

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

MERRIMACK, SS.

MARCH TERM, 2025

STATE OF NEW HAMPSHIRE

v.

ERIC SWEENEY

Docket No.: 217-2023-CR-00721

**STATE'S RESPONSE TO DEFENDANT'S MOTION TO EXTEND
EXPERT DISCLOSURE DEADLINE FOR A FOURTH TIME**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby submits its response to the Defendant's Motion to Extend Expert Disclosure Deadline. Given the information discussed below, the State takes no position on the defendant's instant request. In support of this objection, the State submits as follows:

1. The defendant stands charged with three counts of first-degree murder (RSA 630:1-a), and with one count of falsifying physical evidence (RSA 641:7). The defendant waived arraignment and continues to be held without bail. Jury selection in this case is scheduled to begin on September 8, 2025, with trial to follow.

2. The defendant filed notice of insanity defense on March 5, 2024. On May 31, 2024, the defendant filed his initial request for an extension of deadlines related to the report of Dr. William Stone. The State assented to that request. On September 18, 2024, the defendant moved to continue the previously scheduled trial date in this matter because of problems meeting deadlines related to the report of Dr. William Stone. On September 19, 2024, following a status

conference, the Court granted the continuance and established a deadline of November 29, 2024, for the disclosure of the defendant's "additional expert report" (of Dr. William Stone).

3. On October 25, 2024, following a hearing, the Court granted an extension of the defendant's expert disclosure deadline related to the work of Dr. William Stone. In that order, the Court noted that the expert was "still finalizing his work and likely will not be done until December, 2024." The Court extended the deadline for the defendant's expert disclosure until January 1, 2025.

4. On December 23, 2024, counsel for the defendant notified the State of their need for further additional time as to this witness' report and advised that he had yet to complete his final examination of the defendant. On December 24, 2024, the State advised counsel of its objection to any further extension, which counsel noted in their request for an extension of deadline filed on December 24, 2024. The Court subsequently granted the defendant's request for an extension, and extended the Court extended the deadline for the defendant's expert disclosure until March 1, 2025.

5. On February 28, 2025, counsel for the defendant filed the instant request for another extension of time related to the report of Dr. William Stone.

6. The State recognizes that the defendant's newest request is for a limited amount of time and that the Court will likely grant the request. As such, the State takes no position on the defendant's request for a fourth extension of their deadline to produce the report of Dr. William Stone. The State understands that the new deadline would be March 14, 2025.

7. As noted during the status hearings on September 19, 2024, and October 25, 2024, the repeated and additional delays in the provision of this report to the State impacts the

ability of the State's expert witness to complete his examination and further jeopardizes the scheduling of the trial.

8. The State, continuing its efforts to keep the current trial track, has spoken with its expert to gauge how this and the last extensions may affect his turnaround time. Based upon his schedule, and given the anticipated length of Dr. Stone's report and the need to review said report and any relied upon records prior to conducting any interviews with the defendant, the State avers that the State's responsive expert will not be able to interview the defendant until April 8, 2025, with a potential for a second interview on April 29, 2025. The State's expert will need at least 60 days after interviewing the defendant to complete a corresponding report.

9. The State notes that, depending on the contents of Dr. Stone's report, its responsive expert has indicated a potential need for consultation with an as-yet-unidentified expert witness. The State cannot identify what additional experts may be needed until it has an opportunity to review and assess the defendant's expert reports.

10. In addition to impacting the work of the State's responsive expert, the continued delays related to Dr. William Stone have impacted the deadlines for depositions of all related expert witnesses, and motions related to these witnesses, and related evidentiary or tangential issues. The State anticipates that, at a minimum, the deposition deadline (April 30, 2025) and motions deadline (May 16, 2025) will have to be moved, and notes that the final pre-trial hearing in this case is scheduled for August 18, 2025.

11. Accordingly, the State requests that necessary changes to the structuring order be discussed/implemented at the status hearing currently scheduled for April 3, 2025.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Schedule additional time for the April 3, 2025, status hearing to allow discussion of amendments to the Structuring Order; and/or
- B. Order such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

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ATTORNEY GENERAL

Date: March 4, 2025

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via traditional and electronic mail to counsel for the defendant.

/s/ Bethany J. Durand
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