

THE STATE OF NEW HAMPSHIRE  
NORTHERN DISTRICT OF HILLSBOROUGH COUNTY

HILLSBOROUGH, SS.

SUPERIOR COURT  
MAY TERM 2024

State of New Hampshire

v.

Adam Montgomery

Case No. 216-2022-CR-02372  
216-2022-CR-00020

**STATE'S SENTENCING MEMORANDUM**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby files this memorandum to assist the Court in fashioning an appropriate sentence in this matter.

This case involves the abuse, and murder of an innocent five-year-old girl at the hands of her biological father, Adam Montgomery, a defendant with an extensive criminal history for his age, and when so many earlier sentences tried to deter further criminal behavior using more than simply incarceration. Those sentences failed, leaving the Court little hope of rehabilitation. Accordingly, for the charges upon which he has been convicted, the Court is left with few sentencing goals it can accomplish beyond deterrence and punishment.

For these reasons, for the reasons set forth below, and for the reasons articulated orally at the defendant's sentencing hearing, the State respectfully recommends the Court order the following sentence at this time:

- Docket No. 216-2022-CR-00020
  - Charge ID 1937947C – Second Degree Assault: 4 to 8 years at the New Hampshire State Prison, stand committed;
  
- Docket No. 216-2022-CR-02372
  - Charge ID 2027113C – Falsifying Physical Evidence: 3½ to 7 years at the New Hampshire State Prison, stand committed; consecutive to Charge ID 1937947C;
  
  - Charge ID 2027115C – Tampering with Witnesses and Informants: 3½ to 7 years at the New Hampshire State Prison, stand committed; consecutive to Charge ID 2027113C;
  
  - Charge ID 2027114C – Abuse of a Corpse: 12 months at the New Hampshire State Prison, stand committed; concurrent with Charge ID 2027113C;
  
  - Charge ID 2027112C – Second Degree Murder: 45 years to life at the New Hampshire State Prison, stand committed; consecutive to those imposed in Charge IDs 2027113C, 114C, and 115C.

This recommendation reflects a cumulative sentence of 56 years to life<sup>1</sup>, stand committed. Accordingly, the defendant will be eligible to petition the Court for release under RSA 651:20 after serving 43 years of his minimum sentence.

### **FACTS AT TRIAL**

1. The essential facts of this case were presented at trial in this matter. The State relies on the witness testimony at trial and any exhibits and/or stipulations of the parties as forming the factual basis of this sentencing memorandum. The State also points out that the defendant admitted at trial that he was guilty of facts and culpability

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<sup>1</sup> All sentences fully consecutive to the sentence ordered in Docket No. 216-2022-CR-00577.

constituting the charged crimes of falsifying physical evidence and abusing Harmony's corpse.

2. In summary, the defendant was convicted following a jury trial of one count each of second-degree assault, second-degree murder, falsifying physical evidence, tampering with a witness, and abuse of a corpse. The charges stem from the defendant assaulting his daughter in July of 2019, in what he told his uncle was an episode of "bashing her around the fucking house," as well as from his December 7, 2019 murder of Harmony Montgomery, culminating in the defendant's transportation and consolidation of her body over three months, ending with his March 4, 2020 disposal of her corpse. The charges of falsifying physical evidence tampering with a witness, and abuse of a corpse occurred between December 7, 2019, and March 4, 2020. The murder of Harmony was not uncovered for several years after the defendant's conduct occurred, he was confronted by a court order to produce Harmony to DCYF, and refused. Despite the defendant's concession at trial that he disposed of Harmony's body, her remains have not been found, and as a result, she has been deprived of a proper burial.

3. The defendant attacked Harmony in the early morning hours of December 7, 2019. The first attack consisted of the defendant striking Harmony repeatedly on her head and face because she had a bathroom accident. The defendant did nothing for Harmony after that attack. He did not attempt to treat her injuries or change her soiled clothes. He placed a blanket over her and went back to sleep.

4. Several hours after the first attack, Harmony had another bathroom accident and the defendant attacked her again. This time, the defendant's attack was far more severe

in violence and duration. The defendant struck Harmony numerous times while driving, stopping at lights several times to continue the attack. He only stopped striking Harmony when he felt something “different” and acknowledged out loud that he believed he “really hurt her this time.” Like the first attack, the defendant did nothing for Harmony after this second attack. Shortly after the second attack, the defendant realized that Harmony was dead and “folded her” into a duffle bag.

5. In the months following Harmony’s murder, the defendant compressed her body into a series of bags, treated it with extreme temperatures and chemicals, and ultimately disposed of her corpse, while forcing his wife, Kayla Montgomery, witness to his crimes, to lie to protect him.

6. Harmony died in pain and fear on December 7, 2019. But unfortunately, that was not the first time the defendant had caused Harmony emotional and physical pain. In July 2019, the defendant struck Harmony with such force that he altered the profile of her face, witnesses testified regarding the extent of Harmony’s injury and the defendant’s efforts to conceal her and obstruct the DCYF caseworker’s efforts to investigate her injury. The Court also heard that in the week leading up to Harmony’s murder, the defendant repeatedly punched Harmony when she had bathroom accidents and covered her with a blanket to conceal her injuries.

7. The Court also heard testimony from many witnesses regarding the defendant’s lies about Harmony, and the detailed nature of those lies. In the two years after the defendant murdered Harmony, he told witnesses that Harmony’s mother had taken her

to Massachusetts and that he was visiting her. He promised officers that Harmony was alive and well, living with her mother.

8. The defendant committed to a strategy of blaming others for Harmony's injuries and death. He reported to a DCYF caseworker that Harmony's brother, a toddler at the time, had caused the second degree assault injury to Harmony's eye in July 2019. Later, the defendant placed blame on Kayla Montgomery for causing Harmony's death.

9. The defendant not only lied to others, he allowed other people to lie for him. The defendant developed a story to account for Harmony's disappearance. In the two years following Harmony's murder, he subsequently beat Kayla Montgomery and ordered her to stick to the story he had given her.

10. The defendant has never shown true remorse for Harmony's death. The Court saw the defendant's lack of remorse during the defendant's recorded interview when he promised detectives that Harmony was alive and well, living with her mother in Massachusetts, all the while knowing that he murdered her and disposed of her body two years prior. In a recent recorded call, the defendant discussed his interaction with the officers in December 2021 when they approached him in search of Harmony. Of the interaction, the defendant recalled wishing that he told the officers to "do your fucking job . . ." <sup>2</sup>

11. The defendant may argue that he has expressed remorse by admitting that he falsified physical evidence and abused Harmony's corpse; however, his argument is

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<sup>2</sup> Exhibit 1 – Portion of recorded call by Adam Montgomery made on March 27, 2024.

without merit. As the Court saw, the defendant committed to a strategy of admitting to crimes where the proof was incontrovertible, such as evidence of his finger and palmprints in the ceiling surrounding Harmony's blood. As such, he should get no benefit from having admitted to falsifying evidence and abusing a 5-year-old's corpse. He has admitted that he disposed of Harmony in a currently unknown location.<sup>3</sup>

12. The defendant's demonstrated lack of remorse for killing Harmony is consistent with the testimony of the witnesses at trial who confirmed the defendant's animosity towards Harmony. One witness said that the defendant admitted to her that he hated Harmony to his core. The defendant's dislike of Harmony and her frequent bathroom accidents is what fueled his anger on the day of the murder, and gave him the impetus to vent his frustrations on Harmony.

13. The fact that the defendant had this animosity towards Harmony and was hitting her in the week prior to her murder is an aggravating factor. The murder was not a quick, impulsive act. Each time the defendant struck Harmony, he had an opportunity to stop. Yet after short breaks in the assault as he drove away from the methadone clinic, the defendant continued to strike Harmony. Each time he struck Harmony, the defendant, made a concerted effort to hurt her, only stopping when he "felt something" different.

14. Finally, in the years following Harmony's murder, the defendant continued to profit from Harmony by claiming state and federal benefits. The court heard that at the defendant's direction, Kayla Montgomery filed forms for the couple to receive benefits

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<sup>3</sup> Meanwhile telling family members that investigators are "wasting their time" searching for Harmony.

long after Harmony's death. This conduct, the audacity to profit from Harmony after her death, is more proof of the defendant's lack of remorse.

**PRIOR CONVICTIONS DOCUMENT FAILURE OF ALL PRIOR  
REHABILITATIVE EFFORTS**

15. This Court has already recognized the defendants lengthy and troubling criminal history dating over the last two decades, since 2007. Prior to his convictions in this case, the defendant was convicted of felony offenses including first-degree assault, armed robbery, assault and battery with a dangerous weapon (2010 conviction), assault and battery with a dangerous weapon (2014 conviction), larceny from a person, criminal threatening, and being an armed career criminal of two separate firearms.

**a. 07-S-2444; *State of New Hampshire v. Adam Montgomery*<sup>4</sup>**

16. On April 4, 2008, the defendant was convicted, via plea agreement, of Criminal Threatening after he pointed a knife at a 15-year-old girl and called her a bitch. The defendant was sentenced to serve a fully suspended 12 months.

**b. 0881CR00625; *Commonwealth v. Adam Montgomery*<sup>5</sup>**

17. On February 14, 2008, the defendant was charged with one count of home invasion, four counts of assault and battery with a dangerous weapon, one count of possession of cocaine with intent to distribute, and other minor drug possession offenses.

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<sup>4</sup> This statement of facts is taken from State's Exhibit 2 – Hillsborough County Northern District, Superior Court Records; *State v. Adam Montgomery*.

<sup>5</sup> This statement of facts is taken from State's Exhibit 3 - Commonwealth of Massachusetts Middlesex County Public Records.

18. The charges stem from an incident that occurred in Malden, Massachusetts on February 14, 2008, in which officers responded to an apartment complex due to a report of a possible domestic disturbance in progress. Upon arrival, officers heard people yelling and items being thrown around. As officers approached the door of the apartment, the defendant and his accomplice emerged from the unit. Officers observed that the defendant had a black handgun in his right hand and the defendant pointed the handgun at the chest of one of the officers. The officer was able to slap the firearm out of the defendant's hand and wrestle him to the ground. The defendant was ultimately arrested.

19. Following the defendant's arrest, several witnesses were interviewed. One witness, Lyndsay Clark, reported that the defendant and his accomplice entered her apartment while pretending to be a family member. Once the door was opened, the two men pushed past several of the occupants of the home and the defendant put his gun to Kellie Barnsfield and began yelling "where's the fucking money, where's the fucking money" She reported that the defendant kept pointing the gun at them as he went through the apartment.

20. Barnsfield was interview and reported that the defendant entered her home and pointed a gun at her and demanded money. She stated that she fell to the floor crying and urinated in her pants. The defendant then forced her to her feet and into another room where she stood in front of her three-year-old daughter's bedroom, prohibiting the defendant from entering. She reported that the defendant and his accomplice stole their jewelry that was lying in plain sight. She disclosed that the defendant then put the gun up to her neck and ordered her to show him where the safe was located. Kellie said she

complied with the defendant's demand, and she was able to flee the apartment while he was taking items out of the safe.

21. In a search of the defendant following his arrest, officers found ten individually wrapped plastic wraps containing a white powdery substance believed to be cocaine.

22. On June 10, 2010, the defendant pled guilty to several counts of the indictment, including armed robbery and assault and battery with a dangerous weapon. He was sentenced concurrently with the time he received in 07-S-2444.

**c. 08-S-1466; *State v. Adam Montgomery***<sup>6</sup>

23. On May 6, 2008, the defendant was charged with first-degree assault for stabbing an individual in the leg with a knife. On January 26, 2009, the defendant pled guilty to first-degree assault and was sentenced to 2 to 4 years' incarceration. His sentence was concurrent with the time that was imposed in 07-S-2444.

**d. 1498CR000304; *Commonwealth v. Adam Montgomery***<sup>7</sup>

24. On October 24, 2014, officers from the Haverhill Police Department in Haverhill, Massachusetts, responded to reports of shooting near 6th Ave. Upon arrival, officers were met by Robert Jacobs ("Robert"), who was in apparent distress and continually repeated that he had just been shot. Officers observed an apparent gunshot

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<sup>6</sup> This statement of facts is taken from State's Exhibit 4 - Hillsborough County Northern District, Superior Court Records; *State v. Adam Montgomery*.

<sup>7</sup> This statement of facts is taken from State's Exhibit 5 – Haverhill, MA Police Department Incident Report No. 14002391.

wound to the left side of Robert's face near the temple area. Officers reported that blood was "spurting out of the wound" and that Robert was starting to "fade".

25. One witness, Cam Vitalone, reported that he was in Robert's apartment when he heard a gunshot outside. When he went into the hallway of the apartment building, he saw Robert holding onto an unknown man, later identified as Adam Montgomery. He reported that Robert was on top of the defendant stating, "he shot me" and telling Vitalone that the defendant had a gun in his hand. Vitalone reported that he pulled the defendant off of Robert and the defendant fled the scene. Vitalone stated that he believed the defendant must have been trying to rob Robert.

26. Officers obtained surveillance footage from the area surrounding the crime scene. While the surveillance did not capture the shooting, it captured several of the individuals involved in the incident and the sound of two apparent gunshots. The footage depicted two individuals involved in the incident. One went by the alias of "Ace" and the other individual went by the alias "Jay Blunt". Officers later learned that Ace was an alias for the defendant, Adam Montgomery.

27. The defendant was apprehended on January 28, 2014, by the US Marshal Service. At the time of his arrest, the defendant was suffering from a gunshot wound to the arm. Following his arrest, he reported that he'd met Robert to buy heroin and that once he arrived several individuals attempted to rob him. He stated that he remembered seeing a gun at some point but that he didn't remember anything else.

28. Anthony Jacobs was also interviewed regarding this incident. He reported that he was at Robert's apartment and that as some point Robert stepped outside. He

reported that less than a minute after Robert stepped out of the apartment, he heard a gunshot. He stated that he ran out and saw that Robert was shot in the face. He said that Robert and Vitalone, who ran out before him, were fighting with the defendant and Robert was yelling that the defendant shot him in the face. He reported that the defendant still had the gun in his hand and that Vitalone and Robert were trying to get it away from him. He stated that he was holding the defendant down while Vitalone and Robert were trying to get the gun from him. He reported that as soon as the gun had been taken from the defendant he backed off and saw Robert point the gun at the suspect and shoot him.

29. Robert was interviewed on January 31, 2014. During his interview he was provided a photo lineup and identified the defendant as the man who shot him in the face. He reported that the defendant tried to rob him after meeting him to buy three grams of heroin. He stated that the defendant pulled the gun on him and tried to take the drugs from him. He reported that a struggle ensued, and the gun went off.

30. The defendant was subsequently charged with one count of armed robbery, one count of armed assault to murder, one count of carrying a firearm without a license and one count of discharging a firearm within 500 feet of a dwelling. On September 9, 2014, he was convicted pursuant to a plea agreement of one count of assault and battery with a dangerous weapon and one count of larceny from a person.

**e. 216-2022-CR-00577; *State of New Hampshire v. Adam Montgomery***

31. In October 2019, the defendant stole two firearms from the home of Christopher and Kimberly Frain in Manchester, NH. At trial, witnesses testified that the

defendant, by his own admission, entered the Frain home and stole the firearms, a shotgun and AR-15 rifle, while Kimberly Frain slept.

32. Following the theft, the defendant maintained the stolen firearms in his possession and attempted to sell the firearms for drugs and money. This was in the same home where he had assaulted Harmony three months prior and left the black eye, and the home in which he lived with Harmony and his two sons. One witness, Kevin Labelle, testified how the defendant sold him the shotgun after the defendant took him to a secluded location in Manchester to shoot it. Labelle testified that several weeks later, he traded the shotgun back to the defendant in exchange for heroin.

33. Another witness, Mark Reed, reported that the defendant reached out to him on October 3, 2019, in an attempt to exchange the two stolen firearms for drugs and money. Reed provided a Facebook Messenger exchange between himself and the defendant in which the defendant attempted to trade the stolen guns shortly after they were taken. While the account that the defendant used to communicate with Reed is no longer active, the defendant stipulated that it was his account that he used to exchange messages with Reed in the past. During the October 3, 2019, exchange, the defendant told Reed that he would “take a stick for the pump [b]ut [he] also need[ed] like 80 bucks cash.” Reed testified that the “stick” referenced by the defendant referred to several grams of heroin.

34. Kayla Montgomery’s trial testimony reflected various individuals visiting the home she shared with the defendant to look at and purchase the firearms following their theft. She also testified to the defendant’s admissions and that she pleaded with the defendant to return the firearms when the theft was uncovered. She testified that on one

occasion she begged the defendant not to leave their home with one of the firearms because he was a convicted felon.

35. One of the defendant's intended buyers, Michael Sullivan, testified that the defendant repeatedly offered him the firearms in exchange for drugs and that he admitted to stealing the firearms from Kimberly Frain. Sullivan also testified to witnessing the defendant exchange one of the stolen firearms for heroin and ultimately using the heroin with the defendant.

36. The defendant was convicted following a jury trial of two counts of armed career criminal ("ACC"), two counts of theft by unauthorized taking ("theft"), and two counts of receiving stolen property ("RSP"). He received a composite sentence of 15 to 30 for each charge of armed career criminal charges, with a consecutive of 2.5 to 6 for the counts of theft by unauthorized taking, resulting in an aggregate 32.5 – 65 year stand committed sentence.

### **COLATERAL INFORAMTION**

37. The Court should be mindful that at this time of sentencing, the defendant has two other matters pending before the Court. In Case No. 216-2023-CR-509, the defendant is charged with one count of being an armed career criminal and one count of being a felon in possession. Similarly, in Case No. 216-2023-CR-507, the defendant is charged with one count of armed career criminal and one count of being a felon in possession. Each case is alleged to have occurred in close temporal proximity to the crimes for which the defendant is being sentenced. These involve allegations of two more separate gun possessions by the defendant. The State anticipates calling Detective Jack Dunleavy

with the Manchester Police Department at the sentencing hearing to provide testimony and answer the Court's questions concerning this criminal conduct as it assists in the Court's ability to assess how the Court's sentence should take into account the low chance of achieving meaningful rehabilitation with this defendant, and the need for significant personal deterrence in the Court's sentence.

### **THE VICTIM**

38. Harmony's next of kin, the community of Manchester, and the State of New Hampshire as a whole have been severely affected by the attack on Harmony, her disappearance, her murder, the brutal way in which her body was handled throughout the city, and her continued absence. The effect this crime has had on Harmony's family and the community is immeasurable. The defendant robbed Harmony and her family of the person she was going to become. He killed all potential she held and eradicated the potential good she could do for her family and the community. Harmony left behind young siblings, one who was one year old when he last saw her, and another born later who will never know her. The State anticipates that Harmony's family will provide more details at sentencing on the loss that the defendant has caused.

