

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

OCTOBER TERM, 2023

STATE OF NEW HAMPSHIRE

v.

ERIC SWEENEY

DOCKET NO: 217-2023-CR-00721


STATE'S MOTION FOR ORDER OF NO BAIL PURSUANT TO RSA 597:1-c AND
STATEMENT OF FACTS IN SUPPORT OF REQUEST FOR NO BAIL

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby requests that this Court hold the defendant without bail pending trial in the above matters pursuant to RSA 597:1-c. In support thereof, the State submits as follows:

1. The defendant has been indicted on three counts of first-degree murder, contrary to RSA 630:1-a, for the murders of Kassandra Sweeney (DOB: 7/17/1997), Benjamin Sweeney (DOB: 03/08/2018) and Mason Sweeney (DOB: 08/21/2020). These offenses are punishable by sentences of life without the possibility of parole (see RSA 630:1-a, II). The defendant has also been indicted on one count of falsifying physical evidence.
2. RSA 597:1-c provides that “[a]ny person arrested for an offense punishable for up to life in prison, where the proof is evident or the presumption great, shall not be allowed bail.” This presumption holds and is subject to a defendant’s request for a bail hearing under RSA 597:4. *See also State v. Furgal*, 161 N.H. 206 (2010).
3. In light of the charges against the defendant and the below facts in support of those charges, the State requests that this Court hold the defendant without bail pending trial of these matters. The State further requests that the Court order the defendant to have no contact with family members of the deceased victims, including Sean Sweeney, Kristen Southwick, Terrence Southwick, Katrina Southwick, and/or any of their family members. The defendant may have contact with his mother, Heidi Sweeney, should she assent to or seek such contact.

Granted. The defendant's waiver of arraignment indicates no objection to the State's motion at this time.

Clerk's Notice of Decision
Document Sent to Parties
on 11/01/2023


Honorable Brian T. Tucker
October 27, 2023

4. On October 24, 2023, Attorney Lauren Prusiner, counsel for the defendant, advised the State that, at this time, the defendant is not objecting to detention pending trial in these matters. Attorney Prusiner further advised that the defendant does not object to the provisions of the requested no contact order.

FACTS¹

5. On August 3, 2022, at approximately 11:23 A.M., Belknap County Dispatch received a 911 call from Sean Sweeney (DOB: 10-24-1996) (Sean). Sean requested that an ambulance be dispatched to his residence at 56 Wethersfield Drive, Northfield, New Hampshire. When asked by the 911 operator what had occurred, Sean stated, "I don't know... my brother told me someone broke in and killed them all." Sean's brother was later identified as Eric Sweeney (DOB: 07-27-2006) (defendant). Sean told the 911 operator to relay to responding officers that he had two dogs at the home, telling them that the black dog "is not very friendly." Sean told the 911 operator that he was on his way to the residence and that he was driving an oil truck.
6. Sergeant Holly Harris and Officer Richard Paulhus of the Northfield Police Department arrived on scene at 56 Wethersfield drive at approximately 11:32 A.M. At the top of the driveway, officers observed a crew of workers from Asplundh Tree Service. There were no vehicles in the driveway. Officers knocked on the front door and received no response. Sergeant Harris looked through a window near the door and was able to see a male child and an adult female lying motionless on the floor. Sergeant Harris also observed a pool of blood.
7. Lieutenant Abraham Gilman and Officer Jordan Smith of the Tilton Police Department then arrived on scene. Based on Sergeant Harris' observations, Lieutenant Gilman, along with Sergeant Harris and Officer Paulhus entered the home under exigent circumstances. Upon entering the home, officers found that the male child and the adult female were laying on the floor inside of the kitchen suffering from apparent gunshot wounds. The male child was later identified as Mason Sweeney (Mason), and the adult female was later identified as Cassandra Sweeney (Cassandra). A second male child, later identified as Benjamin Sweeney (Benjamin), was located laying on the floor on the other side of the kitchen. Benjamin was also suffering from a suspected gunshot wound. Officers were able to determine that all three were deceased.
8. Sergeant Harris observed several .40 caliber casings in the area of the victims. Officers conducted a limited search of the home to determine if any additional victims or any suspects were inside and found none. Emergency Medical Services arrived at the location and confirmed that Cassandra, Mason and Benjamin were deceased. Officers cleared the location and secured it pending a search warrant.
9. ADMEs from the Office of the Chief Medical Examiner arrived on scene and were allowed access to the home in order to view the victim's bodies. When investigators

