

HILLSBOROUGH, SS.
Northern District

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

State of New Hampshire

v.

Adam Montgomery

Case No. 216-2022-CR-00577

**STATE'S NOTICE OF INTENT TO ADMIT IMPEACHMENT EVIDENCE PURSUANT
TO N.H.R. EVID. 609 – ISMAEL GARCIA**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court permit the State to admit the existence of certain criminal convictions for the purpose of impeaching Ismael Garcia's credibility if he testifies at trial. As grounds therefore, the State says as follows:

1. Jury selection in this matter is scheduled for November 9, 2022.
2. Ismael Garcia is a potential witness in this matter.¹
3. Mr. Garcia's criminal record shows the following convictions:
 - a. 02/03/2021: possession of schedule 1–4 controlled drug (216-2019-CR-02170)
 - b. 02/02/2021: falsifying physical evidence; forgery of government instrument, check, etc. (216-2019-CR-01802)
 - c. 01/29/2021: possession of schedule 1–4 controlled drug (216-2020-CR-00866)
 - d. 01/29/2021: felon in possession of a dangerous weapon (216-2020-CR-00459)
 - e. 02/28/2018: acts prohibited (216-2017-CR-01623)
 - f. 10/15/2014: unsworn falsification (473-2014-CR-00637)

¹ The defendant's witness list, filed October 12, 2022, includes an Ismael Peterson and not an Ismael Garcia. The State presumes this is a typo and that the defendant meant to include Ismael Garcia on his witness list.

4. Each of the above-listed convictions qualifies for admission under Rule 609 in that they are each either punishable by imprisonment for more than one year and/or the elements required proving (or Mr. Garcia admitting) a dishonest act or false statement; and fewer than 10 years have passed since each conviction. *See* N.H.R. Evid. 609(a)(1), (2). Therefore, evidence of the above-listed convictions must be admitted to impeach Mr. Garcia's character for truthfulness should he testify at trial. *See id.*

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

- (A) Allow the State to admit Ismael Garcia's prior convictions as outlined above; 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: October 12, 2022

/s/ Jesse O'Neill

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CERTIFICATE OF SERVICE

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

/s/ Jesse O'Neill

Jesse O'Neill