### **SENTENCING FRAMEWORK**

39. The three-part test for sentencing is well-settled New Hampshire law. "The legislature has vested in the trial court the ability to adapt sentencing to best meet the constitutional objectives of punishment, rehabilitation and deterrence."<sup>8</sup> No single factor is

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<sup>8</sup> *State v. Henderson*, 154 N.H. 95, 97 (2006).

essential to justify a particular sentence in a case, so long as the trial court considers all three goals. *See State v. Wentworth*, 118 N.H. 832, 842 (1978) (“The real purpose of all sentencing is to reduce crime. This theoretically can be done by rehabilitating the individual defendant so he will not offend again. Another way is to punish the individual defendant in the hope that he will be deterred from repeating his crime. Moreover, by punishing the individual defendant, others may be deterred from committing crimes. Whichever sentence is thought to be likely to reduce the most crime is the proper sentence to impose.”).

40. As to punishment, the New Hampshire Supreme Court has held that “rétribution . . . remains a societal goal,” and the legislature may properly conclude that certain criminal conduct is so serious that the offender “must be isolated from society for the remainder of his life.”<sup>9</sup> While the State’s recommended sentence is far short of a life sentence, it is surely punishment and the trial court should properly seek to isolate this defendant from society for a certain term. Beyond being consistent with the interests of justice, given the facts of this case and the defendant’s criminal history, the goal of punishment is appropriate. A cumulative sentence proposed by the State does just that in a case such as this where the defendant abused the victim repeatedly, then beat her to death in a series of vicious attacks, then did unspeakable actions to her body to conceal the discovery of his crime and her body.

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<sup>9</sup> *State v. Farrow*, 118 N.H. 296, 303 (1978).

41. Based on the facts of this case shown at trial along with the defendant's criminal history involving violent actions with dangerous weapons, his likelihood for rehabilitation is guarded at best. At the time of the criminal offense, the defendant was a repeat felony offender, having threatened a young girl with a knife, having threatened to kill during a home invasion, having shot another victim in his face during a robbery, and having bought and sold stolen firearms. Still, he beat a helpless child to death in a series of brutal attacks. Additionally, he has two pending cases before this court wherein he is charged with being an armed career criminal and felon in possession. Despite admitting what he did to some witnesses at trial, or his cruelty being witnessed first-hand by other witnesses at trial, he has never taken responsibility for what he did to assault Harmony in July 2019, to kill her later in December, or what he did up to and through March 2020, when he disposed of her body.

42. Deterrence, both general and specific (*i.e.*, individual), is a significant factor to consider in this case. New Hampshire Courts have long acknowledged that general deterrence is a legitimate consideration in imposing sentence for a particular offense. *See, e.g., State v. Dumont*, 122 N.H. 866, 868 (1982) (“[I]t is clear that society’s legitimate concern with the public danger of thefts involving firearms increases the need for general deterrence of such offenses and serves as an adequate justification for imposition of a more severe penalty.”).

43. Child abuse anywhere is a community-wide problem everywhere. In 2020, “the number of reported child abuse or neglect cases to the New Hampshire Division of

Children, Youth and Families (DCYF) almost hit 10,000 reported cases.”<sup>10</sup> While reports of child abuse or neglect occurred throughout the state, Manchester saw the highest number of reported cases in the state.<sup>11</sup>

44. The sentencing range for the second-degree assault and second-degree murder of a child under 13 years of age was reconsidered and increased by the New Hampshire Legislature in 2006. This change denotes the people’s concern with the protection of children, and the condemnation of crimes against children, by establishing a bare minimum sentence for the second-degree murder of a child of 35 years to life, and the possible sentencing range of 10 to 30 years for the second-degree assault of a child. As a result of the legislation, the presumptive term for a person with **no** other criminal history is the mandatory minimum sentence of “not less than 35 years and a maximum of life imprisonment.”<sup>12</sup> Likewise, the maximum sentence for a person with **no** other criminal history is “a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not more than 30 years.”<sup>13</sup> As explained above in the defendant’s criminal history, the defendant is not such a person.

45. In the seminal case of *State v. Wentworth*, the New Hampshire Supreme Court explained that “[t]he real purpose of all sentencing is to reduce crime.” *Wentworth*, 118 N.H. at 842. In addition to rehabilitating some offenders so he or she does not reoffend, the Court stated that “[a]nother way is to punish the individual defendant in the hope that

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<sup>10</sup> See, e.g., Kelly O’Brien, WMUR “As child abuse reports increase in New Hampshire, officials ask public for help” available at <https://www.wmur.com/article/child-abuse-new-hampshire-reports-41123/43569044>

<sup>11</sup> *Id.*

<sup>12</sup> 651:6, I(p); “Has committed murder as defined in RSA 630:1-b against a person under 13 years of age.”

<sup>13</sup> 651:6, I(e), III(a)

he will be deterred from repeating his crime. Moreover, by punishing the individual defendant others may be deterred from committing crimes.” *Id.*

**THE STATE’S PROPOSED SENTENCE PROPERLY BALANCES**  
**SENTENCING GOALS FOR THIS DEFENDANT**

46. As always, the court must remain mindful of the overarching sentencing goals – punishment, deterrence, and rehabilitation – in crafting a sentence.<sup>14</sup> The State’s requested prison sentence is justified in this case because it meets the goals of sentencing in New Hampshire. Under the case law, the sentencing judge is given broad discretion to determine the duration of a sentence and may consider a variety of factors and must consider the totality of circumstances.<sup>15</sup> The court may consider the background and personal characteristics of the offender, the seriousness of the conduct involved in the commission of the offense, the nature and extent of the resulting harm, and recidivism.

47. As mentioned *supra*, in response to the legitimate public danger to New Hampshire’s most vulnerable residents (*i.e.*, children), the State of New Hampshire has instituted significant sentencing guidelines for such offenses. Crimes against children can have devastating effects on the lives of victims and their families. Over the long term, children who are abused or neglected are at increased risk for experiencing future violence victimization and perpetration, substance abuse, delayed brain development, and lower educational attainment.<sup>16</sup> Given the facts of this case, the impact this crime has had the

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<sup>14</sup> See *State v. Wentworth*, 118 N.H. 832, 842 (1978).

<sup>15</sup> *State v. Stone*, 122 N.H. 987, 989 (1982).

<sup>16</sup> See, *e.g.*, Centers for Disease Control and Prevention “Fast Facts: Preventing Child Abuse & Neglect” available at <https://www.cdc.gov/violenceprevention/childabuseandneglect/fastfact.html>

victim, her family, and the community (as well as considering the defendant's criminal history), the State is recommending this cumulative sentence of 56 years to life as sequenced above.

48. There is nothing about the facts of this case that can be described as "minimal," such that the mandatory minimum sentence would be an appropriate sentence. There is no doubt that what the defendant did to Harmony was more than "minimal." He did not just hit or punch Harmony one or two times, or on one or two events. His actions and their severity were so much more. The defendant's attacks were extensive in duration and ferocity. The defendant struck Harmony repeatedly while taking intermittent breaks to drive. In the moments the defendant repeatedly assaulted Harmony, Harmony must have been in great pain and terrified. In sum, there is nothing about the way the defendant killed Harmony that is minimal, mitigating, or weighs against the State's requested sentence.

49. The defendant could have alleviated Harmony's pain and suffering, and perhaps even saved her if he had gotten help right after the assaults. Instead, the defendant put a blanket over her to hide the evidence of what he had done. The fact that the defendant did nothing to help Harmony afterward, adds another level of cruelty and depravity that justifies the imposition of more than the minimum sentence in this case. This is further supported by the heartless actions, statements, and decision making the defendant exercised for months after the defendant murdered Harmony; compressing Harmony's body into a

series of bags that were decreasing in size, adding lime because he believed it would further her decomposition, and dumping her like garbage in an undisclosed location.

50. In the context of this defendant's crimes, general deterrence is particularly appropriate. This is especially needed in the arena of violence-against-children cases where the victims are especially vulnerable and at the mercy of their attackers, who are often their parents. Accordingly, this defendant should be sentenced as requested by the State, in order to help deter others from committing similar crimes. The concept of general deterrence includes the fact that a particular sentence may be imposed in order to instill confidence in the criminal justice system. This is something the New Hampshire Supreme Court has recognized as a valid sentencing factor even in the absence of concerns for rehabilitation or deterrence. In *Darcy*, the Court observed:

Many persons who are incarcerated for having committed homicide are not dangerous. They committed their crimes, as did this defendant, under a set of circumstances which are not likely to recur. It may be argued that a crime of this nature, committed in the heat of passion, is not likely to be deterred by imprisonment. Yet it is recognized that there are some crimes for which imprisonment may properly be thought to be the appropriate sentence even though it may not have a deterrent effect; otherwise, the seriousness of the crime would be unduly depreciated.

*Darcy*, 121 N.H. at 225-26. The Court also stated that "public confidence in the system of justice" is an "important consideration" in sentencing. *Id.* at 225.

51. The murder of a small child and family member is exactly the type of crime that requires a significant sentence to instill public confidence in the system of justice and to send a strong message of deterrence. In New Hampshire, approximately 59% of New

Hampshire's murders between 2020 and 2021 were domestic violence related.<sup>17</sup> The defendant's murder of Harmony Montgomery is among the most extreme forms of domestic violence. The defendant killed Harmony in the car they were living out of, while two other young children were seated next to her. Testimony was introduced at trial that in the week leading up to her murder, the defendant beat Harmony repeatedly when she had bathroom accidents, and concealed her under a blanket to hide the evidence of what he had done from other. These considerations, and the others already mentioned, also weigh in favor of the sentence requested by the State.

52. Rehabilitation should be given minimal weight in this case because the defendant's prospects for rehabilitation are severely guarded. Rehabilitative efforts have been part of his sentences before over the past two decades, and he has chosen not to participate. Suspended time, programming, sentences to the house of corrections, etc.... and none of them have deterred him from committing more violent crimes hurting others. Over the years, the defendant has consistently chosen to violate the law and his decision not to engage in rehabilitation resulted in his repeat return to custody as an extremely violent recidivist.

53. The court can consider the entirety of the defendant's behavior and the entirety of his criminal history. The defendant's criminal history justifies more than the minimum sentence, as discussed supra. These have been primarily for violent felony behavior: assaulting a young girl with a knife, engaging in an armed home invasion during

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<sup>17</sup> See, e.g., New Hampshire Domestic Violence Fatality Review Committee, "2020-2021 Biennial Report" available at <https://www.doj.nh.gov/criminal/victim-assistance/documents/domestic-violence-report-2022.pdf>

which he held a firearm to a young woman's head, pointing a firearm at an officer's chest, stabbing a man in the leg, and shooting another associate in the face during an attempted robbery. The defendant has shown time and time again that, not only does he represent a clear danger to any community he is released to but, more than a minimum sentence is necessary to protect the community from him.

54. The jury's convictions here should give the court pause about the defendant's prospects for rehabilitation. When Adam Montgomery murdered Harmony, he was already a repeat violent felony offender who was trading in firearms and drugs around his children. His history shows that prior to murdering Harmony, he was escalating in violence. Shortly after his release from prison for shooting his associate in the face, he was awarded custody of Harmony. He did not have custody of her for six months before the first documented assault in July 2019, and he had her for less than a year before he beat her to death. These actions of their own accord show a lack of prospects for rehabilitation. Punishment and the protection of the community must therefore be a significant sentencing goal for the court. The defendant has shown the court over, and over, and over again that he presents a danger to the community, to the people he is closest to, to whom he calls friends, to women, to children, and to police officers. When given choices, rehabilitation, and breaks, he has chosen to continue preying on others in a manner that demonstrate to the court that he cannot safely be a part of the community.

55. Harmony was only 5 years old when the defendant murdered her. She was in no position to defend herself against an enraged adult. In addition, Harmony was developmentally disabled and was not progressing at the same rate as her peers. The Court

heard from Michelle Rafferty regarding Harmony's learning plan and the strides Harmony was making before she went to live with the defendant. The court also heard that Harmony was blind in one eye. That left her especially vulnerable to the defendant's attacks. It also makes what the defendant did to Harmony even more repugnant and worthy of punishment. The fact that Harmony was so vulnerable, and her age in general, are aggravating factors that weigh in favor of the State's sentencing recommendation.

**THE STATE'S PROPOSED SENTENCE IS SUPPORTED BY OTHER SIMILAR SECOND-DEGREE MURDER CASES IN NEW HAMPSHIRE HISTORY**

56. Trial courts may look to other similar cases for guidance on sentencing. While those other cases are not binding, they may prove informative for the trial court. Accordingly, the State offers three murder cases for this Court's consideration that are the most comparable to the matter at bar:

**a. *State v. Chad Evans*, 154 N.H. 142 (2006).**

57. Chad Evans, was convicted of reckless second-degree murder, five counts of second-degree assault, endangering the welfare of a minor, and simple assault, following the death of twenty-one-month-old Cassidy Bortner, the daughter of his girlfriend, Amanda Bortner in November 2000.

58. At trial, evidence showed that Cassidy died from multiple blunt-force injuries that occurred while she was in the defendant's care. The medical examiner estimated that Cassidy received eight to ten blows to the head and at least two blows to the

abdomen from blunt force such as a fist or foot.<sup>18</sup> Evidence also showed that in the month prior to Cassidy's death, the defendant forcefully grabbed Cassidy's face as often as twice a week.<sup>19</sup>

59. After trial, the Court imposed a stand-committed 28 to life sentence, with consecutive suspended prison time as well.<sup>20</sup> That sentence was far less than the 60 years to life sentence the State had recommended. The defendant and the State petitioned for sentence review, and the sentence review board appropriately increased the sentence to a total of 43 to life.<sup>21</sup>

**b. *State v. Katlyn Marin*; 226-2015-CR-00025**

60. Katlyn Marin was convicted of the second-degree murder of her three-year-old daughter, Brielle Gage which occurred on November 25, 2014.

61. At trial, evidence showed that Marin engaged in a sustained attack on Brielle, during which she used her hands, feet, and furniture to strike Brielle. Autopsy findings showed evidence Brielle suffered over 150 separate blunt-force injuries. Evidence also showed that Brielle had older injuries which were also inflicted by Marin. After murdering Brielle, Marin lied to the police and attempted to silence a witness by attempting to have him killed.

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<sup>18</sup> *State v. Evans*, 150 N.H. 416, 419, (2003).

<sup>19</sup> *Id.*

<sup>20</sup> *State v. Evans*, 154 N.H. 142, 143 (2006).

<sup>21</sup> *Id.* at 144.

62. After trial, the court imposed a stand-committed 45-year to life sentence for the second-degree murder conviction. In 2019, Marin's sentence was reviewed and affirmed by the Sentence Review Board.

**c. *State v. Mark Heath*; 216-2017-CR-02135**

63. On November 6, 2019, Mark Heath was convicted of reckless second-degree murder of two-year-old Jacob Pelletier.

64. At trial, evidence showed that while babysitting Jacob, Heath became enraged by Jacob's messy bed and dirty diaper and attacked him. During the attack, Heath inflicted 53 contusions from repeated blows.

65. After trial, the court imposed a stand-committed 45 year to life sentence. In 2022, Heath's sentence was reviewed and affirmed by the Sentence Review Board.

66. While these cases all involve the violent murder of a helpless child, none of them involve beating the child sufficient to commit second degree assault in several months before the murder, and none of them involve the extreme steps that the defendant in this case took to destroy any trace of their victim (*i.e.*, toting their victim's dead body around for months, consolidating them, hiding them). Additionally, none of the above-referenced cases involve a defendant with such an extensive and violent criminal history as the defendant in this case. Considering all the facts of this case, including the aggravating factors, the appropriate sentence for this defendant is the State's recommended sentence amounts and structure resulting in a cumulative sentence of 56 years to life.

## CONCLUSION

67. For all the reasons mentioned in this memorandum, and in light of the information that will be provided to the Court at the May 9, 2024, sentencing hearing, the Court should impose the State's recommended sentence in this case. A significant sentence is needed to ensure that this defendant never again engages in criminal conduct like this and clearly understands that the justice system will not tolerate taking the life of another. He must be deterred from ever hurting someone again, especially a defenseless child. The State's recommended sentence accomplishes that goal.

68. Consequently, the Court should impose the State's requested 56-year to life cumulative stand-committed sentence in this matter.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: May 6, 2024

/s/ Benjamin J. Agati  
Benjamin J. Agati, NH Bar # 16161  
Senior Assistant Attorney General

/s/ R. Christopher Knowles  
R. Christopher Knowles, NH Bar #276524  
Assistant Attorney General

Criminal Justice Bureau  
33 Capitol Street  
Concord, NH 03301-6397

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the State of New Hampshire e-filing system to Carrie Smith and James Brooks, Esqs., counsel of record in this matter.

/s/ Benjamin J. Agati  
Benjamin J. Agati  
Senior Assistant Attorney General

# Exhibit 2

# The State of New Hampshire

Hillsborough-North County

Superior Court

No. 07-S-244

## RETURN FROM SUPERIOR COURT

Name: Adam Montgomery

DOB: 01/22/9

Indictment    Waiver    Information    Complaint

Offense: Criminal Threatening   RSA: 631:4

Date: 09/07/0

Violation of Probation: Chargeable By  Plea (True)    Court

T/N

Conviction:  Felony    Misdemeanor    Violation of Probation

Sentence: A finding of CHARGEABLE is entered. The defendant is sentenced to the House of Corrections for a period of 1 days. This sentence is to be served as follows: Stand committed. The sentence is concurrent with 08-S-1466. Pretr confinement credit: 383 days. Probation is terminated. Any outstanding probation supervision fees to remain due and payab

January 26, 2009

Hon. Gillian L. Abramson

John M. Safford

Date

Presiding Justice

Clerk

### MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **County House of Correction**. 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.

February 12, 2009

Attest: \_\_\_\_\_

Date

Clerk

### SHERIFF'S RETURN

I delivered the defendant to the **County House of Correction** and gave a copy of this order to the Superintendent.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff

cc:  State Police  
 Jailer

Dept. of Corr.  
 Public Defender

Pros. Attorney

True Copy Attest

*W. Michael Scanlon*

W. Michael Scanlon, Clerk of Court

July 12, 2022



**VIOLATION OF PROBATION REPORT**

*State*

*Vs.*

*Adam Montgomery*

*CT#: 07-2444*

The undersigned, an approved Probation Officer in and for the State of New Hampshire, states that Adam Montgomery of the Hillsborough County House of Corrections was sentenced at the Hillsborough County Superior Court on 4/4/08 for the offenses of Criminal Thinking where the Honorable Gillian Abramson made the following orders:

**See attached.**

And that the said is alleged by the Probation Officer to be in violation of the specific rules of Probation as contained in the Rules of the Court of the District and Superior Courts in the State of New Hampshire, and any special rules of the Court, as follows:

**Rule # 7: Failure to be of good behavior, obey all laws, and remain arrest free;** to wit: On 5/10/08 Manchester Police Department arrested the defendant on warrants for the felony charges of First Degree Assault and Reckless Conduct. According to the police report, these offenses occurred on 5/6/08.

