

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – STATE PRISON SENTENCE

Case Name: **State v. Adam Montgomery**
Case Number: **216-2022-CR-00577**

Name: **Adam Montgomery, 479 Donald Street Manchester NH 03103**
DOB: **January 22, 1990**

Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Hand Guns Armed Career Criminal		2008742C	159:3-a	September 29, 2019
Hand Guns Armed Career Criminal		2008743C	159:3-a	September 29, 2019

Disposition: Guilty/Chargeable By: Jury

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

August 07, 2023
Date

Hon. Amy B. Messer
Presiding Justice

W. Michael Scanlon
Clerk of Court

MITTIMUS

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

Attest: _____
Clerk of Court

SHERIFF'S RETURN

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

Date

Sheriff

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff Office of Cost Containment
 Prosecutor R Christopher Knowles, ESQ; Jesse J O'Neill, ESQ; Benjamin J. Agati, ESQ Defendant Defense
Attorney Caroline L. Smith, ESQ
 Sentence Review Board Sex Offender Registry Other Jailer _____ Dist Div. _____

Case Name: State of New Hampshire v. Adam Montgomery

Case Number: 216-2022-CR-00577

STATE PRISON SENTENCE

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

A. 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 from _____

The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.

B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

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.

FINANCIAL OBLIGATIONS

A. **Fines and Fees:**

Fine of \$ _____, plus a statutory penalty assessment of \$ 0.00 to be paid:

Today

By _____

Through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

\$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

B. **Restitution:**

The defendant shall pay restitution of \$ _____ to _____

Restitution shall be paid through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.

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

Restitution is not ordered because: _____

C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.

The Court finds that the defendant has the ability to pay:

counsel fees and expenses in the amount of \$ _____

payable through _____ in the amount of \$ _____ per month.

The Court order for repayment is suspended until the time of the defendant's release from state prison.

The Court finds that the defendant has no ability to pay counsel fees and expenses.

Case Name: State of New Hampshire v. Adam Montgomery

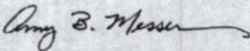
Case Number: 216-2022-CR-00577

STATE PRISON SENTENCE

OTHER CONDITIONS

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
 - New Hampshire State Prison
 - House of Corrections
- D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.
- E. The defendant is ordered to have no contact with Christopher or Kimberly Frain either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

For Court Use Only


HONORABLE Amy B. Messer
August 7, 2023

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**
https://www.courts.nh.gov

Court Name: Hillsborough Superior Court Northern District

Case Name: State of New Hampshire v. Adam Montgomery

Case Number: 216-2022-CR-00577 Charge ID Number: 2008743C
(if known)

STATE PRISON SENTENCE

Plea/Verdict: Guilty	
Crime: Armed Career Criminal	Date of Crime:

A finding of GUILTY/TRUE is entered.

CONVICTION AND CONFINEMENT

A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

B. The defendant is sentenced to the New Hampshire State Prison for not more than 30, nor less than 15

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.

Pretrial confinement credit: 580 days.

C. This sentence is to be served as follows:

Stand committed Commencing 8/7/2023

_____ of the minimum sentence and _____ 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 at the request of the State. The suspended sentence begins today and ends _____ years from today or release on _____

_____ of the sentence is deferred for a period of _____ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). 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, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

D. The sentence is consecutive to case number and charge ID _____
 concurrent with case number and charge ID _____

E. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.

F. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.

G. The Court recommends to the Department of Corrections:

Screen and/or assess for drug and alcohol treatment needs.

Sentence to be served at House of Corrections

Scanned to cell block/VSJ/NHSP 8/7/23

Case Name: State of New Hampshire v. Adam Montgomery

Case Number: 216-2022-CR-00577

STATE PRISON SENTENCE

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

A. 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 from _____

The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.

B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

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.

FINANCIAL OBLIGATIONS

A. **Fines and Fees:**

Fine of \$ _____, plus a statutory penalty assessment of \$ 0.00 to be paid:

Today

By _____

Through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

\$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

B. **Restitution:**

The defendant shall pay restitution of \$ To be determined to _____

Restitution shall be paid through the Correctional Facility or Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.

At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution. If the State seeks restitution a pleading must be filed on

Restitution is not ordered because: _____ or before November 7, 2023

C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.

The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of \$ _____

payable through _____ in the amount of \$ _____ per month.

The Court order for repayment is suspended until the time of the defendant's release from state prison.

The Court finds that the defendant has no ability to pay counsel fees and expenses.