¹ These facts are taken from the affidavit in support of arrest warrant and from other materials that have been provided to defense counsel in discovery.

escorted the ADMs into the crime scene, they observed in plain view a black and gray bath-towel which was wrapped around a pair of gym shorts and a black handgun holster. These items were located on the kitchen counter close to the victims.

10. While investigators were on scene, Sean arrived at the top of the driveway driving an oil truck. He was immediately followed by the defendant driving a silver Ford F-150 truck. The defendant remained at the top of the driveway while Sean took possession of the silver Ford F-150 and drove it to the front yard of the home. While Sean was speaking with officers, the defendant began walking down the driveway, where officers ultimately detained him. Recovered on the driveway in close proximity to where officers detained the defendant was an iPhone 12 Pro in a glitter phone case. The silver Ford F-150 was registered to Cassandra. The iPhone 12 Pro was identified as Cassandra's cellular phone.
11. Investigators then spoke with crew members from the Asplundh Tree Service. One of the workers advised that the work crew arrived at the location at approximately 10:00 A.M. on the morning of August 3, 2022. The crew parked their vehicles on the street and blocked the driveway of 56 Wethersfield Drive with traffic cones. At some point after their arrival, the worker heard what he believed was screaming or yelling of young children. Thereafter, a white male described as approximately 20 years old, average build with short brown hair who was wearing a baseball cap pulled out of the driveway of 56 Wethersfield Drive in a silver Ford F-150 truck. The workers moved the traffic cones so that he could drive away from the home.
12. The worker reported to investigators that while police were on scene, the same white male returned to the location driving the same silver Ford F-150 truck. At that time, the workers saw a second individual arrive at the location driving an oil truck. The worker stated that the male who had left and then returned in the silver Ford F-150 truck was the same person who officers had detained in the driveway of 56 Wethersfield Drive. The worker told police that no one else had entered or left from the driveway while they were at the location.
13. During the course of the investigation, investigators learned of prior calls for service to the location of 56 Wethersfield Drive that occurred in June and July. On or about June 6, 2022, Sean reported to the Northfield Police Department that the defendant had stolen his car, a Honda Civic. On or about July 22, 2022, Sean reported to the Northfield Police Department that the defendant was making strange comments and had hidden multiple weapons around the home. Sean told officers that he was concerned for the safety of his small children.
14. Sean was interviewed and told investigators that he was at work when he first received the call from his brother, the defendant. He told officers that the defendant had called him from Cassandra's cellular phone. Sean told officers that he was in Andover, NH when he got the call and that he had then driven his oil truck from that location to the house. The oil truck that Sean was driving was equipped with GPS tracking and a dashboard camera. Review of both the GPS and camera footage confirmed that Sean had been working that morning and was in Andover, NH when he called 911. Sean had not

been in Northfield from the time he began his work delivery route that morning (approximately 6:30 A.M.) until he drove home after his call to 911. Sean told investigators that when he arrived at the intersection of Bay Hill and Knowles Farm Roads, the defendant was there inside of Cassandra's Ford F-150. The defendant then followed Sean to the house.