Date: May 13, 2008



Elisabeth Cloutier  
For: David Bouchard  
Senior Probation/Parole Officer  
Manchester District Office

It is recommended to the Court that:

- a. [ **XX** ] A hearing be set by the Court as soon as possible.
- b. [ ] The court issue a warrant for the arrest and detention of the above and to be held without bail upon apprehension.
- c. [ **XX** ] The defendant has been incarcerated at the House of Corrections in accordance with RSA 504-A since 5/10/08 .

**Supporting Summary for Violation of Probation**

On April 4, 2008 the defendant was convicted of the offense of Criminal Threatening, an offense that included pointing a knife at a 15 year old and calling her a "bitch". Among other things, the defendant was sentenced to the house of corrections for 12 months, suspended and placed on probation for 1 year, forthwith. The defendant reported on 4/4/08 and filled out the first time reporting form signing both the front and the side with the probation rules.

**Rule # 7: Failure to be of good behavior, obey all laws, and remain arrest free;**

On 5/10/08 Manchester Police Department arrested the defendant on warrants for the felony charges of First Degree Assault and Reckless Conduct. PO Cloutier received the call as PO Bouchard was out on military leave. A 72-hour hold was requested giving this office time to look into the situation.

PO subsequently discovered that these offenses occurred on 5/6/08, just 32 days after being placed on probation.

PO also discovered that the defendant has one charge of Home Invasion, four counts of Assault & Battery with a Dangerous Weapon, and four drug offenses pending in the Malden District Court. His court date was originally 5/1/08 and is currently 6/19/08.

In light of the defendant's new criminal charges, the violence in his offenses, his clear danger to the community, and the proximity of everything to his original probation date, he was taken into custody under RSA 504-A. On 5/13/08 the defendant waived his preliminary hearing. The NH DOC requests that the court schedule a violation of probation hearing.

Date: May 13, 2008



Elisabeth Cloutier, SPPO/OIC  
For: David Bouchard

The State of New Hampshire

TBA

Hillsborough-North County

Superior Court

DD No. 07-S-244

RETURN FROM SUPERIOR COURT

Name: Adam Montgomery

DOB: 01/22/90

Indictment Waiver Information Complaint

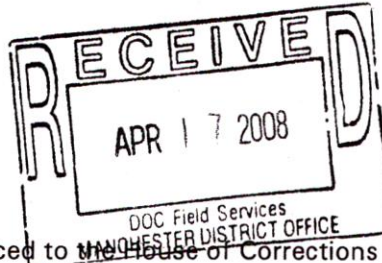
Offense: Criminal Threatening RSA: 631:4

Date: 09/07/07

Disposition: Guilty By Plea Jury Court

T/N:

Conviction: Felony Misdemeanor



Sentence: A finding of GUILTY is entered. The defendant is sentenced to the House of Corrections for a period of 12 months. This sentence is to be served as follows: All but 110 days of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after a hearing at the request of the State brought within 2 years. Pretrial confinement credit: 110 days. The defendant is placed on probation for a period of 1 year, upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer. Effective: Forthwith. The defendant is ordered to report immediately to the nearest Probation/Parole Field Office, 60 Rogers Street. Violation of probation, conditional discharge or any terms of this sentence may result in revocation of probation or discharge and imposition of any sentence within the legal limits for the underlying offense. Other conditions of this sentence are: The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer. Under the direction of the Probation/Parole Officer, the defendant shall tour the New Hampshire State Prison. The defendant is ordered to be of good behavior and comply with all the terms of this sentence. The defendant shall enroll in the Manchester School of Technology within 7 days and the Job Core within 30 days-proof to be filed with the State. The defendant shall have no contact with A.F. (dob 6/1/92), either direct, indirect, or through a third party.

April 04, 2008

Hon. Gillian L. Abramson

John M. Safford

Date

Presiding Justice

Clerk

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the County House of Correction. 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.

April 16, 2008

Attest:

Clerk

Handwritten signature of John M. Safford

SHERIFF'S RETURN

I delivered the defendant to the County House of Correction and gave a copy of this order to the Superintendent.

Date

Sheriff

/mmt

cc: State Police Jailer

Dept. of Corr. Adam Bernstein, Esq.

Pros. Attorney

# Exhibit 3



COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report

0881CR00625 Commonwealth vs. Montgomery, Adam

<b>CASE TYPE:</b> Indictment	<b>FILE DATE:</b> 05/30/2008
<b>ACTION CODE:</b> 265/18C/A-0	<b>CASE TRACK:</b> B - Complex
<b>DESCRIPTION:</b> HOME INVASION c265 §18C	
<b>CASE DISPOSITION DATE:</b> 03/11/2014	<b>CASE STATUS:</b> Open
<b>CASE DISPOSITION:</b> Disposed by Plea	<b>STATUS DATE:</b> 05/30/2008
<b>CASE JUDGE:</b>	<b>CASE SESSION:</b> Criminal 4 Rm 630

**PARTIES**

<b>Prosecutor</b> Commonwealth	<b>Private Counsel</b> <span style="float: right;"><b>263910</b></span> Elizabeth A Keeley Massachusetts Bar 814 Main St Melrose, MA 02176 Work Phone (781) 690-2605 Added Date: 06/11/2008
	<b>Appointed - Indigent Defendant</b> <span style="float: right;"><b>112930</b></span> John L Daly law office of John L. Daly law office of John L. Daly 25 Palmer Rd Framingham, MA 01702 Work Phone (508) 872-0250 Added Date: 09/11/2009
	<b>Private Counsel</b> <span style="float: right;"><b>638620</b></span> Martha Ann Coravos Attorney Martha Coravos Attorney Martha Coravos 50 Greenmont Ave Dracut, MA 01826 Work Phone (978) 697-9393 Added Date: 11/23/2009



COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report

<b>Defendant</b> Montgomery, Adam [REDACTED]	<b>Appointed - Indigent Defendant</b> <span style="float: right;"><b>564712</b></span> Stephen W McClenon Law Office of Stephen McClenon Law Office of Stephen McClenon [REDACTED]
	<b>Private Counsel</b> <span style="float: right;"><b>523680</b></span> Stephen J Weymouth Law Office of Stephen J. Weymouth Law Office of Stephen J. Weymouth [REDACTED]
	<b>Private Counsel</b> <span style="float: right;"><b>650734</b></span> Christopher Ward Spring Spring and Spring Spring and Spring [REDACTED]

FINANCIAL DETAILS					
Date	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
09/11/2009	Legal counsel fee assessed in the amount of \$150	0.00	0.00	0.00	0.00
<b>Total</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report**

<b>INFORMATIONAL DOCKET ENTRIES</b>			
<b>Date</b>	<b>Ref</b>	<b>Description</b>	<b>Judge</b>
05/30/2008	1	Indictment returned	
06/11/2008		Defendant defaulted; warrant to issue	
06/11/2008		Appearance of Commonwealth's Atty: Elizabeth A Keeley	
09/11/2009		Default removed; warrant recalled	
09/11/2009		Warrant removal fee is waived	
09/11/2009		Def't arraigned before Court	
09/11/2009		Bail: Defendant held without bail w/o prejudice	
09/11/2009		Bail warning read	
09/11/2009	2	Affidavit of indigency filed; approved	
09/11/2009	3	ORDER Assessing Statutory Fee for Appointment of Counsel	
09/11/2009	4	Statement of Appointment of John L Daly Jr pursuant to SJC Rule 1:07 (Jane Haggerty, Justice) From the court list in successive order	
09/11/2009	5	Notice of assignment of counsel filed. (C48349033)	
09/11/2009		Appearance of Def't's Atty: John L Daly Jr	
09/11/2009		Continued to Sept 18 2009	
09/11/2009		Mittimus issued	
09/11/2009		Reporter present: Newman, Debra - Digital Recording Device - Clrks Office	
09/11/2009		Assigned to Track "B" see scheduling order	
09/11/2009		Tracking deadlines Active since return date	
11/19/2009		Appearance of Commonwealth's Atty: Martha A Coravos	
02/09/2010	6	Criminal Tracking order "B" see calendar for scheduled events	
02/09/2010	7	Pre-trial conference report filed	
04/15/2010	8	Commonwealth files Notice Of Discovery II	
06/10/2010	9	Waiver of defendants' rights	
06/10/2010	10	Order on Statutory fees (Haggerty,J)	
06/10/2010		Victim-witness fee assessed: \$90 (Jane Haggerty, Justice)	
06/10/2010		Fee: waived PSF fees	
06/10/2010	11	002 and 003-Nolle prosequi	
06/10/2010		RE Offense 1:Nolle prosequi	
06/10/2010		RE Offense 2:Guilty plea	
06/10/2010		RE Offense 3:Guilty plea	



**COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report**

06/10/2010		Defendant sentenced to 001-Defendant sentence to MCI Cedar Junction for a term not exceeding 2 years to be served concurrently with sentence being served in the state of New Hampshire and to run nunc pro tunc to Dec 10, 2009 (Jane Haggerty, Justice)
06/10/2010		Defendant sentenced to 003-Defendant placed on probation for 2 years from and after 002 Conditions 1)Drug/alcohol eval and or treatment 2)obtain GED certificate (Jane Haggerty, Justice)
06/10/2010		Mittimus issued
06/10/2010		Reporter present: Hart, Cindy
06/16/2010	12	MOTION by Deft: for Revocation or Revision of Sentence
02/09/2011	13	Letter from defendant Re: Jail Credits (sent to Haggerty,J)
02/18/2011		There were no jail credits because the sentence was run nun pro tunc to December 10, 2009. (S. Jane Haggerty, Justice)
09/25/2012		Defendant defaulted; warrant to issue ( Probation Warrant)
09/25/2012		Warrant was entered onto the Warrant Management System 9/25/2012
09/25/2012	14	Clerk's Minutes Of Probation Hearing: Matthew Day 1st Assistant Clerk Magistrate; Probation Officer: Joe Centrella; Status Hearing; Result: Warrant to Issue; Assistant Clerk: Dennis F. Collins
10/23/2012		Default removed; warrant recalled
10/23/2012	15	Clerk's Minutes of Probation Hearing: Michael A. Sullivan, Magistrate, PO Joseph Centrella; Steven Weymouth, appt.: Defendant held without bail, continued to November 1, 2012 for Surrender at 2:00pm in Courtroom 530.
10/23/2012	16	Mittimus without bail issued to Middlesex County Jail (Cambridge)
11/08/2012	17	Clerks Minutes on probation hearing: Hogan,J Presiding PO Malloy...Deft Counsel Jaffe..final surrender hearing Defendant found in violation. probation is continued to 5-8-14 with all original conditions to remain in full force and effect with the following added conditions 1)Random drug and alcohol testing 2)Drug and alcohol treatment 3)Enter and complete starting over sober 6 months inpatient program 4)16 hours community service in lieu of indigent counsel fee
11/08/2012		Reporter present: Goldberg, Erika
11/15/2012		certified copies put in Probation Box Attn: Maureen McEachern
12/12/2012		Defendant defaulted; warrant to issue (Probation Warrant)
12/12/2012	18	Clerks minutes of probation hearing. Michael A. Sullivan, Clerk Magistrate. Probation Officer. Joe Centrella. Status hearing. Result: Warrant to Issue. Assistant Clerk. Dennis Collins.
04/25/2013	19	MOTION by Deft: for speedy trial (sent to joe centrella,probation dept)



**COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report**

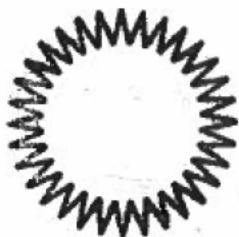
05/16/2013	20	Clerks Minutes On Probation Hearing: (Wilkins,J.) Presiding; Probation Officer: Centrella; Defense Counsel: McClennon; Bail Hearing Bail Set at \$500.00; Warrant Removed; Continued to 6/28/13 for Final; Result: Condition of Bail Inpatient Drug Probation...Def not to be released until he is placed in a program. (Noted On Mitt); Date: 5/16/13; Assistant Clerk: Mark Toomay
05/16/2013		Default removed; warrant recalled
05/16/2013	21	Notice of assignment of counsel filed. c51498296 Stephen W.McClenon,Esq. (Mark Toomey, Assistant Clerk)
06/28/2013	22	Clerks Minutes On Probation Hearing: (Wilkins,J.) Presiding; Defense Counsel: McClendon; Final Surrender Hearing; Result: Stipulation to violation probation extends to 6/2/14. Def. to complete inpatient drug program. Bail revoked until a bed is available; Assistant Clerk: Mark Toomey
06/28/2013	23	Mittimus issued
08/02/2013	24	Clerk's Minutes Of Probation Hearing: Michael A.Sullivan, Clerk Magistrate; Probation Officer: Joe Centrella ; Status Hearing; RESULT: Defendant released to Program per Order Of (Wilkins,J.); Assistant Clerk: Dennis F.Collins
08/29/2013		Defendant defaulted; warrant to issue ( Kenneth V. Desmond Jr., Justice)
08/29/2013		Warrant was entered onto the Warrant Management System 8/29/2013
08/29/2013	25	Clerk's Minutes Of Probation Hearing: Matthew Day, First Asst. Clerk Magistrate; Probation Officer: Frank Russo; Staus Hearing; RESULT: Warrant to Issue; Assistant Clerk: Dennis F.Collins
02/04/2014	26	Statement of Appointment of Christopher W. Spring pursuant to SJC Rule 1:07. From the Court list in successive order. Matthew Day, First Assistant Clerk Magistrate
02/04/2014	27	Order assessing statutory fee for appointment of counsel. Pursuant to G.L. c. 211d, 2A as amended, Chapter 184, Section 116, the statutory counsel fee of \$150.00 is hereby assessed. Dennis Collins. Assistant Clerk
02/04/2014	28	Notice of assignment of counsel filed. By Attorney, Christopher W. Spring, C51486632
02/04/2014	29	Clerks minutes of probation hearing: Matthew Day, First Assistant Clerk Magistrate. Presiding: Probation Officer: Joe Centrello: Appointment of Counsel: Warrant Removed: Continued to March 11, 2014 for surrender at 2pm Room 630. Result: Held without prejudice. Mittimus Issued. Assistant Clerk. Dennis Collins.
03/11/2014	30	Clerks minutes of probation hearing: M. Haggerty, J. Presiding: Probation Officer: J. Centrella: Final surrender hearing: Result: found in violation. Two to Two of one day at Cedar Junction. Defendant is credited with 36 days. Mitt Issued. Daniel Doherty. Assistant Clerk
03/17/2014	31	Deft files Motion to Revise and Revoke, with affidavit



COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY  
Public Docket Report

09/25/2014	32	Deft files Memorandum in Support of Defendant's Recommendation for Disposition
10/01/2014	33	Credit dispute of jail credits: This office is in receipt of you letter indicating the possibility that there was an incorrect number of days credited to the entitled individual Adam Montgomery. After review you are entitled to Five (5) additional days awaiting your surrender. (Daniel Doherty, Assistant Clerk) copy to defendant, also Data Comp. Unit)
01/10/2015		Warrant CKA alias created for party #1 Alias Name: Adam Montgomery

MIDDLESEX, SS. **Commonwealth of Massachusetts**  
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT



In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set by hand and affix the seal of said Superior Court this 10th of August, 2022

Mariel G. Almeida  
Deputy Assistant Clerk



**MALDEN POLICE DEPARTMENT  
MALDEN, MA**

INCIDENT # / REPORT #  
8000909 / 0

OFFICER  
GENNETTI, S

RANK  
PATR

REVIEW STATUS  
APPROVED

**INCIDENT #8000909 DATA**

As Of 02/15/2008 06:41:05

**BASIC INFORMATION**

CASE TITLE

HOME INVASION

LOCATION

37 MT VERNON ST

APT/UNIT #

DATE/TIME REPORTED

02/14/2008 23:30:00

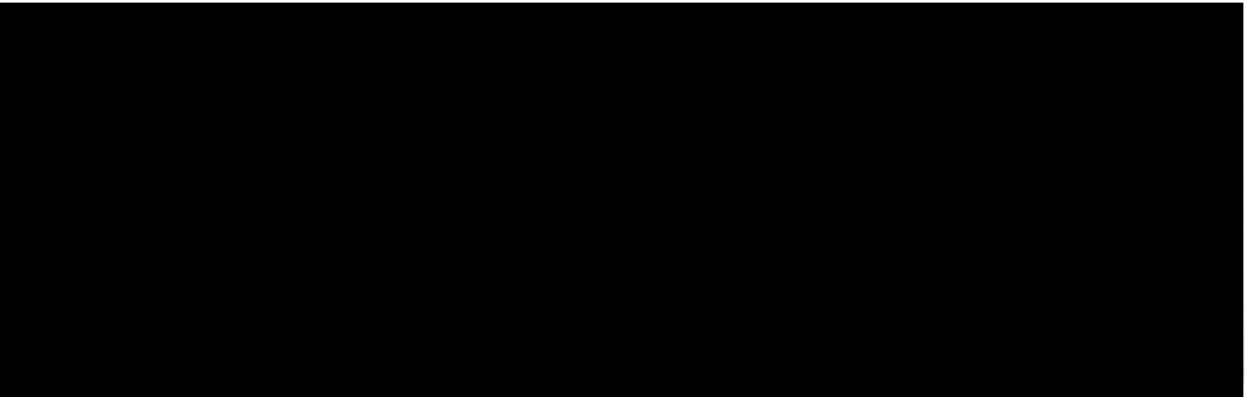
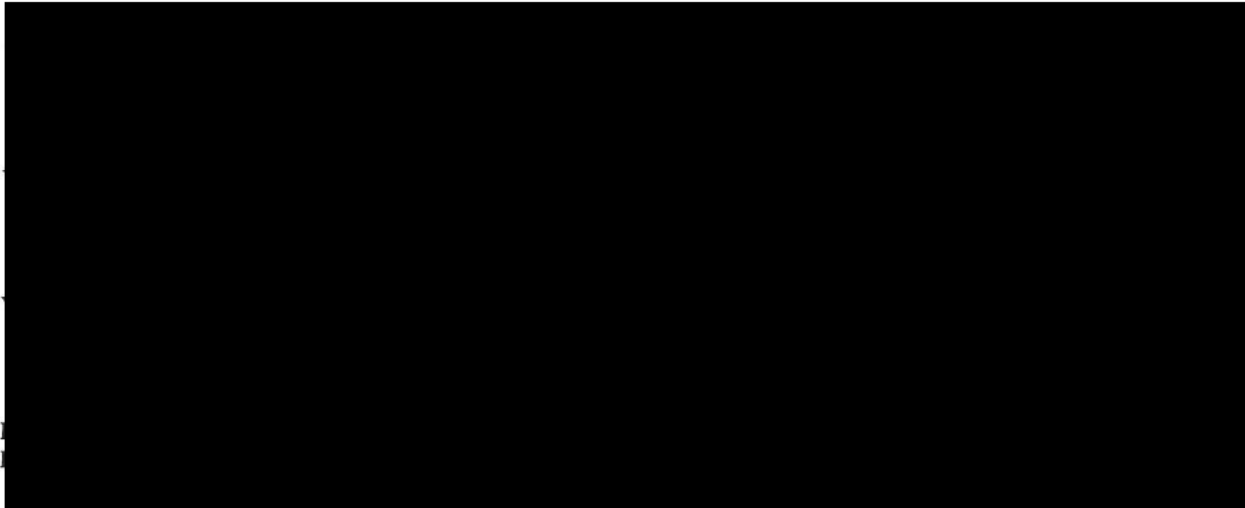
DATE/TIME OCCURRED

On or after 02/14/2008 23:30

INCIDENT TYPE(S)/OFFENSE(S)

(265/18C/A)HOME INVASION c265 S18C

**PERSONS**



**OFFENDERS**

STATUS

DEFENDANT

NAME

DOANE, ROBERT A

SEX

MALE

RACE

WHITE

AGE

21

DOB



PHONE

(HOME)

DEFENDANT ADDRESS: [REDACTED] (CELL)  
MONTGOMERY, ADAM M MALE WHITE 18 [REDACTED] (HOME)  
ADDRESS: [REDACTED] (CELL)

[ NO VEHICLES ]

**PROPERTY**

<u>CLASS</u>	<u>DESCRIPTION</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SERIAL #</u>	<u>VALUE</u>
	JEWELRY				
	CREDIT CARDS				

**OFFICER REPORT: 8000909 - 0 / GENNETTI, S (275)**

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
02/15/2008 01:32:23	INCIDENT	APPROVED

**NARRATIVE**

The following is a summary of the events which resulted in the arrests of Adam M. Montgomery and Robert Doane for home invasion. Montgomery is also charged with four counts of assault and battery with a dangerous weapon to wit: handgun (pellet), possession with intent to distribute a class "B" substance to wit: cocaine, school zone violation, and possession of a class "D" substance to wit: marijuana. Montgomery also had a default warrant out of Chelsea District Court (docket #0714CR002281).

