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Attorneys for Defendant

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

STATE OF UTAH,

Plaintiff,

v.

JASON CHRISTOPHER HALL,

Defendant.

**MR. HALL'S MOTION IN LIMINE TO
EXCLUDE STATE'S EXHIBITS BASED
ON HEARSAY**

Case No: 221906445

Judge Paul B. Parker

Defendant Jason Christopher Hall ("**Mr. Hall**"), through counsel, submits this Motion in Limine requesting this Court enter an Order excluding a number of exhibits as based on hearsay.

In support, Mr. Hall argues as follows:

BACKGROUND

1. Mr. Hall was charged with the following crimes: (Count 1) Threatening Elected Officials-Assault (Utah Code §§ 76-8-313; 76-8-315; 76-5-102), a third degree felony; (Count 2) Stalking (Utah Code §§ 76-5-106.5 (2) (a) (b), (6) (a); 76-2-202), a Class A misdemeanor; (Count 3) Threats to Influence Official or Public Action (Utah Code § 76-8-104, a Class A misdemeanor).

2. On May 20, 2024, the State provided a list of exhibits it expected to introduce at trial. The following are the exhibits Mr. Hall is currently moving to exclude based on hearsay:

10. Email regarding Salt Lake Board of Realtors – Candidate Interviews.
13. April 30th Interviews – Salt Lake Board of Realtors.
14. Natalie Hall Declaration of Candidacy for Mayor.
34. First recorded interview of George Schliesser.
35. Second recorded interview of George Schliesser.
37. Email information for Google warrant return.
50. Page from AG Report 2021-699 regarding email from Garrett Nielson to SA Russell re: Woodcraft Mill's use of IP address 162.211.155.149.
51. Cellebrite report for Google warrant return.
52. Text messages with Nathan Hall on January 5th, 2022.
53. Text messages with Nathan Hall on January 10th, 2022.
54. Text messages with Nathan Hall on June 5th, 2022.
55. First recorded interview of Wayne Mortimer.
56. Second recorded interview of Wayne Mortimer.
57. Recorded interview of John Roberts.
58. Recorded interview of Donna Davis.
60. Gmail content.
61. Certified court transcript of interview of Cindy Strong.
62. Certified court transcript of interview of Donna Davis.
63. Certified court transcript of interview of John Roberts.
64. Certified court transcript of interview of Kelly Bertoch.

65. Certified court transcript of interview of Kyle Crockett.
66. Certified court transcript of interview of Traci Crockett.
67. Certified court transcript of interview of Wayne Mortimer (July 29).
68. Certified court transcript of interview of Wayne Mortimer (September 12).
69. Certified court transcript of interviews of Wendy Aston 1 & Wendy Aston 2).
70. Certified court transcript of interviews of 2nd of George Schliesser.
71. Email from Jeffrey Gaston to Zach Robinson (March 10, 2021).
75. 1102 Declarations of the following:
 - a. Allison Wilcox
 - b. Connie Pavlakis
 - c. Jazmine Beeny
 - d. Jeff Gaston
 - e. John Roberts
 - f. Kelly Bertoch
 - g. Lance Howell
 - h. Stephanie Thayer
 - i. Todd Sheeran
 - j. Tyson Downey
 - k. Wayne Mortimer
 - l. Zachary Robinson

See Exhibit A (State's First Amended Trial Exhibit List).

ARGUMENT

The State should not be permitted to admit any of the above-identified documents at trial because they are based on inadmissible hearsay. Under the Utah Rules of Evidence, “[h]earsay is not admissible.” Utah R. Evid. 802. Hearsay is defined as an out-of-court statement offered to prove the truth of the matter asserted. *See* Utah R. Evid. 801(c); *see also* *State v. McNeil*, 2013 UT App 134, ¶ 44, 302 P.3d 844, 85. Accordingly, if an out-of-court statement is offered for some other purpose, it is not hearsay. *See State v. Huey*, 2022 UT App 94, ¶ 48, 516 P.3d 345, 355. There

are also a number of exceptions under Rule 803. *See* Utah R. Evid. 803; *see also* Utah. R. Evid. 801(d) (listing other non-hearsay exceptions).

