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By: Michael Mestern, Assistant Prosecutor, Attorney Id: 014062009

**THE STATE OF NEW JERSEY,
Plaintiff.**

V.

SEAN M. HGGINS,
Defendant.

**SUPERIOR COURT OF NEW JERSEY
SALEM COUNTY
LAW DIVISION-CRIMINAL PART**

INDICTMENT NO.: 24-12-00400-I

ORDER

THIS MATTER being opened to the Court by Michael Mestern, Assistant Prosecutor on behalf of the State of New Jersey with proper notice to the defendant Sean M. Higgins, represented by Matthew V. Portella, Esq. and Richard Klineburger, III, Esq. it is hereby:

ORDERED ON THIS ___DAY OF____, 2025, that the State’s motion to exclude evidence pursuant to N.J.R.E. 104 is _____.

Hon. _____ P.J. Cr./ J.S.C.
Michael J. Silvanio

SALEM COUNTY PROSECUTOR'S OFFICE



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April 3, 2025

Filed via: eCourts
Filed by Michael Mestern – NJ Attorney ID: 014062009
Attorney for the State of New Jersey

Honorable Michael J. Silvanio, P.J.Cr.
Gloucester County Justice Complex
70 Hunter Street
Woodbury, New Jersey 08096

RE: State v. Sean M. Higgins
Ind. No. 24-12-400-I

Dear Judge Silvanio:

Please accept this letter brief, in lieu of a more formal brief, in support of the State's Motion *In Limine* pursuant to N.J.R.E. 104(a)(1) and N.J.R.E. 402 to preclude the admission of Matthew and John Gaudreau's toxicology results at trial and testimony regarding violations of N.J.S.A. 39:4-10.

Statement of Facts / Procedural History

On August 29, 2024, at about 8:19 p.m., Troopers, from the New Jersey State Police, were dispatched to a motor vehicle crash around 63 Pennsville Auburn Road (MP 11.15). The 911 caller indicated that a SUV struck two bicyclists and continued to drive off. The caller indicated the victims, who were later identified as Matthew and John Gaudreau, sustained severe injuries and were unconscious but breathing. A Sergeant, from the New Jersey State Police, was the first on scene and made contact with the defendant, identified as Sean M. Higgins. He was

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located about a quarter mile away from the crash scene. The Sergeant told the defendant to wait for the next trooper to arrive and went to check on the victims.

The Sergeant reached the victims about the same time that the EMTs arrived. The EMTs determined that the victims had died. Tpr. Allonardo arrived shortly thereafter. When he arrived, there were multiple emergency vehicles on the scene and he observed two heavily damaged bicycles on the side of the road. He then went back to the defendant's location and found him out of his vehicle, pacing back and forth, and talking on his cell phone. The defendant ended his call and then indicated to the trooper he was the operator of the Jeep parked on the side of the road.

By this time, multiple officers and troopers were on-scene assisting in the investigation. One of those troopers informed Tpr. Allonardo he had just talked with a witness who indicated she saw the defendant, stopped, and asked the defendant if he was ok. The witness indicated the defendant said no and appeared to be freaking out. The defendant admitted to her that he had been drinking. A separate trooper then took a more detailed statement from her.

Tpr. Allonardo then talked to the defendant. He said that he was behind two vehicles he described as driving slowly, about forty to thirty miles per hour, when he attempted to pass them. The first vehicle he passed on the left. He stated he then moved back to the lane of travel after he passed the car in front of him and hit the brothers. Tpr. Allonardo felt that the defendant appeared to be nervous and smelled alcohol on him. The defendant also admitted to drinking beer that day when asked. The trooper then had the defendant perform the standard field sobriety tests, which he failed. The defendant was then arrested and transported to the barracks.

Troopers were able to identify three witnesses in the lead vehicle, a Ford Bronco. It was later determined the defendant was passing this vehicle on the right when he struck Matthew and John. The troopers requested they to go to the Woodstown Station to give formal statements.

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They complied and gave statements. The driver of the vehicle the defendant initially passed on the left was also identified as a witness. She was driving a Ford Focus. However, she was so distraught she could not give a statement that day. EMTs had to transport her back to her house. Before being transported, she gave a brief statement to a Sergeant. She agreed to go to the Woodstown Station on August 30, 2024, to give a statement.

Troopers from NJSP Fatal Accident Investigation Unit and Crime Scene Investigation Unit arrived and assisted with the investigation and processed the scene. The defendant's Jeep came to a rest about 1500 feet, or a little over a quarter mile, away from the crime scene on the grass on the north bound side of the road. There was severe damage on the passenger side to the front bumper cover, fender, windshield, headlight, and windshield. Tpr. Pope observed debris from the defendant's Jeep and bicycles in the area of the crime scene. There was also damage to a fence post near the victims' final resting place.

