

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

**DEFENDANT'S MOTION TO ADMIT IMPEACHMENT EVIDENCE PURSUANT TO
NEW HAMPSHIRE RULE OF EVIDENCE 609**

NOW COMES the accused, Mr. Adam Montgomery, by and through counsel, Caroline L. Smith and James T. Brooks, Public Defenders, and respectfully submits the following list of prior records of civilian witnesses the defendant may seek to introduce pursuant to N.H.R.Evid. 609 should the witness testify at trial. This list is in addition to prior N.H.R.Evid. 609 and impeachment motions filed in this matter:

- Britney Bedard
 - o Felony Conviction – GA
 - Case Number 1994590
 - Cobb County Superior Court
 - Giving False Name
- Anthony Bodero
 - o Felony Conviction
 - 216-2016-CR-31
 - Drug possession
 - o Felony Conviction
 - 216-2014-CR-439
 - Drug possession
 - o Felony Conviction
 - 218-2019-CR-771
 - Drug possession
- Justin Bond
 - o Felony Conviction
 - 1:14-cr-00010-LM-1
 - Failure to register as sex offender

- Elias Dawley
 - Felony Conviction
 - 213-2017-CR-375
 - Robbery
 - Felony Conviction
 - 216-2014-CR-718
 - SDA x3
 - Felony Conviction
 - 216-2015-CR-111
 - Felon in Possession and Robbery
 - Felony Conviction
 - 226-2022-CR-593
 - Robbery
 - Felony conviction
 - 216-2022-CR-1340
 - Criminal threatening
- Jessica Guerin
 - Misdemeanor – Crime of Dishonesty
 - 473-2013-CR-4293
 - Theft by deception
 - Felony Conviction
 - 216-2017-CR-1199
 - Drug possession
 - Misdemeanor – crime of dishonesty
 - 456-2017-CR-3893
 - Theft by deception
 - Felony Conviction
 - 1611CR005642B
- Bobby Johnson
 - Felony Conviction
 - 216-2022-CR-684
 - Drug possession
 - Felony Conviction
 - 216-2021-CR-1675
 - Felon in possession
 - Felony Conviction
 - 216-2022-CR-152
 - Felon in possession
 - Felony Conviction
 - 216-2018-CR-280
 - Drug sale x3

- Cycle 8 Felony Conviction
 - 216-2018-CR-1244
 - Drug possession
- Felony Conviction
 - 216-2014-CR-102
 - Receiving stolen property
- Felony Conviction
 - 216-2014-CR-1041
 - Drug possession
- Felony Conviction
 - 216-2017-CR-1027
 - Drug possession
 -
- Brendon Middleton
 - Felony Conviction
 - 218-2019-CR-1170
 - Theft by deception and theft by unauthorized taking
 - Misdemeanor – crime of dishonesty
 - 431-2014-CR-2958
 - Theft by deception
 - Felony Conviction
 - 218-2016-CR-1059
 - Theft by unauthorized taking
- Kevin Montgomery
 - Felony Conviction
 - 216-2016-CR-247
 - Felon in possession
 - Felony Conviction
 - 216-2016-CR-701
 - Theft by deception
- Caitlin Pacheco
 - Misdemeanor – crime of dishonesty
 - 473-2015-CR-3698
 - Theft by deception
- Jennily Paris
 - Felony Conviction
 - 216-2013-CR-907
 - Drug possession
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- Mark Reed
 - Felony Conviction
 - 217-2022-CR-558
 - Drug possession
 - Driving while HO
 - Felony Conviction
 - 217-2020-CR-878
 - Theft by extortion
 - Felony Conviction
 - 217-2020-CR-428
 - Drug possession
 - Misdemeanor – crime of dishonesty
 - 437-2015-CR-1231
 - False report of an accident
- Aaron Roux
 - Felony Conviction
 - 216-2017-CR-683
 - Resisting arrest
 - Felony Conviction
 - 216-2017-CR-684
 - Witness tampering
 - Felony Conviction
 - 216-2017-CR-360
 - DV criminal threatening x2
- Chalene Scadding
 - Felony Conviction
 - 216-2015-CR-365
 - Theft by unauthorized taking
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- Bessie Small
 - Felony Conviction
 - PENCDCR201701187
 - Theft by unauthorized taking
- Gage Small
 - Felony Conviction
 - PENCDCR201500984
 - Theft by unauthorized taking
 - Felony Conviction
 - PENCDCR201601630
 - Theft and forgery
 - Felony Conviction

- PENCDCCR201704756
 - Theft and forgery
 - Felony Conviction
 - PENCDCCR202101768
 - Operate after HO
 - Felony Conviction
 - PENCDCCR202103745
 - Operate after HO
 - Felony conviction
 - PENCDCCR201401537
 - Operate after HO
 - Felony Conviction
 - PENCDCCR201500984
 - Theft
 - Felony Conviction
 - PENCDCCR202201031
 - Operate after HO, theft
 - Felony Conviction
 - PENCDCCR202320082
 - Operate after HO
- Crystal Sorey
 - Felony Conviction
 - 1438CR000521A
 - Intimidation of witness
- Rebecca Maines
 - Felony Conviction
 - 2019
 - 218-2019-CR-805
 - Charge ID: 1644532C
 - Theft by Unauthorized Taking- 2 Prior
 - Felony Conviction
 - 2018
 - 217-2018-CR-814
 - Charge ID: 1538931C
 - Theft by Unauthorized Taking
 - Felony Conviction
 - 2018
 - 217-2018-CR-571
 - Charge ID: 1524934C
 - Theft by Unauthorized Taking
 - Felony Conviction
 - 2016

