

THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

HILLSBOROUGH, SS  
Northern District

JANUARY TERM, 2024

STATE OF NEW HAMPSHIRE

v.

ADAM MONTGOMERY

Case No. 216-2022-CR-00020

**PETITION FOR ISSUANCE OF CERTIFICATE TO SUMMON PERSON AS A  
WITNESS FROM WITHOUT THE STATE OF NEW HAMPSHIRE UNDER  
THE PROVISIONS OF RSA CHAPTER 613**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court issue a certificate pursuant to RSA 613:3 for the attendance of a necessary and material witness to testify during trial in the above-captioned matter: Britney Bedard of 311 Country Club Oval, Daytona Beach, Florida 32114.

In support of this petition, the Office of the Attorney General submits the following:

1. The defendant was indicted by the Hillsborough County – Northern District grand jury, sitting in January of 2022, on one count of falsifying physical evidence, one count of tampering with witnesses and informants, and one count of second-degree murder, for the death of Harmony Montgomery on or about December 7, 2019, in Manchester, New Hampshire. Jury selection for the defendant’s trial on these charges is scheduled to commence in this court on February 06, 2024, with evidence to begin immediately afterwards.

Granted



Honorable Amy B. Messer

January 11, 2024

Clerk's Notice of Decision  
Document Sent to Parties  
on 01/16/2024

2. The State's investigation has shown that Brittany Bedard's testimony is material and necessary to the State's case. On June 27, 2022, officers with the Manchester Police Department and U.S. Marshals Services interviewed Ms. Bedard in Daytona Beach, FL. Ms. Bedard told officers that she remembered going to the defendant's home and playing with one of his children. She was able to show officers a time-stamped photograph that she took during her time in the home. Ms. Bedard disclosed that she rented the defendant a hotel room at the Econo Lodge in Manchester, NH on March 03 or 04, 2020. Ms. Bedard said that during her interaction with the defendant, she saw that he had a CMC bag resting between his two children in a stroller. Ms. Bedard also recalled renting a U-Haul moving vehicle for the defendant during her time with him. None of these children were Harmony Montgomery. Based on the investigation to date, it is alleged, that during the period that Ms. Bedard rented the U-Haul moving vehicle for the defendant he had placed Harmony Montgomery's corpse in a CMC bag. It is further alleged that the defendant used the U-Haul moving vehicle to further dispose of Harmony Montgomery's corpse.

3. Brittany Bedard is a resident of the State of Florida, believed to be residing at 311 Country Club Oval, Daytona Beach, Florida 32114.

4. The State of Florida has made provision for commanding persons within its borders to attend and testify in criminal actions, prosecutions and other pending criminal proceedings. *See* F.S.A. § 92.251

5. Accordingly, under the provisions of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, this Court is authorized to issue a certificate for presentation to a judge or magistrate in the State of Florida having jurisdiction over Britney Bedard in order to secure her attendance for trial proceedings in this matter. *See* RSA 613:3.

6. The presence of Britany Bedard is required at the Hillsborough County Superior Court – Northern District in Manchester, New Hampshire, from February 12<sup>th</sup> through February 15<sup>th</sup>.

7. Under the provisions of RSA 613:4, Britney Bedard, while appearing in this State in compliance with the requested summons, is afforded protection from arrest and the service of civil and criminal process in connection with matters which arose prior to his entrance into this State under the summons.

8. The State of New Hampshire shall pay, or reimburse, Britany Bedard for travel expenses incurred in this matter, as set forth in RSA 613:3, II.

9. A proposed Certificate and supporting Affidavit accompany this petition.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court, acting under the provisions of RSA chapter 613, issue a Certificate to be presented to the Judge of a Court of Record having jurisdiction over Britany Bedard for her appearance before the Hillsborough Superior Court – Northern District, located at 300 Chestnut Street, Manchester, New Hampshire, 03101, on the week of February 12, 2024, and everyday thereafter until her testimony is complete and the Court releases her from her subpoena service.


