

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 SPECULATIVE TESTIMONY THAT ERIC SWEENEY  
COMMITTED THE ALLEGED OFFENSES

NOW COMES Eric Sweeney, by and through counsel, Lauren Prusiner and Morgan Taggart-Hampton, and respectfully requests that this Court preclude the State from introducing any evidence of witness speculation in the above-captioned matter about who committed the alleged offenses. This Motion is ground in New Hampshire Rules of Evidence 401-403 and Eric Sweeney's rights to a fair trial and due process under part I, article 15 of the New Hampshire Constitution, and the Fifth and Fourteenth Amendments of the United States Constitution.

In support of this Motion, the following is stated:

1. Eric Sweeney is charged with three counts of first degree murder and falsifying physical evidence related to the deaths of K.S., B.S., and M.S.
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. The New Hampshire State Police completed Cellebrite extractions of multiple devices during their investigation in this matter. Trooper Tamara Hester analyzed Sean Sweeney's phone. In discovery provided by the State, it is alleged that Sean Sweeney received a text message from "Dad" (purported to be Michael Sweeney), stating "Was it Eric." This text message was received at 12:31:38.
6. On that same day, New Hampshire State Police Sergeant Jonathan Stephens interviewed Michael Sweeney. During that interview, Michael Sweeney stated "Eric must have done this."
7. The State must be precluded from presenting any speculation from witness Michael Sweeney, or any other witness, regarding Eric Sweeney's culpability for said charges. Michael Sweeney is not alleged anywhere in discovery to have been present when K.S., M.S., or B.S. were shot. The evidence should be excluded as irrelevant and unnecessarily prejudicial under New Hampshire Rules of Evidence 401, 402, and 403.
8. Unsubstantiated speculation 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. Nor does speculation about potential culpability have any relevance as to whether the State can meet its burden of proof on the charged offenses alleged to have been committed.
9. There is no question that evidence or speculation that Mr. Sweeney "must have done this" or immediately asking "was it Eric" are highly prejudicial statements and therefore should be excluded under Rule of Evidence 403. Even if the Court believes that this evidence is somehow relevant, its probative value is non-existent and is therefore

“substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.” N.H.R. Ev. 403. The New Hampshire Supreme Court has held that “evidence that will have little effect other than to confuse the issues or confound the jury...is not competent, favorable proof. State v. Woodsum, 137 N.H. 198, 201 (1993).

WHEREFORE, Eric Sweeney prays this Court:

- a. Grant the within Motion and preclude the State from offering into evidence speculation or conjecture regarding his culpability;
- b. Order the State to so instruct its witnesses and redact from any transcripts or recordings presented such evidence; and
- c. Grant such further relief as is deemed just and proper.

Dated this 22nd day of July, 2025.

Respectfully submitted,

**/s/ Morgan Taggart-Hampton**

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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