Here, the State has not provided another purpose for these statements, nor has it identified any exceptions to the rule against hearsay. These statements can only be used for the truth of the matter asserted. Additionally, none of these interviews, declarations, or statements are made by the State's opponent, Mr. Hall, and some of the statements come from witnesses that have not been listed on the State's witness list (*e.g.*, Natalie Hall, Kyle Crockett, Traci Crockett, Wendy Aston, Jazmine Beeny, Lance Howell). *See* Exhibit B.

CONCLUSION

Based on the foregoing, Mr. Hall asks that this Court enter an Order excluding the State's proposed exhibits identified above because the State intends to introduce the numerous out-of-court statements for the truth of the matter asserted.

DATED this 3rd day of June, 2024.

ARMSTRONG TEASDALE, LLP

/s/ Jacob R. Lee

Trinity Jordan

Aaron B. Clark

Jacob R. Lee

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2024, a true and correct copy of the foregoing was served on the following via the Court's Electronic Filing System:

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Murray, Utah 84123
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Attorneys for Plaintiff, State of Utah

/s/ Shelby Irvin

EXHIBIT A

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Attorneys for Plaintiff

3RD DISTRICT COURT SALT LAKE COUNTY, STATE OF UTAH	
STATE OF UTAH, Plaintiff, v. JASON CHRISTOPHER HALL, Defendant.	STATE’S FIRST AMENDED TRIAL EXHIBIT LIST Case No. 221906445 Judge: PAUL B. PARKER

STATE OF UTAH, through Heather Waite Grover and Steven A. Wuthrich, Assistant Attorneys General, hereby submits the State’s First Amended Trial Exhibit List for Trial commencing on June 20th, 2024 at 8:30 AM. The State reserves the right to supplement this Exhibit List.

1. Email from cpacbluffdale@gmail.com to Jeff Gaston on March 5th, 2021. (Bate stamped AG 046876-46877).
2. Email from bluffdalecitizensforcivility@yahoo.com to Bluffdale City Council. (Bate stamped AGO 000476-478).
3. Original email from bluffdalecitizensforcivility@yahoo.com to Bluffdale City Council. (Bate stamped AG 046093-04694).

4. Anger Management Workbook for Kids. (Bate stamped AGO 000247).
5. Enhanced photo of threat letter. (Bate Stamped AGO 45506-002, AGO 45506-003, AGO 45506-004, AGO 45506-005).
6. Enhanced photo of envelope used to send Anger Management Workbook package. (Defense's Pictures Taken (Oct 2022) Saratoga Springs manila Env 2).
7. Pictures of the gag gift package dropped off at Bluffdale City Hall. (Bate Stamped AGO 000220-242).
8. March 11th, 2021, Letter to Jeffrey Gaston. (Bate Stamped AGO 000246).
9. Enhanced photo of envelope used to send threat letter. (Defense Disclosures).
10. Email regarding Salt Lake Board of Realtors – Candidate Interviews. (Bate Stamped AG 046344).
11. Email from cpacbluffdale@gmail.com to Jeff Gaston on June 14th, 2021. (Bate Stamped AG 046875).
12. Email from cpacbluffdale@gmail.com to Jeff Gaston on July 20th, 2021. (Bate Stamped AG 046874).
13. April 30th Interviews – Salt Lake Board of Realtors. (Bate Stamped AG 046346).
14. Natalie Hall Declaration of Candidacy for Mayor. (Bate Stamped AGO 045465-45467).
15. AG Supplemental Report of map of Old West Days. (Bate Stamped AG 45509-11).
16. Map of park used for Old West Days event. (Defense Disclosures Bate Stamped BC 000007).
17. Picture of Jeffrey Gaston's arm injury. (Bate Stamped AGO 000104).
18. Picture of Jeffrey Gaston's arm injury (original picture). (Bate Stamped AG 046177).
19. Metadata from picture of Jeffrey Gaston's arm injury. (Bate Stamped AG 046176).

