

HILLSBOROUGH, SS
Northern District

STATE OF NEW HAMPSHIRE

SUPERIOR COURT

State of New Hampshire

v.

Adam Montgomery

Case No. 216-2022-CR-02372

**STATE'S MOTION TO HOLD THE DEFENDANT WITHOUT BAIL PURSUANT TO
RSA 597:1-C**

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 hold a hearing pursuant to RSA 597:1-c and, after hearing, hold the defendant without bail. As reasons therefore, the State submits as follows:

1. On October 25, 2022, the defendant was charged with one count of second degree murder pursuant to RSA 630:1-b, I(b). The potential penalty is up to life in prison. RSA 630:1-b, II.

2. RSA 597:1-c provides that, “[a]ny person arrested for an offense punishable by up to life in prison, where the proof is evident or the presumption great, shall not be allowed bail.” The State must meet this standard by clear and convincing evidence. *State v. Furgal*, 161 N.H. 206, 217 (2010).

3. Thus, if the State is able to show, by clear and convincing evidence, that the defendant is charged with an offense punishable by up to life in prison and that the proof is evident or the presumption great, the defendant must be held without bail.

4. The defendant assents to being held without bail at this time, but reserves his right to request a hearing in the future.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's motion at this time;
- B. Upon the defendant's request, hold a hearing pursuant to RSA 597:1-c;
- C. After such hearing, hold the defendant without bail pursuant to RSA 597:1-c; and
- D. Grant such further relief as may be just and proper.

Respectfully submitted,
THE STATE OF NEW HAMPSHIRE

By its attorneys,
JOHN FORMELLA
ATTORNEY GENERAL

Date: October 25, 2022

/s/ Jesse O'Neill
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CERTIFICATE OF SERVICE

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

/s/ Jesse O'Neill
Jesse O'Neill