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**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 OPPOSITION TO THE
STATE'S MOTION IN LIMINE TO
EXCLUDE EXPERT TESTIMONY**

Case No: 221906445

Judge Paul B. Parker

Defendant Jason Christopher Hall (“**Mr. Hall**”), through counsel, opposes the State’s Motion in Limine to Exclude Expert Testimony. The State, which does not contest Mr. LaPorte’s expert qualifications and scientific methods, apparently misapprehends (1) Mr. LaPorte’s ability to rely on hearsay in his analysis, (2) Mr. LaPorte’s anticipated testimony, and (3) the relevance of his findings and opinions in this case. As such, the Court should deny the State’s motion and allow Mr. LaPorte to testify.

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RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

1. On June 30, 2022, the State filed and Information charging Mr. Hall with Threatening Elected Officials-Assault (Utah Code §§ 76-8-313; 76-8-315; 76-5-102), Stalking (Utah Code §§ 76-5-106.5); and Threats to Influence Official or Public Action (Utah Code § 76-8-104).

2. The charges include allegations that in March and November of 2021, Mr. Hall sent a series of items to J.G., the alleged victim. These items include the following:

(1) **Q1**:¹ One evidence package, labeled AG5833-2, containing –

- i. **Q1A**: one manilla envelope, post marked March 8, 2021, with a handwritten entry addressed to J.G., a handwritten return address, and a United States Parcel Service (USPS) label bearing Tracking Number 9505 5100 2087 1068 6218 79;
- ii. **Q1B**: one piece of folded white paper with machine printed text beginning, “Hey imbecile!!!!!! Move out of Bluffdale ...”;
- iii. **Q1C**: another piece of plain white paper with machine printed text reading, “I hope this helps with your issues, buddy.”;
- iv. **Q1D**: a soft-covered book titled, “Anger Management Workbook for Kids”;

(2) **Q2**:² an evidence package, labeled AG5585-1, containing –

¹ The document references here (e.g., “**Q1**” etc.) follow the references attributed to them in Mr. LaPorte’s report. A copy of **Q1** and the associated documents are attached as Exhibit A.

² A copy of the contents of **Q2** is attached as Exhibit B.

- i. **Q2A:** one white envelope, postmarked November 20, 2021, and a label that is not adhered to the envelope, which is addressed to J.G.;
 - ii. **Q2B:** one piece of folded white paper with machine printed text beginning, “You’ve really earned the hat we sent you.”;
- (3) **Q3:**³ an evidence package, labeled AG5833-3, containing –
- i. **Q3A:** one manilla envelope, postmarked March 11, 2021, with a handwritten entry addressed to J.G.;
 - ii. **Q3B:** one piece of folded white paper with machine printed text beginning, “I am going to keep this short...”;
- (4) **Q4:**⁴ an evidence package, labeled AG5833-1, containing –
- i. **Q4A:** a USPS cardboard box, dated November 2, 2021, with a handwritten entry addressed to J.G.
 - ii. **Q4B:** a multicolored Jester Hat; and
 - iii. **Q4C:** a folded white paper with machine printed text reading, “You’ve earned this.”

3. Mr. Hall maintains that he neither authored nor sent to J.G. items **Q1B, Q2A, Q2B, Q3A, or Q3B.**

4. On January 16, 2024, Dr. Gerald M. LaPorte visited the Utah Attorney General’s Office to examine the items set forth above (**Q1-Q4**).

³ A copy of the alleged contents of **Q3** is attached as Exhibit C.

⁴ A copy of the alleged contents of **Q4** is attached as Exhibit D.

5. On January 19, 2024, private investigator Greg Rogers went to Mr. Hall's residence and observed the functioning printer at his home, an HP Laserjet P1102w. Mr. Rogers then observed Mr. Hall print from that printer a test page and a coversheet with the date and printer ID (K5). Thereafter, on the same day, Mr. Rogers went to Mr. Hall's office, Woodcraft Mill and Cabinet, located at 4158 Nike Dr. B, West Jordan, Utah 84088, and conducted similar printings with predetermined messages and cover sheets from the following printers: (1) Canon F166500 Laser Printer (K1); (2) Xerox B230 Laser Printer (K2); (3) Sharp MX-M2630 (K3); and (4) Xerox WorkCentre 3615 (K4).

