

Clerk's Notice of Decision  
Document Sent to Parties  
on 01/12/2024

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT - NORTH  
STATE OF NEW HAMPSHIRE

V.

ADAM MONTGOMERY

216-2022-CR-20


216-2022-CR-2372

MOTION TO EXTEND DEADLINE TO FILE  
MOTIONS IN LIMINE REGARDING PRIOR CHARGES AND CONVICTIONS OF  
WITNESSES  
The State Assents

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, Esq., and James T. Brooks, Esq., and respectfully requests this Honorable Court extend the deadline for filing Motions in Limine regarding prior charges and convictions of witnesses. In support of this request, the following is stated:

1. On December 21, 2023, the defendant filed an Agreement to Incorporate Motions and Rulings Regarding Certain Witnesses' Criminal charges. This agreement provided for Motions to Admit Impeachment Evidence Pursuant to New Hampshire Rule of Evidence 609 as well as Pursuant to New Hampshire Rules of Evidence 401, 402, 403 and 404(b) that were filed in a prior trial to be incorporated into the upcoming February 6, 2024 trial. In the agreement, the parties noted that the State had not yet filed a witness list or provided defense counsel with criminal records.
2. On or about December 27, 2023, the State filed its anticipated (amended) witness list. This list included seventy-eight civilian witnesses. The State has not yet provided updated criminal records for those witnesses specified in the agreement, nor for those witnesses who were not witnesses in the prior trial and whose records were not previously provided.

After review and consideration, the Court notes that to the extent that the defendant files 609 motions, the State will need time to respond and the Court will need time to issue rulings. Therefore, the State and defense shall meet and confer within the next 5 days to create a schedule with deadlines for the State to provide the defense with criminal records of witnesses, a deadline for the defendant to file motions upon receipt of the records, and a deadline for the State's response. The schedule shall be filed with the Court on or before January 11, 2024. The motion is GRANTED in part and DENIED in part consistent with this order.

  
Honorable Amy B. Messer

January 5, 2024

3. The deadline for filing Motions in Limine is January 5, 2024. The defense is unable to file Rule 609 and related impeachment motions by the deadline as the defendant does not have the criminal records.

4. The defendant will file the Rule 609 and impeachment motions as information is received. However, given that there are seventy-eight witnesses, the amount of records may be substantial. The defendant requests that the deadline for these motions be waived and proposes that the motions be filed as soon as possible after receipt of the records.

5. The State assents to this request. It is anticipated that the parties will agree on many of the motions.

WHEREFORE, Adam Montgomery respectfully requests this Honorable Court waive filing deadlines for the Rule 609 and related criminal records impeachment motions.

Respectfully submitted,

/s/ Caroline L. Smith

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/s/ James T. Brooks

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**CERTIFICATE OF SERVICE:**

I hereby certify that a copy of this MOTION IN LIMINE has been forwarded to Senior Assistant Attorney General Benjamin J. Agati and Assistant Attorney General R. Christopher Knowles on this 5th day of January 2024.

/s/ Caroline L. Smith

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Caroline L. Smith, Esq.