

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

SUPERIOR COURT

State of New Hampshire

v.

Chad Evans

00-S-888-896-F AND 00-S-934-I

DEFENDANT'S OBJECTION TO STATE'S
MOTION IN LIMINE TO ADMIT EVIDENCE OF
CONTACT BETWEEN CHAD EVANS AND AMANDA BORTNER
IN VIOLATION OF BAIL CONDITIONS

NOW COMES Chad Evans and, by his attorneys, files this partial objection to the State's Motion in Limine regarding the State's request to admit evidence of contact between Chad Evans and Amanda Bortner in violation of certain bail conditions.

In support of this Partial Objection, defendant states:

1. He is charged with second degree murder and eight felonies in regard to Kassidy Bortner.
2. The parties agree that Mr. Evans was released on bail and as a condition of this bail he was to have no contact with Amanda Bortner.
3. The State now seeks to introduce evidence that:
 - a. Mr. Evans did have contact with Amanda Bortner after his release on bail and
 - b. That this contact was in violation of the bail order.
3. Defendant does not object to the State's effort to introduce evidence regarding contact between Mr. Evans and Amanda Bortner.
4. Mr. Evans does object to the introduction of this evidence being cloaked in the guise of a bail violation.
5. Defendant believes that introduction of evidence regarding the bail condition and its alleged violation would be more

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prejudicial than probative under the circumstances of this case.
New Hampshire Rules of Evidence, Rule 403.

6. The State can introduce evidence of contacts between Mr. Evans and Amanda Bortner and, in closing argument, claim it impacts the veracity of Amanda Bortner's testimony. The State may claim in some fashion it demonstrates Mr. Evans' conscienceness of guilt. These arguments, however, can be made without reference to the bail condition or its alleged violation.

WHEREFORE, defendant files this partial objection to the State's Motion in Limine regarding contact between Chad Evans and Amanda Bortner and requests:

a. The State be allowed to introduce evidence of contact between Chad Evans and Amanda Bortner after his release on bail.

b. Exclude evidence that this contact was in violation of a bail condition.

c. And for such other relief as may be just and proper.

Respectfully submitted,
CHAD EVANS
By his attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANT'S OBJECTION TO STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE OF CONTACT BETWEEN CHAD EVANS AND AMANDA BORTNER IN VIOLATION OF BAIL CONDITIONS has been forwarded to Senior Assistant Attorney General N. William Delker and Assistant Attorney General Simon R. Brown, this _____ day of November, 2001.

Alan J. Cronheim