6. All copies of these documents were mailed to Mr. LaPorte, who confirmed receipt on January 24, 2024.

7. Mr. LaPorte conducted a forensic analysis of the printed documents in **Q1-Q4 (Q1B, Q1C, Q2A, Q2B, Q3B, Q4C)** and compared them to the exemplars (K1-K5) printed from the printers in Mr. Hall's home and office. As detailed in his report (attached to the state's motion), Mr. LaPorte arrived at the following conclusions:

- (1) **Q1B, Q2A (label), and Q2B** were printed with an office machine using color inkjet. The K1-K5 printers from Mr. Hall's home and office, meanwhile all use toner technology. In other words, K1-K5 could not have been used to print **Q1B, Q2A (label), and Q2B**;
- (2) **Q1B and Q2B** were probably printed from a common inkjet printer, since the two documents contain common printing defects, have similar microscopic printing characteristics, and the inkjet formulations match each other based on chemical testing;

- (3) **Q1C, Q3B, and Q4C** were all printed with a machine using black toner (not inkjet). Chemical testing reveals that the black toners for **Q1C** and **Q4C** are indistinguishable but different than the toner used for **Q3B**;
- (4) The black toner used to print **Q1C** and **Q4C** is chemically indistinguishable from the toner used to print K3;
- (5) The black toner used to print **Q3B** is chemically indistinguishable from the toner used to print K4;
- (6) Despite claims that **Q1B** (inkjet-printed document) and **Q1C** (toner-printed document) were found in **Q1**, there is no forensic evidence corroborating the claim that these documents originated from a common source due to multiple inconsistencies (e.g., inkjet vs. toner printing, **Q1B** had two horizontal creases indicating tri-folding while **Q1C** has no creases, and the papers used for both documents have differences in transmittance properties).

RELEVANT LEGAL AUTHORITY

As the Court is well aware, unless applicable authority provides otherwise, relevant evidence is admissible. Utah R. Evid. 402. The test for relevance is whether the evidence (a) tends “to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Utah R. Evid. 401.

Meanwhile, Rule 702 allows for expert testimony by “qualified” witnesses if their testimony “will help the trier of fact to understand the evidence or to determine a fact in issue.”

Utah R. Evid. 702(a). The expert’s testimony must still be (1) reliable, (2) based on sufficient facts or data, and (3) reliably applied to the facts. Utah R. Evid. 702(b).

Rule 703 also allows experts to base their opinions on facts or data “personally observed” or that they “[have] been made aware of.” Utah R. Evid. 703. This necessarily allows experts to rely on hearsay and other inadmissible evidence, so long as it is the type of evidence “reasonably relied upon.” *See Id.*; *Patey v. Lainhart*, 1999 UT 31, ¶ 33, 977 P.2d 1193, 1200 (“Much of what experts rely upon in formulating opinions is inadmissible evidence. However, experts are called into court to give their expert opinions, and they must be allowed to explain the foundation for that opinion.”); *State v. Tucker*, 2004 UT App 217, ¶ 10, 96 P.3d 368, 371 (rejecting defendant’s hearsay argument because experts “regularly rely upon investigative information when forming their opinions”).

MR. LAPORTE’S TESTIMONY IS ADMISSIBLE

The State, while not disputing Mr. LaPorte’s qualifications or “reliable scientific methods,” claims Mr. LaPorte’s anticipated testimony should be excluded because (1) it is partially based on hearsay, (2) would impermissibly comment on Mr. Hall’s credibility, and (3) is otherwise irrelevant. Each of these claims is incorrect, and Mr. LaPorte’s testimony should be admitted.

