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August 10, 2025

Honorable Marc C. Lemieux, A.J.S.C.
Monmouth County Courthouse
71 Monument Park, 3rd Floor
Freehold, NJ 07728

Re: State v. Paul Caneiro

Case No. 18-004915 / Indictment No. 19-02-283-I

Motions in Limine – Omnibus Reply

Dear Judge Lemieux:

Please accept this short letter in reply to the State's responses to the defense's motions in limine, filed 8/7/25.

With respect to the State's response to the defendant's Motion to Preclude Graphic/ Autopsy Photos, the defense would clarify the following. First, the defense is not challenging the time of the victims' death. However, while the State can argue the time of death based on the circumstantial evidence in this case (e.g. time gunshots were heard; time power cord was cut; time text messages were sent; time vehicle is seen in area; etc), the State cannot present any expert testimony that specifically opines about time of death because same has not been provided to the defense. The State has not furnished any expert report establishing

a time of death nor do the ME reports opine about time of death. Additionally, if the State has *any* additional information that is not contained in the ME reports, then same must be memorialized and furnished to the defense.

Second, the defense will not be publishing to the jury the graphic photos of the victims' bodies that are displayed in Dr. Eckersley's report. Rather, if Dr. Eckersley testifies, the photos shown to the jury will be limited to what he has prepared in his trial presentation, which includes only six photos of some of the isolated stab wounds with measurements.

With respect to the Change of Venue Motion, the State contends that the media headlines regarding suppression of evidence are helpful to the defense. However, the opposite is true: not only do these headlines affect jurors' ability to serve, but they also cause significant prejudice to the defense. Any prospective jurors that have learned of this information obviously cannot serve on this jury because they would have knowledge of evidence that the Court has deemed inadmissible at trial. Losing these potential jurors prejudices all parties, but especially the defense as it is the defendant's constitutional right to a fair trial. Moreover, if jurors know that the defense has successfully suppressed evidence, jurors will tend to view this as the defense and/or the Court hiding the incriminating evidence from the jury, which jurors would hold against the defense. No finder of fact, i.e. the jury in this case, wants to feel that 'bad' evidence is being hidden from them and will only further speculate as to how 'bad' the evidence is that was ultimately suppressed. (It should be noted that some of the suppressed evidence was published by the media such as a description of the DVR video while other evidence was not specifically described such as what is contained on the defendant's electronic devices).

Lastly, with respect to the Motion to Preclude Electronic Communications, the State indicates that it has recently run the Google Cloud data through ‘a program that should allow for easier navigation.’ In the event that this program is able to parse the information in issue here, the defense would need access to that same program.

The defense respectfully thanks the Court for considering the defense’s brief reply contained herein.

Respectfully Submitted,

/s/ Monika Mastellone

Monika Mastellone, Esq. 122942014

CC: AP Christopher Decker; AP Nicole Wallace