Trp. Pope mapped the crime scene using a laser and computer software. He used that information to author the final rest diagram. He then documented all the evidence and where it was located within the crime scene. The driver's side headlight was completely removed from the defendant's Jeep. Neither of the bicycles had front or rear lights. There were no tire marks that would suggest where the point of impact was. Tpr. Pope was able to determine the general area of impact based on the eyewitness statements.

Back at the Woodstown Station, a trooper took a formal statement from the witnesses in the Bronco. They indicated Matthew and John were riding in a single file on the right side and they were able to describe what they were wearing. The Bronco moved partially into the opposite lane of travel to give Matthew and John room as they passed. When the driver did so, she observed a vehicle approaching from the rear at a high rate of speed. One of the other occupants

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in the Bronco stated that the vehicle approached from the rear and passed them on the right.

When doing so half of the defendant's Jeep was off the road and on the grass. All the occupants then saw the defendant strike the brothers who were thrown from their bicycles. Once the Jeep struck the brothers it did not stop.

While that interview was being conducted, Tpr. Allonardo transported the defendant to the Mannington Inspira hospital to have his blood drawn for blood alcohol analysis to determine the defendant's blood alcohol concentration (hereinafter "BAC") level. The defendant was then transported back to the Woodstown barracks where Tpr. Allonardo and Det. Repose conducted a formal interview of the defendant. The defendant was made aware of his rights and he agreed to waive those rights and talk with the troopers. He indicated he went to Taco Bell and was returning home. On the way there, he approached two cars he described as driving slowly. This time he stated they were driving between twenty to thirty miles an hour. He stated he was impatient and decided to pass them. After he passed the Ford Focus, the Bronco started to move over into the lane he was in. He thought the driver of the Bronco was trying to prevent him from passing. He then moved back to the right lane and struck Matthew and John. He said he was not going that fast since his car was not that powerful. He thought he was only going forty miles per hour. He stated he was not trying to pass on the right. He just wanted to know what the other car was doing. He admitted that he didn't see the victims before he struck them. He heard the sound and was unsure what he hit. He stated that when he heard the impact, he was side by side with the Bronco. When confronted with what he just said, the defendant admitted that his intention was to pass the Bronco.

Det. Repose then had the defendant talk about what happened before the crash. He admitted to drinking five or six beers before going to Taco Bell at 6 p.m. starting between the

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hours of 2 and 3 p.m. He admitted to drinking two beers in the car while driving. He said the beer was a factor in him being inpatient, his reckless driving, and passing the vehicles.

On August 30, 2024, a Detective, from the New Jersey State Police, met with the driver of the Ford Focus at the Woodstown Station where she gave a formal interview as to what she witnessed the day before. She indicated she was driving on Pennsville-Auburn Road behind a Bronco. While behind the Bronco another vehicle approached hers from behind at a high rate of speed. She described the vehicle as a Jeep or SUV. The first thing she noticed was the Jeep or SUV would speed up then slow down then speed up again. That happened three or four times while being tailgated. She was so concerned about this she thought about pulling over. She stated she was traveling at about fifty-five miles per hour. The speed limit in the area is fifty miles per hour.

While this was happening the vehicle ahead of her applied their brakes and started to move into the southbound lane of travel. She was in the northbound lane of travel. When that happened she saw two males on bikes, riding single file, with the flow of traffic. She stated Matthew and John were not in the lane of travel and she was confident they were traveling on the fog line. She believed the vehicle in front of her, the Bronco, moved over to allow the victims to have more room and she decided to do the same. As she moved over, the defendant passed her on the left side at a high rate of speed. The defendant then swerved in front of her after passing her. She then saw the defendant hit the brothers.

On September 6, 2024, Tpr. Allonardo received the blood alcohol concentration results from the NJSP forensic lab regarding the defendant's BAC on the night in question. It was over the legal limit to operate a motor vehicle, at .087%.

