

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: Hillsborough Superior Court Northern District

Case Name: State v. Kayla Montgomery

Case Number: 216-2022-CR-01037 Charge ID Number: 1982119C  
(If known)

STATE PRISON SENTENCE

Plea/Verdict: <u>Guilty</u>	
Crime: <u>Perjury, RSA 641:1, I(a)</u>	Date of Crime: <u>05/20/2022</u>

A finding of GUILTY/TRUE is entered.

CONVICTION AND CONFINEMENT

A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

B. The defendant is sentenced to the New Hampshire State Prison for not more than 7 years, nor less than 3 1/2 years.  
There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.  
Pretrial confinement credit: 197 days.

C. This sentence is to be served as follows:  
 Stand committed  Commencing 11/18/2022  
 1 1/2 years of the minimum sentence and none of the maximum sentence is suspended.

Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends 10 years from  today or  release on 1982119C

\_\_\_\_\_ of the sentence is deferred for a period of \_\_\_\_\_ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of \_\_\_\_\_ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

D. The sentence is  consecutive to case number and charge ID \_\_\_\_\_  
 concurrent with case number and charge ID \_\_\_\_\_

E. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.

F. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.

G. The Court recommends to the Department of Corrections:  
 Screen and/or assess for drug and alcohol treatment needs.  
 Sentence to be served at House of Corrections  
 \_\_\_\_\_



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Case Number: 216-2022-CR-01037

**STATE PRISON SENTENCE**

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

**PROBATION**

A. The defendant is placed on probation for a period of \_\_\_\_\_ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.

Effective:  Forthwith  Upon release from \_\_\_\_\_

The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.

B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

**Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.**

**FINANCIAL OBLIGATIONS**

A. **Fines and Fees:**

Fine of \$ \_\_\_\_\_, plus a statutory penalty assessment of \$ 0.00 to be paid:

Today

By \_\_\_\_\_

Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

\$ \_\_\_\_\_ of the fine and \$ \_\_\_\_\_ of the penalty assessment is suspended for \_\_\_\_\_ year(s).

**A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.**

B. **Restitution:**

The defendant shall pay restitution of \$ \_\_\_\_\_ to \_\_\_\_\_

Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.

At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

Restitution is not ordered because: \_\_\_\_\_

C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.

The Court finds that the defendant has the ability to pay:

counsel fees and expenses in the amount of \$ \_\_\_\_\_

payable through \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per month.

The Court order for repayment is suspended until the time of the defendant's release from state prison.

The Court finds that the defendant has no ability to pay counsel fees and expenses.



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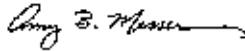
**STATE PRISON SENTENCE**

**OTHER CONDITIONS**

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
  - New Hampshire State Prison
  - House of Corrections
- D. The defendant shall perform \_\_\_\_\_ hours of community service and provide proof to \_\_\_\_\_ within \_\_\_\_\_ of today's date.
- E. The defendant is ordered to have no contact with \_\_\_\_\_ either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may  destroy the evidence  return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

**The 5-page Sentencing Addendum/MOA, signed by the defendant and the State, is hereby incorporated by reference and included as part of this sentencing order as if fully stated herein.**

For Court Use Only



Honorable Amy B. Messer

November 18, 2022

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: Hillsborough Superior Court Northern District  
Case Name: State v. Kayla Montgomery  
Case Number: 216-2022-CR-01037 Charge ID Number: 1982120C  
(if known)

**STATE PRISON SENTENCE**

Plea/Verdict: <b>Guilty</b>	
Crime: <b>Perjury, RSA 641:1, I(a)</b>	Date of Crime: <b>05/20/2022</b>

A finding of GUILTY/TRUE is entered.

**CONVICTION AND CONFINEMENT**

- A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.
- B. The defendant is sentenced to the New Hampshire State Prison for not more than 7 years, nor less than 3 1/2 years.  
There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.  
Pretrial confinement credit: 0 days.
- C. This sentence is to be served as follows:
  - Stand committed  Commencing \_\_\_\_\_
  - All \_\_\_\_\_ of the minimum sentence and all \_\_\_\_\_ of the maximum sentence is suspended.Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends 10 years from  today or  release on 1982119C.  
 \_\_\_\_\_ of the sentence is deferred for a period of \_\_\_\_\_ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of \_\_\_\_\_ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.
- D. The sentence is  consecutive to case number and charge ID 216-2022-CR-01037 1982119C  
 concurrent with case number and charge ID \_\_\_\_\_
- E. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.
- F. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.
- G. The Court recommends to the Department of Corrections:
  - Screen and/or assess for drug and alcohol treatment needs.
  - Sentence to be served at House of Corrections
  - \_\_\_\_\_



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**PROBATION**

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Effective:  Forthwith  Upon release from \_\_\_\_\_

The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.

B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

**Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.**

**FINANCIAL OBLIGATIONS**

A. **Fines and Fees:**

Fine of \$ \_\_\_\_\_, plus a statutory penalty assessment of \$ 0.00 to be paid:

Today

By \_\_\_\_\_

Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

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At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

Restitution is not ordered because: \_\_\_\_\_

C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.

The Court finds that the defendant has the ability to pay:

counsel fees and expenses in the amount of \$ \_\_\_\_\_

payable through \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per month.

The Court order for repayment is suspended until the time of the defendant's release from state prison.

The Court finds that the defendant has no ability to pay counsel fees and expenses.