On Thursday 02/14/08 at approximately 11:35 p.m., while assigned to the D162 unit, I was dispatched with Officers Ferrick(D161) and Froio(D164) to 37 Mt. Vernon St. #2, on a report of a possible domestic disturbance in progress. Dispatch informed us the caller was on the third floor, and heard people screaming on the second floor. The reporting party also heard furniture being thrown around. Upon arrival with Officer Ferrick, we entered the three family's residence through the front door. We could hear people yelling from upstairs, and items being thrown around. The stairwell turns to the right as you reach the second floor. The second floor apartment is to the left, just as you reach the top of the stairs. As Officer Ferrick and I approached the top, the second floor apartment's door opened. At that time two white males, later identified as Adam M. Montgomery and Robert A. Doane, were exiting the apartment. Montgomery had a black handgun in his right hand, and he had it pointed at my chest. I slapped the gun from his hand, and Officer Ferrick and I wrestled them down to the ground. As we were handcuffing them, they were telling us the gun was fake. When the gun was slapped from Montgomery's hand, I small bag of marijuana fell to the ground. Officer Froio arrived and we secured the second floor apartment, while Officer Ferrick detained Montgomery and Doane. Detective Montina and Officer Lubinger arrived as back up. Approximately

one minute later, Kellie Bransfield walked downstairs from the third floor and identified herself as the second floor tenant. Kellie was extremely hysterical, and having difficulty gathering herself. We brought Kellie back into the apartment to calm down, and requested Cataldo Ambulance to evaluate her.

While conducting a search of Doane while he was on the ground, I found five cellular phones on his person. The phones were inside his sweatshirt's front pocket. Also removed from the same pocket were five, silver colored female finger rings; a white gold, rope chain; a silver colored, Jesus Christ charm; two, silver female chains; and one, silver charm with the name "Kellie" inscribed.

I verbally gave Montgomery and Doane their Miranda Rights, and Montgomery agreed to speak. Montgomery stated he came over to visit friends, and the apartment looked like that before they came over. At that time I requested Montgomery and Doane be separated, and Officer Ferrick transported Montgomery to the station (see Officer Ferrick's supplemental report). After being separated both declined to answer any questions. Shortly after, Sergeant Skiffington and Sergeant Correale arrived and took control of the scene (see Sergeant Skiffington's supplemental report).

The second floor was completely disheveled, with numerous articles and furniture out of place. A couch was also flipped over. Inside the apartment were two females, Lyndsay Clark and Cynthia Bono. Cynthia went out to the hallway and I spoke with Lyndsey. Lyndsey stated about fifteen minutes before this incident, two males were knocking on the apartment door. Kellie would not open the door because the men did not identify themselves. The two males stopped knocking and appeared to have left the house. Approximately fifteen minutes later, they returned and this time stated "It's Richard". Richard Cesare is reportedly the father of Cynthia Bono's child. Cynthia opened the door, and Montgomery and Doane pushed their way in the apartment. They pushed Cynthia and Lyndsey, and walked directly in the kitchen where Kellie was. Montgomery with his gun to Kellie, began yelling "where's the fucking money, where's the fucking money"! Doane was in the living room and grabbed Lyndsey's purse. He emptied the purse and stated "let's take the purse, it's a Gucci". The purse was not stolen and left in the apartment. Montgomery kept pointing the gun at them as he went through the apartment.

I then spoke with Kellie about the incident. Kellie stated the same about the two males at the door, and how Montgomery and Doane entered the home. Kellie observed Montgomery enter the kitchen holding a handgun. Montgomery pointed the gun at Kellie and screamed numerous times "where's the fucking money". Kellie stated she fell to the floor crying, causing herself to urinate in her pants. Montgomery forced her to her feet

and to the living room. Kellie then stood in front of her three year old daughters bedroom, prohibiting Montgomery and Doan to enter. Doan stole the aforementioned jewelry Kellie had on her living room's coffee table. Montgomery put the gun up against Kellie's neck and asked "where is the safe". Kellie showed them the safe, which is located next to her bed. When Montgomery was taking items out of the safe, Kellie fled the apartment and ran to the third floor. The third floor tenants, Melissa Crowley and Matthew Bento, allowed Kellie in and hid her in the bathroom. Melissa had already called 911 before Kellie arrived at the door. Kellie informed us only papers and gift certificates were stolen from her safe.

All evidence gathered was logged and placed in evidence locker # 14. The change purse found on Montgomery also contained miscellaneous gift cards. These cards were logged into evidence as well.

At 6:40 a.m. I spoke with Emily Waddy at the Department of Social Services hotline. A 51A report was filed and a copy of this report faxed to DSS.

**OFFICER SIGNATURES**

Reporting Officer:	_____	Date:	_____
	GENNETTI, S		275
Approving Officer:	_____	Date:	_____
	SKIFFINGTON, P		228



**MALDEN POLICE DEPARTMENT  
MALDEN, MA**

**INCIDENT DATA**

**INCIDENT #**

8000909

**DATE/TIME REPORTED**

02/14/2008 23:30

**CLASSIFICATION TYPE**

GENERAL INCIDENT

**OFFICER REPORT: 8000909 - 0 / GENNETTI, S (PATR)**

**DATE/TIME OF REPORT**

02/14/2008 23:30:00

**TYPE OF REPORT**

INCIDENT

**REVIEW STATUS**

APPROVED

**NARRATIVE**

The following is a summary of the events which resulted in the arrests of Adam M. Montgomery and Robert Doane for home invasion. Montgomery is also charged with four counts of assault and battery with a dangerous weapon to wit: handgun (pellet), possession with intent to distribute a class "B" substance to wit: cocaine, school zone violation, and possession of a class "D" substance to wit: marijuana. Montgomery also had a default warrant out of Chelsea District Court (docket #0714CR002281).

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I verbally gave Montgomery and Doane their Miranda Rights, and Montgomery agreed to speak. Montgomery stated he came over to visit friends, and the apartment looked like that before they came over. At that time I requested Montgomery and Doane be separated, and Officer Ferrick transported Montgomery to the station (see Officer Ferrick's supplemental report). After being separated both declined to answer any questions. Shortly after, Sergeant Skiffington and Sergeant Correale arrived and took control of the scene (see Sergeant Skiffington's supplemental report).

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When Montgomery was taking items out of the safe, Kellie fled the apartment and ran to the third floor. The third floor tenants, Melissa Crowley and Matthew Bento, allowed Kellie in and hid her in the bathroom. Melissa had already called 911 before Kellie arrived at the door. Kellie informed us only papers and gift certificates were stolen from her safe.

All evidence gathered was logged and placed in evidence locker # 14. The change purse found on Montgomery also contained miscellaneous gift cards. These cards were logged into evidence as well.

At 6:40 a.m. I spoke with Emily Waddy at the Department of Social Services hotline. A 51A report was filed and a copy of this report faxed to DSS.

**OFFICER REPORT: 8000909 - 1 / FERRICK, K (PATR)**

**DATE/TIME OF REPORT**

02/14/2008 23:30:00

**TYPE OF REPORT**

SUPPLEMENT

**REVIEW STATUS**

APPROVED

**NARRATIVE**

In regards to the above home invasion this Officer Ferrick transported one of the arrested parties, Adam Montgomery, to the police station via the 161 cruiser.

During the course of property inventory at the police station this officer had taken from the front sweatshirt pocket of Mr. Montgomery the following items ; one Sony Cyber-Shot Digital Camera, 2 Visa Gift Cards #s 4241 3600 9343 8389, 431568015923 3577, 1 blue/gray change purse containing 10 individually wrapped plastic wraps containing white powdery substance believed to be cocaine.also in purse health cards belonging to Vincent Portelle, and various credit cards. Also in pocket one Movado wrist watch, and one key on a tag with the name Vinnie. These items were placed into evidence.

**OFFICER REPORT: 8000909 - 2 / SKIFFINGTON, P (SGT)**

**DATE/TIME OF REPORT**

02/14/2008 23:30:00

**TYPE OF REPORT**

SUPPLEMENT

**REVIEW STATUS**

APPROVED

**NARRATIVE**

On 2/14/08, at approximately 2340hrs, I went to 37 Mt. Vernon St. 2nd floor at the request of officers on scene. Upon arrival, I was informed that officers interrupted an armed home invasion in progress and had two w/ms in custody. There were three females also at the scene. They were all sitting together on sofa. I decided to separate them so they could be interviewed. I

first spoke to w/f who identified herself as Cynthia Bono, [REDACTED] [REDACTED]. Cynthia stated she arrived at 37 Mt. Vernon sometime during the afternoon via bus. Cynthia stated she did not know the occupant of the second floor, but knew a friend who was visiting (Lindsay Clark). As Cynthia was talking, I noticed her speech was slurred. I asked her if she had been drinking. She stated yes. I asked Cynthia how she knew Lindsay. She stated they used to live together in a family shelter in Waltham (200 Trapelo Rd.) Cynthia stated she had known Lindsay for about 5 months. Cynthia said she got evicted from the group home because she was arrested for shoplifting. She showed me paperwork that she is scheduled for a court appearance at Boston Municipal Court on 3/5/08.

I asked Cynthia if she knew either of the two men who had robbed them. She stated no. I asked her how the men got in the apartment. Cynthia said someone knocked on the door, the apartment owner went to the door and asked who was there. The man on the other side of the door asked for Cindy. Cindy stated she went to the door and opened it a crack. Cindy said as soon as the door opened, the two men pushed the door open the rest of the way and entered the apartment. Cindy said she was pushed against the television. She said she was not injured. She said she noticed one of the men had a gun. Cindy said the man did not point the gun at her, did not threaten her, and did not speak to her. Cindy said that after the men robbed the other two women, they began to leave the apartment and were caught by the police.

I asked Cynthia where she was going to stay tonight. She said she was going to stay with Stephanie French, 10 Arcadia St. Revere (no phone). Before she left the area, I took Cynthia's photo with digital camera #1. I had officer Crowley transport her to Revere. Upon arrival, there was no one home. O/Crowley transport Cynthia to Stocker St. Saugus.

I then spoke to Lindsay Clark [REDACTED]

[REDACTED] Lindsay stated she knew Cynthia from the shelter and she and the apartment renter (Kellie Bransfield) were best friends. She stated Cynthia had been to 37 Mt. Vernon a few months ago with her. Lindsay stated she had been at 37 Mt. Vernon overnight. Lindsay said Cynthia asked to use her cell phone earlier in the evening. Lindsay stated that after she made her call, that she received several calls and when she answered, the caller asked for Cindy. This took place sometime before the robbery. Lindsay stated she did not know the men who robbed them.

I then spoke to Kellie (37 Mt. Vernon #2). She stated there was a knock at the door about 20 minutes before the home invasion took place. When she answered the door, the person on the other side of the door asked for Cindy. Kellie stated she said no one by that name lived there. The people went away. When the second knock came and they again asked for Cindy, Kellie stated she asked Cindy to go to the door. She stated that when Cindy went to the door and opened it the two men entered, one of them with a gun. I asked Kellie if she discussed with Cindy what she did for work. Kellie stated

she was on welfare and did not work. I asked Kellie if she had any cash in the house and had discussed money with Cindy. She said no. Kellie did mention to me she had a safe next to her bed. It is undetermined at this point if Cindy knew about the safe, or if Lindsay did. The robbers did ransack the safe, which Kelly stated contained religious pamphlets and no cash or valuables.

Per Lt. Hopkins, I photoed the scene with the digital camera (s). After a few shots, camera #1 stopped working due to a "card full" code. Sgt. Correale brought me camera #2. After a few shots, I got a "low battery" code and the camera stopped working. We swapped the batteries and I finished photographing. When I was near the end, the "low battery" code came back on.

Sgt. Paul Skiffington  
#228




MALDEN POLICE DEPARTMENT  
MALDEN, MA

# Booking Report #TMAL008000177

ADULT  JUVENILE

Not For Public Release

Date/Time Printed: Thu Aug 18 05:23:28 EDT 2022 By: schupatr

Cautions				
Type	Description			
GANG	GANG MEMBER			
Booking Information				
Agency	Booking Number	Date Of Booking	Date of Arrest	Review Status
MAL-PD	TMAL008000177	02/15/2008 00:12:23	02/14/2008 23:30:00	COMPLETED
Event Type	File #	PCF #	ID Source	MNI #
ARREST	8000909		NONE	1083815
Basic Information				
Name				
ADAM M MONTGOMERY				
Address				
[REDACTED]				
DOB	Age			
[REDACTED]	18			
Social Sec #	Gender			
[REDACTED]	M			

## Charges

Booking #: TMAL008000177

Charge # 1		
Charge Code	Charge Desc	Counts
265/18C/A	HOME INVASION c265 S18C	
Dt Charged	Charge Notes	
02/15/2008 00:18:00	HOME INVASION C265 S18C	
Charge # 2		
Charge Code	Charge Desc	Counts
265/15A/A	A&B WITH DANGEROUS WEAPON c265 S15A	
Dt Charged	Charge Notes	
02/15/2008 00:18:00	A&B WITH DANGEROUS WEAPON C265 S15A	
Charge # 3		
Charge Code	Charge Desc	Counts
265/15A/A	A&B WITH DANGEROUS WEAPON c265 S15A	
Dt Charged	Charge Notes	
02/15/2008 00:19:00	A&B WITH DANGEROUS WEAPON C265 S15A	
Charge # 4		
Charge Code	Charge Desc	Counts
265/15A/A	A&B WITH DANGEROUS WEAPON c265 S15A	

<b>Dt Charged</b> 02/15/2008 00:19:00	<b>Charge Notes</b> A&B WITH DANGEROUS WEAPON C265 S15A	
<b>Charge # 5</b>		
<b>Charge Code</b> 265/15A/A	<b>Charge Desc</b> A&B WITH DANGEROUS WEAPON c265 S15A	<b>Counts</b>
<b>Dt Charged</b> 02/15/2008 00:19:00	<b>Charge Notes</b> A&B WITH DANGEROUS WEAPON C265 S15A	
<b>Charge # 6</b>		
<b>Charge Code</b> 94C/32A/G	<b>Charge Desc</b> DRUG, POSSESS TO DISTRIB CLASS B c94C S32A	<b>Counts</b>
<b>Dt Charged</b> 02/15/2008 00:19:00	<b>Charge Notes</b> DRUG, POSSESS TO DISTRIB CLASS B C94C S32A	
<b>Charge # 7</b>		
<b>Charge Code</b> 94C/32J	<b>Charge Desc</b> DRUG VIOLATION NEAR SCHOOL c94C S32J	<b>Counts</b>
<b>Dt Charged</b> 02/15/2008 00:20:00	<b>Charge Notes</b> DRUG VIOLATION NEAR SCHOOL C94C S32J	
<b>Charge # 8</b>		
<b>Charge Code</b> 94C34 CD	<b>Charge Desc</b> ILLEGAL POSS CLASS D	<b>Counts</b>
<b>Dt Charged</b> 02/15/2008 01:10:00	<b>Charge Notes</b> ILLEGAL POSS CLASS D	
<b>Charge # 9</b>		
<b>Charge Code</b> 1/20/87	<b>Charge Desc</b> WARRANT ARREST	<b>Counts</b>
<b>Dt Charged</b> 02/15/2008 01:17:00	<b>Charge Notes</b> WARRANT ARREST	

## Warrant Charges

Booking # : TMAL008000177

<b>Warrant # 1 DEFAULT WARRANT</b>			
<b>Warrant: Agency</b> CHELSEA DIST.		<b>Dt Warrant</b> 11/14/2007	<b>ID</b> W7238249
<b>Address</b>		<b>City</b>	<b>State</b> <b>Zip Code</b>
<b>Issuing Court</b>		<b>Court Type</b>	<b>Court State</b> MA
<b>Charge # 1</b>			
<b>Charge Code</b> 94C/34/A	<b>Charge Desc</b> DRUG, POSSESS CLASS A c94C S34		<b>Counts</b>
<b>Charge Notes</b>			
<b>Charge # 2</b>			
<b>Charge Code</b> 666666	<b>Charge Desc</b> MISCELLANEOUS MUNIC ORDINANCE/BYLAWS VIOL		<b>Counts</b>
<b>Charge Notes</b>			

## Bail

Booking # : TMAL008000177

000289

<b>Bail</b>		
Amount	Bail Set By	Date Bail Set
<b>Bail Terms</b>		
Paid By Self	Bail Payor (if Not Self)	Date Bail Paid

## Event Information

Booking # : TMAL008000177

<b>Event Information</b>			
Custody Date	Street #	Street Name	Unit
02/14/2008 23:30:00	37	MT VERNON ST	
City	State	Zipcode	Cross Street
MALDEN	MA		
Municipality	Business Name	Business Phone	

## Finger Prints

Booking # : TMAL008000177

<b>Finger Prints</b>			
SID #	FBI #	Prints Taken?	Print #
		Y	
Print Officer	Date/Time Taken	State Prob Num	
	02/15/2008 01:50:00		

## Authorization

Booking # : TMAL008000177

<b>Authorization</b>		
Booking Officer	Signature	Date/Time Entered
240 HOPKINS, P		02/15/2008 00:12:23
Approved By	Signature	Date/Time Approved

## Personal Characteristics

Booking # : TMAL008000177

<b>Personal Data / Characteristics</b>		
Home Phone	Work Phone	Cell Phone
		██████████
Race	Ethnicity	Residency
██████████	██████████	██████████
Height	Weight	Build
██████	██████	██████████
Hair Color	Eye Color	Complexion
██████████	BROWN	██████
Marital Status	Spouse	Maiden Name
██████████		

Mother [REDACTED]	Mothers Maiden Name [REDACTED]	Father [REDACTED]	
Birth City [REDACTED]	Birth State [REDACTED]	Birth Country	Citizen [REDACTED]
License #	Class	State	Expiration Date
Scars Marks and Tattoos "IRISH PRIDE" ON R SIDE OF NECK, TEAR DROP BY L EYE, "BOYZ" ON L HAND, "DACAW" ON R ARM, GANG SIGN L CHEST, CROSS ON R SHOULDER			
Occupation UNEMPLOYED	Employer	Employer Phone	
Employer Address			

## Medical Information

Booking # : TMAL008000177

Medical	
Physician	Treatment Location
Narrative	

## Questions

Booking # : TMAL008000177

Question Set: RIGHTS	
Question	Answer
MIRANDA WARNING - DO YOU UNDERSTAND WHAT I HAVE READ TO YOU?	YES
ENTER THE TIME (E.G. 1620)	00:35:00
RIGHT TO USE TELEPHONE - HAVE YOU BEEN ADVISED OF YOUR RIGHT TO USE THE TELEPHONE?	YES
ENTER THE TIME (E.G. 1620)	00:35:00
DO YOU WISH TO USE THE TELEPHONE?	YES
ENTER THE TIME (E.G. 1620)	00:35:00
HAVNG THESE RIGHTS IN MIND DO YOU WISH TO TALK TO US NOW?	NO
ENTER THE TIME (E.G. 1620)	00:35:00

Question Set: SUICIDE	
Question	Answer
ARE YOU PRESENTLY TAKING MEDICATION?	NO
WHAT TYPE?	
PHYSICIANS NAME?	
FOR WHAT REASON?	
ARE YOU NOW OR EVEN BEEN UNDER PSYCHIATRIC CARE?	NO
WHERE?	
PHYSICIANS NAME?	
WHEN?	

