

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

JANUARY TERM, 2024

STATE

V.

ERIC SWEENEY

217-2023-CR-00721

**STATE'S 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 State's 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 do not assent to the proposed deadlines marked in bold type.

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

---

<sup>1</sup> As of the submission of this Structuring Proposal, the Court does not have jury pool days scheduled for December 2024.

<sup>2</sup> 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).

<sup>3</sup> The State provided 404(b) notice to defense counsel by way of a letter sent on January 10, 2024.

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

<sup>5</sup> 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.

- |     |                                                                           |                                  |
|-----|---------------------------------------------------------------------------|----------------------------------|
| 7.  | <b>Defense expert disclosure/CVs/ reports:</b>                            | <b>April 12, 2023</b>            |
| 8.  | <b>Depositions of expert/lay witnesses:</b>                               | <b>June 19, 2024</b>             |
| 9.  | <b>Pretrial evidentiary motions, including. <i>motions in limine</i>:</b> | <b>July 17, 2024<sup>6</sup></b> |
| 10. | Defense reciprocal discovery:                                             | August 23, 2024                  |
| 11. | Deadline for negotiated plea:                                             | September 6, 2024                |
| 12. | State's anticipated trial witness list:                                   | November 8, 2024                 |
| 13. | Defendant's anticipated trial witness list:                               | November 15, 2024                |
| 14. | 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

---

<sup>6</sup> 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: January 12, 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.

January 12, 2024

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