

STATE OF NEW HAMPSHIRE

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

SUPERIOR COURT  
NORTHERN DISTRICT

STATE OF NEW HAMPSHIRE

v.

ALEXANDRA ECKERSLEY

**STATE'S SENTENCING MEMORANDUM**

**NOW COMES**, the State of New Hampshire, by and through Alexander G. Gatzoulis, Assistant Hillsborough County Attorney and undersigned counsel, and respectfully requests that this Honorable Court sentence Alexandra Eckersley, Defendant, in accordance with the State's recommendation. In support of this request, the State says as follows:

**SENTENCING RECOMMENDATION**

1. Endangering the Welfare of a Child (CID#: 2045633C):
  - a. Twelve (12) months at the Hillsborough County House of Corrections, stand committed
2. Falsifying Physical Evidence (CID#: 2045614C):
  - a. Twelve (12) months at the Hillsborough County House of Corrections stand committed
  - b. All but six (6) months suspended for four (4) years of Good Behavior
  - c. Consecutive to CID#: 2045633C
  - d. Two (2) years' probation upon release
  - e. Meaningful participation in, and completion of, any counseling, treatment, and educational programs as directed by the Correctional Authority or Probation Officer, to include the continuation of the Defendant's current Mental Health

treatment as well as a Substance Use Disorder evaluation with completion of all recommended follow-up

### **ALTERNATIVE CHARGES**

3. On August 2, 2024, the Defendant was convicted after trial of:
  - a. Falsifying Physical Evidence (CID#: 2045614C): Indictment alleging that on or about December 26, 2022, believing that an investigation was about to be instituted, the Defendant concealed the location of her newborn infant with the purpose to impair his availability in such investigation. As charged, Falsifying Physical Evidence is a class B felony punishable by up to 3½ to 7 years at the State Prison and a \$4,000.00 fine.
  - b. Endangering the Welfare of a Child (CID 2045633C): Complaint alleging that on or about December 27, 2022, the Defendant knowingly endangered the welfare of her prematurely newborn infant by purposely violating a duty of care or protection which endangered the infant's health or safety, when the Defendant abandoned the newborn infant in a tent without heat or proper clothing in the woods when the outside temperature was approximately 15 degrees Fahrenheit and failed to immediately seek medical assistance for over an hour. As charged, Endangering the Welfare of a Child is a Class A misdemeanor punishable by up to 12 months in the House of Corrections and a \$2,000.00 fine.
  - c. Reckless Conduct (CID#: 2045612C): Complaint alleging that on or about December 27, 2022, the Defendant recklessly engaged in conduct that placed or may have placed another in danger of serious bodily injury, when the Defendant abandoned her prematurely newborn infant in a tent without heat or proper

clothing in the woods when the outside temperature was approximately 15 degrees Fahrenheit. As charged, Reckless Conduct is a Class A misdemeanor with an extended term provided for in RSA 651:6, I (e) where the Defendant committed a crime defined in RSA 631 against a person under 13 years of age. This charge carries a maximum sentence of 2 to 5 years at the New Hampshire State Prison and a \$2,000.00 fine.

4. Although the Defendant was convicted of all three charges, the State intends to proceed with sentencing only on the Endangering the Welfare of a Child and Falsifying Physical Evidence charges.

#### **CO-DEFENDANT SENTENCE**

5. George Theberge, Co-Defendant, was charged in Docket Number 216-2023-CR-00049 (CID#: 2050887C) with an essentially identically worded complaint for Endangering the Welfare of a Child as noted in paragraph 3(b) above.
6. Mr. Theberge was also initially charged with Witness Tampering (CID#: 2050888C). However, upon further investigation, it became clear that there was insufficient evidence to support the charge of Witness Tampering.
7. Mr. Theberge was additionally charged with Reckless Conduct (CID#: 2050889C).
8. Mr. Theberge had three other open matters at the time of his arrest in 216-2023-CR-00049. See 216-2020-CR-01752 (Violation of Probation); 216-2022-CR-02647 (Possession of a Controlled Drug); and 216-2018-CR-00368 (Motion to Impose).
9. As a result of a fully negotiated plea, Mr. Theberge took responsibility and pled to the charge of Endangering the Welfare of a Child. He was sentenced to twelve (12) months

stand committed in the House of Corrections on August 14, 2023. The State elected to enter a Notice of Nolle Prosequi on the Reckless Conduct charge.