000291

REASON?	
HAVE YOU PREVIOUSLY ATTEMPTED SUICIDE?	NO
WHERE?	
REASON?	
ARE YOU NOW CONTEMPLATING SUICIDE?	NO
HOW WOULD YOU DO IT?	
WHEN WOULD YOU DO IT?	
WHY WOULD YOU DO IT?	
HAS ANYONE CLOSE TO YOU EVER COMMITTED SUICIDE?	
HOW DO YOU FEEL NOW?	

## Custody

Booking # : TMAL008000177

<b>Custody</b>	
<b>Status</b> IN PROGRESS	<b>Location</b> HOLDING AREA
<b>Status Date</b> 02/15/2008 00:12:23	<b>Status Updated By</b> (240) HOPKINS, P
<b>Notes Regarding Custody</b>	
<b>Custody</b>	
<b>Status</b> IN CELL	<b>Location</b> CELL 1
<b>Status Date</b> 02/15/2008 00:26:00	<b>Status Updated By</b> (240) HOPKINS, P
<b>Notes Regarding Custody</b>	
<b>Custody</b>	
<b>Status</b> RELEASED	<b>Location</b> RELEASED
<b>Status Date</b> 02/15/2008 12:26:49	<b>Status Updated By</b> (148) HOLLAND, J
<b>Notes Regarding Custody</b>	

## Property

Booking # : TMAL008000177

<b>Property #: 1</b>		
<b>Property Type</b> MISC. PROPERTY	<b>Tag ID</b>	<b>Storage Location</b>
<b>Narrative</b> cell phone, cell phone charger, gold grill (teeth), blue tooth ear piece, money clip, cigarettes, 2 lighters, change		

## Officer Roles

Booking # : TMAL008000177

<b>Officers</b>	
<b>Officer</b>	<b>Role</b>

000292

275 GENNETTI, S	ARRESTING
240 HOPKINS, P	BOOKING
190 RUELLE, S	COMPLAINANT
240 HOPKINS, P	OIC

Commonwealth of Massachusetts  
County of Middlesex  
The Superior Court

MICR

JS

MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #MICR2008-00625-003

To the Sheriff of said County of **Middlesex**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

**GREETING:**

**Whereas**, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Woburn** within and for the County of **Middlesex**, on the **11th day of March** in the year of our Lord **2014**.

**Adam Montgomery** (a/k/a, if any: ) (DOB) **01/22/1990**)

now in the custody of the Sheriff of said County of **Middlesex**, convicted of the crime(S) of:

*02/14/2008 A&B WITH DANGEROUS WEAPON c265 s15A(b)*

for which crime the said **Adam Montgomery** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Adam Montgomery** be deemed to have served **36 DAYS** of said sentence in confinement awaiting disposition of this matter. .

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Adam Montgomery** from the Jail in **Woburn** the said County of **Middlesex**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Adam Montgomery** and immediately thereon to cause the said **defendant** to be confined therein for a term of not exceeding **Two Years & One Day** or less than **Two Years** as aforesaid.

**WITNESS, Barbara J. Rouse**, Chief Justice of said Court and the seal thereof at **Woburn** aforesaid, this **11th day of March** in the year of our Lord **2014**.

.....*Daniel H. Debut*.....  
Assistant Clerk

RETURN

Middlesex, SS.

In obedience to the within warrant, I have conveyed the within named defendant to the **Cedar Junction MCI (Walpole)**, and delivered him to the Superintendent thereof with a copy of this warrant.

*3-11* Woburn 2014  
*[Signature]*  
Deputy Sheriff, of said County  
Officer of the Court named within.

MA Department of Correction  
Date Computation Unit

*[Signature]*  
Initials

# Exhibit 4

D.O.B. 01/22/1990  
Bedford Police Department 07-610-OF  
Merrimack District Court 07-3042

RSA Ch. 631:4  
Criminal Threatening (~~Use Of~~ *Class A 1*  
~~Deadly Weapon~~) *12 mos, 15*  
~~Class B Felony~~  
~~3 1/2 to 7 years, \$4000~~

07 3444

**STATE OF NEW HAMPSHIRE**  
HILLSBOROUGH, SS. SUPERIOR COURT

**INDICTMENT**

At the Superior Court holden at Manchester, within and for the County of Hillsborough aforesaid, in the month of **October**, in the year of **two thousand and seven**, the **GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE**, on their oath, present that

**ADAM MONTGOMERY**  
479 Donald Street  
Bedford, NH 03110

on or about the **Seventh** day of **September** in the year **2007**, at **Bedford, New Hampshire** in the County of Hillsborough aforesaid, **did commit the crime of Criminal Threatening**, in that he **purposely and with the use of a deadly weapon, to wit: a knife**, <sup>key</sup> placed A.F. (age 15) in fear of imminent physical contact by the physical conduct of pointing a knife toward her and calling her a "bitch,"

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

This is a true bill.

Date *10/15/07*

*Christine Haragan*  
\_\_\_\_\_  
Foreperson

Marguerite L. Wageling  
Hillsborough County Attorney

by: *Karen A. Gorham*  
\_\_\_\_\_  
Karen A. Gorham, Assistant County Attorney

# The State of New Hampshire

Hillsborough-North County

Superior Court

No. 08-S-1466

## RETURN FROM SUPERIOR COURT

Name: Adam Montgomery

DOB: 01/22/1990

Indictment    Waiver    Information    Complaint

Offense: 1st D. Assault   RSA: 631:1

Date: 5/6/08

Disposition: Guilty By  Plea    Jury    Court

T/N:

Conviction:  Felony    Misdemeanor

Sentence: A finding of GUILTY is entered. The defendant is sentenced to the New Hampshire State Prison for not more than 4 year(s), nor less than 2 year(s). 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. This sentence is to be served as follows: Stand committed. Commencing Forthwith. The sentence is concurrent with 07-S-2444. Pretrial confinement credit: 383 days. The following conditions of this sentence are applicable whether incarceration is suspended, deferred or imposed or whether there is no incarceration ordered at all. Failure to comply with these conditions may result in the imposition of any suspended or deferred sentence. Restitution is not ordered because: Victim not seeking restitution. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer. The defendant has waived sentence review in writing or on the record. The defendant is ordered to be of good behavior and comply with all the terms of this sentence. The defendant shall have no contact with Tristen Pleines, direct or indirect or through any 3rd party.

01/26/2009

Date

Hon. Gillian Abramson

Presiding Justice

John M. Safford

Clerk

### MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **NH 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.

2/4/2009

Date

Attest: John M. Safford  
Clerk

### SHERIFF'S RETURN

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

2/6/09  
Date

[Signature]  
Sheriff

- cc:  State Police
- Office of Cost Cont.
- Jailer

- Dept. of Corr.
- Offender Recs
- Aileen O'Connell Esq.

- Pros. Attorney
- SRB
- Robin Melone Esq.

JMS/bad



True Copy Attest

W. Michael Scanlon  
W. Michael Scanlon, Clerk of Court

August 1, 2022

D.O.B. 01/22/1990  
Manchester Police Department 08-7907  
Manchester District Court 08-05115

RSA Ch. 631:1  
**First Degree Assault**  
**Class A Felony**  
7 1/2 to 15 years, \$4000

08 1466

**STATE OF NEW HAMPSHIRE**

HILLSBOROUGH, SS.

SUPERIOR COURT

**INDICTMENT**

At the Superior Court holden at Manchester, within and for the County of Hillsborough aforesaid, in the month of **June**, in the year of **two thousand and eight**, the **GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE**, on their oath, present that

**ADAM MONTGOMERY**  
479 Donald Street  
Bedford, NH 03110

on or about the **Sixth** day of **May** in the year **2008**, at **Manchester, New Hampshire** in the County of Hillsborough aforesaid, **did commit the crime of First Degree Assault, in that he did knowingly cause injury to another by means of a deadly weapon when he stabbed Tristen Pleines in the leg with a knife,**

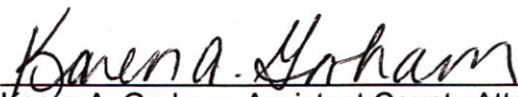
contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Date *6/19/08*

  
\_\_\_\_\_  
Foreperson

Marguerite L. Wageling  
Hillsborough County Attorney

by:   
\_\_\_\_\_  
Karen A. Gorham, Assistant County Attorney

# The State of New Hampshire

Hillsborough COUNTY

SUPERIOR COURT

## STATE PRISON SENTENCE

Plea/Verdict: Guilty

State v. Adam Montgomery

Clerk: \_\_\_\_\_

Docket # 08-S-1466

Steno/Monitor: J. F. [unclear]

Crime: First Degree Assault

Judge: Hon. Gillian FRANSON

Date of Crime: 5-6-08

A finding of GUILTY is entered.

1.  The defendant is sentenced to the New Hampshire State Prison for not more than 4 year(s) (~~months~~), nor less than 2 year(s) (~~months~~). 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.
2.  This sentence is to be served as follows:  
 Stand committed       Commencing Forfeith
3.  \_\_\_\_\_ of the minimum sentence is suspended; \_\_\_\_\_ 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 brought by the State within \_\_\_\_\_ years of today's date.
4.  \_\_\_\_\_ of the sentence is deferred for a period of \_\_\_\_\_. 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. Failure to petition within the prescribed time will result in imposition of the deferred commitment without further hearing.
5.  \_\_\_\_\_ of the minimum sentence may be suspended by the Court on application of the defendant provided the defendant demonstrates meaningful participation in a sexual offender program while incarcerated.
6.  The sentence is  consecutive to \_\_\_\_\_  concurrent with 07-S-2444
7.  Pretrial confinement credit: 383 days.
8.  The Court recommends to the Department of Corrections:  
A.  Drug and alcohol treatment and counseling.  
B.  Sexual offender program.  
C.  Sentence to be served at the House of Corrections.  
D.  \_\_\_\_\_

Pursuant to RSA 499:10-a, the clerk shall notify the appropriate health care regulatory board if this conviction is for a felony and the person convicted is licensed or registered as a health care provider. 000351

Forfeith

PROBATION

- 9.  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 \_\_\_\_\_  
 The defendant is ordered to report immediately to the nearest Probation/Parole Field Office
- 10.  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.

FIRST STEP SPECIAL ALTERNATIVE TO INCARCERATION PROGRAM (SAIP)

- 11.  The balance of the defendant's sentence to the New Hampshire State Prison is suspended following successful completion of the First Step SAIP pursuant to the requirements and restrictions established by the Department of Corrections. The defendant must successfully complete the program. Failure to do so will result in the imposition of the original sentence. The defendant is also advised the Court may impose any additional punishment authorized by law for the crimes committed.

The defendant shall commence First Step SAIP on \_\_\_\_\_

Until acceptance in the program the defendant shall:

- A.  be confined in the House of Corrections
- B.  \_\_\_\_\_

At the completion of the program:

- A.  the defendant is initially placed on intensive probation immediately upon release from the program and will be on probation for \_\_\_\_\_ years.

OR

- B.  the defendant is placed on probation for \_\_\_\_\_ years; the first year shall include the Academy program.

OTHER CONDITIONS

- 12.  The following conditions of this sentence are applicable whether incarceration is suspended, deferred or imposed or whether there is no incarceration ordered at all. Failure to comply with these conditions may result in the imposition of any suspended or deferred sentence.

- A.  The defendant is fined \_\_\_\_\_, plus statutory penalty assessment to be paid:

- Now  By \_\_\_\_\_
- As determined by the Probation/Parole Officer.
- \_\_\_\_\_ of the fine is suspended.
- Penalty Assessment suspended.

- B.  The defendant is ordered to make restitution of \$ \_\_\_\_\_ plus statutory 17% administrative fee.

- Through the Dept. of Corrections as directed by the Probation/Parole Officer
- Through the Dept. of Corrections on the following terms:

- At the request of the defendant or the Dept. of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

- Restitution is not ordered because:

Victim not seeking restitution.

- C.  The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or ~~Probation/Parole Officer~~.

- D.  Under the direction of the Probation/Parole Officer, the defendant shall tour the

- New Hampshire State Prison
- House of Corrections.

- E.  The defendant shall perform \_\_\_\_\_ hours of community service under the direction of the Probation/Parole Officer.

- F.  The defendant has waived sentence review in writing <sup>and</sup> on the record.

- G.  The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

- H.  Other: The defendant shall have no contact with Tristen Pleines, direct, indirect or through any third party.

1/26/09

DATE SENTENCED

[Signature]

PRESIDING JUSTICE

000352

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
<http://www.courts.state.nh.us>

Court Name: Hillsborough Superior Court Northern District

Case Name: STATE V. ADAM MONTGOMERY

Case Number: 08-S-1466  
(if known)

**ACKNOWLEDGMENT AND WAIVER OF RIGHTS  
FELONY**

I, Adam Montgomery of Bedford,

my attorney being Aileen O'Connell/Robin Melone do hereby freely and voluntarily make the following statements which I understand shall apply to each and every indictment, if there be more than one, to which I intend to plead GUILTY.

I have discussed this present plea of GUILTY to the charge in the indictment with my attorney who has explained the nature of the charge to me. I fully understand the charge of which I stand accused, which is:

**first degree assault**

I understand that I am under no obligation to plead GUILTY, and that even after signing this form I am still under no obligation to plead GUILTY.

I understand that by pleading GUILTY to the indictment I am giving up the following constitutional rights at to that crime.

**MY RIGHT** to a speedy and public trial.

**MY RIGHT** to a trial by Jury *12 unanimous*

**MY RIGHT** to see, hear, and question all witnesses. This gives me the opportunity and right to confront my accusers and cross-examine them myself or through my attorney

**MY RIGHT** to present evidence and call witnesses in my favor and to testify on my own behalf.

**MY RIGHT** to remain silent if I choose, which is my right against self-incrimination, and the jury can draw no inference of guilt from my silence.

**MY RIGHT** to have the Judge order into court all evidence and witnesses in my favor.

**MY RIGHT** to have my lawyer continue to defend me, and to present all defenses that I may have.

**MY RIGHT** not to be convicted except by proof beyond a reasonable doubt with respect to all elements of the charge, which have been explained to me by my attorney.

**MY RIGHT** to have excluded from evidence any confessions or other evidence obtained in violation of my constitutional rights.

**MY RIGHT** to appeal, if convicted.

**I GIVE UP ALL THE ABOVE RIGHTS OF MY OWN FREE WILL.**

Case Name: STATE V. ADAM MO GOMERY

Case Number: 08-S-1466

**ACKNOWLEDGMENT AND WAIVER OF RIGHTS - FELONY**

I understand that by pleading GUILTY I am admitting to the truth of the charge against me in the indictment, and that, on my admission that I am GUILTY and the Judge's acceptance of my GUILTY plea, a conviction will be entered against me.

I am pleading GUILTY because I am GUILTY. I admit that I committed the acts charged in the indictment and that I committed the acts knowingly (state of mind). No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY to the indictment. No promises have been made to me by any member of the Prosecutor's Office or anyone else in the effort to have me enter this plea of GUILTY to the indictment, except as follows:

**2-4 years in the New Hampshire State Prison, stand committed. Concurrent to sentence on probation violation on #07-S-2444. Pre-plea credit since May 10, 2008. 08-S-1465 nol prossed.**

However, I understand that the Judge is not bound by the Prosecutor's recommendation as to sentence. I understand that I may withdraw my plea if the Judge exceeds the limits of a negotiated plea.

I understand as a consequence of my plea of GUILTY that the Judge may impose such sentence as in his/her discretion s/he considers appropriate, subject, however, to those limits prescribed by law. My attorney, with whose services I am satisfied, has advised me of the penalties that the Judge can impose for the crime to which I have pleaded GUILTY. I understand that his charge against me is a Class A Felony and that the maximum penalty is 7 1/2 - 15 years, and that in addition a fine may be imposed not to exceed \$ 4,000.00 dollars.

I understand that even though I am pleading GUILTY and giving up my right to call witnesses and testify myself, that this does not apply to the calling of witnesses and testifying on the question of the sentence to be imposed.

I am not under the influence of drugs or alcohol.

ALL OF THESE STATEMENTS THAT I HAVE GIVEN TODAY IN THIS ACKNOWLEDGMENT AND WAIVER OF RIGHTS ARE TRUTHFUL AND VOLUNTARILY GIVEN.

I do not have any questions at this time of my attorney or of the Prosecutor's Office. If there are any questions of the Judge or if there is anything I would like to say prior to sentencing in this case, my attorney will make this known to the Judge at the time of my plea to this indictment. I understand the entire contents of this Acknowledgment and Waiver of Rights, and I freely and voluntarily sign this form below. I also understand that I may have a copy of this form upon request.

1/25/09  
Date

Adam Montgomery  
Defendant

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge, the elements of the offense which the State must prove beyond a reasonable doubt and the maximum and minimum penalties. I believe the defendant fully understands the meaning of this Acknowledgment and Waiver of Rights, that s/he is not under the influence of drugs or alcohol, and that s/he knowingly, intelligently and voluntarily waives all of his/her rights as set forth in this form.