Respectfully submitted,

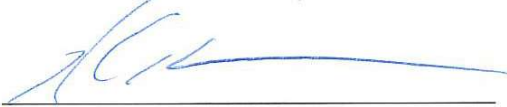
THE STATE OF NEW HAMPSHIRE

By its attorneys,

John Formella  
Attorney General

Dated: January 11, 2024

  
\_\_\_\_\_  
Benjamin J. Agati, N.H. Bar # 16161  
Senior Assistant Attorney General

  
\_\_\_\_\_  
R. Christopher Knowles, N.H. Bar #276524  
Assistant Attorney General

Criminal Justice Bureau  
1 Granite Place - South  
Concord, N.H. 03301-6397  
(603) 271-3671

THE STATE OF NEW HAMPSHIRE  
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HILLSBOROUGH, SS  
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STATE OF NEW HAMPSHIRE

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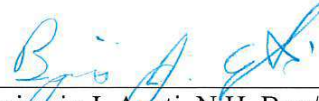
**AFFIDAVIT**

I, Benjamin J. Agati, being duly sworn, do depose and state as follows:

1. I am a Senior Assistant Attorney General with the Criminal Justice Bureau of the Office of the Attorney General. I have been assigned to the prosecution of the above-entitled case, along with Assistant Attorney General R. Christopher Knowles.
2. On January 20, 2022, the Hillsborough County – Northern District grand jury indicted the defendant on one count of falsifying physical evidence, one count of tampering with witnesses and informants, and one count of second-degree murder for the death of Harmony Montgomery.
3. The defendant's trial has been scheduled to begin in the Hillsborough Superior Court – Northern District on February 6, 2024, with jury selection. Evidence is scheduled to begin immediately afterward.
4. The State has concluded that it will be necessary to present the testimony of Britany Bedard as her testimony is material and necessary to the presentation of the matter to the jury. On June 27, 2022, officers with the Manchester Police Department and U.S. Marshals Services interviewed Ms. Bedard in Daytona Beach, FL. Ms. Bedard told officers that she remembered going to the defendant's home and playing with one of his children. She was able to show officers a time-stamped photograph that she took during her time in the home. Ms. Bedard disclosed that she rented the defendant a hotel room at the Econo Lodge in Manchester, NH on March 03 or 04, 2020. Ms. Bedard said that during her interaction with the defendant, she saw that he had a CMC bag resting between his two children in a stroller. Ms. Bedard also recalled renting a U-Haul moving vehicle for the defendant during her time with him. None of these children were Harmony Montgomery. Based on the investigation to date, it is alleged, that during the period that Ms. Bedard rented the U-Haul moving vehicle for the defendant he had placed Harmony Montgomery's corpse in a CMC bag. It is further alleged that the defendant used the U-Haul moving vehicle to further

dispose of Harmony Montgomery's corpse.

5. Britany Bedard is believed to reside at 311 Country Club Oval, Daytona Beach, Florida.
6. Ms. Bedard's presence is anticipated to be required in this matter at the Hillsborough County Superior Court – Northern District in Manchester, New Hampshire.



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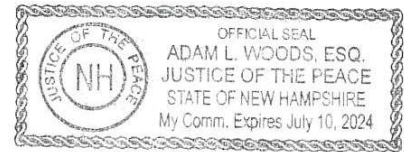
Benjamin J. Agati, N.H. Bar # 16161  
Senior Assistant Attorney  
General Criminal Justice Bureau  
1 Granite Place - South  
Concord, N.H. 03301-6397  
(603) 271-3671

Subscribed and sworn-to before me this 11th day of January, 2024.



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Notary Public/Justice of the Peace  
My commission expires:



THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

HILLSBOROUGH, SS  
Northern District

JANUARY TERM, 2024

STATE OF NEW HAMPSHIRE

v.

ADAM MONTGOMERY

Case No. 216-2022-CR-00020

**CERTIFICATE PURSUANT TO N.H. STAT. ANN CHAPTER 613 TO SUMMON  
WITNESS LOCATED OUTSIDE THE STATE OF NEW HAMPSHIRE**

To any Judge of a Court of Record in the State of Florida, having jurisdiction over Britany Bedard who is believed to reside at 311 Country Club Oval, Daytona Beach, Florida, greetings:

This matter has come before this Court on a Petition by the State of New Hampshire requesting that a certification issue pursuant to the Uniform Act to Secure Witnesses from Without a State in Criminal Proceedings. *See* F.S.A. § 92.251. The State of New Hampshire wishes to obtain certain testimony from Britany Bedard, who is currently residing at 7508 Mohr Way, Hudson, County of Volusia, in the State of Florida. The Court hereby certifies the following:

1. Evidence in the trial of the State of New Hampshire v. Adam Montgomery, in Hillsborough Superior Court – Northern District will begin on February 6<sup>th</sup>, 2024. On or about January 11, 2024, a subpoena was issued requiring that Britany Bedard testify in that trial. A copy of the subpoena is attached hereto.
2. The testimony of Britany Bedard is necessary and material in the matter of the State of New Hampshire v. Adam Montgomery. It is anticipated that the presence of this witness will be required in New Hampshire scheduled to begin between February 12 through February 16, 2024, in the midst of trial.
3. The State of New Hampshire, by New Hampshire Revised Statutes Annotated Chapter 613, has made provision for commanding persons residing in other states to attend and testify in criminal proceedings in the State of New Hampshire, *see* RSA 613:3, as well as for commanding persons residing in the State of New Hampshire to attend and testify in criminal proceedings in other states, *see* RSA 613:2.
4. At any time Britany Bedard is in the State of New Hampshire under orders issued in reliance on this certificate, she will not be subject to arrest or service of process, civil or criminal, because of any act committed by her prior to his arrival in this State under the order. *See* N.H. Rev. Stat. Ann. § 613:4.

5. The State of New Hampshire shall pay, or reimburse, Britany Bedard for travel expenses incurred in this matter, as set forth in N.H. Rev. Stat. Ann. § 613:3, II.

6. The State of New Hampshire seeks an order requiring Britany Bedard to appear in Hillsborough County Superior Court – Northern District, located at 300 Chestnut Street in Manchester, New Hampshire, at **9:00 a.m. on February 12<sup>th</sup>, 2024** and everyday thereafter until her testimony is complete and the Court releases her from her subpoena service.

7. This Court is prepared to enter an order directing compliance with all reasonable terms and conditions prescribed by a court of record of the State of Florida having jurisdiction over Britany Bedard regarding her appearance in New Hampshire as a witness in the above-captioned matter.



Honorable Amy B. Messer

January 11, 2024

Date: \_\_\_\_\_

\_\_\_\_\_  
Presiding Justice

Attest: January 12, 2024



\_\_\_\_\_  
W. Michael Scanlon, Clerk  
Hillsborough County Superior Court

THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

HILLSBOROUGH, SS  
Northern District

JANUARY TERM, 2024

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**CERTIFICATION AS TO THE IDENTITY OF THE JUDGE AND OF THE CLERK**


I, W. Michael Scanlon, Clerk of the Hillsborough County Superior Court – Northern District, State of New Hampshire, do hereby certify that \_\_\_\_\_, was at the time of the issuance of the Certificate attached hereto a duly appointed, qualified and acting Judge of the Superior Court of the County of Hillsborough, State of New Hampshire, and authorized under the laws of the State of New Hampshire to administer oaths, take affidavits, issue certificates, and issue subpoenas, that the said \_\_\_\_\_ is a Judge of the Superior Court of the said County and State, which is a Court of Record having a seal, and full faith and credit is due his/her official acts as such, and that the signature affixed to the Certificate is the genuine signature of the above-named Judge.

In witness whereof, I have hereunto set my hand and have affixed the seal of the Superior Court of the County of Hillsborough, State of New Hampshire, this 12 day of January, 2024.

Signed: W. Michael Scanlon  
W. Michael Scanlon, Clerk  
Hillsborough County Superior  
Court - North

I, Amy B. Messer, Justice of the Superior Court of Hillsborough County - North, State of New Hampshire, do hereby certify that W. Michael Scanlon now is the Clerk of the Hillsborough County Superior Court – North, State of New Hampshire, which is a Court of Record having a seal, and that full faith and credit are due his official acts as such, that the signature to the foregoing Certificate and attestation is the genuine signature of said W. Michael Scanlon, as such officer; that the seal annexed is the seal of said Superior Court, that the said W. Michael Scanlon, as such Clerk is the proper officer to execute said certificate and attestation, and that such attestation is in due form according to the laws of the State of New Hampshire.

In witness whereof, I have hereunto set my hand this 11 day of January \_\_\_\_\_, 2024.