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On November 13, 2024, the autopsy reports for Matthew and John Gaudreau were received. They detailed the significant and numerous injuries the brothers received on the night in question. The reports found no underlying conditions or injuries that contributed to Matthew or John's deaths. They indicate the brothers both died from blunt force injuries as a result of being struck by a vehicle while riding their bicycles. The manner of death was accident. The autopsy reports from the Gloucester County Medical Examiner's Office along with the toxicology reports were received which provide Matthew and John's BAC levels on the night in question.¹

On December 11, 2024, this matter was presented to the Salem County Grand Jury and a True Bill was returned. The defendant was indicted on two counts Reckless Vehicular Homicide, second degree, a violation of N.J.S.A. 2C:11-5a; two counts of Aggravated Manslaughter, first degree, a violation of N.J.S.A. 2C:11-4a(1); one count of Tampering with Physical Evidence, fourth degree, a violation of N.J.S.A. 2C:28-6(1); and one count of Leaving the Scene of a Fatal Accident, second degree, a violation of N.J.S.A. 2C:11-5.1. On February 4, 2025, counsel for the defendant filed three pretrial motions. A briefing schedule followed, with defense filing briefs in support of their filings on March 4, 2025. The State filed its response briefs March 25, 2025.

Subsequently, the State filed a Notice of Motion *In Limine* to preclude the admission of Matthew and John Gaudreau's toxicology results at trial and testimony relating to violations of N.J.S.A. 39:4-10, based on relevancy grounds.

¹ The facts relied on throughout are derived from the testimony of New Jersey State Troopers Pope and Allonardo who testified for the State at the Grand Jury Presentment. Copies of the transcript from that presentment were provided to the court through prior motions and the State will rely on those submissions.

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Legal Argument

Generally speaking, courts shall decide any preliminary questions regarding the admissibility of evidence. N.J.R.E. 104(a)(1). Trial judges are considered the gatekeepers of evidence under the rules of evidence. State v. Hernandez, 170 N.J. 160, 127 (2001). “Relevancy is the hallmark of admissibility of evidence.” State v. Williams, 240 N.J. 225, 235 (2019), quoting State v. Darby, 174 N.J. 509, 519 (2002). The question of relevancy rests within the discretion of the court. State v. Allison, 208 N.J. Super. 9, 17 (App. Div. 1985). Courts apply a broad test in determining relevance that favors admissibility. State v. Deatore, 70 N.J. 100, 116 (1976). New Jersey court rules state: “Relevant evidence” means having a tendency in reason to prove or disprove any fact of consequence to the determination of the action. N.J.R.E. 401. There are two components to this: probative value and materiality. Williams, 240 N.J. at 235. When considering the probative value of evidence, courts should look at the logical connection between the evidence in question and the fact at hand. Id., quoting Griffin v. City of East Orange, 225 N.J. 400, 413 (216). Materiality of evidence focuses on strength of the relation between the issues in the case and the proposition the evidence is offered to prove. Williams, 240 N.J. at 236.

Causation is an element in both Aggravated Manslaughter and Death by Auto statute. The *mens re* assigned therein is recklessness. N.J.S.A. 2C:11-4a(1); N.J.S.A. 2C:11-5a. The code provides a multistep analysis to determine causation. State v. Buckley, 216 N.J. 249 263 (2013).

It states in relevant part:

Conduct is the cause of a result when:

- (1) It is an antecedent but for which the result in question would not have occurred; and
- (2) The relationship between the conduct and result satisfies any additional causal requirements imposed by the code or by the law defining the offense.

...

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c. When the offense requires that the defendant recklessly ... cause a particular result, the actual result must be within the risk of which the actor is aware or, ... if not, the actual result must involve the same kind of injury or harm as the probable result and must not be too remote, accidental in its occurrence, or dependent on another's volitional act to have a just bearing on the actor's liability or on the gravity of his offense.

N.J.S.A. 2C:2-3(a)(c).

When applying the statute, the “but for” causation is determined first. Meaning the event in question would not have happened absent the defendant’s conduct. Buckley, 216 N.J. at 263.

When the *mens re* of recklessness is involved, there is a culpability assessment under subsection (c). Id., at 264. The “actual result” used in subsection (c) is the death of the victim. Id.²

The second step of the analysis requires proof that the actual result “involve[s] the same kind of injury or harm as the probable result” of the defendant’s conduct. It is permissible to find intervening cause or unforeseen conditions that would lead to a conclusion that it would be unjust to hold the defendant for the cause of a victim’s death. Id., at 264-5. An “intervening cause” happens when something comes between a first event in a series and the result. It then alters the course of events that might have naturally connected the illicit act to the victim’s death. Id., at 265. “Thus, an “intervening cause” denotes an event or condition which renders the result “too remote, accidental in its occurrence, or dependent on another’s volitional act” to fairly affect criminal liability or the gravity of the offenses. State v. Buckley, 216 N.J. 249, 265 (2013) (citing N.J.S.A. 2C:2-3(c); State v. Pelham, 176 N.J. 448 461-62 (2003)).

