

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – STATE PRISON SENTENCE

Case Name: **State v. Adam Montgomery**
Case Number: **216-2022-CR-00020**

Name: **Adam Montgomery, Hillsborough Cnty House of Corrections 445 Willow Street
Manchester NH 03103**
DOB: **January 22, 1990**

Charging document: Indictment

Offense: 2nd Degree Assault; BI & <13yo	GOC:	Charge ID: 1937947C	RSA: 631:2,I(d)	Date of Offense: July 01, 2019
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Disposition: Guilty/Chargeable By: Jury

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

May 09, 2024
Date

Hon. Amy B Messer
Presiding Justice

W. Michael Scanlon
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **New Hampshire State Prison**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I delivered the defendant to the **New Hampshire State Prison** and gave a copy of this order to the Warden.

Date

Sheriff

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff Office of Cost Containment
 Prosecutor R Christopher Knowles, ESQ; Heather A. Cherniske, ESQ; Jesse J O'Neill, ESQ Defendant
Defense Attorney Caroline L. Smith, ESQ
 Sentence Review Board Sex Offender Registry Other _____ Dist Div. _____

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Court Name: Hillsborough Superior Court Northern District
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STATE PRISON SENTENCE

Plea/Verdict: Guilty <input type="button" value="v"/>	
Crime/VOP: 2 Degree Assault - domestic violence	Date of Crime/VOP:

Violation of Probation - A finding of TRUE is entered.

CONVICTION AND CONFINEMENT

A finding of GUILTY is entered.

- A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as -Domestic Violence. See attached Domestic Violence Sentencing Addendum Section 2.
- B. This Conviction is for an enhanced misdemeanor AND
 - 1. DOES NOT include as an element of the offense the use or attempted use of physical force or the threatened use of a deadly weapon (2717-b; 2717-14)
 - 2. DOES include as an element of the offense the use or attempted use of physical force, or the threatened use of a deadly weapon (2717-a), AND
 - 2a. there exists a qualifying domestic violence relationship between the victim and defendant. See attached Domestic Violence Sentencing Addendum-Section 1, OR
 - 2b. there is no qualifying domestic violence relationship between the victim and defendant (2717-14)

C. The defendant is sentenced to the New Hampshire State Prison for not more than 8 years, nor less than 4 years

There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.

Pretrial confinement credit: 0 days.

D. This sentence is to be served as follows:

Stand committed Commencing _____

_____ of the minimum sentence and _____ of the maximum sentence is suspended.

Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends _____ years from today or release on _____

_____ of the sentence is deferred for a period of _____ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

E. The sentence is consecutive to case number and charge ID ~~see attached~~ see I. Other _____
 concurrent with case number and charge ID _____

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STATE PRISON SENTENCE

- F. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.
- G. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.
- H. The Court recommends to the Department of Corrections:
 - Screen and/or assess for drug and alcohol treatment needs.
 - Sentence to be served at House of Corrections
 - _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

- A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.
Effective: Forthwith Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.
- B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.
Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

- A. **Fines and Fees:**
Fine of \$ _____, plus a statutory penalty assessment of \$ 0.00 to be paid:
 - Today
 - By _____
 - Through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
 - \$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.
- B. **Restitution:**
The defendant shall pay restitution of \$ _____ to _____
 - Restitution shall be paid through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
 - At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
 - Restitution is not ordered because: _____
- C. **Appointed Counsel: NOTE: Financial Obligations, Section C is NOT a term and condition of the sentence.**
 - The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of \$ _____
payable through _____ in the amount of \$ _____ per month.
 - The Court order for repayment is suspended until the time of the defendant's release from state prison.
 - The Court finds that the defendant has no ability to pay counsel fees and expenses.

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STATE PRISON SENTENCE

OTHER CONDITIONS

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
 - New Hampshire State Prison
 - House of Corrections
- D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.
- E. The defendant is ordered to have no contact with family of Harmony Montgomery either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

This sentence is consecutive to those imposed in (1) 216-2022-CR-577, Charge IDs 2008742C, 743C, 1964096C, and 099C.

For Court Use Only



Honorable Amy E. Messer

May 9, 2024

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
Northern District

SUPERIOR COURT

INDICTMENT

HNSC #216 2022 CR 20
CHG ID# 1937947C

At the Superior Court, holden at Manchester, within and for the County of Hillsborough aforesaid, on the 21st day of March in the year of our Lord two thousand and twenty-two,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

ADAM MONTGOMERY

DOB: 01/22/1992


of or formerly of 445 Willow Street, Manchester, in the State of New Hampshire, between approximately July 1 and July 22, 2019, at Manchester in the County of Hillsborough aforesaid, did commit the crime of

SECOND DEGREE ASSAULT

RSA 631:2, I(d)


in that Adam Montgomery did knowingly cause bodily injury to H.M. (DOB 06/07/2014), a child under the age of 13, by striking her in the face.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



Jesse O'Neill, NH Bar #20723
Senior Assistant Attorney General

This is a true bill.



Foreperson

Name: Adam Montgomery
DOB: 01/22/1992
Address: Hillsborough County House of Corrections
Mailing: c/o Caroline L. Smith, Esq., NHPD, 408 Union Ave., Laconia, NH 03246
RSA: 631:2, I(d)
Offense Level: Maximum of 10-30 years State Prison (RSA 651:6, I(e); III(a)), a \$4,000 fine, or both
Case Number: 216-2022-CR-00020

Verdict: Guilty
Entered February 22, 2024



Administrative Court Assistant