- 218-2016-CR-494
 - Charge ID: 1247571C
 - Theft by Unauthorized Taking- 2 Prior
- Felony Conviction
 - 2016
 - 218-2016-CR-840
 - Charge ID: 1247572C
 - Theft by Deception- 2 Prior
- Felony Conviction
 - 2016
 - 217-2016-CR-298
 - Charge ID: 1219193C
 - Theft by Unauthorized Taking
- Felony Conviction
 - 2016
 - 217-2016-CR-348
 - Charge ID: 1219198C
 - Theft by Unauthorized Taking
- Felony Conviction
 - 2014
 - 218-2014-CR-215
 - Charge ID: 893855C
 - Theft by Unauthorized Taking
- Felony Conviction
 - 2015
 - 429-2015-CR-1820
 - Charge ID: 1067364C
 - Theft by Unauthorized Taking
- Felony Conviction
 - 2016
 - 217-2015-CR-433
 - Charge ID: 1067364C
 - Theft by Unauthorized Taking
- Dishonest Crime-Misdemeanor
 - 2016
 - 429-2016-CR-2256
 - Charge ID: 1224515C
 - Credit Card Fraud
- Felony Conviction
 - 2017
 - 217-2017-CR-588
 - Charge ID: 1371889C

- Theft by Unauthorized Taking
 - Felony Conviction
 - 2019
 - 218-2019-CR-804
 - Charge ID: 1644507C
 - Theft by Unauthorized Taking
- Amanda Mitchell
 - Felony Conviction
 - 2021
 - 216-2021-CR-280
 - Charge ID: 1850959C
 - FDA-DV-Deadly Weapon
 - Charge ID: 1835535C
 - FDA-DV-Deadly Weapon
- Tabatha Scott
 - Felony Conviction
 - 2016-2018
 - 218-2015-CR-1396
 - Charge ID: 1163880C
 - Witness Tampering
 - Charge ID: 1163879C
 - Falsifying Physical Evidence
 - Felony Conviction
 - 473-2015-CR-3873
 - Charge ID: 1163879C
 - Falsifying Physical Evidence
 - Charge ID: 1163877C
 - Controlled Drug
 - Felony Conviction
 - 2018
 - 216-2018-CR-850
 - Charge ID: 1495043C
 - Controlled Drug
 - Felony Conviction
 - 2019
 - 216-2018-CR- 2375
 - Charge ID: 1574078C
 - HO
 - Felony Conviction
 - 2021
 - 217-2020-CR-201
 - Charge ID: 1731579C

- Controlled Drugs
 - Felony Conviction
 - 2023
 - 216-2022-CR-1052
 - Charge ID: 1982847C
 - FDA-Firearm
- Travis Beach
 - Felony Conviction
 - 2022
 - 218-2022-CR-287
 - Charge ID: 1966212C
 - Theft by Unauthorized Taking-2 Prior Convictions
- Travis Breen
 - Felony Conviction
 - 2021
 - 216-2019-CR-2079
 - Charge ID: 1723744C
 - Reckless Conduct-Deadly Weapon
 - Charge ID: 1723742C
 - DUI Aggravated Collision
- Tara Hoisington
 - Felony Conviction
 - 2019
 - 216-2018-CR-447
 - Charge ID: 1475795C
 - Controlled Drug
 - Felony Conviction
 - 2019
 - 216-2018-CR-449
 - Charge ID: 1475848C
 - Controlled Drug
 - Felony Conviction
 - 2019
 - 216-2019-CR-357
 - Charge ID: 1594455C
 - Controlled Drug
- Amanda Williams
 - Felony Conviction
 - 2022
 - 226-2022-CR-142
 - Charge ID: 1950231C
 - Controlled Drug

- Dishonest Crime
 - 2016
 - 216-2015-CR-1570
 - Charge ID: 1221913C
 - Theft by Deception
- Felony Conviction
 - 2016
 - 216-2015-CR-1570
 - Charge ID: 1182278C
 - Forgery
 - Charge ID: 11822276C
 - Forgery
 - Charge ID: 1182275C
 - Forgery
- Felony Conviction
 - 2016
 - 216-2016-CR-383
 - Charge ID: 1204713C
 - Receiving Stolen Property
- Felony Conviction
 - 2015
 - 216-2015-CR-214
 - Charge ID: 1057274C
 - Organized Retail Crime
- Felony Conviction
 - 457-2014-CR-2207
 - Charge ID: 1016986C
 - Receiving Stolen Property
- Felony Conviction
 - 2015
 - 456-2015-CR-6708
 - Charge ID: 1153564C
 - Theft by Deception
- Joshua Zimmerman
 - Felony Conviction
 - 2014
 - 218-2014-CR-271
 - Charge ID: 919537C
 - Theft by Unauthorized Taking

WHEREFORE, Adam Montgomery respectfully submits this list of prior felony convictions and/or crimes of dishonesty he seeks to introduce for impeachment should the above-enumerated witnesses testify and requests this Honorable Court:

- A. Grant the Defendant's *Motion in Limine* to admit the prior convictions as outlined,
- B. Schedule a hearing on this matter should the Court find it necessary, and
- C. Grant such further relief as may be deemed just and proper.

Respectfully submitted,

/s/ Caroline L. Smith
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CERTIFICATE OF SERVICE:

I hereby certify that a copy of this MOTION IN LIMINE has been forwarded to Senior Assistant Attorney General Benjamin J. Agati and Assistant Attorney General R. Christopher Knowles on this 19th day of January 2024.

/s/ Caroline L. Smith
Caroline L. Smith, Esq.