20. Video recording of conversation between Jeffrey Gaston, Jason Hall, & Shane at Old West Days event. (Bate Stamped AGO 000100).
21. Certified court transcript of Bluffdale park video recording. (Bate Stamped AG 046349-46368).
22. Jester hat package delivered to Jeffrey Gaston's home. (Bate Stamped AGO 000248-249).
23. Enhanced photo of package containing jester hat. (Defense's Disclosures - picture taken October 2022).
24. Enhance photo of jester hat and note. (Bate Stamped AG 045506-001).
25. November 20, 2021, Letter to Jeffrey Gaston residence. (Bate Stamped AGO 000216-219).
26. Video of Jeffrey Gaston opening letter (November 20, 2021). (Bate Stamped AGO 000103).
27. Woodcraft Mill & Cabinet, Inc employer wage data. (Bate Stamped AGO 045481).
28. Text messages between George Schliesser and Jason Hall. (Bate Stamped AG 044469).
29. Photos of the delivery of the gag gifts packages at Bluffdale City Office. (Bate Stamped AGO 000243-245).
30. Video recording of the Southwest parking lot of Bluffdale City Office. (Bate Stamped AGO 000252).
31. Video recording of Bluffdale City Office Utilities Lobby. (Bate Stamped AGO 000302).
32. Still photos of Chevy truck. (Bate Stamped AG 046037).
33. Pictures of Holiday Oil. (Bate Stamped AGO 000107-111).
34. First recorded interview of George Schliesser. (Bate Stamped AGO 000094).

35. Second recorded interview of George Schliesser. (Bate Stamped AG 046113).
36. Video recording of George Schliesser at the postal office. (Bate Stamped AG 046065).
37. Email information for Google warrant return. (Bate Stamped AGO 000209-215).
38. IP Details of Forged Network. (Bate Stamped AGO 033784).
39. Subnet details of Forged Network. (Bate Stamped AGO 033785).
40. Subscriber details of Forged Network. (Bate Stamped AGO 033786).
41. Google Subscriber information of cpacbluffdale@gmail.com. (Bate Stamped AGO 003292).
42. Letter from Google Certifying info provided in response to search warrant dated December 3rd, 2021. (Bate Stamped AGO 033789-33797).
43. Utah Beekeepers FireShot capture. (Bate Stamped AGO 033798).
44. Jason Hall Facebook FireShot capture. (Bate Stamped AGO 033799).
45. Corner Canyon High School Hockey FireShot capture. (Bate Stamped AGO 033800).
46. Mail Snapshot Summary of BluffdaleCitizensForCivility@yahoo.com. (Bate Stamped AG 046097).
47. Subscriber Details for BluffdaleCitizensForCivility@yahoo.com. (Bate Stamped AG 046098).
48. Yahoo business records declaration for user account BluffdaleCitizensForCivility@yahoo.com. (Bate Stamped AG 046347).
49. TLO for jasondws@gmail.com email. (Bate Stamped AGO 033788).
50. Page from AG Report 2021-699 regarding email from Garrett Nielson to SA Russell re: Woodcraft Mill's use of IP address 162.211.155.149. (Bate Stamped AG 045717).
51. Cellebrite report for Google warrant return. (Bate Stamped AG 045861-45906).

52. Text messages with Nathan Hall on January 5th, 2022. (Bate Stamped AG 046237-46245)
53. Text messages with Nathan Hall on January 10th, 2022. (Bate Stamped AG 046246-46247).
54. Text messages with Nathan Hall on June 5th, 2022. (Bate Stamped AG 046248-46260).
55. First recorded interview of Wayne Mortimer. (Bate Stamped AGO 045490).
56. Second recorded interview of Wayne Mortimer. (Bate Stamped AGO 045502).
57. Recorded interview of John Roberts. (Bate Stamped AGO 000096).
58. Recorded interview of Donna Davis. (Bate Stamped AGO 000093).
59. Best Buy Receipt of purchase made January 10th, 2022. (Bate Stamp AG 046348).
60. Gmail content. (Bate Stamp AGO 000483-3291).
61. Certified court transcript of interview of Cindy Strong. (Bate Stamped AG 046369-46372).
62. Certified court transcript of interview of Donna Davis. (Bate Stamped AG 046473-46491).
63. Certified court transcript of interview of John Roberts. ((Bate Stamped AG 046492-46517).
64. Certified court transcript of interview of Kelly Bertoch. (Bate Stamped AG 046518-46536).
65. Certified court transcript of interview of Kyle Crockett. (Bate Stamped AG 046537-46613).
66. Certified court transcript of interview of Traci Crockett. (Bate Stamped AG 046614-46742).