15. Sean told officers that there was growing tension in the family because of the defendant's behaviors to the point that the defendant would not listen to him, and they were barely speaking to one another. He stated that he had installed a lock on the door to the master bedroom in order to keep the defendant out of the room but that he didn't believe that Cassandra locked the door. Sean told investigators that he and Cassandra wanted the defendant out of their home and had been taking steps to remove him.
16. During that initial interview, Sean told investigators that he owned two handguns, a 9mm Hi-Point and a .40 caliber Taurus. Both handguns were stored inside of a locked safe underneath the bed in the master bedroom. When in storage, the guns were kept unloaded, inside of holsters with the loaded magazines inside of the same safe. Sean indicated that the safe was unlocked by a key and that there were two keys for the safe: one hanging just inside the closet of the master bedroom and the other on the keyring for the Ford F-150 truck. Sean gave investigators written and verbal consent to conduct a search of the master bedroom in order to search for and secure the two handguns. He further gave written and verbal consent for investigators to conduct forensic downloads of his and Cassandra's cellular phones.
17. Investigators found the key to the safe which was hanging inside of the master bedroom closet. The second key to the safe was later located on the keyring for the silver Ford F-150. Investigators removed the safe from beneath the bed and found that it was unlocked. Upon opening the safe, investigators found the 9mm Highpoint handgun along with a loaded 9mm magazine. The .40 caliber Taurus handgun and magazine, however, were missing from the safe. The 9mm Highpoint handgun was secured along with the magazine. The missing handgun was identified as a Taurus PT24/7 .40 caliber Smith & Wesson pistol with serial number SCM77497.
18. During a follow-up interview, Sean was asked about his two dogs. He advised investigators that he had a black Labrador Retriever named Daisy and a golden Retriever named Moose. Consistent with his statements during the 911 call, Sean stated in substance that Daisy was likely to bark and be aggressive towards strangers if any were to arrive at the residence.
19. The defendant was interviewed by investigators. During that voluntary interview, which was audio and video recorded, he waived his *Miranda* Rights with a *Benoit* juvenile waiver form. During his subsequent interview, the defendant told investigators that he heard what he believed to be a home invasion at the residence. Among other things, in recounting the events that morning, he reported:
 - a. The defendant went upstairs to take a shower after Cassandra woke him up in the morning. He then went to his room in the basement, bringing the clothes he had slept in with him to place them in his dirty laundry.

- b. While he was in the basement, he heard something break. He then heard a deep, male voice yelling followed by multiple “pops.”
 - c. The defendant told investigators that he waited until everything was silent, then he went upstairs and saw Cassandra, Benjamin, and Mason on the floor in the kitchen with blood around them. He denied knowing whether they were alive or deceased, but believed they were injured.
 - d. The defendant denied seeing anyone other than the family in or near the house. He denied involvement in the homicide and denied knowing who injured his family members.
 - e. He denied hearing the family dogs barking at any point during the incident or seeing them when he left the house.
 - f. The defendant told investigators that he saw what he believed was a black, leather gun holster on the kitchen counter with nothing else around it. He stated that he took Cassandra’s cellphone and the keys to the silver truck before driving away from the location in that vehicle.
 - g. The defendant told investigators that he saw tree workers at the end of the driveway, but he did not seek their assistance. He said that he saw a 17-year-old friend standing in a driveway on Wethersfield Drive but did not ask him for assistance.
 - h. The defendant confirmed that he knew there was at least one gun inside of the house, which was kept in a safe. He denied knowing where the safe or the keys to the safe were located. Further, he denied going into the master bedroom that day or handling a gun, the safe, or the keys at any time.
 - i. The defendant initially told investigators that he walked through the children’s playroom on the first floor in order to exit the house, but then confirmed that he had actually stepped over Cassandra and Mason’s bodies and walked through the main hallway to leave.
20. Wethersfield Drive is a dead-end street with only one access point located at the intersection of Shaker Road. Investigators canvased the area to identify any cameras in the neighborhood and located a home near the intersection of Wethersfield Drive and Shaker Road that had a motion activated Ring doorbell camera. The Ring doorbell camera at this residence captured the roadway of Wethersfield Drive and therefore recorded any vehicles entering or exiting Wethersfield Drive. Similarly, had any individual entered Wethersfield Drive on foot, that person would have also been captured on the Ring doorbell camera. Investigators recovered and reviewed all of the clips recorded by the Ring device between the hours of 10:50 A.M. and 12:00 P.M. on August 3, 2022.
21. Upon review of the recordings from the Ring doorbell camera, investigators observed a white SUV turn onto Wethersfield Drive from Shaker Road at approximately 10:53 A.M. time. This was the only vehicle seen entering the neighborhood in the time frame reviewed. The vehicle was not observed leaving Wethersfield Drive. Investigators located the white SUV, which was a white 2010 Volvo XC60. The driver was identified as a female who confirmed her arrival time in the area and advised officers that she was visiting her sister, who resided on Wethersfield Drive.

