

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT - NORTH  
STATE OF NEW HAMPSHIRE

V.

ADAM MONTGOMERY

216-2022-CR-20

216-2022-CR-2372

**MOTION TO CONTINUE**


**The State requests an immediate hearing**

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, Esq., and respectfully requests this Honorable Court to continue the trial scheduled for Jury Selection in the above matter, and in support thereof, states as follows:

1. The defendant is scheduled for Jury Selection in the above matters on November 21, 2023.
2. The defendant requests a continuance in order to obtain new co-counsel and allow for sufficient time for co-counsel to be prepared for trial. The within counsel will be in trial in another homicide case for most of the month of October and will not be able to move this case forward while in trial.
3. The co-counsel on this matter has accepted a non-lawyer job with the Public Defender. The new position, and especially the reasons that have caused her to need to leave her attorney position and seek the non-attorney position, prevent her from continuing as co-counsel in this matter.
4. Mr. Montgomery has been contacted with regard to this request and agrees with this request and seeks adequate time for new counsel to prepare for trial. He will waive speedy trial.
5. The State has been contacted with regard to this request and seeks an immediate hearing, in person or via web ex.

For the reasons stated on the record the motion is GRANTED. The defendant shall file his waiver of speedy trial within 10 days of the Notice of Decision on this order. Jury Selection shall be rescheduled to February 6, 2024. A Final Pretrial Hearing shall be scheduled for January 16, 2024 at 9:00 am. The parties shall file a revised proposed case structuring order on or before November 1, 2023. SO ORDERED.

Clerk's Notice of Decision  
Document Sent to Parties  
on 09/29/2023

  
Honorable Amy B. Messer  
September 28, 2023

WHEREFORE, for the above-stated reason, Mr. Montgomery respectfully requests this Honorable Court to continue the Jury Selection presently scheduled for November 21, 2023.

Respectfully submitted,

/s/ Caroline Smith

---

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 has been forwarded to the Office of the Attorney General on this 20th day of September, 2023.

/s/ Caroline Smith

---

Caroline L. Smith, Esq.