

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT - NORTH
STATE OF NEW HAMPSHIRE

V.

ADAM MONTGOMERY

216-2022-CR-577

MOTION IN LIMINE

**EVIDENCE REGARDING EXISTANCE OF INVESTIGATION INTO THE
WHEREABOUTS OF HARMONY MONTOMERY**

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, Esq., and respectfully requests this Honorable Court rule, *in limine*, that that reference to the existence of the investigation into the whereabouts of Harmony Montgomery does not, in and of itself, open the door to the underlying facts of that investigation. In support of this request, the following is stated:

1. The defendant is charged with two counts of Armed Career Criminals, with lesser included offenses of Felon in Possession, two counts of Receiving Stolen Property with alternate charges of Theft.
2. The defendant is scheduled for a Final Pre-Trial Conference on May 16, 2023.
3. In the fall of 2021, the State began an investigation into the disappearance of Harmony Montgomery, the defendant's daughter. This investigation resulted Mr. Montgomery's arrest on charges of assault, interference with custody and child endangerment - Docket #216-2022-CR-20. The investigation continued even after arrest and, in November, 2022, Mr. Montgomery was charged with murder and related offenses – Docket #216-2022-CR-2372. The assault charge under Docket 216-2022-CR-20 joined with Docket 216-2022-CR-2372. Trial in this matter does not involve the allegations of either Docket.
4. The jury pool in this matter will be questioned about their knowledge of, exposure to or opinions surrounding, the investigation regarding the whereabouts of Harmony Montgomery and

that Adam Montgomery has been charged with her death. Thus, all jurors seated will at least have knowledge that there exists a murder charge against Mr. Montgomery.

5. The investigation into the whereabouts of Harmony Montgomery was often done in tandem with the gun investigation involved in this docket. Most witnesses were aware of the intensity of the search for Harmony as there was significant media coverage, including news media, social media and billboards. Witnesses were often questioned about both investigations during the same interview.

6. The defense intends to question some witnesses regarding the effect of the investigation on their statements to police, testimony at Grand Jury and testimony in Court. Two specific witnesses, Kayla Montgomery and Michael Sullivan, will be questioned regarding their own concerns that they may be implicated in the Harmony investigation and sought favor from the State by providing false information in the investigation gun investigation.

7. The State has stated it does not intend to introduce evidence of underlying conduct in #216-2022-CR-20 assault investigation in this case. Further, the State has not noticed up any intent to introduce evidence of conduct underlying the murder charges.

8. By this motion, Mr. Montgomery seeks a pre-trial ruling that reference to the investigation does not, in and of itself, open the door to conduct underlying either the assault or murder investigations.

WHEREFORE, Adam Montgomery seeks a pre-trial ruling that reference to the existence of the investigation into the disappearance of Harmony Montgomery does not open the door to the underlying conduct in dockets #216-2022-CR-20 and #216-2022-CR-2372.

Respectfully submitted,

/s/ Caroline L. Smith

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CERTIFICATE OF SERVICE:

I hereby certify that a copy of this MOTION IN LIMINE has been forwarded to the Office of the Attorney General on this 1st day of May, 2023.

/s/ Caroline L. Smith

Caroline L. Smith, Esq.