

THE STATE OF NEW HAMPSHIRE  
HILLSBOROUGH COUNTY SUPERIOR COURT NORTH

HILLSBOROUGH, SS.

JUNE 2022

STATE OF NEW HAMPSHIRE

v.

ADAM MONTGOMERY  
216-2022-CR-20

MOTION TO COMPEL DISCOVERY

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, and Paige Buckley, and respectfully requests this Honorable Court order the State to provide discovery in the form of Body Cam cra footage from Mr. Montgomery's interaction with police on December 31, 2021 and January 2, 2022. This Motion is grounded upon Part 1, Article 15 of the New Hampshire Constitution and Rule 12 of the New Hampshire Rules of Criminal Procedure.

In support of this Motion, counsel states:

1. Mr. Montgomery is charged with Second Degree Assault, Endangering the Welfare of a Child or Incompetent, and Interference with Custody.
2. Mr. Montgomery was waived arraignment on these charges on January 4, 2022.
3. Mr. Montgomery is scheduled for a Dispositional Conference on June 28, 2022.
4. On January 10, 2022, defense counsel requested full discovery from the State.
5. As of June 17, 2022, defense counsel has not received body camera footage from Mr. Montgomery's interactions with police on December 31, 2021, or January 2, 2022.
6. Mr. Montgomery is currently preventively detained without bail in the above-captioned matter. To adequately defend Mr. Montgomery, defense counsel must review the body camera footage to which it is constitutionally entitled. Failure to provide this body camera

footage violates Mr. Montgomery's right to produce all proofs favorable and to due process under Part I, Article 15 of the New Hampshire Constitution.

7. Further, the requested body camera footage falls under Rule 12 of the New Hampshire Rules of Criminal Procedure as it will consist of statements by witnesses, such a police officers, and therefore must be provided within forty-five (45) calendar days of the entry of a not guilty plea. Mr. Montgomery entered his not guilty plea on January 4, 2022. The forty-five-day period lapsed on February 18, 2022.
8. The within counsel attempted to contact the State on this date but was unable to reach Attorney O'Neill before filing this motion.

WHEREFORE, counsel for Mr. Montgomery requests this Court:

- A. Order the State supply the requested discovery;
- B. If this Motion is denied, issue findings of fact and rulings of law; and
- C. Provide any other relief in favor of the defense that this Court deems just and proper.

Respectfully Submitted,

/s/ Caroline L. Smith  
Caroline L. Smith, Esq.  
N.H. Bar #5992  
N.H. Public Defender  
408 Union Avenue  
Laconia, NH 03246

/s/ Paige Pihl Buckley  
Paige Pihl Buckley  
N.H. Bar #272328  
N.H. Public Defender  
20 Merrimack Street  
Manchester, NH 03101  
(603)669-7888

CERTIFICATE OF SERVICE

I, Caroline L. Smith, Esq., hereby certify that a copy of the foregoing Motion has been forwarded this 17<sup>th</sup> day of June 2022 to the State.

/s/ Caroline L. Smith  
Caroline L. Smith, Esq.  
N.H. Bar #5992