

Clerk's Notice of Decision
Document Sent to Parties

on 02/14/2024

STATE OF NEW HAMPSHIRE

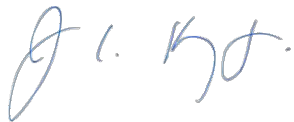
MERRIMACK, SS

FEBRUARY TERM, 2024

STATE

Approved and So Ordered

V.



ERIC SWEENEY

Honorable John C. Kissinger, Jr.

217-2023-CR-00721

February 14, 2024

STATE'S ASSENTED-TO STRUCTURING PROPOSAL

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully submits the following Assented-to Structuring Proposal for dates and deadlines for trial and pretrial matters in the above-captioned case.

Defense counsel was previously provided with a copy of this proposal, and they assent to the proposed deadlines.

- | | | |
|----|--|--------------------------------|
| 1. | Jury Selection: | November 18, 2024 |
| 2. | Trial: | December 2, 2024 |
| 3. | State to provide Discovery: | Completed ¹ |
| 4. | State to provide notice of Rule 404(b) material: | Completed ² |
| 5. | State expert disclosure/CVs/reports: | Completed ³ |
| 6. | Motions to Dismiss, discovery motions,
and any suppression motions: | February 26, 2024 ⁴ |
| 7. | Notice of defenses: | March 1, 2024 |

¹ To date, the State has provided defense with approximately 2.499 pages of written discovery, 51 media discs and 2 external drives. The State will provide any additional discovery received or generated during the pendency of this matter pursuant to the continuing obligation set forth in N.H. R. Crim. R. 12(b)(7).

² The State provided 404(b) notice to defense counsel by way of a letter sent on January 10, 2024.

³ The State provided the required notice of expert witnesses in a letter on January 10, 2024. State expert disclosures may be supplemented based on additional forensic testing, additional expert reports and in response to notice of defenses and/or defense expert disclosure.

⁴ The parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

- | | | |
|-----|--|------------------------------|
| 8. | Defense disclosure of expert witness names/expertise: | April 12, 2024 |
| 9. | Defense disclosure of expert witness reports: | June 1, 2024 |
| 10. | Depositions of expert/lay witnesses: | August 12, 2024 |
| 11. | Pretrial evidentiary motions, including.
<i>motions in limine</i> : | August 12, 2024 ⁵ |
| 12. | Defense reciprocal discovery: | September 26, 2024 |
| 13. | State's anticipated trial witness list: | October 25, 2024 |
| 14. | Defendant's anticipated trial witness list: | November 1, 2024 |
| 15. | Procedural Motions (<i>sequestration, etc</i>): | November 1, 2024 |
| 16. | Deadline for negotiated plea: | Final Pretrial |
| 17. | Proposed jury instructions: | Final Pretrial |

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Set a hearing; and
- B. Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella,
Attorney General

⁵ The parties reserve the right to file additional evidentiary motions based on any supplemental discovery that is received. The parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

Date: February 14, 2024

/s/ Bethany Durand
Bethany Durand, NH Bar ID # 273943
Assistant Attorney General
New Hampshire Attorney General's Office
1 Granite Place, South
Concord, New Hampshire 03301
(603) 271-3671

/s/ Scott D. Chase
Scott D. Chase, Bar #268772
Senior Assistant Attorney General
Criminal Justice Bureau
1 Granite Place, South
Concord, NH 03301-6397
(603) 271-3671
Scott.D.Chase@doj.nh.gov

CERTIFICATION

I certify that a copy of this proposal has been provided to counsel of record for the defendant, via the electronic case filing system.

February 14, 2024

/s/ Bethany Durand
Bethany Durand, NH Bar ID # 273943