

Clerk's Notice of Decision
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on 09/19/2024

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SEPTEMBER TERM, 2024

Granted

STATE OF NEW HAMPSHIRE



v.

ERIC SWEENEY

Honorable John C. Kissinger, Jr.

September 19, 2024

Docket No.: 217-2023-CR-00721

STATE'S ASSENTED-TO MOTION TO DISCLOSE RECORDS TO STATE'S EXPERT

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that the Court authorize the State to disclose and share a copy of the discovery in the above-captioned case with the State's retained mental health expert. In support of its request, the State says the following:

1. The defendant stands indicted on three counts of first-degree murder, contrary to RSA 630:1-a, for the murders of Kassandra Sweeney (DOB: 7/17/1997), Benjamin Sweeney (DOB: 03/08/2018) and Mason Sweeney (DOB: 08/21/2020). The defendant has also been indicted on one count of falsifying physical evidence. The trial was set to begin with jury selection on November 18, 2024.

2. On March 5, 2024, the defendant filed a notice that he intends to rely on an insanity defense at trial. On April 12, 2024, counsel for the defendant notified the State that he had hired two psychologists to assist him in that endeavor. In review of one of their psychologist's report, Dr. Guidry, psychological assessments of the defendant began in the fall of 2022. A licensed independent clinical social worker apparently associated with Dr. Guidry began meeting with the defendant in October 2022. The psychologist, and or his associates, have continued meeting with the defendant.

3. The defendant's expert disclosure deadline was June 3, 2024. On May 31, 2024, the defendant filed a motion to extend that deadline, with the State's assent, to July 18, 2024. In August 2024, the defendant requested a continuance of the trial due to delays related to the defendant's expert. The Court rescheduled the trial for September 2025.

4. The State has hired an expert forensic psychiatrist to rebut the defendant's insanity claim. The defendant has agreed to a voluntary examination by the State's mental health expert. Given the defendant's mental health defense claim, the State must have the opportunity to rebut any such claims. In preparation and in furtherance of providing expert services to the State, the State's expert, Dr. Albert Drukteinis, needs complete access to the underlying records and the discovery in this case.

5. As this case involves actions of a then-minor, there are records that are otherwise confidential and corresponding redacted pleadings and orders. *See generally*, RSA 169-B:35–36. The State therefore respectfully requests the Court authorize the State to share any, and all, of the records and discovery materials in this case with Dr. Drukteinis, and to discuss the contents therein with him.

6. Upon the Court's authorization to disclose the records, the State will instruct Dr. Drukteinis that these records are to be maintained in confidence and destroyed upon the conclusion of the case.

4. Counsel for the defendant assents to the State's request to disclose all records and discovery materials in this case with Dr. Drukteinis as indicated *supra*.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- A. Grant the State's motion and authorize the State to disclose and discuss the complete records in this case with Dr. Albert Drukteinis; and
- B. Order such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA
ATTORNEY GENERAL

September 19, 2024

/s/ Scott D. Chase

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be forwarded to counsel of record through the Court's electronic filing system.

/s/ Scott D. Chase

Scott D. Chase