10. In addition, and as part of his plea, in 216-2022-CR-01752, Mr. Theberge was sentenced to twelve (12) months stand committed in the Hillsborough County House of Corrections that ran consecutive to the Endangering charge in 216-2023-CR-00049. All but six (6) months of his sentence was suspended for 4 years<sup>1</sup>.

### **CRIMINAL HISTORY**

11. The Defendant's criminal history includes the following entries:

<u>Charge</u>	<u>Sentence</u>	<u>Sentence Date</u>
a. Drugs/Control of Premises	LDAC Eval; 6 months susp.	02-26-2021
b. Simple Assault	MH Eval; \$1,000 fine susp.	03-08-2021
c. Endangering Welfare of a Child	Placed on file	08-30-2023
d. Resisting Arrest	6 months suspended	08-30-2023
e. Disorderly Conduct	6 months suspended	08-30-2023

### **FACTS**

12. On December 26, 2022, shortly after midnight, the Defendant contacted the statewide E911 Center in Concord. The Defendant reported that she was on Electric Drive near the trestle bridge by the West Side Ice Arena and had given birth, was bleeding, and in need of medical care. The 911 operator determined the location and nature of the call, and contacted Manchester Fire Department so they would send an ambulance out to assist.

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<sup>1</sup> Regarding the remaining dockets, Mr. Theberge received a consecutive suspended House of Corrections sentence in 216-2022-CR-02647. The Motion to Impose in 216-2018-CR-00368 was withdrawn as part of the negotiated plea.

13. The 911 operator remained on the line with the Defendant for approximately twelve minutes. The Defendant reported that she did not know she was pregnant and at various points said she was, “maybe one month along”, “no more than three months”, and “no chance I was nine months”. Doctor Brigid Linnan of the Catholic Medical Center estimated that, based on the physical development of the child, the Defendant was over eight (8) months pregnant at birth.
14. The Defendant informed the 911 operator that the baby did not live and was “on the ground on the other side of the trestle”. A placenta was later located on the ground at that location.
15. EMT Lauren Barry testified that she initially arrived on scene at approximately 12:41 am. EMT Barry testified that EMTs received the call for service from the statewide e911 dispatch at 12:29 AM (24:29:37) and were at the baby’s location at 1:40 AM (01:40:00); more than one (1) hour after the initial call. Upon arrival, EMT Barry put the Defendant in the ambulance where it was warm and conducted an initial assessment. She recommended that the Defendant go to the hospital, but the Defendant declined transport.
16. EMT Barry then asked the Defendant to help locate the baby. From the spot of the initial encounter, the Defendant directed EMTs east to the area behind the ice arena, away from the baby’s actual location. The baby was later found to be west of the spot where rescuers initially encountered the Defendant.
17. At approximately 12:50 a.m., Officer William Collins of the Manchester Police Department arrived at the emergency staging area that was set up behind the West Side Arena. Upon arrival, Officer Collins noted that members of the Manchester Fire Department, EMTs, and other officers were already on scene. The weather was extremely

cold. Officer Joseph Vitale testified that the outside temperature was approximately 15 degrees. It was extremely dark, and search crews were relying on flashlights during the search.

18. The Defendant advised Officer Collins that she was coming from a store on the east side, went through the woods, and gave birth by a tree in the woods. The Defendant repeatedly told Officer Collins that she did not know where the baby was. She was directing the officers, firefighters, and EMTs to search the woods east of the arena. The Defendant said her tent was west of the trestle over the Goffstown line, but the baby was in the woods, not in the tent. After receiving medical treatment in the ambulance, the Defendant guided EMT Barry and other first responders east of the staging area around the athletic fields and up to the rail trail searching for the baby.
19. The Defendant told Officer Collins that she heard the baby cry for about a minute, but the baby was not breathing and had no pulse. After approximately thirty minutes of searching the athletic fields and the wooded area near the ice arena, EMT Barry noted the Defendant was bleeding again and brought her back to the ambulance a second time to address the bleeding. While in the ambulance, the Defendant said she had the baby 1 – 2 minutes off the trail when she was on her way to the camp from the store. The Defendant offered to call the rescuers and notify them if she found the baby. The Defendant made repeated attempts to contact her boyfriend<sup>2</sup> from the ambulance.
20. While in the ambulance, a first responder from Manchester Fire Department asked to confirm whether the baby was located at the homeless camp by the bridge. *See Collins BWC (full)*, 0:18:46. EMT Barry relayed the information the Defendant provided her to

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<sup>2</sup> The Defendant had identified George Theberge, co-defendant, as her boyfriend.

the fire rescuer in the Defendant's presence. The Defendant failed to correct EMT Barry's description of her account. EMT Barry and Officer Collins informed the Defendant that they would not be leaving the search area until they found the baby. EMT Barry stated it was critical to find the baby and they could not just leave him in the woods. The Defendant then informed EMT Barry and Officer Collins that the baby was in her tent. Subsequently, the Defendant led all rescuers to the tent.