22. Further review of the recordings from the Ring doorbell camera showed the silver Ford F-150 leave Wethersfield Drive at approximately 11:01 A.M. The silver Ford F-150 did not immediately turn onto Shaker Road, but rather stopped at the intersection for approximately two minutes. While the defendant was stopped at the intersection, a gray hatchback vehicle stopped behind it and then drove around it in order to turn onto Shaker Road from Wethersfield Drive. No other vehicles were seen leaving Wethersfield Drive between the times of 10:49 A.M. and 11:01 A.M. Investigators located the gray hatchback, a gray 2013 Mazda 3. The driver was identified as a 16-year-old female resident of Wethersfield Drive. She told investigators that she stopped behind the silver Ford F-150 when leaving her street and drove around that vehicle when it did not move. She indicated to police that when she drove past the vehicle, she observed a young, white, male driver with short hair who was looking down as though he was looking at a phone.
23. Beyond the identified vehicles, the Ring doorbell camera showed no individual entering or leaving Wethersfield Drive on foot or otherwise during the timeframe in question.
24. The footage from the Ring doorbell camera showed the silver Ford F-150 return to Wethersfield Drive at approximately 11:51 A.M. At that time, the silver Ford F-150 was driving behind an oil truck.
25. On August 3, 2022, the Honorable Judge Tina Nadeau granted several search warrant requests related to the investigation including warrants allowing investigators to search: (1) the home at 56 Wethersfield Drive; (2) the silver 2016 Ford F-150; and (3) the body of the defendant. Further, Judge Nadeau granted a search warrant authorizing Verizon Wireless to release to investigators call detail information and historical cellular location data related to Kassandra's cellular phone.
26. On August 3, 2022, investigators conducted the search of the defendant's person. During that search, the following items were collected: Gun Shot Residue (GSR) kit of both hands; dry and wet swabbing of both hands; DNA sample (buccal swabbing of his mouth); recovery of the clothing that he was wearing at the time, a baseball hat, t-shirt, shoes, and shorts; known finger/palm print samples; a hair sample and wrist bands that he was wearing. All of the collected items were submitted to the New Hampshire State Police Forensic Laboratory for testing.
27. Further, investigators searched the residence at 56 Wethersfield Drive. The first floor of the residence consisted of a center stairwell, a playroom to the right of the stairwell, a hallway to the left of the stairwell, and a living room to the left of the hallway. The eat-in kitchen was located behind the stairwell and could be accessed either by the front hallway, through the living room to the left, or the playroom to the right. Inside of the kitchen was a door that leads to the basement.
28. During the search, investigators photographed the bodies of Kassandra, Benjamin and Mason in order to document the scene. When Kassandra's body was recovered, she was observed to be wearing a diamond engagement ring and a diamond wedding band among other pieces of jewelry.