I. Mr. LaPorte’s analysis is based on sufficient facts and data.

The State first argues that Mr. LaPorte’s testimony should be excluded because it is “based on hearsay rather than sufficient facts or data.” Motion at 5. Specifically, the State is concerned that Mr. LaPorte “has not identified the source for [Mr. LaPorte’s] testimony about the printers to which the defendant had access,” even though he “discloses that the defense counsel’s investigator went to Defendant’s home and workplace and printed a couple sheets of paper from four different

machines.” Motion at 5. Thereafter the State suggests that Mr. Hall may have had access to printers in other locations, so Mr. LaPorte should only be able to testify if Mr. Hall testifies (regarding the printers he had access to in 2001). This argument fails in several respects.

As noted above, Mr. LaPorte is allowed to rely on hearsay in forming his expert opinions. And further, as the State acknowledges, Mr. LaPorte *did* identify the source for the locations of printers K1-K5 (Mr. Hall’s home and office): the defense investigator visited each of these locations and printed the exemplars from printers located there.

Even so, the State argues that Mr. LaPorte’s testimony should be excluded because he cannot testify to the universe of printers available (or unavailable) to Mr. Hall in 2001. But here the State makes at least two errors: (1) it misunderstands the nature Mr. LaPorte’s anticipated testimony, which necessarily can only concern an examination of the documents at issue against the printers tested in January 2024, and (2) it apparently confuses the weight of Mr. LaPorte’s testimony with its admissibility. Yes – as it previews in the Motion, the State will be free to cross-examine Mr. LaPorte on the time disparity between his analysis and the printing of alleged threat letters **Q1B**, **Q2A**, **Q2B**, and **Q3B**. The State can further point to the possibility of Mr. Hall having access to other printers beyond those tested by Mr. LaPorte.

And yet, Mr. LaPorte’s analysis is relevant because it makes Mr. Hall’s defense – that he never sent items **Q1B**, **Q2A**, **Q2B**, **Q3A**, or **Q3B** – more probable in *several* key respects:

- **Q1B** (“Hey imbecile!!!!!!”) and **Q1C** (“I hope this helps with your issues, buddy.”), supposedly sent in the same package on March 8, 2021, were printed on *different* types of printers (inkjet vs. toner) and further bear *no* forensic similarities to each other;

- **Q1B, Q2A** (label), and **Q2B** were all printed with inkjet printers, and none of the printers found in Mr. Hall's home and office were inkjet printers;
- **Q1B** and **Q2B** were probably printed from a common inkjet printer, since the two documents contain common printing defects, have similar microscopic printing characteristics, and the inkjet formulations match each other based on chemical testing;
- while **Q1C, Q3B, and Q4C** were all printed with a machine using black toner (not inkjet), chemical testing reveals that **Q3B** (which Mr. Hall maintains he never sent), used different toner than the toner used **Q1C** and **Q4C**, which was identical between the two;

Since this testimony corroborates Mr. Hall's defense, it should be admissible.

II. Mr. LaPorte's testimony does not comment on Mr. Hall's credibility.

The State next argues that Mr. LaPorte's anticipated testimony "rel[ies] on the idea that Defendant honestly disclosed the printers available to him in 2021...." Motion at 6. This is incorrect and (again) appears to reflect a misunderstanding of Mr. LaPorte's anticipated testimony.

Mr. LaPorte will testify regarding his analysis of items **Q1-Q4** compared against the exemplars printed from Mr. Hall's home and office by the defense investigator on January 19, 2024. He will not offer testimony on the printers Mr. Hall did (or did not) have access to in 2021. As such, nothing in his testimony is dependent on Mr. Hall's credibility or a commentary on it.

III. Mr. LaPorte's testimony is relevant.

Finally, the State argues that Mr. LaPorte's anticipated testimony is irrelevant. As noted above, the State is in error. Mr. LaPorte's forensic examination of **Q1-Q4** tends to make more

probable Mr. Hall's defense that he neither printed nor sent the allegedly threatening communications in **Q1B, Q2A, Q2B, Q3A, or Q3B**. The State's claim that some of Mr. LaPorte's 2024 analysis is attenuated is certainly something it can argue regarding the weight to attribute the testimony, but it is no basis to contest admissibility.