The Appellate Division addressed these issues, where a motorist/defendant (who was speeding) struck a victim/pedestrian (who was crossing a road outside a crosswalk). State v. Parkhill, 461 N.J. Super. 494, 497-98 (2019). At trial, the court failed to give the causation

² The Court in Buckley only analyzed N.J.S.A. 2C:2-3 as it relates to the Death by Auto Statute. The State would argue that the logic the Buckley applied when doing an analysis for Aggravated Manslaughter cases as well.

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charge to the jury. Id., at 499. The court held that “but for” causation was an issue since the pedestrian placed himself in the path of the defendant. The court also held that the victim’s act triggered the second step of the causation analysis to determine if the victim’s actions rose to an intervening action that would absolve the defendant of criminal liability. Id., at 505.

In the seminal case, State v. Buckley, the Supreme Court held that the actions of the victim in a car accident were not relevant to causation and were inadmissible at trial. Buckley, 216 N.J. 249 (2013). There the defendant was operating a vehicle at a high rate of speed when he lost control of the vehicle and struck a utility pole, fatally injuring the passenger/victim that was with him. The victim at the time of the crash was not wearing his seat belt and the utility pole was placed in front of a guard rail which was noncompliant with DOT. Id. at 256-258. The State filed a motion *in limine* to prevent defense from arguing a defense of remote causation, because the victim did not wear a seatbelt. The State also asked for an order to prevent defendant from presenting evidence that the victim would have survived had he worn a seatbelt and that the placement of the utility pole violated DOT regulations and that the victim would have survived had the pole been placed in the correct location. Id.

The court held that the defendant’s actions are the focus of the “but for” analysis, the first step in determining causation. That is the manner in which he drove before and during the collision. The court held that whether the victim would have survived if he had worn a seat belt was irrelevant to the “but for” causation analysis. Id., at 267-68. The court also held that the placement of the utility pole or its compliance with DOT was irrelevant to the first prong of the causation analysis, i.e. “but for” the defendant’s driving the collision would not have happened. Id., 269-70.

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With this in mind, no credible argument can be made that Matthew and John's toxicology reports and the contents therein are relevant to the case before Your Honor. Similarly, no actions or decisions attributable to Matthew or John led to their deaths on the night in question. "But for" causation should not be an issue here. There are four witnesses that witnessed the defendant speeding and illegally passing the Bronco on the right when he struck the brothers. The witnesses also saw the brothers riding single file, with the flow of traffic, on the fog line just prior to being struck by the defendant.

This matter is dissimilar to the situation the victim in Parkhill faced. There the victim was a pedestrian who walked across the street outside of a crosswalk. The court found that the defendant's actions contributed to the crash. The brothers here were doing what they were supposed to do. They were riding single file with the flow of traffic on the fog line. The driver of the Bronco was able to see Matthew and John and safely move over to pass them. The driver of the Focus was also able to see them as well. She was going to try and pass the brothers when the defendant decided to pass her on the left.

Like, Buckley, the defendant's actions and his actions alone were the cause of the victims' deaths. There, like here, the defendant was speeding. The victim there did not have his seat belt on. Presumably defense here, will argue that on the night in question Matthew and John should have had lights on their bicycles. However, the Buckley Court found that the accident would have happened regardless of whether the victim was wearing their seatbelt or not, and the State had established "but for" causation. Likewise, the defendant's actions here were so egregious that no amount of light on Matthew and John's bikes would have prevented the collision from happening. Again, the defendant was intoxicated, speeding, and he passed the Bronco on the right with half his vehicle was on the roadway and half was on the grass.

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The Parkhill, court held that the victim's actions there was an intervening cause that triggered the second step in the causation analysis, intervening causation. There is no evidence here that would suggest that Matthew and Johns actions contributed to the collision, i.e. there is no intervening causation here. They were riding single file on the fog line, out of the lane of travel. The way in which they were riding made them visible to the witnesses and operators in the Bronco and Focus. There is nothing to suggest that this collision was "too remote, accidental, or dependent on another's volitional act" to trigger intervening causation. The collision happened because of the defendant's actions. Matthew and John's toxicology reports and the way they were operating their bicycles have no probative value or materiality to the issue of causation. It is for these reasons that it is respectfully requested that Your Honor find the contents of the toxicology reports and the way the brothers were operating their bicycles on the day in question are irrelevant and order them inadmissible on relevancy grounds, if this matter proceeds to trial.

Conclusion

Matthew and John Gaudreau's toxicology reports and the conclusions therein and the way they operated their bicycles on the day in question should be inadmissible at trial as being irrelevant to any issue before the jury. Multiple witness accounts show that it was the defendant's actions and his actions alone that caused the collision that led to Matthew and John Gaudreau's deaths.

Respectfully Submitted,



Michael Mestern
Assistant Prosecutor

