

Trinity Jordan (15875)
Aaron B. Clark (15404)
Jacob R. Lee (17531)
ARMSTRONG TEASDALE LLP
222 South Main Street, Ste. 1830
Salt Lake City, Utah 84101
Telephone: (801) 401-1600
Email: tjordan@atllp.com
aclarke@atllp.com
jrlee@atllp.com

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
REGARDING SPOUSAL PRIVILEGE**

Case No: 221906445

Judge Paul B. Parker

Defendant Jason Christopher Hall (“**Mr. Hall**”), through counsel, submits this Motion in Limine requesting this Court rule that Mr. Gaston may not assert a spousal privilege over communications he had with Ms. Beeny prior to their marriage. In support, Mr. Hall argues as follows:

BACKGROUND

1. The events underlying this case roughly span from March 2021 to November 2021.
2. Jeffrey Gaston filed an 1102 statement, where he provided the following:
 11. A true copy of the letter and envelope is attached hereto as Exhibit 5. This was the second threatening letter I had received and by this time I was

more than just upset I was concerned for the safety of myself and my **domestic partner**, J.B., because they stated the next phase was to kill me. I feared for my safety and was incredibly afraid. I started having her go to her parents' house when I was at city council meetings or publicly advertised events and people would know I was not at home. I also began to rethink my plans to run for mayor.

12. On June 14, 2021, I received an email from CpacbluffdaleRgmail.com, a true copy of which is attached hereto as Exhibit 6. 13. Based primarily on the threats to my life and my concern for my **domestic partner's** safety and her concern for me, I decided to discontinue campaigning for mayor and threw my support behind John Roberts, another candidate.

...

22. As a result of the contact to my employer I suffered embarrassment, humiliation, estrangement from other council members. As a result of the threats, I suffered fear, worry, concern for the safety of myself and others, anxiousness, and changed my behavior including but not limited to not leaving my **domestic partner** home alone when I went to attend public events.

3. Jazmine Beeny also produced an 1102 statement, stating:

I am the **domestic partner** of Jeff Gaston presently and having resided with him for all of 2021 and 2022. Jeff primarily works from home and receives his mail here. On March 9, 2021, Jeff received a package which he placed on the kitchen table while he got ready for City Council meeting that night. Before he left, Jeff started opening the mail.

4. John Roberts produced an 1102 statement, referencing "Jeff's **girlfriend**, Jazzy."

5. On March 15, 2023, Mr. Hall served Jazmine Beeny with a Subpoena Duces

Tecum, requesting, among other items, the following:

For time period between March 5, 2021, and March 3, 2022, produce copies of all documentation, call logs, emails, text messages (to include SMS/MMS messages, iMessages, and other social media communications including, for example, Facebook Messenger), videos, photos, and any other form(s) of recorded communications that concern the threatening communications and conduct alleged in this case toward Jeff Gaston; to wit, the March 5, 2021 email, the March 9, 2021 package and letters, the March 11, 2021 letter, the March 14, 2021 email, the March

24, 2021 letter, the March 29, 2021 packages, the June 14, 2021 email, the July 20, 2021 email, the November 2, 2021 package, the November 20, 2021 letter, and the alleged assault at the August 2021 Old West Days event.

6. On April 24, 2023, counsel for Ms. Beeny filed an Objection to Subpoena, which provided a response to the above request: “Request 1(a) of the Subpoena seeks communications between Jazmine Beeny and her domestic partner, Jeffrey Gaston. All communications with Gaston are privileged pursuant to Rule 502 of the Utah Rules of Evidence.”

7. On April 27, 2023, counsel for Ms. Beeny and counsel for Mr. Hall met and conferred regarding this objection, where counsel for Ms. Beeny reiterated his position on the spousal privilege in an effort to ensure it would not be waived.

ARGUMENT

This Court should find that Ms. Beeny cannot assert a spousal privilege to avoid testifying at trial about conversations that she has had with her boyfriend, Mr. Gaston, because they were not married at the time these conversations took place. Utah recognizes two different spousal privileges: the spousal testimonial privilege and the spousal communications privilege. *See State v. Timmerman*, 2009 UT 58, ¶ 21, 218 P.3d 590, 597.

The spousal *testimonial* privilege shields one spouse from being compelled to testify against the other in a civil or criminal proceeding. *See* Utah Const. Art. I, § 12; *see also* Utah R. Evid. 502 (commentary). The spousal *communications* privilege prevents the disclosure of confidential communications between spouses *during* their marriage. *See* Utah Code § 78B–1–137; *see also* Utah R. Evid. 502(c). Under Utah Code § 30-1-4.5(1), those who wish to establish their relationship as a marriage recognized by the state, and thereby obtain associated rights, must

obtain “a court or administrative order establish[ing]” their relationship. *See Matter of Adoption of K.T.B.*, 2020 UT 51, ¶ 107, 472 P.3d 843 (“[A] common-law marriage is not legal and valid in the absence of such an order.”).

Mr. Hall is entitled to call Ms. Beeny to the stand or cross-examine her regarding conversations she had with Mr. Gaston because they were not married during the relevant time.¹ Upon information and belief, neither do Mr. Gaston and Ms. Beeny have an order acknowledging their marriage, and therefore, they cannot claim that a common-law marriage existed at the time. As such, any conversations between Mr. Gaston and Ms. Beeny had around the time of the alleged events underlying this case are not privileged communications. Therefore, neither Mr. Gaston nor Ms. Beeny may assert the spousal communications privilege at trial.

CONCLUSION

Mr. Hall requests that the Court enter an Order indicating that neither Ms. Beeny nor Mr. Gaston may assert a spousal privilege over communications had prior to marriage.

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

¹ Depending on the line of questioning and the answer, some of the conversations between the two individuals may be excluded based on other rules of evidence but cannot be shielded by the spousal communication privilege.

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:

Steven A. Wuthrich
Heather Waite Grover
5272 South College Drive, Ste. 200
Murray, Utah 84123
swuthrich@agutah.gov
heathergrover@agutah.gov
Attorneys for Plaintiff, State of Utah

/s/ Shelby Irvin