CONCLUSION

Based on the foregoing, the Court should deny the State's Motion to exclude Mr. LaPorte's expert testimony.

DATED this 7th day of June, 2024.

ARMSTRONG TEASDALE, LLP

/s/ Aaron Clark

Trinity Jordan

Aaron B. Clark

Jacob R. Lee

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 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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/s/ Shelby Irvin

EXHIBIT A

YURA Toole
555 Deebae Way
SLC, UT 84105

SP

SP

10-13-2022

10-4-2022



PRIORITY MAIL 1-DAY®

1 Lb 0.31 Oz
1105

EXPECTED DELIVERY DAY: 03/10/21

SHIP TO: **R001**
1012 W MOLLY PITCHER CIR
Riverton UT 84065-1676

USPS TRACKING® #

9505 5100 2087 1068 6218 79

Jeff Gaston
1012 Molly Pitcher C
Bluffdale, UT 84065

10/22/21 11/5/24

EVIDENCE EVIDENCE EVIDENCE

Hey imbecile!!!!!!

Move out of Bluffdale, apologize or kill yourself! If you can't do that then maybe you will just end up being killed. Its time for you to start watching your back. This is your final warning. We are moving to the next phase. Do what we ask or we will do what must be done.

**I hope this
helps with
your issues,
buddy.**

SAMANTHA SNOWDEN, MA

ANGER MANAGEMENT

WORKBOOK for **KIDS**

50 Fun Activities to
Help Children Stay
Calm and Make Better Choices
When They Feel Mad

FOREWORD BY
ANDREW HILL
PhD

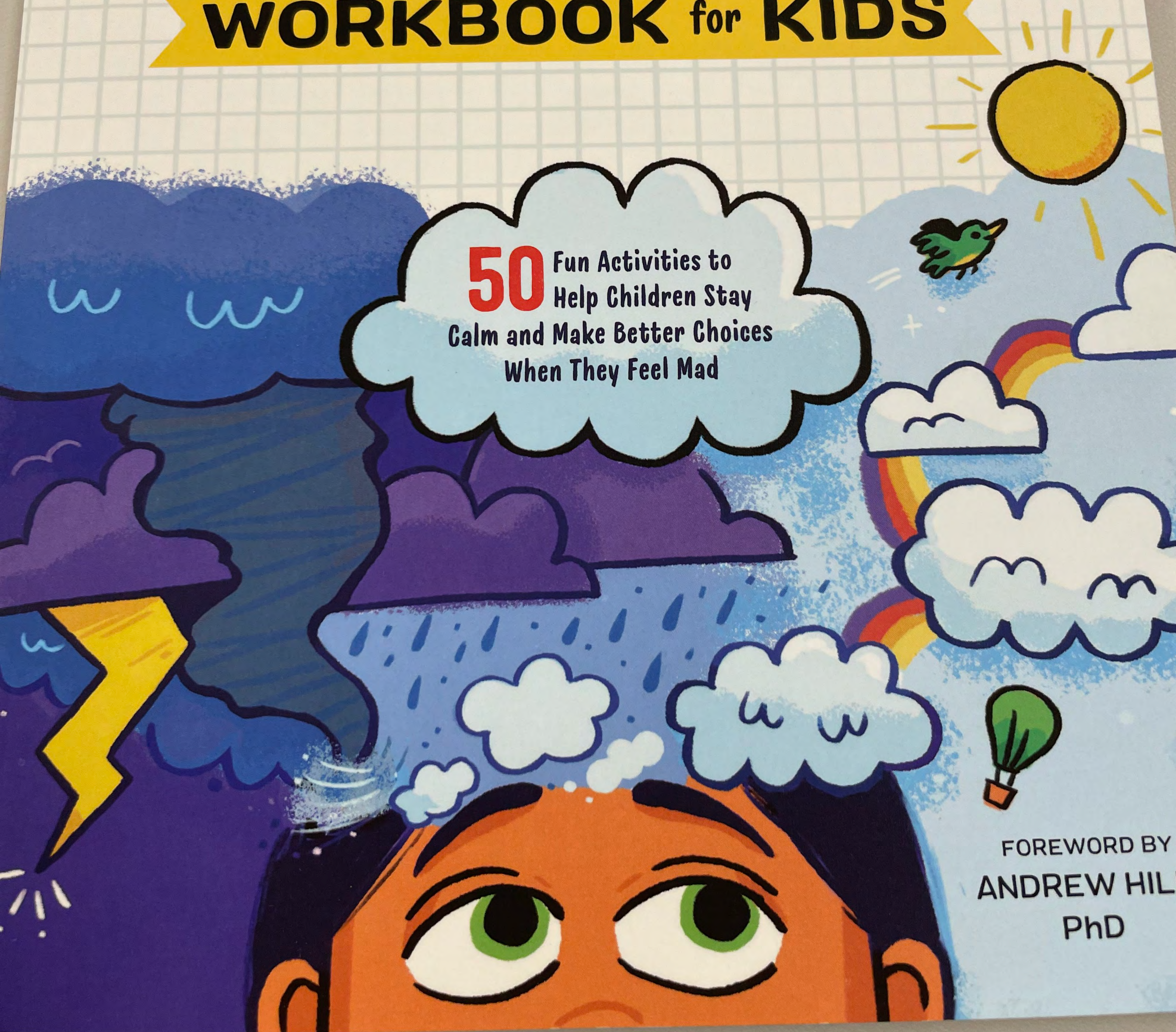


EXHIBIT B

12/19/21 BNE #12912 (2021-3909 #1 BNE 12/19/21)

Jeff Gaston

1012 Molly Pitcher Cir
Bluffdale, UT 84065

12/19/21