21. The Defendant's statements as shown on the body worn camera footage reflect that she knew where the baby was located. The Defendant also testified that she knew where the baby was from the very beginning and made a conscious choice to mislead rescuers away from the baby. Once the Defendant decided to reveal the location of the baby, she told rescuers where the baby was and walked quickly, without hesitation or confusion, directly to the tent.
22. The Defendant led rescuers from the east side of the ice arena west down the rail trail, past the initial meeting location, across the trestle bridge, and off on a side trail to her tent. Officer Vitale entered the tent and located the baby under some bedding and trash. The baby was laying on the bare ground. Officer Vitale immediately recognized that the baby was alive and moving and called out to rescuers.
23. EMT Barry entered the tent and took the baby. Barry described the baby as blue, ineffectively breathing, and cold to the touch. Barry hurried back to the initial meeting location calling for an ambulance to leave the staging area and meeting her at the initial meeting location. When Barry arrived at the initial meeting location, the ambulance had still not arrived. Racing against time, Barry got into a nearby fire truck and transported

the baby to the hospital as quickly as possible. As the baby warmed in the vehicle, he opened his eyes and began moving his hands.

24. The baby was treated at the Catholic Medical Center and then med-flighted to the Children's Hospital at Dartmouth. When the baby recovered, he was released from the hospital to his grandmother in Sudbury Massachusetts. The Defendant entered a treatment program after her arrest and moved in with them when she completed the program.

### **DOCTOR PELAPRAT'S TESTIMONY**

25. Doctor Mathilde Pelaprat testified that she reviewed thousands of pages of records, police body worn camera, audio recordings of 911 calls, police reports, police interviews of the defendant, her own interviews of "collaterals", and four separate meetings Doctor Pelaprat had with the Defendant. Based on her extensive expertise and investigation, Doctor Pelaprat testified to the following:

- a. The Defendant started exhibiting mental health symptoms at two years of age.

*Transcript of Dr. Mathilde Pelaprat's July 31, 2024 trial testimony, page 15.* The records consistently noted bipolar disorder, attention deficit hyperactivity disorder (ADHD), post-traumatic stress disorder (PTSD), and obsessive-compulsive disorder (OCD), *Id* at 16, significant deficits with social judgment, *Id* at 27, and impulse control issues, *Id* at 32. The Defendant exhibited emotional dysregulation (including extreme emotional response, *Id* at 33 & 34) and difficulty controlling her behavior. The records consistently noted bipolar disorder, ADHD, and significant executive functioning deficits. "The severity and acuity of her mental health issues was so much so that she required multiple psychiatric

hospitalizations, several long-term residential placements.” When at home, she required intensive in-home services and special education services. Doctor Pelaprat described the Defendant’s mental health history as “one of the most severe and acute and chronic mental health histories that [she has] ever seen in a child. Those symptoms remained as she became an adolescent and adult. *Id* at 17. Doctor Pelaprat described the Defendant’s delayed maturity as so severe as to call into question the Defendant’s ability to actually take care of herself on a day-to-day basis. According to Doctor Pelaprat, the Defendant was in the longest residential placement she, in her extensive experience, had ever seen and psychiatrically hospitalized four times over her lifetime including the most recent time in January of 2023.

26. Doctor Pelaprat explained that the Defendant’s mother obtained guardianship over her when she turned 18 years of age. *Id* at 39. At 20 years of age, the Defendant fled to New Hampshire where she remained the next four to five years where she was “using methamphetamines every day.” *Id* at 44. According to Doctor Pelaprat, that daily methamphetamine use over the course of 4 – 5 years caused brain damage and exacerbated her mental health symptoms, stunting her maturity. *Id* at 45. The Defendant was in such a state that, by December of 2022, hospital staff were questioning her ability to make her own medical decisions. *Id* at 48.

### **GOALS OF SENTENCING**

27. “The State Constitution requires the trial court to consider several objective factors before imposing any sentence, including whether the sentence imposed will meet the traditional goals of sentencing—punishment, deterrence and rehabilitation.” *State v. Burgess*, 156

N.H. 746, 751, 943 A.2d 727 (2008); see N.H. CONST. pt. I, art. 18; *State v. Willey*, 44 A.3d 431, 163 N.H. 532 (N.H. 2012). The State's recommendation addresses all three of the goals of sentencing.