67. Certified court transcript of interview of Wayne Mortimer (July 29). (Bate Stamped AG 046743-46759).

68. Certified court transcript of interview of Wayne Mortimer (September 12). (Bate Stamped AG 046760-46777).

69. Certified court transcript of interviews of Wendy Aston 1 & Wendy Aston 2). (Bate Stamped AG 046778-46811).

70. Certified court transcript of interviews of 2nd of George Schliesser. (Bate Stamped AG 046812-46873).

71. Email from Jeffrey Gaston to Zach Robinson (March 10, 2021). (Defense Disclosure).

72. Phone call log from Zach Robinson. (Defense Disclosure).

73. Office desktop registry report. (Bate Stamp AGO 45471-45479).

74. X-Ways Forensic Report prepared by Alan Conner. (Bate Stamp AGO 45196-45200)

75. 1102 Declarations of the following:

- a. Allison Wilcox
- b. Connie Pavlakis
- c. Jazmine Beeny
- d. Jeff Gaston
- e. John Roberts
- f. Kelly Bertoch
- g. Lance Howell
- h. Stephanie Thayer
- i. Todd Sheeran
- j. Tyson Downey

k. Wayne Mortimer

l. Zachary Robinson

All previously provided by ShareFile.

DATED: June 3, 2024

SEAN D. REYES
UTAH ATTORNEY GENERAL

/s/ Heather Waite Grover
HEATHER WAITE GROVER
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served on the following via email.

D. Loren Washburn - loren@washburnlawgroup.com
Trinity Jordan - tjordan@atllp.com
Jacob R. Lee - jrlee@atllp.com
Aaron Clark - aclark@Atllp.com
Attorneys for Defendant

DATED: June 3, 2024

/s/ Martina Hinojosa
MARTINA HINOJOSA
Paralegal

EXHIBIT B

HEATHER WAITE GROVER (10991)
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Assistant Attorneys General
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Attorneys for Plaintiff

3RD DISTRICT COURT SALT LAKE COUNTY, STATE OF UTAH	
STATE OF UTAH, Plaintiff, v. JASON CHRISTOPHER HALL, Defendant.	STATE’S FIRST AMENDED TRIAL WITNESS LIST Case No. 221906445 Judge: PAUL B. PARKER

STATE OF UTAH, through Heather Waite Grover and Steven A. Wuthrich, Assistant Attorneys General, hereby submits the State’s First Amended Trial Witness List that it may call at Trial commencing on June 20th, 2024, at 8:30 AM. The State reserves the right to call any witness not listed herein.

1. Special Agent Thomas Russell, Utah Attorney General’s Office, 5272 S. College Drive, UT 84123. Telephone number (801) 281-1200. SA Russell will testify regarding investigation into Jason Hall’s email address, telephone number, employment, and communications.

2. Jeffrey Gaston, Former member of Bluffdale City Counsel, 1012 W Molly Pitcher Circle Bluffdale, UT. Telephone number (801) 750-1140. Jeffrey Gaston will testify about the anonymous e-mails, packages, and assault at the Old West Days at Bluffdale City Park.

3. George Schliesser, Employee of Woodcraft Mill & Cabinet Inc, 1183 West Parkway Ln, Salt Lake City, Utah 84119. Telephone Number (801) 891-5429. George Schliesser will testify about his involvement in the delivery of a package and mailing of package on behalf of Jason Hall.

4. Special Agent Matthew Thompson, Utah Attorney General's Office, 5272 S. College Drive, UT 84123. Telephone number (801) 281-1200. Matthew Thompson will testify about IP addresses and Proxy Servers.

5. Brook Robinson, Postal Inspector at USPS. Telephone number (415) 999-1832. Brook Robinson will testify about where and when the threat letters were sent.

6. Allison Wilcox, Bluffdale City Receptionist, Telephone number (801) 254-2200. Allison Wilcox will testify about the package delivered to Bluffdale City.

7. Stephanie Thayer, Bluffdale City HR, Telephone number (801) 254-2200 Ext 406. Stephanie Thayer will testify about the package delivered to Bluffdale City.

