

THE STATE OF NEW HAMPSHIRE



CHESHIRE, SS.
DOCKET NUMBER:
#11-CR-216

SUPERIOR COURT
APRIL TERM, 2012

STATE OF NEW HAMPSHIRE

v.

JASON TALLEY

STATE'S MOTION IN LIMINE re DEFENDANT'S "MODIFICATION OF PLANNED CRIMINAL DEFENSE"

NOW COMES the State of New Hampshire, by and through the Office of the Cheshire County Attorney, and submits this **Motion in Limine re Defendant's "Modification of Planned Criminal Defense."** In support of this Motion, the State asserts:

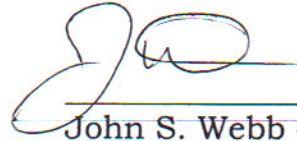
1. The defendant is charged with Contempt, Disorderly Conduct, and Resisting Arrest or Detention. Jury selection is scheduled for 4/9/12.
2. The defendant filed a pleading in which he declares his intention to offer evidence of a letter (dated 3/22/12) from New Hampshire Attorney General Michael Delaney as part of his defense pursuant to RSA 626:3.
3. The State objects to admission of the letter as part of a defense pursuant to RSA 626:3. The State asserts that the letter is not admissible to support defendant's proposed defense because said letter was not in existence on the date of the alleged crimes. Therefore, the defendant could not have relied upon it. Consequently, it is not admissible in support of his proposed defense. See RSA 626:3, II.
4. Insofar as the letter is not relevant to a defense advanced under RSA 626:3, it should be excluded. See N.H. Rule of Evidence 402.

5. Given the nature of this motion, the position of the defendant was not sought.

WHEREFORE, the State respectfully requests that this Court:

- A. Grant this motion in limine, excluding the letter in question;
- B. Hold a hearing, if necessary; and,
- C. Grant such other and further relief as this Court deems equitable and just.

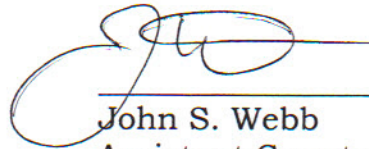
Respectfully Submitted,
STATE OF NEW HAMPSHIRE



John S. Webb #14620
Assistant Cheshire County Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be delivered to the defense.



John S. Webb
Assistant County Attorney