

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT - NORTH  
STATE OF NEW HAMPSHIRE

V.

ADAM MONTGOMERY

216-2022-CR-577

DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL: ISMAEL GARCIA

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, Esq., and respectfully requests this Honorable Court appoint counsel for an expected witness in these matters, Ismael Garcia. In support of this motion, the following is stated:

1. The defendant is scheduled for Jury Selection in this matter on May 31, 2023.
2. Ismael Garcia has been listed on the Defendant's witness list and has been subpoenaed for trial.
3. The charges against Mr. Montgomery involve that Chris Frain reported stolen on October 3, 2019. Though three guns were reported missing and stolen on October 3, 2019, Mr. Montgomery's charges involve two of the missing guns.
4. The defendant anticipates that evidence in the trial will point to Mr. Garcia as the person who removed the guns from the Frain residence.
5. Mr. Garcia's testimony at trial may raise potential issues of self-incrimination. Mr. Garcia has a felony conviction and is prohibited from possessing firearms.
6. To the extent Mr. Garcia's trial testimony may incriminate him, Mr. Montgomery requests he be appointed counsel to confer with him regarding his potential fifth amendment liability and to advise the Court regarding whether Mr. Garcia will assert his fifth amendment rights at trial.

WHEREFORE, Mr. Montgomery respectfully requests that this Honorable Court appoint counsel to advise Mr. Garcia regarding his privilege against self-incrimination and advise the Court whether those rights will be asserted at trial.

Granted



Honorable Amy B. Messer

May 12, 2023

Clerk's Notice of Decision  
Document Sent to Parties  
on 05/15/2023

Respectfully submitted,

/s/ Caroline L. Smith

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Caroline L. Smith, Esq.  
N.H. Bar #5992  
N.H. Public Defender  
408 Union Avenue  
Laconia, NH 03246  
(603) 524-1831

**CERTIFICATE OF SERVICE:**

I hereby certify that a copy of this MOTION FOR APPOINTMENT OF COUNSEL has been forwarded to the Office of the Attorney General on this   12   day of May, 2023.

/s/ Caroline L. Smith

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Caroline L. Smith, Esq.