29. On August 4, 2022, autopsies were conducted on Kassandra, Benjamin and Mason at the New Hampshire Office of the Chief Medical Examiner. Chief Medical Examiner Dr. Jennie Duval found that each victim suffered a single gunshot wound to the head. As to Kassandra, the bullet entered above her right eyebrow. A bullet was recovered from her skull. As to Benjamin, the bullet entered in the left front top of his head and exited behind his right ear. As to Mason, the bullet entered at the right front top of his head and exited behind his left ear. As to each of the victims, Dr. Duval determined that the cause of death was a gunshot wound to the head and the manner of death was homicide. There was no evidence of any other injuries or trauma.
30. On August 4, 2022, investigators continued the search of 56 Wethersfield Drive related to the murders and to investigate the defendant's claim that there had been a home invasion. At the residence, investigators found no sign of forced entry or home invasion. There were no apparent signs that the home had been searched or ransacked. Other than the Taurus handgun, there were no signs of any items of value missing from the home. Investigators observed several televisions, a computer, an iPad and other items of value inside of the home.
31. During the execution of the search warrant, several items were recovered as follows:
- a. **Kitchen:** investigators located and recovered six .40 caliber cartridge casings from the kitchen. Three of the cartridge casings were found to be silver .40 caliber Federal Smith & Wesson while the remaining three cartridge casings were brass .40 caliber Winchester Smith & Wesson. Investigators recovered the black and gray bath-towel which was wrapped around the pair of gym shorts and black handgun holster from the kitchen counter. The towel was unwrapped and found to also contain a washcloth and a black, size large Boston Bruins t-shirt. Further, investigators recovered a single bullet from the kitchen floor near the body of Kassandra and several metal bullet fragments.
 - b. **Living room:** investigators recovered several projectiles and metal fragments consistent with four bullets.
 - c. **Master bedroom:** investigators recovered the gun safe and the 9mm handgun. Additional ammunition consisting of 9mm rounds were recovered from the master bedroom closet.
32. Based on the evidence as recovered from the scene it is apparent that Benjamin was shot once in an area of the kitchen adjacent to the playroom while Kassandra and Mason were shot in a different area of the kitchen near kitchen table and front hallway. Directly behind where the bodies of Kassandra and Mason were found there were four apparent bullet holes in the wall that separates the kitchen from the living room. Based on examination of the scene, including the location of the bodies of the victims and bullet defects, it is apparent that Kassandra, Mason, and Benjamin were shot to death in close proximity and time to one another.
33. Investigators also photographed the items that had been wrapped in the black and gray bath-towel and brought the photographs to Sean. Sean recognized the Bruin's t-shirt and black gym shorts as the defendant's clothing, which the defendant would wear to sleep. In addition, Sean identified the handgun holster as the holster that held the Taurus .40 caliber handgun.

34. Sean told officers that the Taurus .40 caliber handgun would have been loaded with mismatched ammunition, but he could not remember what type or brand as he had not purchased it. Sean explained that ammunition was expensive, and he had taken some ammunition from a family member the last time he took the gun target shooting. Sean believed that the first cartridges in the gun would have consisted of hollow point rounds. This information is consistent with the evidence found at the scene of two different types of .40 caliber cartridge casings.
35. Further, Sean provided additional details about the purchase of the handgun. Based on this information, investigators determined that the missing .40 caliber handgun was a Taurus PT24/7 .40 caliber Smith & Wesson pistol with serial number SCM77497.
36. On August 5, 2022, investigators conducted an additional search on the silver Ford F-150 and processed it for physical evidence. Some of the specific evidence collected included Gun Shot Residue (GSR) kits from the top and bottom of the steering wheel. That same day, the New Hampshire State Police Forensic Laboratory sent the GSR kits out to an independent forensic laboratory (RJ Lee Group) for forensic testing.
37. On August 9, 2022, investigators received the results of the forensic testing conducted on the GSR kits from the defendant's hands and from the steering wheel of the silver Ford F-150. This testing confirmed the presence of GSR particles on both the right and left hands of the defendant with more material being deposited on his right hand. The defendant is right-handed. Further, the presence of GSR particles was confirmed on the bottom portion of the steering wheel of the silver Ford F-150, which, as discussed above, the defendant used to drive away from 56 Wethersfield Drive.
38. Given the presence of GSR on the steering wheel of the silver Ford F-150, investigators conducted a brief follow-up interview of Sean. Sean told investigators that he had purchased the silver Ford F-150 on June 12, 2022. Investigators determined that Sean last fired a handgun on or about July 4, 2020, almost two years before the Ford F-150 was purchased. Under these circumstances, Sean could not have been the source of the GSR found on the steering wheel of the vehicle.
39. While reviewing the contents of Cassandra's cellular phone, investigators learned that Cassandra sent messages to Sean and to her mother on the morning of August 3, 2022. Between approximately 10:48 A.M. and 10:49 A.M., Cassandra and Sean exchanged Snapchat and text messages with each other. Some of the messages consisted of videos of Benjamin and Mason. At approximately 10:49 A.M. Cassandra sent Sean a text message that said, "I hope they make you laugh." This is believed to be the last known message sent by Cassandra to Sean. At approximately 10:52 A.M., Cassandra sent a video of Benjamin and Mason to a phone number associated with her mother. Investigators believe that this is the last confirmed communication sent by Cassandra.
40. Additionally, investigators learned that between approximately 11:18 A.M. and 11:19 A.M., Sean received a series of messages in his Snapchat account. The messages were sent from Cassandra's Snapchat account. The messages said "Help," "It's Eric," and "Sean" in that order. Based on the timing of the messages and their content, Sean believed that these messages were sent by the defendant.