Case Name: State of New Hampshire v. Adam Montgomery

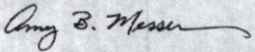
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OTHER CONDITIONS

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
 New Hampshire State Prison House of Corrections
- D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.
- E. The defendant is ordered to have no contact with Christopher or Kimberly Frain either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

For Court Use Only


Honorable Amy B. Messer
August 7, 2023

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
Northern District

SUPERIOR COURT

HNSC #216	2022	CR	577
CHG ID#	2008742C		

INDICTMENT

At the Superior Court, holden at Manchester, within and for the County of Hillsborough aforesaid, on the 18th day of August in the year of our Lord two thousand and twenty-two,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

ADAM MONTGOMERY

DOB: 01/22/1990

of or formerly of 445 Willow Street, Manchester, in the State of New Hampshire, between approximately September 29, 2019, and October 22, 2019, at Manchester in the County of Hillsborough aforesaid, did commit the crime of

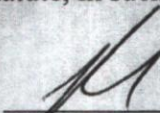
ARMED CAREER CRIMINAL

(RSA 159:3-a, I)

in that Adam Montgomery did knowingly have in his possession or under his control a shotgun, having been convicted of any combination of 3 or more felonies in this state or in any other state under homicide, assault, sexual assault, arson, burglary, robbery, extortion, child sexual abuse images, or controlled drug laws, to wit:

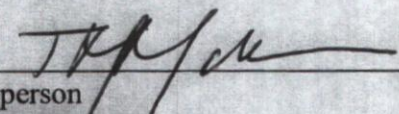
- first degree assault (felony), convicted on or about January 26, 2009, case number 08-S-1466, Hillsborough North New Hampshire Superior Court;
- armed robbery (felony), convicted on or about June 10, 2010, case number 0881CR00625, Middlesex Massachusetts Superior Court;
- assault and battery with a dangerous weapon (felony), convicted on or about June 10, 2010, case number 0881CR00625, Middlesex Massachusetts Superior Court;
- assault and battery with a dangerous weapon (felony), convicted on or about September 9, 2014, case number 1438CR000304, Haverhill Massachusetts District Court

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



Jesse O'Neill, NH Bar #20723
Senior Assistant Attorney General

This is a true bill.



Foreperson

Verdict: Guilty

Entered June 8, 2023

Susan Corcoran, Admin Court Assistant

CID 2008742C
216-2022-CR-577

Name: Adam Montgomery
DOB: 01/22/1990
Address: Hillsborough County House of Corrections
RSA: 159:3-a, I
Offense Level: Special Felony; minimum mandatory term of 10 years imprisonment and a maximum term of imprisonment of not more than 40 years, and a fine of not more than \$25,000; neither the whole, nor any part of the minimum mandatory sentence shall be served concurrently with any other term, nor shall the whole or any part of such additional term of imprisonment be suspended or deferred; the provisions of RSA 651:20 relative to suspensions or the provisions of RSA 651-A relative to parole shall not apply to any sentence of imprisonment imposed

HILLSBOROUGH, SS
Northern District

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

HNSC #216 2022 CR 577
CHG ID# 2008743C

INDICTMENT

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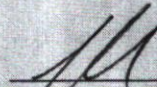
ARMED CAREER CRIMINAL

(RSA 159:3-a, I)

in that Adam Montgomery did knowingly have in his possession or under his control a rifle, having been convicted of any combination of 3 or more felonies in this state or in any other state under homicide, assault, sexual assault, arson, burglary, robbery, extortion, child sexual abuse images, or controlled drug laws, to wit:

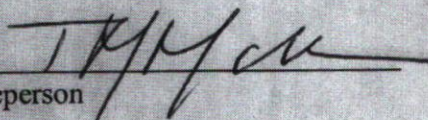
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Jesse O'Neill, NH Bar #20723
Senior Assistant Attorney General

This is a true bill.



Foreperson

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Entered June 8, 2023
Susan Corcoran, Admin Court Assistant

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Name: Adam Montgomery
DOB: 01/22/1990
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RSA: 159:3-a, I
Offense Level: Special Felony; minimum mandatory term of 10 years imprisonment and a maximum term of imprisonment of not more than 40 years, and a fine of not more than \$25,000; neither the whole, nor any part of the minimum mandatory sentence shall be served concurrently with any other term, nor shall the whole or any part of such additional term of imprisonment be suspended or deferred; the provisions of RSA 651:20 relative to suspensions or the provisions of RSA 651-A relative to parole shall not apply to any sentence of imprisonment imposed