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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 (Rules 402, 403, AND 602/702)**  
**AND REQUEST TO STRIKE WITNESS**

**NOW COMES** the State of New Hampshire, by and through the Office of the Cheshire County Attorney, and submits this **Motion in Limine and Request to Strike Witness**. 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 witness list including Adam Mueller as a witness.
3. The defendant has summarized Mr. Mueller's anticipated testimony. See attached letter from Bradley Jardis.
4. The State asserts, first, that Mr. Mueller's anticipated testimony is not relevant in this case and should therefore be excluded. See N.H. Rule of Evidence 402. He was not present during the alleged crimes. His testimony would relate to an event at a different location, months prior to the event at issue, involving different persons. Moreover, Mr. Mueller is neither qualified as an expert nor competent as a lay witness to "explain to the jury the string of court orders" issued by the Court, as proposed. See Rules of Evidence 602 and 702. Finally, the defense acknowledges that Mueller's testimony is offered to support a "jury nullification

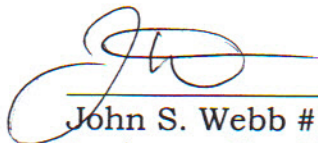
defense.” It is not, therefore, relevant to a material fact at issue. Instead, the defense hopes to prejudice the jury with irrelevant information. Consequently, the testimony should also be excluded pursuant to Rule of Evidence 403.

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 testimony in question;
- B. Strike Adam Mueller from defendant’s witness list;
- C. Hold a hearing, if necessary; and,
- D. Grant such other and further relief as this Court deems equitable and just.

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE

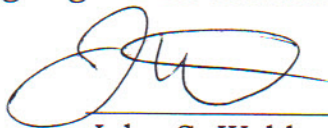


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John S. Webb #14620  
Assistant Cheshire County Attorney

**CERTIFICATE OF SERVICE**

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



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John S. Webb  
Assistant County Attorney



John Webb, Assistant County Attorney  
Cheshire County Sheriff's Department  
12 Court Street  
Keene, NH 03431

RE: **State v. Jason Talley - Witness Summary**

ACA Webb,

Per the Cheshire County Superior Court's order of 03/27/12, here is a brief summary of what the three non-quashed witnesses will be testifying about to the jury:

**Adam Mueller:** Adam's testimony will center around his unlawful arrest by Judge Edward Burke on 06/28/11. Adam will further explain to the jury the string of court orders that were created as a result of his engaging in constitutionally protected conduct. This testimony is vital to Jason's jury nullification defense.

**Kate Ager:** Kate's testimony will center around her witnessing Jason Talley attempt to walk to the Clerk's window to file paperwork in a confused state when the bailiffs started grabbing him.

**Cecelia Fairchild:** Cecelia's testimony will be similar to Kate Ager's.

If you have any questions, please feel free to call me.

Sincerely,



Bradley Jardis

Cc: Jason Talley