28. Although rescuers were able to press the Defendant to finally disclose the location of the freezing baby, the baby very nearly lost his life as a direct result of the Defendant's deliberate actions. Such a severe offense deserves a severe punishment. Here, the State recommends a sentence of a total of eighteen (18) months at the House of Corrections as the punitive component of the sentence. A sentence on the order of 4 – 8 years at the New Hampshire State Prison is more in line with the severity of the offense that the Defendant committed.
29. However, there are mitigating factors to consider. At the time of the offenses, the Defendant was living in a tent when the outside temperature was approximately 15 degrees Fahrenheit and had apparently been living in such conditions for years. A tendency to protect the instruments of basic survival, despite the consequences to others, is not beyond the realm of understanding. Clearly, the Defendant's motivations for committing these crimes were entirely self-centered, but a person with so few means could easily be understood for trying to protect what little she had. Additionally, the Defendant did admit her actions at trial and recognized on the stand that her actions were wrong. For those reasons, the State's recommended sentence is appropriate.
30. The Defendant had opportunities prior to her arrest to return to her mother's home in Sudbury Massachusetts and avoid the challenges she was encountering living outdoors in the winter in Manchester. However, the Defendant chose not to engage in the treatment required of her as a condition of her return. See Narrative, Detective Kozowyk, Bates

000084. Where the child protection agencies have not engaged in any action to prevent the Defendant from leaving her mother's home and taking the baby with her, the Defendant must understand that there are negative consequences for making bad choices that put the baby at extreme risk. Other members of the community must also receive the clear message that putting the lives of babies at risk will result in something other than a stern warning.

31. The goal of rehabilitation is addressed through the State's post-release recommendations. A six-month suspended sentence and two years of probation will provide the supervision and incentive for the Defendant to continue on the path her Counsel represents that she has chosen since her arrest. Without any information, it is difficult for the State to determine what the Defendant has been doing to address what Doctor Pelaprat described as a lengthy period of significant addictive substance abuse and degrading mental health during her early 20s. The State therefore asks that the Court order a substance abuse disorder evaluation with disclosure to probation by December 16, 2024, and completion of all recommended follow up with disclosure to probation by June 16, 2025. The significant passage of time between the defendant's arrest together with 2 years of probation should give the Defendant sufficient supervision and time to stabilize her mental health and thoroughly address addiction issues.

### **COMPARABLE SENTENCES**

32. State v. Candace Krauklin, 216-2023-CR-00133: Z.L., one of the 5 children in the residence, was an 8-year-old child with the mental capacity of a 4-year old. He had a compromised immune system and was locked in the most disgusting area of the residence within the back porch for the convenience of the family. Z.L. was then left to play on the

filthy floor, sit or sleep on a soiled, bare mattress, and to urinate and defecate in the back corners of the room. The parties argued a capped plea whereby the State sought a twenty-four (24) month stand committed sentence in the House of Corrections and twelve (12) month concurrent suspended sentences on the remaining charges. Judge Delker declined the plea in the first instance noting that the absence of a felony conviction was not sufficient for the offenses. Following the rejection of the initial plea terms, the parties reached a negotiated disposition that included a stand committed New Hampshire State Prison Sentence of 16 months – 4 years with an agreement that the Defendant would waive any reductions allowed under New Hampshire RSA 651:20 (1)(a).

33. State v. Steven Legault, 216-2023-CR-00132: Mr. Legault is the co-defendant of Ms. Krauklin, *supra*. He was similarly charged with five counts of Endangering the Welfare of a Child. After a capped plea argument, Mr. Legault was sentenced to twelve (12) months stand committed in the Hillsborough County House of Corrections. He received suspended consecutive twelve month sentences to the remaining charges as well as two years of probation.

### **CONCLUSION**

34. For the foregoing reasons, the State’s proposed sentence as well as the attendant terms and conditions is appropriate. The severity of the Defendant’s actions, the risk to the baby, and the Defendant’s future are all considered in this recommendation.

Respectfully submitted,  
THE STATE OF NEW HAMPSHIRE

Dated: October 9, 2024

**/s/ Alexander G. Gatzoulis, Esq.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum has been forwarded this day to Kimberly Kossick, Esq., and Jordan Strand, Esq., Defense Counsel, on this 9<sup>th</sup> day of October, 2024.

**/s/ Alexander G. Gatzoulis, Esq.**  
Assistant Hillsborough County Attorney