

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA  
ATTORNEY GENERAL



JAMES T. BOFFETTI  
DEPUTY ATTORNEY GENERAL

May 19, 2023

Benjamin J. Agati, Esq.  
Senior Assistant Attorney General  
Office of the Attorney General  
33 Capitol Street  
Concord, New Hampshire 03101

RE: State v. Adam Montgomery; Armed Career Criminal – Frain firearms

Dear Attorney Agati:

You have advised me that you may request an order from the Hillsborough County Superior Court – Northern District requiring Kevin LaBelle (DOB 03/27/1992), currently of Concord, to give court ordered testimony, and that he refuses, or may refuse, to give or provide on the basis of his privilege against self-incrimination.

Pursuant to RSA 516:34, I approve your request to seek issuance of this order. In my judgment, the testimony of Kevin LaBelle may be necessary to the public interest, and I am aware that Mr. LaBelle has refused, or likely will refuse, to testify on the basis of self-incrimination.

Accordingly, pursuant to RSA 516:34, you may seek an order from the Hillsborough County Superior Court – Northern District requiring Kevin LaBelle to testify at trial in this matter and that no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against Mr. LaBelle in any criminal case or forfeiture proceeding. However, such order shall also state that Mr. LaBelle may be prosecuted or subject to penalty or forfeiture for any perjury, false swearing, or contempt committed in answering or failing to answer, or in producing or failing to produce evidence in accordance with such order.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Formella".

John M. Formella  
Attorney General  
State of New Hampshire