

THE STATE OF NEW HAMPSHIRE

Merrimack County Superior Court

Merrimack, ss.

July Term, 2025

State of New Hampshire

v.

Eric Sweeney

Docket No. 217-2023-CR-721

MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING MARCH 18, 2022
INCIDENT BETWEEN ERIC SWEENEY AND B.S.

NOW COMES Eric Sweeney, by and through counsel, Lauren Prusiner and Morgan Taggart-Hampton, and respectfully requests this Honorable Court to exclude any evidence regarding a purported incident on March 18, 2022 between Eric Sweeney and B.S. Mr. Sweeney makes this request pursuant to New Hampshire Rules of Evidence 401, 402, 403, and 404, the Fifth and Fourteenth Amendments to the United States Constitution, and part I, article 15 of the New Hampshire Constitution.

As grounds for this Motion, the defense states:

1. Mr. Sweeney stands before this Court charged with three counts of first degree murder and falsifying physical evidence. This is alleged to have occurred on August 3, 2022.
2. Mr. Sweeney is alleged to have shot K.S., M.S., and B.S., killing them. He is additionally accused of altering, destroying, concealing, or removing a Taurus .40 caliber handgun.
3. The facts represented in this Motion come from discovery provided to the defense by the State. By including those facts within this Motion, Mr. Sweeney does not waive any constitutional or statutory protections that he may have, including the presumption of innocence and the State's burden of proving each element of the alleged offenses beyond a reasonable doubt.

4. Mr. Sweeney is currently 18 years old. His birthdate is July 27, 2006.
5. In discovery provided to defense counsel, a pediatric nurse practitioner, Sarah Medeiros, made a statement to the New Hampshire State Police that during a medical appointment for M.S. and B.S. on March 18, 2022, her receptionist overheard an incident occurring in a car between. It is alleged that the two in the car were Mr. Sweeney and B.S. The receptionist relayed to Ms. Medeiros that a person was yelling at the young child in the car, and the child was crying. The person continued to “crank the music up” and it became “disruptive” and “concerning.”
6. In an interview with the police, Sean Sweeney referenced the same incident.
7. Any testimony or other evidence regarding this alleged incident is irrelevant to the facts charged and highly prejudicial to Mr. Sweeney and must be excluded. N.H.R. Ev. 401, 402, 403, and 404(b).
8. The evidence does not have a tendency to “make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” N.H. Evid. R. 401.
9. In addition, the evidence is unfairly prejudicial and therefore should be excluded under 403. The non-existent probative value is completely outweighed by the danger of unfair prejudice. An allegation in which the alleged perpetrator of a murder was seen on a completely different, irrelevant date yelling at one of the decedents, is highly prejudicial, and has nothing to do with the matter at hand.
10. Finally, the evidence also concerns alleged prior bad acts and admission of such evidence is therefore barred by NHRE 404(b). “The purpose of Rule 404(b) in a criminal trial is to

ensure that the defendant is tried on the merits of the crime as charged and to prevent a conviction based on evidence of other crimes or wrongs. Evidence of other wrongs is inherently prejudicial and increases the likelihood that a jury will decide the case on an improper basis. The concern that a defendant might be convicted because of his character is the gravamen of Rule 404(b).” State v. McGlew, 139 N.H. 505 (1995) (citations omitted). “[T]he State, in offering evidence of other wrongs under Rule 404(b), must state the specific purpose for which the evidence is offered and must articulate the precise chain of reasoning by which the offered evidence will tend to prove or disprove an issue actually in dispute, without relying upon forbidden inferences of predisposition, character, or propensity.” Id. at 509-510.

11. The only purpose for admitting any of the evidence referenced in this Motion would be to invite the jury to make a forbidden propensity inference, exactly what the Rule prohibits. The State will not be able to meet its burden and therefore this evidence must be excluded.
12. In addition, the jury’s exposure to this evidence would violate Mr. Sweeney’s due process right to a fair trial under the United States and New Hampshire Constitutions. Fifth and Fourteenth Amendments, United States Constitution; Part 1, Article 15, New Hampshire Constitution.

WHEREFORE, Eric Sweeney respectfully requests this Honorable Court:

- A. Grant this Motion in Limine excluding the potential evidence, including but not limited to the categories of evidence referenced in this Motion;

- B. Order the State to instruct its witnesses not to testify about any of these alleged activities, and redact any recordings played at trial to remove all references to any of these alleged activities;
- C. Schedule a hearing on this Motion if deemed necessary; and
- D. Grant such further relief as is deemed just and proper.

Dated this 22nd day of July, 2025.

Respectfully submitted,

/s/ Morgan Taggart-Hampton

Morgan Taggart-Hampton, NH Bar #269549

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CERTIFICATE OF SERVICE

I, Morgan Taggart-Hampton, do hereby certify that a copy of the foregoing Motion has been forwarded this 22nd day of July, 2025 to Attorneys Bethany Durand and Peter Hinckley, for the State.

/s/ Morgan Taggart-Hampton

Morgan Taggart-Hampton