1/25/09  
Date

William O. Court  
As Counsel for the Defendant

The undersigned Justice of the \_\_\_\_\_ Court, having inquired into the education and background of the defendant, is satisfied that s/he fully understands all of his/her rights as set forth above, and that s/he is not under the influence of drugs or alcohol. Court finds that the defendant has the mental capacity to evaluate these rights and, having done so, to knowingly and intelligently waive all of his/her rights as set forth in this form, and the defendant does knowingly, intelligently, and voluntarily waive those rights.

1/26/09  
Date

[Signature]  
Presiding Justice

# Exhibit 5

**CRIMINAL DOCKET**      **DOCKET NUMBER** 1438CR000304      **NO. OF COUNTS** 4      **Trial Court of Massachusetts District Court Department**

**DEFENDANT NAME AND ADDRESS**  
Adam Montgomery  
[REDACTED]

**DOB** [REDACTED]      **GENDER** [REDACTED]

**COURT NAME & ADDRESS**  
Haverhill District Court  
James P. Ginty Blvd.  
PO Box 1389  
Haverhill, MA 01831

**DATE COMPLAINT ISSUED**  
02/04/2014

**PRECOMPLAINT ARREST DATE**  
[REDACTED]

**INTERPRETER REQUIRED**

**FIRST FIVE OFFENSE COUNTS**

COUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	265/17/A	ROBBERY, ARMED c265 §17 <i>Larceny from a person 8-1-14</i>	01/24/2014
2	265/18/C	ASSAULT TO MURDER, ARMED c265 §18(b) <i>A &amp; B Duty weapon 8-1-14</i>	01/24/2014
3	269/10/J	FIREARM, CARRY WITHOUT LICENSE c269 s.10(a)	01/24/2014
4	269/12E	FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 §12E	01/24/2014

**DEFENSE ATTORNEY** *CRNIZOVIC ECBA Bailiary*      **OFFENSE CITY/TOWN** Haverhill      **POLICE DEPARTMENT** Haverhill PD

*3/5/14 Connors ECBA 4/1/14 Haggerty, esq*

DATE & JUDGE	DOCKET ENTRY	DATE & JUDGE	FEES IMPOSED
<i>3/5/14 Albany</i>	<input checked="" type="checkbox"/> Attorney appointed (SJC R. 3:10) <input type="checkbox"/> Atty denied & Def. Advised per 211 D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy	<i>3/5/14</i>	Counsel Fee (211D § 2A(2)) \$ 150 <i>9-9-14</i> <input checked="" type="checkbox"/> WAIVED
<i>3/5/14</i>	Terms of release, set: <i>3/13/14</i> <input type="checkbox"/> PR <input checked="" type="checkbox"/> Bail <i>Hoods</i> <input type="checkbox"/> See Docket for special condition <input checked="" type="checkbox"/> Held (276 §58A) <i>McCoy 5-2-14 OR</i>		Counsel Contribution (211D § 2) <input type="checkbox"/> WAIVED Default Warrant Fee (276 § 30(1)) <input type="checkbox"/> WAIVED Default Warrant Arrest Fee (276 § 30(2)) <input type="checkbox"/> WAIVED
<i>3/5/14</i>	Arraigned and advised: <input type="checkbox"/> Potential of bail revocation (276 §58) <input type="checkbox"/> Right to bail to review (276 §58) <input type="checkbox"/> Right to drug exam (11E § 10)		Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED Bail Order Forfeited
<i>9/9/14</i>	Advised of right to jury trial <input checked="" type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive		
	Advised of trial rights as pro se (Dist. Ct. Supp.R.4)		
	Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)		

**SCHEDULING HISTORY**

NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/ STOP
1	<i>3/5/14</i>	<i>Arr</i>	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Albany</i>	<i>@ 11:47 AM</i>
2	<i>3/13/14</i>	<i>Status</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input checked="" type="checkbox"/> Cont'd	<i>Albany</i>	<i>@ 10:59 AM</i>
3	<i>4-16-14</i>	<i>PC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input checked="" type="checkbox"/> Cont'd	<i>4-1-14</i>	<i>@ 12:00 PM</i>
4	<i>5-2-14</i>	<i>PC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>McCoy</i>	<i>11:18 AM</i>
5	<i>6-17-14</i>	<i>STATUS</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>McCoy</i>	<i>@ 10:11 AM</i>
6	<i>8-1-14</i>	<i>Status</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
7	<i>9-9-14</i>	<i>OR</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Daly</i>	<i>@ 9:57 AM</i>
8			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
9			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
10			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		

**APPROVED ABBREVIATIONS**  
 ARR = Arraignment    PTH = Pretrial hearing    DCE = Discovery compliance & jury selection    BTR = Bench trial    JTR = Jury trial    PCH = Probable cause hearing    MOT = Motion hearing    SRE = Status review  
 SRP = Status review of payments    FAT = First appearance in jury session    SEN = Sentencing    CWF = Continuance-without-finding scheduled to terminate    PRO = Probation scheduled to terminate  
 OFTA = Defendant failed to appear & was defaulted    WAR = Warrant Issued    WARD = Default warrant issued    WR = Warrant or default warrant recalled    PVH = probation revocation hearing.

A TRUE COPY ATTEST:      CLERK-MAGISTRATE / ASST CLERK      TOTAL NO. OF PAGES      ON (DATE)

*X*

CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME		DOCKET NUMBER		
1 ROBBERY, ARMED c265 §17		Larceny From a Person		9-9-14 Dorely		
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	COSTS	OUI \$24D FEE	OUI VICTIMS ASMT
<input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
FINDING		SENTENCE OR OTHER DISPOSITION				
<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		<input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINAL DISPOSITION		JUDGE		DATE		
<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)		Remit any money		18 months H/c committed NOLC Pro Tunc to 1-28-17 credit for 189 days concurrent sentence now being served		
2 ASSAULT TO MURDER, ARMED c265 §18(b)		A & B Dang Wepra		9/9/14 Dorely		
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	COSTS	OUI \$24D FEE	OUI VICTIMS ASMT
<input checked="" type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
FINDING		SENTENCE OR OTHER DISPOSITION				
<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		<input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINAL DISPOSITION		JUDGE		DATE		
<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				18 months H/c committed concurrent sentence		
3 FIREARM, CARRY WITHOUT LICENSE c269 s.10(a)				9/9/14 Dorely		
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	COSTS	OUI \$24D FEE	OUI VICTIMS ASMT
<input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
FINDING		SENTENCE OR OTHER DISPOSITION				
<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		<input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINAL DISPOSITION		JUDGE		DATE		
<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				18 months H/c committed concurrent sentence		



CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Adam Montgomery			DOCKET NUMBER 1438CR000304	
COUNT / OFFENSE 4 FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 §12E				DISPOSITION DATE AND JUDGE 9/9/14 Doherty		
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE	DATE
COUNT / OFFENSE				DISPOSITION DATE AND JUDGE		
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE	DATE
COUNT / OFFENSE				DISPOSITION DATE AND JUDGE		
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE	DATE



**CRIMINAL DOCKET  
DOCKET ENTRIES**

DEFENDANT NAME  
**Adam Montgomery**

DOCKET NUMBER  
**1438CR000304**

DATE

DOCKET ENTRIES

3/13/14

*Motion for funds for investigator - called*

**APPROVED ABBREVIATIONS**

ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review  
SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate  
DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing

Date/Time Printed: 02-04-2014 10:52:05



Version 2.0 - 11/06

000298

<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER <b>1438CR000304</b>	NO. OF COUNTS 4	<b>Trial Court of Massachusetts District Court Department</b>
DEFENDANT NAME & ADDRESS Adam Montgomery 176 Hall Street 1S Manchester, NH 01832			COURT NAME & ADDRESS Haverhill District Court James P. Ginty Blvd. PO Box 1389 Haverhill, MA 01831 (978)373-4151	
DEFENDANT DOB 01/22/1990	COMPLAINT ISSUED 02/04/2014	DATE OF OFFENSE 01/24/2014	ARREST DATE	
OFFENSE CITY / TOWN Haverhill	OFFENSE ADDRESS 8th Ave Haverhill, Ma 01830		NEXT EVENT DATE & TIME	
POLICE DEPARTMENT Haverhill PD	POLICE INCIDENT NUMBER 14002391		NEXT SCHEDULED EVENT	
OBTN			ROOM / SESSION	

**WARRANT**

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.

**COUNT 1 CODE 265/17/A DESCRIPTION ROBBERY, ARMED c265 §17** *Larc. from Person PCH 5/2/14*

On 01/24/2014, being armed with a dangerous weapon, a Gun, did assault Robert Jacobs and did rob, steal or take from such person Drugs, in violation of G. L. c.265, §17.

NO DISTRICT COURT FINAL JURISDICTION IN ADULT SESSION.

**COUNT 2 CODE 265/18/C DESCRIPTION ASSAULT TO MURDER, ARMED c265 §18(b)** *ABDN c/e 9/9/14*

On 01/24/2014, being armed with a dangerous weapon, Gun, did assault Robert Jacobs with intent to murder such person, in violation of G.L. c.265, §18(b).

NO DISTRICT COURT FINAL JURISDICTION IN ADULT SESSION.

**COUNT 3 CODE 269/10/J DESCRIPTION FIREARM, CARRY WITHOUT LICENSE c269 s.10(a)**

On 01/24/2014 did knowingly have in his or her possession, or under his or her control in a vehicle, a firearm, as defined in G.L. c.140, s.121, or a rifle or shotgun, not then being present in his or her residence or place of business, and not having in effect a license to carry firearms or otherwise being authorized by law to do so, in violation of G.L. c.269, s.10(a).

PENALTY: state prison not less than 2 1/2 years not more than 5 years; or jail or house of correction not less than 18 months or not more than 2 1/2 years; no continuance with a finding, filing, or suspended sentence, probation, parole, furlough, or sentence deduction until 18 months served; item to be ordered forfeited.

**COUNT 4 CODE 269/12E DESCRIPTION FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 §12E**

On 01/24/2014 did discharge a firearm, as defined in G.L. c.140, §121, a rifle or a shotgun, within 500 feet of a dwelling or other building in use, without the consent of the owner or legal occupant thereof, not being excepted by law, in violation of G.L. c.269, §12E.

PENALTY: jail or house of correction not more than 3 months; or not less than \$50, not more than \$100; or both.

*8/1/14 - 3rd PCH date  
counts have 2  
reduced to.  
dis. cr. jurisdiction*

SIGNATURE OF COMPLAINANT <i>[Signature]</i>	SWORN TO BEFORE CLERK/MAGISTRATE/ASST. CLERK/DEP/ASST. CLERK X	DATE 2-4-14
NAME OF COMPLAINANT Penny Portalla Detective	A TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST. CLERK <i>[Signature]</i>

**Notice to Defendant:** 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

**JUDGE'S DETERMINATION OF INDIGENCY**

DOCKET NUMBER  
**1438CR000304**

**Trial Court of Massachusetts  
District Court Department**

DEFENDANT NAME

Adam Montgomery

After considering the report and recommendation of the probation officer or other appropriate court employee, and after interrogating the defendant named above, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10,  
**I FIND THAT THE DEFENDANT IS:**

- INDIGENT** because the defendant:
  - receives Transitional Aid to Families with Dependent Children (TAFDC).
  - receives Emergency Aid to Elderly, Disabled or Children (EAEDC).
  - receives poverty-related veterans' benefits.
  - receives refugee resettlement benefits.
  - receives food stamps.
  - receives Medicaid (MassHealth).
  - receives Supplemental Security Income (SSI).
  - is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
  - is serving a sentence in a correctional institution and has no available funds.
  - is held in custody in a jail and has no available funds.
  - has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
  - is determined to be indigent pursuant to S.J.C Rule 3:10, § 4(b). [Judge's § 4(b) findings on the record are appended.]
- INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay \$ 150<sup>00</sup> permit toward the cost of counsel because the defendant:
  - has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
  - is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
  - is determined to be indigent but able to contribute pursuant to S.J.C Rule 3:10, § 4(b). [Judge's § 4(b) findings on the record are appended.]
- NOT INDIGENT** and is able to pay the anticipated cost of counsel. [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, § 4(b).]

Atty Counselor

DATE

3/5/14

SIGNATURE OF JUDGE

X

*[Handwritten Signature]*

**CERTIFICATE OF JUDGE  
UPON DEFENDANT'S WAIVER OF COUNSEL**

I certify that I have informed the defendant of the right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, § 5, that he or she has knowingly elected to proceed without a lawyer, and that he or she has:

- executed a waiver of counsel in my presence.
- refused to sign a waiver.

DATE

SIGNATURE OF JUDGE

X

**JUDGE'S DETERMINATION  
PURSUANT TO G.L. c. 211D, § 2A**

Pursuant to G.L. c. 211D, § 2A, at arraignment I have informed the defendant, who is charged only with misdemeanor(s) or violation(s) of municipal ordinances or bylaws, that I am declining to appoint counsel and therefore if he or she is convicted of such offense(s), the sentence(s) to be imposed will not include any period of incarceration. This determination may subsequently be revoked in accordance with § 2A.

DATE

SIGNATURE OF JUDGE

X

RPP617

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

PAGE

1 of 3

Trial Court of Massachusetts District Court Department



I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused HAS NOT BEEN ARRESTED and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing WITHOUT NOTICE because of an imminent threat of BODILY INJURY COMMISSION OF A CRIME FLIGHT WITH NOTICE to accused. ONE OR MORE FELONIES, I request a hearing WITHOUT NOTICE WITH NOTICE to accused.

WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

HAVERHILL DISTRICT JAMES P GINTY BLVD HAVERHILL, MA 01830

ARREST STATUS OF ACCUSED HAS HAS NOT been arrested

INFORMATION ABOUT ACCUSED

Name (First MI Last) and Address: ADAM MONTGOMERY. Birth Date, Social Security Number, PCF No., Marital Status, Drivers License No., State, Gender, Height, Weight, Eyes, Hair, Race, Complexion, Scars/Marks/Tattoos, Birth State or Country, Day Phone, Employer/School, Mother's Maiden Name, Father's Name.

CASE INFORMATION

Complainant Name (First MI Last): PATROLMAN PENNY A PORTALLA. Complainant Type: POLICE. Address: [Redacted]. Place of Offense: 8TH AVE HAVERHILL, MA 01830. Incident Report No: 14002391. Citation No(s): [Redacted].

Table with 3 rows of offense information. Row 1: Offense Code 265/17/A, Description ROBBERY, ARMED c265 s17, Offense Date 01/24/2014 18:10:11. Row 2: Offense Code 265/18/C, Description ASSAULT TO MURDER, ARMED c265 S18, Offense Date 01/24/2014 18:10:11. Row 3: Offense Code 269/10/J, Description FIREARM, CARRY WITHOUT LICENSE c269 S10, Offense Date 01/24/2014 18:10:11.

REMARKS, COMPLAINANT'S SIGNATURE (with handwritten signature), DATE FILED: 2-4-14

COURT USE ONLY: A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON DATE, TIME OF HEARING, CLERK/JUDGE

PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY). NOTICE SENT OF CLERK'S HEARING SCHEDULED ON: HEARING CONTINUED TO: APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: IMMINENT THREAT OF BODILY INJURY CRIME FLIGHT BY ACCUSED FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION

COMPLAINT TO ISSUE: PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S) 01, 02, 03 BASED ON FACTS SET FORTH IN ATTACHED STATEMENT(S) TESTIMONY RECORDED: TAPE NO. START NO. END NO. WARRANT SUMMONS TO ISSUE ARRAIGNMENT DATE: CLERK/JUDGE (with signature)

**APPLICATION FOR CRIMINAL COMPLAINT**

APPLICATION NO. (COURT USE ONLY)

PAGE

2 of 3

**Trial Court of Massachusetts District Court Department**



I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing  **WITHOUT NOTICE** because of an imminent threat of  BODILY INJURY  COMMISSION OF A CRIME  FLIGHT  **WITH NOTICE** to accused.
- ONE OR MORE FELONIES, I request a hearing  **WITHOUT NOTICE**  **WITH NOTICE** to accused.

WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

**HAVERHILL DISTRICT  
JAMES P GINTY BLVD  
HAVERHILL, MA 01830**

ARREST STATUS OF ACCUSED

HAS  **HAS NOT** been arrested

**INFORMATION ABOUT ACCUSED**

NAME (FIRST MI LAST) AND ADDRESS <b>ADAM MONTGOMERY</b> [REDACTED]				BIRTH DATE [REDACTED]		SOCIAL SECURITY NUMBER [REDACTED]		
				PCF NO. [REDACTED]		MARITAL STATUS		
				DRIVERS LICENSE NO.			STATE	
HAIR [REDACTED]		RACE <b>WHITE</b>	COMPLEXION <b>FAIR</b>	SCARS/MARKS/TATTOOS <b>SEVERAL ON ARMS NECK AND BACK</b>	GENDER [REDACTED]	HEIGHT [REDACTED]	WEIGHT [REDACTED]	EYES [REDACTED]
EMPLOYER/SCHOOL				MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)		
				[REDACTED]		[REDACTED]		

**CASE INFORMATION**

COMPLAINANT NAME (FIRST MI LAST) <b>PATROLMAN PENNY A PORTALLA</b>			COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD <b>HAY</b>
ADDRESS [REDACTED]			PLACE OF OFFENSE <b>8TH AVE HAVERHILL, MA 01830</b>		
			INCIDENT REPORT NO. <b>14002391</b>	OBTN <b>THAE140000389</b>	
			CITATION NO(S).		

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
269/12E	FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 S12E	01/24/2014 18:10:11
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) [PROP. DESC: Taurus .38 special]		

REMARKS	COMPLAINANT'S SIGNATURE <i>[Signature]</i>	DATE FILED <b>2-4-14</b>
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COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING	AT	TIME OF HEARING	COURT USE ONLY
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DATE	PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)	CLERK/JUDGE
	NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:	
	NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:	
	HEARING CONTINUED TO:	
	APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION	
DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED
<b>2/4/14</b>	<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S) <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input checked="" type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: _____	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: _____ COMMENT: <i>After hearing report, PC found, would have been</i>
		<i>[Signature]</i>

# STATEMENT OF FACTS

IN SUPPORT OF  
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

3 OF 3

Trial Court of Massachusetts  
District Court Department  
HAVERHILL DISTRICT  
JAMES P GINTY BLVD  
HAVERHILL, MA 01830



The undersigned alleges the following as a  full or  partial statement of the factual basis for the offense(s) for which a criminal complaint is sought

COURT DIVISION

The defendant went to 43 8th Ave to buy 3 grams of heroin from the victim, Robert Jacobs. The defendant pointed a gun at the victim's head to rob the victim of the heroin. The victim swatted the gun away and the defendant fired the gun and shot the victim in the face. The bullet entered under the left side of the victim's chin and travelled up the left side of the victim's face. Part of the bullet fragment exited the victim's left temple and part of the fragment remained inside of the victim's head. The victim is expected to make a full recovery. A Taurus .38 special serial # DP26516 was recovered at the scene. The defendant shot the victim while inside the hallway of 43 8th Ave. This building is a multi-family residence. The defendant does not have a license to carry firearms.