  
Honorable Amy B. Messer

Signed \_\_\_\_\_  
Justice, Superior Court, State of New Hampshire County of Hillsborough, SS - North.

**THE STATE OF NEW HAMPSHIRE**

**TRIAL SUBPOENA**

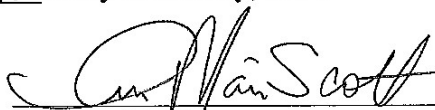
HILLSBOROUGH COUNTY, SS.

To: Britney Bedard  
11/29/1990  
311 Country Club Oval  
Daytona Beach, FL

You are required to appear before the Hillsborough County Superior Court – Northern District sitting at 300 Chestnut Street, Manchester said county, from the 12th day of February 2024, at 9:00 o'clock in the forenoon, and everyday thereafter until your testimony is completed, to testify to what you know relating to a case then and there to be heard and tried between the **State of New Hampshire and Adam Montgomery**, defendant.

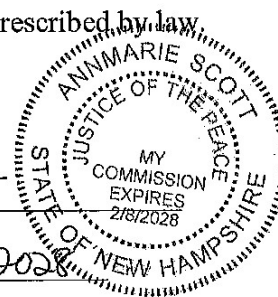
Hereof fail not, as you will answer your default under penalties prescribed by law.

Dated at Concord, N.H., the 11 th day of January, 2024.



Justice of the Peace

My Commission Expires: 2-8-2028



**RETURN OF SERVICE**

Served in hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at

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When you receive this Subpoena, please contact Amy VanAuken of the Attorney General's Office at (603) 931-0489.

**\*\* During regular business hours only\*\***

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

**In the Matter of the Application of the  
State of New Hampshire for an Order Directing  
the Attendance of Britany Bedard as a Witness**

**SUMMONS**

This matter having come for hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2024, pursuant to an order to show cause why Britany Bedard, residing at 311 Country Club Oval, Daytona Beach, Florida 32114, should not be summoned pursuant to certificate by service upon the aforementioned witness, and the witness having had the opportunity to appear and testify, and the Court having considered the certificate of the Honorable \_\_\_\_\_, Superior Court Justice for Hillsborough County, State of New Hampshire, a copy of which certificate is attached hereto, and the affidavit of Benjamin J. Agati, and having been otherwise fully advised, the Court finds as follows:

1. That Britany Bedard is a material and necessary witness in the matter of *State of New Hampshire v. Adam Montgomery*.
2. That it will not cause undue hardship to the aforementioned material witness to attend and testify in the foregoing proceeding.
3. That the State of New Hampshire will arrange for travel expenses and per diem expenses for the witness's appearance in New Hampshire in compliance with N.H. Rev. Stat. Ann. § 613:3, II.

4. That the State of New Hampshire has made provision for commanding persons residing within the State of New Hampshire to attend and testify in criminal proceedings in other States, such as the State of Florida. *See* F.S.A. § 92.251. The State of New Hampshire has also made provision for commanding persons residing in another state, such as the State of Florida, to attend and testify in criminal proceedings in the State of New Hampshire. *See* N.H. Rev. Stat. Ann. § 613:3.

5. That the laws of the State of New Hampshire give the witness protection from arrest or service of process, criminal or civil, in connection with matters which arose before the entrance into the State pursuant to this summons, as set forth in N.H. Rev. Stat. Ann. 613:4.

6. Now therefore, it is hereby ordered that Britany Bedard is summoned and commanded to attend and remain available to testify in the matter of the *State of New Hampshire v. Adam Montgomery*. before the Hillsborough County Superior Court - North at 300 Chestnut Street, New Hampshire on February 12<sup>th</sup> through February 16<sup>th</sup>.

In witness whereof, I have hereunto set my hand and affixed the seal of the Circuit Court of the State of Florida in and for the County of Volusia, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Judge  
State of Florida  
County of Volusia

**N.H. Rev. Stat. Ann. § 613:3 (2001). Witness from Another State Summoned to Testify in This State.**

I. If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this state is a material witness in a prosecution pending in a court of record in this state or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

II. If the witness is summoned to attend and testify in this state he shall be tendered the sum of \$.10 a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$5 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

**N.H. Rev. Stat. Ann. § 613:4 (2001). Exemption from Arrest and Service of Process.**

I. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters, which arose before his entrance into this state under the summons.

II. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.