

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

MERRIMACK, SS.

JULY TERM, 2025

STATE OF NEW HAMPSHIRE

v.

ERIC SWEENEY

Docket No.: 217-2023-CR-00721

STATE’S RESPONSE TO DEFENSE MOTIONS IN LIMINE

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General (“the State”), and presents this response to several of the motions in limine filed by the defendant. In support of this submission, the State submits the following.

1. The defendant is charged with, inter alia, three counts of first-degree murder.

Trial on the matter is scheduled to begin with jury selection on September 8, 2025.

2. The defendant, through counsel, has filed a number of motions in limine. This response addresses the following three motions:

- Motion in Limine: To Exclude Speculative Testimony That Eric Sweeney Committed the Alleged Offenses.
- Motion in Limine: To Exclude Evidence Regarding March 18, 2022 Incident Between Eric Sweeney and B.S.
- Motion in Limine: (Filed Under Seal) To Exclude Evidence (Hampstead).

3. As to the subject matters of these motions, the State does not intend to elicit any of the challenged information in the first instance in the State’s case-in-chief at the guilt phase. That being said, the defense could open the door to such evidence. See generally, e.g., State v. Wamala, 158 N.H. 583 (2009).

4. The State could seek admission of the challenged information should the defendant “open the door” during the examination of any witnesses (including on direct

or cross examination) and/or based on any assertions presented during opening statements. *See State v. Barr*, 172 N.H. 681 (2019) (Remarks made in opening statements may trigger the opening-the-door doctrine); *State v. Nightingale*, 160 N.H. 569 (2010) (Stating “we have previously held that remarks in opening statements can create a misleading advantage and, thus, trigger the specific contradiction doctrine”). *See also State v. Goodman*, 145 N.H. 526, 529-30, 764 A.2d 925 (2000); *State v. Fecteau*, 133 N.H. 860, 874, 587 A.2d 591 (1991)).

5. Of course, should the State believe the door to have been opened, the State would first make proper application outside the jury’s presence.

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

- (A) Note the State’s Response to the defendant’s Motions in Limine To Exclude Speculative Testimony, To Exclude Evidence Regarding March 18, 2022, Incident, and To Exclude Evidence (Hampstead); and/or,
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M. Formella
Attorney General

July 23, 2025

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CERTIFICATION

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

July 23, 2025

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