BNE #12912 (2021-3909 #1 BNE 12/19/21)

84065-167612



SALT LAKE CITY UT 840
20 NOV 2021 PM 2 L



You've really earned the hat we sent you. Unfortunately, Jeff you have shown that you will not change until something is done. It's time you leave Bluffdale or resign. If you don't you will end up dead.

BWE1

12/19/21 BWE 11 12/19/21

EXHIBIT C

555 DeeBee Way
SLC, UT 8405

Jeff Gaston

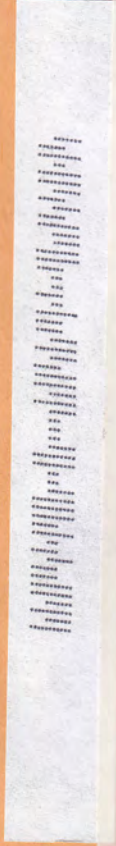
2222 14400 S

Bluffdale, UT 84065



SP 3-4-2022

SP 10-4-2022



0721911 11/5/24

EVIDENCE EVIDENCE

I am going to keep this short. We know you have paper-thin skin.

To be clear, I will never judge a city official for their political views. However, it has become very clear lately, our messages are not getting across to you. We are ready to move to the next phase. You will no longer have the will to live in Bluffdale. It's time we put you down like the Dog you are, not a statesman.

EXHIBIT D



PRIORITY
MAIL

PRIORITY MAIL
MEDIUM FLAT RATE
POSTAGE REQUIRED

FROM:

1154 S. 300 W.
SLC, UT 84101

UNITED STATES
POSTAL SERVICE

Retail

P

US POSTAGE PAID

\$16.25

Origin: 84120
11/02/21
4978040013-12

PRIORITY MAIL 1-DAY®

0 Lb 9.90 Oz

1005

EXPECTED DELIVERY DAY: 11/03/21

R001

SHIP TO:

1012 W MOLLY PITCHER CIR
RIVERTON UT 84065-1676

USPS TRACKING® #



9505 5156 3264 1306 4265 80



USPS.COM/PICKUP



PS00011000000

O-FRB June 2020
ID: 11 x 8.5 x 5.5
OD: 11.25 x 8.75 x 6
ODCUFT: 0.341

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