOTION FOR JUDICIAL NOTICE OF HYPOTHERMIA**


**NOW COMES**, the State of New Hampshire, by and through the Hillsborough County Attorney's Office, Shawn P. Sweeney, Esq. with this motion for the Court to take judicial notice

1. "New Hampshire Rule of Evidence 201(a) provides that [a] court may take judicial notice of a fact. A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." *State v. Gagnon*, 924 A.2d 384 386-7, 155 N.H. 418 (N.H. 2007).
2. Hypothermia is defined as subnormal temperature of the body. "*Hypothermia*." *Merriam-Webster.com Dictionary, Merriam-Webster*, <https://www.merriam-webster.com/dictionary/hypothermia>.
3. Hypothermia is defined as "Lowering of core body temperature to below 35°C as a result of exposure to extreme cold, causing rapid, progressive mental and physical collapse." OxfordReference.com <https://www.oxfordreference.com/search?q=hypothermia&searchBtn=Search&isQuickSearch=true>.

**WHEREFORE**, the State respectfully requests that this Honorable Court:

- A. Take judicial notice that hypothermia is defined as: lowering of core body

After review and consideration, and for the reasons set forth in the defendant's objection, particularly paragraphs 9 through 14, the motion is DENIED.

  
Honorable Amy B. Messer  
March 28, 2024

Clerk's Notice of Decision  
Document Sent to Parties  
on 03/29/2024

temperature to below 35 degrees centigrade (95 degrees Fahrenheit) as a result of exposure to extreme cold, causing rapid, progressive mental and physical collapse.

B. Grant the State any such other relief as may be proper and just.

DATED: March 21, 2024

Respectfully Submitted,

/s/ Shawn P. Sweeney

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Shawn P. Sweeney #14940

**CERTIFICATION**

I hereby certify that the foregoing motion has been filed in accordance with efile and serve rules.

/s/ Shawn P. Sweeney

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Shawn P. Sweeney