PRINTED NAME

Penny Portalla

SIGNATURE

X

I AM A:

LAW ENFORCEMENT OFFICER  
 CIVILIAN COMPLAINANT OR WITNESS

(Use additional sheets if necessary)

DATE SIGNED

2-4-14

ADDITIONAL FACTS BY CLERK-MAGISTRATE/ASST. CLERK/JUDGE BASED ON ORAL TESTIMONY

REMARKS

SIGNATURE OF CLERK-MAGISTRATE/ASST. CLERK/JUDGE

X

DATE SIGNED

**POLICE DEPARTMENT**

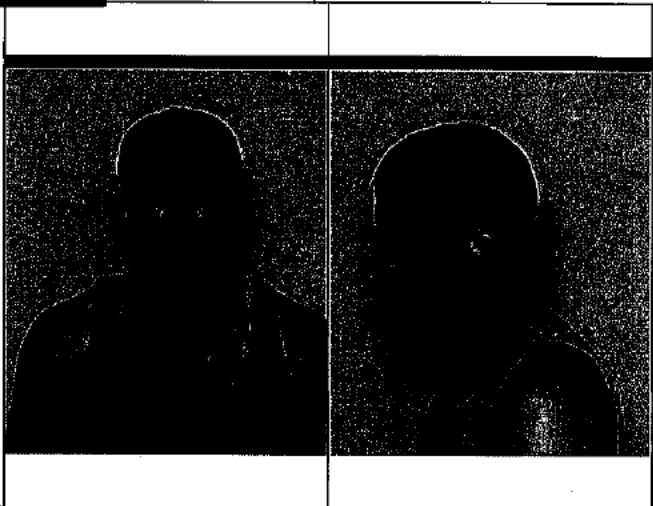
**RECORD OF BOOKING**

Haverhill, MA

PLEASE PRINT

BOOKING TYPE <b>WARRANT</b>		ARREST NUMBER <b>THAE14000389</b>	DATE & TIME OF BOOKING <b>02/03/2014 12:35:51</b>	INCIDENT NUMBER <b>14002391</b>
LAST NAME <b>MONTGOMERY</b>	FIRST <b>ADAM</b>	MIDDLE NAME	DOB	AGE <b>24</b>
TRUE NAME <b>ADAM &amp; MONTGOMERY</b>			MAIDEN NAME	HOME PHONE
STREET	STREET NAME	APT #	CITY/TOWN	STATE ZIP
[REDACTED]			PHONE (WORK)	PHONE (CELL)

SEX	HEIGHT	WEIGHT	RACE
HAIR <b>BROWN</b>	EYES <b>BROWN</b>	BLD <b>MEDIUM</b>	SKIN <b>FAIR</b>
ETHNICITY NOT OF HISPANIC ORIGIN	SCARS <b>SEVERAL ON ARMS NECK AND BACK</b>	LOCATION OF ARREST <b>8TH AVE</b>	
PLACE OF BIRTH	MARTIAL STATUS	DRIVER'S LICENSE	
SBI #	FBI #	LOCAL ID (PRINT)	
EMPLOYER		OCCUPATION	
ADDRESS OF EMPLOYER			



IF CUT VISIBLE ON PERSON, DESCRIBE KIND & LOCATION

TREATED WHERE ATTENDING PHYSICIAN

PRISONER ADVISED OF RIGHTS UNDER G.L. CHAP 276 33A  YES  BY WHOM **PORTALLA, P**

FINGERPRINTS TAKEN  YES  PHOTO TAKEN  YES

*IF PRISONER WAS ARRESTED FOR OPERATING UNDER THE INFLUENCE, FILL IN BELOW*

PRISONER ADVISED OF RIGHTS UNDER G.L. CHAP 263 5A  YES  BY WHOM **PORTALLA, P**

BREATHLYZER READING BY WHOM

- OFFENSES
- ROBBERY, ARMED c265 s17
  - ASSAULT TO MURDER, ARMED c265 S18
  - FIREARM, CARRY WITHOUT LICENSE c269 S10
  - FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 S12E
  -

I have been advised of and understand my right to remain silent, use a telephone to call a lawyer or have one provided, and to have my own physician test for alcohol.

PRISONER SIGNATURE  
ARRESTING OFFICER **PORTALLA, P**  
BOOKING OFFICER **PORTALLA, P**  
COMPLAINANT **PORTALLA, P**  
OFFICER IN CHARGE **PISTONE, R**

ARREST ON WARRANT?  YES  WARRANT NUMBER  
CITY/COURT

CHARGES

DID ARRESTED PERSON HAVE POSITIVE IDENTIFICATION  YES  NO TYPE: **OTHER SOURCE**

IS ARRESTEE A JUVENILE  YES

NAME OF PARENT OR GUARDIAN NOTIFIED OFFICER MAKING NOTIFICATION TIME

BAIL COMMISSIONER AMOUNT OF BAIL DATE AND TIME OF BAIL

DISPOSITION



**HVERHILL PD  
HVERHILL, MA  
Supplementary Report #14002391/16**

Approved For Public View		Date/Time Printed: Tue Feb 04 09:58:31 EST 20 By: pportalla	
Case Title JACOBS	Location 8TH AVE		
Date/Time Reported 01/24/2014 18:11:54	Date/Time Occurred 01/24/2014 18:11:00 to 01/24/2014 18:11:00		
Incident Type/Offense A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

Persons								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
1	VICTIM	JACOBS, ROBERT J	MALE	WHITE	28	0		
2	INVOLVED PARTY	VITALONE, CAMERON TEX	MALE	WHITE	22	0		

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
1	DEFENDANT	VITALONE, CAMERON TEX	MALE	WHITE	22			
							(cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
1	SUSPECT VEHICLE		1999			WHITE	3561239	NH
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative**  
 Detective Penny Portalla will testify to the following:  
 This is a preliminary report for the purposes of arraignment of Adam Montgomery  
 [REDACTED]  
 On 1/24/2014, I responded to the intersection of Cedar St and 8th Ave for report of a disturbance involving a firearm and a possible shooting victim. Victim Robert Jacobs was located at the scene and stated that he had been shot in the  
 (Continued on next page)

Reporting Officer PORTALLA, P(3) (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer PISTONE, R(47) (02/04/2014 09:56:25)
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**HVERHILL PD**  
**HVERHILL, MA**  
**Supplementary Report #14002391/16**

Approved For Public View		Date/Time Printed: Tue Feb 04 09:58:31 EST 20 By: pportalla	
Case Title <b>JACOBS</b>	Location <b>8TH AVE</b>		
Date/Time Reported <b>01/24/2014 18:11:54</b>	Date/Time Occurred <b>01/24/2014 18:11:00 to 01/24/2014 18:11:00</b>		
Incident Type/Offense <b>A&amp;B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)</b>			

Persons (Continued from page 1)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
3	INVOLVED PARTY	AGUIRRE, PRISCYLA	FEMALE	WHITE	22			
4	INVOLVED PARTY	JACOBS, MADYSON	FEMALE	WHITE	06			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 1)**

face. Victim Jacobs was treated at the Lawrence General and Beth Israel Hospitals for a bullet wound in his face. Victim Jacobs was shot under the left side of his chin. The bullet travelled up the left side of his face and exited out his left temple area. Victim Jacobs is expected to make a full recovery.

At the scene, reddish brown stains, believed to be blood, were observed on the sidewalk and street, at the corner of Cedar St and 8th Ave. Additional blood stains were observed on the sidewalk, in front of 129 Cedar St. A .38 cal

(Continued on next page)

Reporting Officer <b>PORTALLA, P(3)</b> (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer <b>PISTONE, R(47)</b> (02/04/2014 09:56:25)
---	-------------------	---



**HVERHILL PD**  
**HVERHILL, MA**  
**Supplementary Report #14002391/16**

Approved For Public View		Date/Time Printed: Tue Feb 04 09:58:31 EST 20 By: pportalla	
Case Title <b>JACOBS</b>	Location <b>8TH AVE</b>		
Date/Time Reported <b>01/24/2014 18:11:54</b>	Date/Time Occurred <b>01/24/2014 18:11:00 to 01/24/2014 18:11:00</b>		
Incident Type/Offense <b>A&amp;B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)</b>			

Persons (Continued from page 2)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
5	INVOLVED PARTY	ROLDAN, MICHELLE E	FEMALE	WHITE	42			
6	INVOLVED PARTY	SCHENA, CRAIG E	MALE	WHITE	48			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home)	
							(cell)	
							(home)	
							(cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 2)**

revolver was located on the sidewalk, approximately 20 feet to the right of the entrance to 43 8th Ave (the victim's residence). The firearm was collected by the State Police Ballistics for processing and evidence. The firearm was determined to be a Taurus .38 cal special, serial #DP26516. The revolver had two empty shells inside, indicating two rounds had been fired.

During the initial scene assessment, a security camera was observed on the exterior of 123 Cedar St. The owner, Michelle Roldan, was located and allowed

(Continued on next page)

Reporting Officer <b>PORTALLA, P(3)</b> (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer <b>PISTONE, R(47)</b> (02/04/2014 09:56:25)
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**HVERHILL PD**  
**HVERHILL, MA**  
**Supplementary Report #14002391/16**

Approved For Public View Date/Time Printed: Tue Feb 04 09:58:31 EST 20 By: pportalla

Case Title <b>JACOBS</b>	Location <b>8TH AVE</b>
Date/Time Reported <b>01/24/2014 18:11:54</b>	Date/Time Occurred <b>01/24/2014 18:11:00 to 01/24/2014 18:11:00</b>
Incident Type/Offense <b>A&amp;B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)</b>	

Persons (Continued from page 3)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
7	INVOLVED PARTY	BUDROW, AMANDA J	FEMALE	WHITE	37			
8	VEHICLE OWNER	BLAIR, MEGAN	FEMALE	WHITE	31			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 3)**  
 police to make a copy of her security video. The video contained both audio and video surveillance. The entire video was later secured as evidence. See supplemental reports. A summary follows:  
 On the video, a white Volvo is seen parking in the area of 133 Cedar St at 18:08:42. At 18:09:30, man is seen exiting the vehicle and walking down Cedar St towards 8th Ave. The man is heard saying "yo, where you at?" At 18:10:11 a faint "pop" is heard. Moments later, a man is heard screaming "JAY, HELP, JAY!"  
 (Continued on next page)

Reporting Officer <b>PORTALLA, P(3)</b> (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer <b>PISTONE, R(47)</b> (02/04/2014 09:56:25)
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**Haverhill PD**  
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Incident Type/Offense <b>A&amp;B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)</b>			

Persons (Continued from page 4)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
9	PASSENGER	SOREY, JASON A	MALE	WHITE	29			
10	PASSENGER	FLANIGAN, JARROD P	MALE	WHITE	31			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 4)**

Another voice says, "he shot me, he has a gun, assault him." Someone continues to yell "JAY, HELP, JAY!" A second man is seen running from the Volvo, towards the disturbance. A desperate voice pleads, "help me nigga" while other voices are yelling "drop the gun." And someone keeps yelling "he shot me in my fucking face!" "drop it, drop it and I'll let you go" is heard. "Yo get the fuck outa here, the cops are comin." "Let's go Robert, let's go." Someone then says "I got it," and then someone else says "shoot him nigga." A loud gun shot is then heard. Two women who had approached the scene flee. The second man who came

(Continued on next page)

Reporting Officer <b>PORTALLA, P(3)</b> (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer <b>PISTONE, R(47)</b> (02/04/2014 09:56:25)
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Date/Time Reported 01/24/2014 18:11:54	Date/Time Occurred 01/24/2014 18:11:00 to 01/24/2014 18:11:00		
Incident Type/Offense A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

Persons (Continued from page 5)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
11	INVOLVED PARTY	FLAMMIA, KELLIE LYNN	FEMALE	WHITE	35			
12	INVOLVED PARTY	ALMESTICA, NAOMI	FEMALE	WHITE	16			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 5)**  
 from the white Volvo runs back to the car. The altercation was out of camera shot until now. At 18:12:00, two men appear on camera. A tall man wearing shorts and a hooded sweatshirt, matching the description of Victim Jacobs, is now seen and heard saying "that was his gun, you fuckin piece of shit, you fuckin shot me in my face." The tall man wearing shorts is seen kicking and punching a man on the ground. The man on the ground appears to have blood stains on the back of his sweatshirt. A shorter man in dark clothing appears on video at 18:12:06. The man in dark clothing is shorter than the man wearing  
 (Continued on next page)

Reporting Officer PORTALLA, P(3) (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer PISTONE, R(47) (02/04/2014 09:56:25)
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**Persons (Continued from page 6)**

	Role	Name	Sex	Race	Age	DOB	Phone	Address
13	INVOLVED PARTY	CRAFT, KARLENE	FEMALE	WHITE	55			
14	INVOLVED PARTY	STRATTON, MELISSA A	FEMALE	WHITE	33			

**Offenders**

Status	Name	Sex	Race	Age	DOB	Phone	Address
						(home)	
						(cell)	
						(home)	
						(cell)	

**Vehicles**

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

**Property**

Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 6)**

shorts. The man in dark clothing appears to have an object in his right hand. This man has his right arm raised as he comes into view and appears to be pointing an object at the man being assaulted. This man in dark clothing strikes the man on the ground in the head with his right hand. He then kicks the man. The man wearing dark clothing says "come on Robert let's go." The second man from the Volvo returns. This man is wearing a hooded sweatshirt and a knit winter hat with a pattern on it. Someone says to this man "Jay Blunt, Jay Blunt!" And that man answers, "this is my nigga, I don' t know what

(Continued on next page)

Reporting Officer <b>PORTALLA, P(3)</b> (02/03/2014 12:33:12)	Reviewing Officer	Approving Officer <b>PISTONE, R(47)</b> (02/04/2014 09:56:25)
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Incident Type/Offense <b>A&amp;B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)</b>			

Persons (Continued from page 7)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
15	INVOLVED PARTY	COPPOLA, PHILIP	MALE	WHITE	31			
16	INVOLVED PARTY	SUDBURY, ELIZABETH	FEMALE	WHITE	51			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 7)**

happened." And the person again responds "he shot me in my face." The two men make their way back to the Volvo. The man that was being assaulted falls twice on his way back to the car and appears to be severely injured. The man in the winter hat holds the passenger door open and says "Ace let's go," and "Ace get in." The Volvo then leaves the scene. Officer Bryan Bailey was able to identify Robert Jacobs and Cam Vitalone on the video punching and kicking the male on the ground. Robert Jacobs was identified as the tall male wearing the shorts, and Cam Vitalone was identified as the shorter male dressed in dark

(Continued on next page)

<b>Reporting Officer</b> PORTALLA, P(3) (02/03/2014 12:33:12)	<b>Reviewing Officer</b>	<b>Approving Officer</b> PISTONE, R(47) (02/04/2014 09:56:25)
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Persons (Continued from page 8)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
17	INVOLVED PARTY	SUDBURY, MICHAEL	MALE	WHITE	55			
18	WITNESS	MUIR, BERNARD W	MALE	WHITE	56			

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 8)**

clothing. Officer Bailey has been a member of the street crimes unit for several years and is familiar with both Jacobs and Vitalone through numerous interactions. See Officer Bailey's supplemental report.

Several anonymous tips were recieved that "Ace" was the person responsible for shooting Victim Jacobs in the face. One caller identified "Ace" as Adam Montgomery and stated that Adam Montgomery shot someone in the face and was then shot in the arm. The caller stated that Adam Montgomery was with his

(Continued on next page)

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Persons (Continued from page 9)								
	Role	Name	Sex	Race	Age	DOB	Phone	Address
19	VICTIM	MONTGOMERY, ADAM	MALE	WHITE	24			
							(home) (cell)	

Offenders								
	Status	Name	Sex	Race	Age	DOB	Phone	Address
							(home) (cell)	
							(home) (cell)	

Vehicles								
	Role	Type	Year	Make	Model	Color	Reg #	State
	Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
	Class	Description	Make	Model	Serial #	Value

**Narrative (Continued from page 9)**

girlfriend, Crystal Sorey, at 383 Lowell St in Methuen MA. The caller stated that even though Montgomery had been shot, he was refusing to go to the hospital. Haverhill and Methuen PD checked several addresses in Methuen MA for Adam Montgomery, but he was not located at that time. Crystal Sorey's brother is Jason Sorey, who uses the alias "Jay Blunt."

On 1/25/2014, Methuen PD initiated a vehicle stop on a 1999 Volvo 70 bearing NH reg 3561239. The vehicle was operated by the registered owner, Megan Belair.

(Continued on next page)

<b>Reporting Officer</b> PORTALLA, P(3) (02/03/2014 12:33:12)	<b>Reviewing Officer</b>	<b>Approving Officer</b> PISTONE, R(47) (02/04/2014 09:56:25)
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**Narrative (Continued from page 10)**

Belair is Jason Sorey's girlfriend. They reside together at 483 Lowell St, Methuen MA. Jason Sorey, and his brother, Jarrod Flanigan, were passengers in the vehicle. Blood was observed in the right rear passenger seat. The vehicle was seized as evidence. The occupants were transported to the Haverhill Police station and provided voluntary recorded statements. All denied any knowledge or involvement in the crime. They agreed to a Consent Search of 483 Lowell St Methuen MA. Crystal Sorey was found hiding in an abandoned shed at the rear of the property. The weather was arctic freezing temperatures. Adam Montgomery was not found. A bloody maxipad with tape on it, that appeared to have been used as a bandage, along with bloody tissues, were recovered at the scene. All continued to deny knowledge of the incident or the whereabouts of Montgomery. Crystal Sorey gave Molly Middleton as an alibi. She stated that she slept on Molly's couch on 1/24/2014 and continued to deny any knowledge of the incident.

On 1/27/2014 at 14:44 hours, I spoke with Molly Middleton at the Haverhill Police station. Molly Middleton provided an electronically recorded interview which was secured to DVD and submitted to evidence. In summary, Molly Middleton adamantly denied that Crystal Sorey slept over her house on 1/24/2014. Molly Middleton stated that she recieved a call from Crystal on 1/24/2014 at approximately 21:00 hours. She stated that Crystal asked her for a ride to 383 Lowell St in Methuen MA. She stated that she picked up Crystal and her brother Jarrod, somewhere on Washington St in Haverhill MA. Molly Middleton stated that 383 Lowell St in Methuen did not validate on her GPS. She stated that when they got to Methuen, Crystal told her to pull into a convenience store, near that location. She stated that when they were in the convenience store, Crystal pulled her aside, and told her that "Ace" had shot someone in the face, and then "Ace" was shot in the arm. Crystal told Molly that "Ace" was at her brother's house and he refused to go to the hospital. Crystal and Jarrod then walked the rest of the way, and Molly went home. Molly Middleton stated that she had called the police tip line on 1/24/2014 and provided this information. Molly Middleton stated that "Ace" was Adam Montgomery, Crystal Sorey's boyfriend. See additional reports.