8. Zach Robinson, Bluffdale City Police (no longer an employee), Email: ZRobinson@saratogaspringscity.com. Zach Robinson will testify about the initial report regarding anonymous e-mails and packages.

9. Wayne Mortimer, witness, 16427 S Redwood Rd Bluffdale, UT 84065. Telephone number (801) 656-9316. Wayne Mortimer will testify about the altercation witnessed at the Old West Days event.

10. Kelly Bertoch, witness, 5954 W Zina Cir., West Valley City, UT 84128. Telephone number (801) 560-0237. Kelly Bertoch will testify about the altercation witnessed at the Old West Days event.

11. John Roberts, witness, 15222 S Camp Williams Rd, Bluffdale, UT. Telephone number (801) 870-3215. John Roberts will testify about the altercation witnessed at the Old West Days event.

12. Donna Davis, witness, 1305 Sageberry Dr., Bluffdale, UT. Telephone number (801) 597-4946. Donna Davis will testify about the altercation witnessed at the Old West Days event.

13. Justin Ainsworth, witness, 14150 S 2644 W, Bluffdale, UT 84065. Telephone number (801) 243-9521. Justin Ainsworth will testify about recording the conversation between Jeffrey Gaston and Jason Hall.

14. Connie Pavlakis, witness, 14469 S Frost Ct, Bluffdale, UT 84065. Email: cdpavlakis@gmail.com. Connie Pavlakis will testify about the conversation with Jeffrey Gaston at the Old West Days event.

15. Cindy Strong, witness, telephone number (801) 949-3546. Cindy Strong will testify about the Old West Days event and Jason Hall's admission to sending gag gifts to city hall.

16. Garrett Nielson, owner of Forge Networks, 262 Edgemont Dr, North Salt Lake, UT 84054-2626. Telephone number (801) 456-4352. Garrett will testify about the service provided to Woodcraft Mill & Cabinet Inc through Forge Networks.

17. Nathan Hall, witness, 4158 Nike Dr, Suite B, West Jordan, UT 84088. Telephone number (801) 834-9285. Nathan Hall will testify about Woodcraft Mill & Cabinet, IT and

computer services, and conversations with Jason Hall regarding work computers, gag gifts, and efforts to conceal computers.

18. McKayla Shippen, witness, email: mckaylashippenofficial@gmail.com. McKayla Shippen will testify about printers at Jason Hall's residence, and if needed for rebuttal, about conversations she had with Nathan Hall regarding Woodcraft Mill & Cabinet computers.

19. David Hall, witness, 646 E Apple Tree Dr., Sandy UT 84070. David Hall will testify about Woodcraft Mill & Cabinet, knowledge of Jason Hall's gag gifts, and computer purchases.

20. Todd Sheeran, witness, email address: tsheeran@herriman.org. Telephone number: (801) 758-0071. Todd Sheeran will testify about Jeff Gaston's reports of allegations made by city employees against Natalie Hall.

21. Sgt. Nick Stidham, witness, 367 S Saratoga Rd, Saratoga Springs UT 84045. Telephone number: (801) 420-2058. Sgt. Nick Stidham will testify about his conversation with Jeff Gaston about why a different police agency would need to investigate the incident between Mr. Hall and Mr. Gaston at the Old West Days event in August 2021.

22. Special Agent Alan Conner, witness, telephone number: (801) 330-1210. Email: pasocorto2@gmail.com. Special Agent Conner will testify about our evidence concerning IP addresses and computers.

23. Special Agent Tyson Downey, witness, email: tgdowney@agutah.gov. Special Agent Downey will testify about the preparation of the Cellebrite report and its contents of the report.

24. Michael Powell, expert witness, 440 W 200 S Suite 300, Salt Lake City, UT 84104. Telephone Number 801-456-4833. Expert witness Michael Powell will testify about foundational knowledge regarding IP addresses, IP address assignment and Identification, The uses of VPNs,

IP subscriber information, subnet details, and IP address details associated with
cpacbluffdale@gmail.com and bluffdalecitizensforcivility@yahoo.com.

DATED: June 3, 2024

SEAN D. REYES
UTAH ATTORNEY GENERAL

/s/ Heather Waite Grover
HEATHER WAITE GROVER
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served on the
following via email.

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DATED: June 3, 2024

/s/ Martina Hinojosa
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