

HILLSBOROUGH, SS.  
Northern District

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

State of New Hampshire

v.

Adam Montgomery

Case Nos: 216-2022-CR-00020  
216-2022-CR-00577  
216-2022-CR-02372

**MOTION TO APPOINT COUNSEL FOR KAYLA MONTGOMERY**

NOW COMES the State of New Hampshire, by and through its attorney, the Office of the Attorney General, and respectfully requests that this Honorable Court appoint counsel for an expected witness in these matters, Kayla Montgomery. In support of this motion, the State submits as follows:

1. The defendant is charged with various crimes across the three above-captioned cases, including second degree assault (case number ending in 20), firearms and theft charges (case number ending in 577), and second degree murder (case number ending in 2372). The second degree assault charge from case number 20 has been joined to case number 2372 for trial (jointly, “the murder/assault trial”).

2. It is anticipated that Kayla Montgomery will likely testify at trial in case number 577 and the murder/assault trial.

3. Ms. Montgomery’s testimony at each trial may raise potential issues of self-incrimination. As to case number 577, Ms. Montgomery was previously charged with related theft charges which were dismissed as part of her plea agreement to unrelated perjury charges.

However, the plea agreement allows for the potential reinstatement of the dismissed theft charges

Granted



Honorable Amy B. Messer

December 6, 2022

Clerk's Notice of Decision  
Document Sent to Parties

on 12/07/2022

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in the event Ms. Montgomery breaches the agreement. Therefore, her testimony at trial in case number 577 could potentially be incriminating.

4. As to the murder/assault trial, Ms. Montgomery's testimony at that trial could also potentially be incriminating to the extent it conflicts with previous statements she has made under oath or affirmation, such as her May 20, 2022 testimony before the Grand Jury for Hillsborough County Northern District.

5. Ms. Montgomery is currently an inmate at the New Hampshire State Prison with a minimum release date of May 3, 2024.

6. To the extent Ms. Montgomery's trial testimony in the above-captioned cases may incriminate her, the State requests that she be appointed counsel. The State is filing this request at this stage of the above-captioned cases because the State expects that one or more pretrial meetings with Ms. Montgomery may be necessary to prepare for trial.

7. Counsel for the defendant takes no position on the relief requested herein.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Appoint counsel to represent Kayla Montgomery with respect to her role as a witness in the above-captioned cases; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,  
THE STATE OF NEW HAMPSHIRE

By its attorneys,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: December 6, 2022

/s/ Jesse O'Neill  
Jesse O'Neill, NH Bar #20723

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CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing pleading was served on counsel for the defendant via the electronic filing system.

/s/ Jesse O'Neill  
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Jesse O'Neill