41. Investigators reviewed the GPS location data contained on Cassandra's cellular phone and were able to determine the movement and location of the phone between 10:59 A.M., when the defendant left the residence and 11:19 A.M., when the defendant sent the last Snapchat message to Sean:
 - a. **10:59 A.M.** – the device appeared to move from the Sweeney residence onto Wethersfield Drive.
 - b. **11:01 - 11:03 A.M.:** the device appeared to stop at the intersection of Wethersfield Drive and Shaker Road.
 - c. **11:03 - 11:10 A.M.:** the device appeared to travel down Shaker Road to Route 140 and then to Interstate I-93 Southbound.
 - d. **11:10 - 11:19 A.M.:** the device appeared to travel Interstate I-93 southbound to Exit 17.
42. Based on the timeline of events, investigators believe that the murders occurred sometime between the last outgoing activity from Cassandra's phone at approximately 10:52 a.m., and the time when Cassandra's phone, while in the possession of the defendant, left the residence at 56 Wethersfield Drive at approximately 10:59 a.m.
43. Investigators conducted extensive searches for the missing Taurus handgun. Investigators ultimately used the GPS location data from Cassandra's cellular phone to identify probable areas to search for the missing handgun. On August 11, 2022, a K-9 team from New Hampshire Fish and Game was conducting a search on southbound I-93 approximately one mile before Exit 17. This location was consistent with the location of Cassandra's cellular phone on August 3, 2022, at approximately 11:17 A.M., when the defendant was sending Snapchat messages to Sean. The K-9 unit located a black .40 caliber handgun and magazine in the center median, consistent with having been thrown from the driver's side window of a southbound vehicle. The handgun was identified as Sean's Taurus PT24/7 .40 caliber Smith & Wesson pistol with serial number SCM77497.
44. On November 8, 2022, an analyst of the New Hampshire State Police Forensic Laboratory conducted an examination of the recovered Taurus .40 caliber handgun. She compared the handgun to casings and projectiles (bullets) recovered from inside of the kitchen at 56 Wethersfield Drive as well as to the projectile recovered from Cassandra during autopsy. The examination found that the Taurus .40 caliber handgun had fired the six casings and two intact bullets recovered inside 56 Wethersfield Drive as well as the bullet recovered from Cassandra at autopsy.

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

- (A) Grant the State's Motion and Order that the defendant, Eric Sweeney, be held without bail pending trial pursuant to RSA 597:1-c; and,
- (B) Order that the defendant have no contact with any family members of the deceased victims; and/or,
- (C) Hold a hearing on this matter; and/or,
- (D) Order such additional relief as the Court deems just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

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October 26, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via traditional and electronic mail to counsel for the defendant.

/s/ Bethany J. Durand
Bethany J. Durand
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