

HILLSBOROUGH, SS.
Northern District

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

State of New Hampshire

v.

Adam Montgomery

Case No. 216-2022-CR-00020

STATE'S PARTIAL OBJECTION TO DEFENDANT'S MOTION TO SEAL: MOTION TO SEVER/OBJECTION TO JOINDER

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and submits this partial objection to the defendant's Motion to Seal: Motion to Sever/Objection to Joinder. In essence, the State objects to the sealing of the Motion to Sever/Objection to Joinder except for a specific portion as described below. As grounds therefore, the State submits as follows:

1. On June 17, 2022, the defendant filed a Motion to Sever/Objection to Joinder, together with an accompanying Motion to Seal.
2. Rule 50 of the New Hampshire Rules of Criminal Procedure governs confidential information in pleadings. Rule 50(c)(2)(A) includes in the definition of confidential information "information that is not public pursuant to state or federal statute."
3. Records of the New Hampshire Division of Children, Youth, and Families ("DCYF") are generally made confidential by RSA 170-G:8-a. However, on or about February 25, 2022, the New Hampshire Governor's Office released a document titled Comprehensive Update on the Ongoing Case Involving Harmony Montgomery and Recommended Systematic Improvements (<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/harmony->

montgomery-update-recommendations.pdf; last accessed July 11, 2022). This document made public some information from DCYF records that would likely otherwise have been confidential.

4. Based on the State’s review of information from DCYF records that has been made public, only one portion of the defendant’s Motion to Seal/Objection to Joinder would likely still qualify as a confidential DCYF record. Specifically, that would be the words at the end of the second line of paragraph 7, after “2019” and before “alleged,” exclusive. In other words, with the confidential information redacted that portion of paragraph 7 would read, “Rather, . . . 2019, XXXXXXXXXXXXXXXXXXXXXXXX alleged”

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Deny the defendant’s Motion to Seal: Motion to Sever/Objection to Joinder except as to the above-referenced portion of paragraph 7 of the Motion to Sever/Objection to Joinder; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,
THE STATE OF NEW HAMPSHIRE
By its attorneys,
John M. Formella
Attorney General

Date: July 11, 2022

/s/ Jesse O’Neill
Jesse O’Neill, NH Bar No. 20723
Senior Assistant Attorney General

Office of the Attorney General
Criminal Justice Bureau
33 Capitol Street
Concord, NH 03301
603-271-3671
jesse.o’neill@doj.nh.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing was sent to counsel for the defendant via the electronic case filing system.

/s/ Jesse O'Neill

Jesse O'Neill