\_\_\_\_\_  
\_\_\_\_\_



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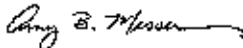
**STATE PRISON SENTENCE**

**OTHER CONDITIONS**

- A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
- B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- C. Under the direction of the Probation/Parole Officer, the defendant shall tour the  
 New Hampshire State Prison                       House of Corrections
- D. The defendant shall perform \_\_\_\_\_ hours of community service and provide proof to \_\_\_\_\_ within \_\_\_\_\_ of today's date.
- E. The defendant is ordered to have no contact with \_\_\_\_\_ either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.
- F. Law enforcement agencies may  destroy the evidence  return evidence to its rightful owner.
- G. The defendant and the State have waived sentence review in writing or on the record.
- H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
- I. Other:

**The 5-page Sentencing Addendum/MOA, signed by the defendant and the State, is hereby incorporated by reference and included as part of this sentencing order as if fully stated herein.**

For Court Use Only



Honorable Amy B. Messer  
November 18, 2022



- B. Ms. Montgomery's compliance with the obligations outlined in Section II.B as they pertain to any and all pending and future charges against Adam Montgomery.

On Charge ID# 1982119C, the State agrees that it will take no position on Ms. Montgomery filing to suspend the balance of the maximum sentence to the same end date (10 (ten) years from her release on Charge ID# 1982119C) and terminate her parole after 3 (three) years' release as long as (1) Ms. Montgomery has not had any of the suspended time imposed on either Charge ID# 1982119C or 1982120C; (2) there is no request pending before the Court seeking to impose any of the suspended time in either Charge ID# 1982119C or 1982120C; and (3) Ms. Montgomery has remained of good behavior and in compliance with all terms and conditions of her sentence, including this Memorandum of Agreement.

Incident to Ms. Montgomery's plea of guilty to Charge ID#s 1982119C and 1982120C and her sentencing in accordance with this Memorandum of Agreement, the State will enter *nolle prosequis* on all pending charges in case numbers 216-2022-CR-00039 and 216-2022-CR-00652.

## II. THE OBLIGATIONS OF KAYLA MONTGOMERY

The obligations of the State of New Hampshire as set forth in Section I above are expressly contingent on Ms. Montgomery satisfying the following conditions and obligations:

- A. Ms. Montgomery will accept full responsibility for her role in making two false material statements to the Grand Jury for Hillsborough County Northern District on or about May 20, 2022, as more specifically described in the indictments for Charge ID#s 1982119C and 1982120C.
1. Ms. Montgomery will plead guilty to the above referenced Charge ID#s 1982119C (perjury) and 1982120C (perjury).
  2. At the sentencing hearing, Ms. Montgomery shall agree that the sentences recommended by the State of New Hampshire and set forth in Section I is appropriate, and assent to their imposition.
- B. Ms. Montgomery must comply fully, truthfully, and in a timely manner with all reasonable requests of the State of New Hampshire pursuant to this agreement. This obligation includes the following:
1. Ms. Montgomery must at all times act in good faith and provide truthful, accurate, and complete information, statements, and testimony. Making a material false statement or omission in any context or in any state or federal proceeding, including, without limitation, in affidavits, interviews, statements, pretrial meetings, depositions, hearings, trials, retrials, and any post-trial hearings or any other collateral proceedings, will constitute a breach of this agreement. **In the event of such a breach, or any other breach of this agreement by Ms. Montgomery, the State of New Hampshire will not be bound by the**



**agreement herein and will be released from all of its obligations hereunder and may seek the remedies set forth below.**

2. **Ms. Montgomery must cooperate in good faith and employ his best efforts under this agreement. The cooperation required of Ms. Montgomery by this agreement includes all state or federal proceedings irrespective of the number of trials if more than one, including but not limited to meeting with prosecutors or police, preparing for and testifying in any pretrial hearings, depositions, trials, retrials, and any post-trial hearings or other collateral proceedings. Ms. Montgomery must comply with all reasonable requests made by the State within the scope of this agreement. A failure to so cooperate will constitute a breach of this agreement. In the event of such a breach, or any other breach of this agreement by Ms. Montgomery, the State of New Hampshire will not be bound by the agreement herein and will be released from all of its obligations hereunder and may seek the remedies set forth below.**
3. **Knowingly making or having made a material false statement or omission in any context or in any proceeding, including, without limitation, affidavits, interviews, statements, pretrial meetings, depositions, hearings, trials, retrials, and any post-trial state or federal hearings or any other collateral proceedings, will constitute a breach of this agreement. In the event of such a breach, or any other breach of this agreement by Ms. Montgomery, the State of New Hampshire will not be bound by the agreement herein and will be released from all of its obligations hereunder and may seek the remedies set forth below.**

### III. BREACH OF AGREEMENT

Ms. Montgomery's failure to execute or comply with any of the above obligations shall constitute a breach of this agreement. In the event of such a breach as determined by a court of competent jurisdiction, the State of New Hampshire may seek the following remedies:

- A. The State may seek the imposition of any suspended sentence ordered as the result of the guilty plea referenced above.
- B. The State may make full use without any limitation, for any purpose in any forum or proceeding, of any and all sworn or unsworn statements or other information or evidence provided by Ms. Montgomery, including the use against Ms. Montgomery of statements she made in so-called proffer interviews on June 3 and June 23, 2022. This remedy would specifically invalidate any and all restrictions on the use of said statements as described in letters dated June 3 and June 23, 2022.
- C. Ms. Montgomery may be prosecuted in any court of competent jurisdiction to the full extent of the law. Such prosecution includes instituting any and all charges, including any previously dismissed or *nolle prosequi* charges, against Ms. Montgomery that are supported by the evidence.