On 1/27/2014 at 11:49 hours, Anthony Jacobs, Victim Robert Jacobs and Cam Vitalone's Uncle, came to the Haverhill Police station and provided an electronically recorded statement. The entire interview was secured to DVD and submitted to evidence. In summary, Anthony Jacobs stated that he went to Victim

(Continued on next page)

Reporting Officer	Reviewing Officer	Approving Officer
PORTALLA, P(3)		PISTONE, R(47)



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Incident Type/Offense A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

**Narrative (Continued from page 11)**

Robert Jacobs apartment with his friend Patrick Moro, to drink some beers. He stated that he was only there for a few minutes when Victim Jacobs went outside. He stated that less than a minute later, he heard a gun shot. He stated that Victim Jacobs had been talking on his cell phone when he went outside. He stated that Cam was the first person to run outside after hearing the gunshot. He stated that Victim Jacobs and Cam were fighting with someone on the corner of Cedar St and 8th Ave. He stated that Victim Jacobs was yelling that the suspect had shot him in his face, and that the suspect had a gun in his hand. He stated that they were trying to wrestle the gun out of the suspect's hand. Anthony Jacobs stated that he was holding the suspect down, while Victim Jacobs and Cam were trying to get the gun. He described that the suspect was on the ground, "on all fours." He stated that he pulled the suspect's shirt up over his head and arms to assist with getting the gun away. He stated that he observed a tattoo, in block letters, across the suspect's back. He stated that the tattoo spanned across the top of the suspect's back, in an arch, shoulder to shoulder. He thought there were between 6 and 8 letters. (Haverhill Police booking photos show Adam Montgomery has a tattoo 'BOSTON' across the top of his back). Anthony Jacobs stated that he did not see the suspect's face because he was holding him down. Anthony Jacobs stated that Victim Jacobs got the gun away from the suspect and then Victim Jacobs shot the suspect. See supplemental reports.

On 1/27/2014 at 12:35 hours, Patrick Moro also provided an electronically recorded statement. The entire interview was secured to DVD and submitted to evidence. In summary, Patrick Moro confirmed that he went to Victim Jacobs apartment with Anthony Jacobs to drink some beers. Patrick Moro is Victim Jacobs step-Father. Patrick Moro stated that Victim Jacobs went outside and then they heard a gun shot. He stated that they all ran outside to see what happened. He stated that Victim Jacobs and Cam were fighting with the suspect on the corner of Cedar St and 8th Ave. He stated that Anthony was holding the suspect down and they were trying to get a gun away from the suspect. He stated that Victim Jacobs stated that the suspect shot him in the face. Patrick Moro stated that Anthony had the suspect shirt pulled over his head and arms. Patrick Moro stated that he saw a tattoo in the middle of the suspect's back, but he could not describe the tattoo. Patrick Moro stated that he called 911. He stated that Victim Jacobs got the gun away from the suspect, and then Victim Jacobs shot the suspect. He stated that after the second gun shot, he ran inside Victim Jacobs apartment, grabbed his beer, and then ran out the back

(Continued on next page)

<b>Reporting Officer</b> PORTALLA, P(3)	<b>Reviewing Officer</b>	<b>Approving Officer</b> PISTONE, R(47)
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Incident Type/Offense			
A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

**Narrative (Continued from page 12)**

entrance. See supplemental reports.

On 1/27/2014 at 20:00 hours, Victim Jacobs was able to give a written statement regarding the incident. Victim Jacobs was advised of the Miranda Warning. He signed a department form agreeing to speak with me. Victim Jacobs stated that he went outside of his home to meet Frank Kimball. Victim Jacobs stated that Frank was not there when he went outside. Victim Jacobs stated while in the entryway to the residence, an unknown person pointed a gun to his head and demanded his money. Victim Jacobs stated that he swatted the gun away and it went off. Victim Jacobs stated that he was shot in the face. Victim Jacobs denied knowing the identity of the person who shot him. He described the suspect as a white male, 20's, 5'06, with a medium build, wearing a navy blue sweatshirt and a winter hat. Victim Jacobs stated that he chased the suspect who shot him in the face. Victim Jacobs stated that his brother Cam Vitalone heard the gun shot and ran out of the apartment. Victim Jacobs stated that Jay "Bluck" was also there, and that Jay kicked and punched him. Victim Jacobs stated that Crystal Sorey is Jay's sister. Victim Jacobs stated that he saw a white car leave the scene. While speaking with Victim Jacobs, he responded to questions by writing his answers. He was able to "mouth" words, but not speak. Victim Jacobs wrote several times that he would only cooperate if the police could ensure that his brother Cam would not go to jail. Victim Jacobs stated that Cam was just protecting him and that Cam did nothing wrong. Victim Jacobs wrote that he didn't want Cam to go to jail for protecting him. I made it very clear that the police could not made such a promise and that the investigation was on-going.

On 1/28/2014 at approximately 14:30 hours, the US Marshalls Service, led by Marshall Robert Larcome apprehended Adam "Ace" Montgomery at his grandmother's residence at 176 Hall St in Manchester NH. Adam Montgomery was arrested on an unrelated probation violation warrant. Adam Montgomery was found to have a bullet wound in his right arm. An entry and exit wound could be seen in the tricep area of his right arm. Adam Montgomery was transported to the Elliot Hospital in Manchester NH for treatment. Det Portalla and Det. G. Fogarty, responded to the hospital and spoke with Adam Montgomery at 17:00 hours. Adam Montgomery was advised of the Miranda Warning and of the preference to have interviews electronically recorded. Adam Montgomery agreed to speak with us and have his interview recorded. The interview was secured to CD and submitted to evidence. A summary follows. Adam Montgomery stated that he went to 8th Ave

(Continued on next page)

<b>Reporting Officer</b>	<b>Reviewing Officer</b>	<b>Approving Officer</b>
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01/24/2014 18:11:54	01/24/2014 18:11:00 to 01/24/2014 18:11:00		
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**Narrative (Continued from page 13)**

and Cedar St in Haverhill to buy dope (heroin). He stated that he didn't know the name of the person he was buying the heroin from. He stated that he got the dealer's number from someone, and he went to buy a couple grams of heroin. He stated that he got a ride to Cedar St, but he refused to name who brought him to buy the heroin. He stated that he was supposed to meet the dealer in the hallway, but there were 4 or 5 people in the hallway and they tried to rob him of the money he had. He stated that he was planning to spend \$280 on the heroin. He stated that he was hit in the back of the head. He stated that he could not remember leaving the hallway. He stated that he was on the ground and he was being hit and kicked. He stated that he saw a gun, but he did not hear any gunshots. He stated that he did not see a gun in the hallway, but he saw a gun at some point. He stated that he was holding onto his money and they were trying to get it from him, but they did not get any of his money. He stated that he did not remember getting back to the car. He confirmed the car was a white Volvo. He stated that he didn't realize he had been shot for several hours. He stated that he wasn't sure if he used his phone or someone else's to call the dealer. He stated that his phone may have been out of minutes. Adam Montgomery stated that the person he was supposed to buy drugs from, was not the person holding the gun. Adam Montgomery was shown a photo array in an attempt to identify the person who was supposed to sell him drugs. Adam Montgomery was given instructions and shown 6 photographs one at a time. Montgomery identified photo #5 as the person he "bought dope off of." Montgomery stated "that's him, that's the kids I was buying the dope off of." Montgomery stated that he was 99.999% sure it was him. Photo #5 was of Robert Jacobs 9/18/1985. Robert Jacobs is the victim who was shot in the face.

On 1/29/2014, I went to 43 8th Ave to make observations in the hallway. The hallway contained a drop ceiling. I observed fresh damage to the metal grid work to the left of Victim Jacobs entry door. The damage to the metal was consistent with damage from a bullet fragment. The trajectory of the fragment could be followed at an angle, to the stairway wall, where additional fresh damage was observed. Photos were taken and submitted to evidence. No bullet fragments could be located.

On 1/31/2014 at 14:22 hours, Det Portalla and Det O'Connell took a recorded statement from the victim, Robert Jacobs. The interview was conducted at the Beth Israel Hospital in Boston. The victim showed improvement since our meeting on 1/27/14. The victim still had a trach inserted, but was able to now speak

(Continued on next page)

<b>Reporting Officer</b>	<b>Reviewing Officer</b>	<b>Approving Officer</b>
PORTALLA, P(3)		PISTONE, R(47)



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Incident Type/Offense A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

**Narrative (Continued from page 14)**

with us. The victim was advised again of the Miranda Warning and signed a department for agreeing to speak with us. The victim was advised of the court preference to electronically record our interview and he agreed to be recorded. The entire interview was secured to a CD and submitted to evidence. A summary follows:

Det Portalla compiled a photo array to show the victim, to see if he could identify the person who shot him in the face on 1/24/2014. The victim was read the photo lineup instructions. He was shown 6 photographs, one at a time. The victim identified photo #4 as Adam Montgomery, the person who shot him in the face. The victim stated that he was 100% sure that photo #4 was the person who shot him. Photo #4 was in fact Adam Montgomery DOB 1/22/1990. After viewing the photo array, I asked the victim if there was anything else he wanted to tell me. He stated that Montgomery tried to rob him. He stated that Frankie Kimball put him in contact with Montgomery. He stated that Montgomery wanted to buy 3 grams of heroin. He stated that it was Montgomery's birthday. He stated that none of the people, inside of his home at the time, knew that he went outside to sell drugs. He stated that he met Montgomery in the hallway of 43 8th Ave. He stated that he gave Montgomery 3 grams of heroin. He stated that Montgomery tried to take the drugs from him and pulled out a gun. He stated that he struggled with Montgomery in the hallway, and the gun went off. He stated "I went to grab it, and it went off." He stated that he saw blood and realized he was shot. He stated that he was shot in the face by Montgomery. He stated that the struggle spilled out onto the street, and they made their way down to the corner of 8th Ave and Cedar St. He stated that Jay Blunt was waiting on the corner. He stated that he was on top of Montgomery and Jay Blunt was on top of him, kicking him. He stated that Cam came out to help, and pulled Jay Blunt off of him. He stated that Montgomery still had the gun in his hand and he got it away from him and shot him. He then stated that the gun went off, but he didn't know Montgomery was shot. He then stated that the gun went off during the struggle and he never got it away from Montgomery. It was apparent that the victim was having increasing difficulty speaking with Detectives. It was determined that the victim would come to the police station when his trach was removed and he was released from the hospital, to provide a more detailed statement of the events.

In summary:

(Continued on next page)

<b>Reporting Officer</b> PORTALLA, P(3)	<b>Reviewing Officer</b>	<b>Approving Officer</b> PISTONE, R(47)
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**HVERHILL PD**  
**HVERHILL, MA**  
**Supplementary Report #14002391/16**

Approved For Public View		Date/Time Printed: Tue Feb 04 09:58:31 EST 20By: pportalla	
Case Title	Location		
JACOBS	8TH AVE		
Date/Time Reported	Date/Time Occurred		
01/24/2014 18:11:54	01/24/2014 18:11:00 to 01/24/2014 18:11:00		
Incident Type/Offense			
A&B WITH DANGEROUS WEAPON c265 S15A(265/15A/A)			

**Narrative (Continued from page 15)**

Adam Montgomery arranged to purchase 3 grams of heroin from Robert Jacobs. Adam Montgomery met Robert Jacobs in the hallway of 43 8th Ave. Adam Montgomery pulled out a gun and tried to rob Robert Jacobs of the heroin. Adam Montgomery pointed the gun at Robert Jacobs head. Robert Jacobs swatted the gun away and Adam Montgomery fired the weapon, shooting Robert Jacobs under the chin. Adam Montgomery does not have a license to carry firearms. Adam Montgomery fired the weapon inside the hallway of a multi-unit dwelling house.

I am requesting a warrant be issued for the defendant, Adam Montgomery, for the following charges:

- 265/17/A: Armed Robbery
- 265/18/C: Armed Assault to Murder
- 269/10/A: Carry a Firearm without a license
- 269/12E: Discharge a Firearm within 500 feet of a dwelling

<b>Reporting Officer</b>	<b>Reviewing Officer</b>	<b>Approving Officer</b>
PORTALLA, P(3)		PISTONE, R(47)



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**Narrative (Continued from page 13)**

and Cedar St in Haverhill to buy dope (heroin). He stated that he didn't know the name of the person he was buying the heroin from. He stated that he got the dealer's number from someone, and he went to buy a couple grams of heroin. He stated that he got a ride to Cedar St, but he refused to name who brought him to buy the heroin. He stated that he was supposed to meet the dealer in the hallway, but there were 4 or 5 people in the hallway and they tried to rob him of the money he had. He stated that he was planning to spend \$280 on the heroin. He stated that he was hit in the back of the head. He stated that he could not remember leaving the hallway. He stated that he was on the ground and he was being hit and kicked. He stated that he saw a gun, but he did not hear any gunshots. He stated that he did not see a gun in the hallway, but he saw a gun at some point. He stated that he was holding onto his money and they were trying to get it from him, but they did not get any of his money. He stated that he did not remember getting back to the car. He confirmed the car was a white Volvo. He stated that he didn't realize he had been shot for several hours. He stated that he wasn't sure if he used his phone or someone else's to call the dealer. He stated that his phone may have been out of minutes. Adam Montgomery stated that the person he was supposed to buy drugs from, was not the person holding the gun. Adam Montgomery was shown a photo array in an attempt to identify the person who was supposed to sell him drugs. Adam Montgomery was given instructions and shown 6 photographs one at a time. Montgomery identified photo #5 as the person he "bought dope off of." Montgomery stated "that's him, that's the kids I was buying the dope off of." Montgomery stated that he was 99.999% sure it was him. Photo #5 was of Robert Jacobs 9/18/1985. Robert Jacobs is the victim who was shot in the face.

On 1/29/2014, I went to 43 8th Ave to make observations in the hallway. The hallway contained a drop ceiling. I observed fresh damage to the metal grid work to the left of Victim Jacobs entry door. The damage to the metal was consistent with damage from a bullet fragment. The trajectory of the fragment could be followed at an angle, to the stairway wall, where additional fresh damage was observed. Photos were taken and submitted to evidence. No bullet fragments could be located.

On 1/31/2014 at 14:22 hours, Det Portalla and Det O'Connell took a recorded statement from the victim, Robert Jacobs. The interview was conducted at the Beth Israel Hospital in Boston. The victim showed improvement since our meeting on 1/27/14. The victim still had a trach inserted, but was able to now speak

(Continued on next page)

Reporting Officer	Reviewing Officer	Approving Officer
PORTALLA, P(3)		PISTONE, R(47)



**Haverhill PD**  
**Haverhill, MA**  
**Supplementary Report #14002391/16**

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In summary:

(Continued on next page)

Reporting Officer PORTALLA, P(3)	Reviewing Officer	Approving Officer PISTONE, R(47)
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**Narrative (Continued from page 15)**

Adam Montgomery arranged to purchase 3 grams of heroin from Robert Jacobs. Adam Montgomery met Robert Jacobs in the hallway of 43 8th Ave. Adam Montgomery pulled out a gun and tried to rob Robert Jacobs of the heroin. Adam Montgomery pointed the gun at Robert Jacobs head. Robert Jacobs swatted the gun away and Adam Montgomery fired the weapon, shooting Robert Jacobs under the chin. Adam Montgomery does not have a license to carry firearms. Adam Montgomery fired the weapon inside the hallway of a multi-unit dwelling house.

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- 269/12E: Discharge a Firearm within 500 feet of a dwelling

Reporting Officer	Reviewing Officer	Approving Officer
PORTALLA, P(3)		PISTONE, R(47)

<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER 1438CR000304	NO. OF COUNTS 4	<b>Trial Court of Massachusetts District Court Department</b>
DEFENDANT NAME & ADDRESS Adam Montgomery [REDACTED]			COURT NAME & ADDRESS Haverhill District Court James P. Ginty Blvd. PO Box 1389 Haverhill, MA 01831 (978)373-4151	
DEFENDANT DOB [REDACTED]	COMPLAINT ISSUED 02/04/2014	DATE OF OFFENSE 01/24/2014	ARREST DATE	
OFFENSE CITY / TOWN Haverhill	OFFENSE ADDRESS 8th Ave Haverhill, Ma 01830		NEXT EVENT DATE & TIME	
POLICE DEPARTMENT Haverhill PD	POLICE INCIDENT NUMBER 14002391		NEXT SCHEDULED EVENT	
OBTN		ROOM / SESSION		

**WARRANT**

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.

COUNT	CODE	DESCRIPTION	
1	265/17A	ROBBERY, ARMED c265 §17	Larc. from Person PCH - 5/2/14

On 01/24/2014, being armed with a dangerous weapon, a Gun, did assault Robert Jacobs and did rob, steal or take from such person Drugs, in violation of G.L. c.265, §17.

NO DISTRICT COURT FINAL JURISDICTION IN ADULT SESSION.

2	265/18/C	ASSAULT TO MURDER, ARMED c265 §18(b)	ABDN C/E 9/9/14
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On 01/24/2014, being armed with a dangerous weapon, Gun, did assault Robert Jacobs with intent to murder such person, in violation of G.L. c.265, §18(b).

NO DISTRICT COURT FINAL JURISDICTION IN ADULT SESSION.

3	269/10/J	FIREARM, CARRY WITHOUT LICENSE c269 s.10(a)	
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On 01/24/2014 did knowingly have in his or her possession, or under his or her control in a vehicle, a firearm, as defined in G.L. c.140, s.121, or a rifle or shotgun, not then being present in his or her residence or place of business, and not having in effect a license to carry firearms or otherwise being authorized by law to do so, in violation of G.L. c.269, s.10(a).

PENALTY: state prison not less than 2 1/2 years; not more than 5 years; or jail or house of correction not less than 18 months or not more than 2 1/2 years; no continuance with a finding, filing, or suspended sentence, probation, parole, furlough, or sentence deduction until 18 months served; item to be ordered forfeited.

4	269/12E	FIREARM, DISCHARGE WITHIN 500 FT OF BLDG c269 §12E	
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On 01/24/2014 did discharge a firearm, as defined in G.L. c.140, §121, a rifle or a shotgun, within 500 feet of a dwelling or other building in use, without the consent of the owner or legal occupant thereof, not being excepted by law, in violation of G.L. c.269, §12E.

PENALTY: jail or house of correction not more than 6 months; or not less than \$50, nor more than \$100; or both.

*8/1/14 - 3rd PCH date  
counts have  
reduced to  
div. cr. juris dict.*

SIGNATURE OF COMPLAINANT <i>[Signature]</i>	SWORN TO BEFORE CLERK/MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK <i>[Signature]</i>	DATE 2-4-14
NAME OF COMPLAINANT Penny Portalla Detective	A TRUE COPY - ATTEST <i>[Signature]</i>	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.