

STATE OF NEW HAMPSHIRE

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

SUPERIOR COURT
NORTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

ALEXANDRA ECKERSLEY

MOTION FOR PRODUCTION OF DOCUMENTS

NOW COMES, the State of New Hampshire by and through the Hillsborough County Attorney's Office, Shawn P. Sweeney, with this motion for production of records in the above captioned matter:

1. The above captioned matter is scheduled for jury selection on July 22, 2024. The State was served with an order on May 20, 2024, denying its motion to exclude the testimony of Dr. Mathilde Pelaprat.
2. Dr. Pelaprat represented that she reviewed over twenty years of the defendant's medical records along with school records, police reports, and interviews with the defendant's parents. (Doc. 86, Ex. A (Dr. Pelaprat's Report) at 2-5.).
3. "Not less than sixty calendar days prior to jury selection...the defendant shall provide the State with copies of or access to all books, papers, documents, photographs...which are intended for use by the defendant as evidence at the trial..." NH R. Crim. Proc. 12(b)(2).
4. The State has requested production of the documents that Dr. Pelaprat reviewed both on and off the record and defense counsel has not provided said documents. A trial date now approaches in less than two months.



Honorable Amy B. Messer

June 2, 2024

During pretrial hearings, the defense has repeatedly mentioned that the 20 years of documents in their possession contain several thousand pages.

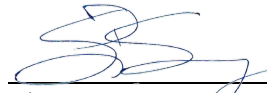
Once a party has identified an expert as a trial expert, she becomes obligated to disclose the full extent of the expert's opinions and the factual basis underlying those opinions. This obligation does not apply to nontestifying consultants unless it can be shown that exceptional circumstances warrant the disclosure of information in the consultant's possession that the opposing party cannot obtain by other means. Johnston v. Lynch, 133 N.H. 79 (1990). Where, as here, the defendant has disclosed Dr. Pelaprat as a trial witness, as opposed to a litigation consultant, the Court finds that the underlying facts and data upon which she bases her opinions are properly disclosed to the State and the motion is GRANTED. The defendant shall make such disclosure within 10 days of the Notice of Decision on this order.

6. "If at any time during the proceedings it is brought to the attention of the court that a party has failed to comply with this rule, the court may take such action as it deems just under the circumstances, including, but not limited to: (A) ordering the party to provide the discovery ...[or] (C) prohibiting the party from introducing the evidence not disclosed." NH R. Crim. Proc. 12(b)(9).

Wherefore, the State respectfully requests that this honorable court,

- A. Order the defendant to provide complete discovery required under Superior Court Rule 12 that has not previously been provided in time for the State to be able to meaningfully review the material, or
- B. Prohibit the defendant from introducing all evidence not disclosed, and
- C. Such other relief as the Court deems just and equitable.

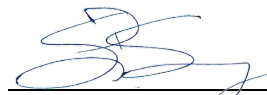
Respectfully Submitted,
State of New Hampshire,



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CERTIFICATION

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



Shawn P. Sweeney