

STATE OF NEW HAMPSHIRE

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

SUPERIOR COURT  
NORTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

ALEXANDRA ECKERSLEY

**OBJECTION TO DEFENDANT'S  
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR BAD ACTS  
(ENDANGERING WELFARE OF A CHILD CHARGE)**

NOW COMES, the State of New Hampshire by and through the Hillsborough County Attorney's Office, Shawn P. Sweeney, with this objection to the defendant's motion to exclude the reference to the defendant's prior Endangering the Welfare of a Child charge in the above captioned matter including facts taken from Concord Police reports:

1. On the night of her arrest on the instant charges, the defendant had an outstanding warrant for her failure to appear on 01/11/2022 to answer her prior Endangering the Welfare of a Child (Offense date 09/08/2021) 429-2021-CR-03886 1927691c charged by the Concord Police.
2. The defendant now objects to the State offering the defendant's prior charge for Endangering the Welfare of a Child directly relevant to the defendant's knowledge, intent, and absence of mistake or accident.
3. The defendant represents that the Concord Endangering charge was filed without a finding on August 30, 2023, and points to such disposition as preventing the State from firmly establishing that the defendant, and not some other person, committed the act.
4. The defendant's prior incident of endangerment of an infant was witnessed by more than 5 eyewitnesses who established the following facts:
  - a. On September 8, 2021, at approximately 7:30 in the evening, Ofc. J. Galvin of the Concord Police Dept. responded to Cumberland Farms on North Main for a report of a "very impaired woman" with a baby trying to walk on the sidewalk. Upon arrival, Ofc.

Galvin recognized the very impaired woman as the defendant based on his prior interactions with the defendant. The defendant was moving around as if she had bugs crawling all over her body and was rapidly jerking the baby stroller back and forth. Ofc. Galvin described the defendant as “bug-eyed and her mouth was so dry that her lips would get caught on her gums” as she spoke.

- b. When told to let go of the stroller, the defendant attempted to pick the stroller up. Witnesses who observed the defendant before police arrived reported seeing the defendant spill an iced coffee on the baby. The witnesses said the defendant could not stay still and did not appear to be in control of her body’s movements. The defendant let go of the stroller and a Cumberland Farms employee took the baby from the stroller and went inside the store.
  - c. The baby was transported to Concord Hospital for treatment. Police observed at the hospital that the baby took a bottle upon her arrival at Concord Hospital, and it was evident the 3 month old baby “had not eaten for some time”. The baby was otherwise unharmed.
  - d. Ofc. Galvin described the defendant’s movements as if she was attempting to do some type of interpretive dance, and she did not stop moving around in jerking motions during the entirety of his attempt at conversation with her. Ofc. Galvin described the defendant's train of thought as unpredictable as her body's movements, and she went in circles while attempting to answer questions, speaking at what seemed like twice the normal speed.
  - e. Police were unable to determine from their conversation with the defendant where the baby came from. The defendant’s boyfriend directed police to the local Holiday Inn Room 401. Police located the baby’s mother in that room. The baby’s mother was nodding off during her conversation with the police. The baby was transported to Concord Hospital. A search of the Holiday Inn room produced needles, and other drug paraphernalia with apparent methamphetamine residue. Police also located an envelope containing suspected chunks of methamphetamine in an envelope labeled “Allie”.
5. The defendant’s actions and demeanor on the night of the current Endangering charges mimic her actions and demeanor during her interactions with police during the previous Endangering charges.

6. The probative value of the defendant's previous crimes against an infant is probative of her knowledge and intent with regard to the crime against the child in the instant case and, although all of the evidence against the defendant is prejudicial, it is not unfairly so.
7. Although it is not the intention of the State to introduce evidence of the defendant's prior endangering of an infant, it may become necessary to introduce such evidence should the defendant's knowledge, intent, and absence of mistake or accident become contested.

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

- A. Reserve judgment on the admissibility of the defendant's prior Endangering the Welfare of a Child charge, and
- B. Such other relief as the Court deems just.

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.



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Shawn P. Sweeney