

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

HILLSBOROUGH COUNTY SUPERIOR COURT - NORTH
STATE OF NEW HAMPSHIRE

V.

ADAM MONTGOMERY

216-2022-CR-2372

216-2022-CR-20

**DEFENDANT’S RESPONSE TO STATE’S RESPONSE TO DEFENDANT’S MOTION
TO SEVER**

NOW COMES the defendant, Adam Montgomery, by and through counsel, Caroline L. Smith, Esq., and James T. Brooks, Esq., and hereby responds to the State’s response to Montgomery’s motion to sever, respectfully stating as follows:

1. The purpose of this pleading is to address the State’s contention in its response to Montgomery’s motion to sever that Kayla’s new statements in the January 11, 2024 Zwicker letter do not mark a dramatic departure from the previous state of the evidence. Attached to this motion is an exhibit containing in numerical order the Bates-stamped discovery pages referenced in this pleading.

2. In its response, the State first argues that “[t]he defendant has known of evidence since November 2022 that Harmony had been beaten and suffered bruises the week prior to ... when the defendant and Kayla became homeless.” See State’s Objection at page 4. That is incorrect. In the January 11, 2024 Zwicker letter, Kayla claimed for the first time that “Adam began to hit Harmony in front of her when Harmony had urinated or defecated in her pants less than a week before they began living in their car.”

3. To support its claim, the State first cites Bates 5837, which is attached. There, Tabitha Scott, during a July 19, 2022 interview, told police that she spoke with Kayla regularly and Kayla “had told her that Adam hit Harmony in the head multiple times and was abusive to her during the year time span they had her.” See State’s Objection at page 5; Bates 5837. This statement attributed to Kayla by Scott, even if Kayla had made it, does not suffice as notice of Kayla’s new claim that Adam was striking Harmony the week prior to becoming homeless. More importantly, however, Kayla had already provided a pair of proffer sessions to the police – June 3, 2022 and

June 23, 2022 - and indicated no such thing, much less that Adam was hitting Harmony due to her incontinence prior to being evicted from their Gilford Street home.

4. In further support of its claim, the State also references Harmony allegedly having bruises after the family was already homeless. See State's Objection at page 5. Again, such a claim, even if true, fails to fairly apprise a reasonable person that Kayla would later claim that Adam was hitting Harmony the week *prior* to homelessness.

5. The State next claims that the defense should not be concerned with regard to Kayla's new assertion that Adam ceased all communication with Crystal Sorey because he was afraid Crystal would discover bruises on Harmony and report him. After all, the State reasons it will neither seek to introduce this "opinion" in its case in chief, nor amend its response to Montgomery's Rule 404(b) motion regarding Kayla. That is all beside the point, however. The point is that Kayla now appears to claim that Adam was assaulting Harmony all the way back in April 2019, eight months prior to Harmony's death.

6. The State's claim to the contrary, this development could not have reasonably been foreseen by Montgomery's defense. The State again points to Bates 5837. There, Tabitha Scott told police that Kayla had indicated to her that "Adam hit Harmony in the head multiple times and was abusive to her during the year time span they had with her." Kayla, herself, however, has not until less than one week ago ever indicated as much to the State, despite having two proffer sessions prior to Scott's statement (June 3, 2022 and June 23, 2022) and one after (March 16, 2023). Instead, Kayla had told the police that, aside from the charged second degree assault and apart from one time having missed her buttocks while spanking her and red marks from having grabbed her arm, she had not seen any injuries on Harmony caused by Adam until the family was homeless starting in late November 2019. See Transcript of 6/3/22 proffer 1st half at 67; Transcript of 6/23/22 proffer at 203.

7. The State lastly claims that the defense has been aware of Harmony's physical condition since March 2022, see Objection at page 7, which the State has described as "frail." See State's Partial Objection to Defendant's Motion *in Limine* re: Allegations of Prior Subsequent Bad Acts (hereinafter "State's 404(b) partial objection") at ¶ 16. This is not correct, as prior to the January 11 Zwicker letter, Kayla had never described Harmony as thin, malnourished, or frail.

8. In making this particular claim, the State cites Bates 4821-4826. The pages consist

of records from a June 2, 2019 doctor's visit. The pertinent medical records can be found within the attached exhibit. They state Harmony's weight to be 35.2 pounds and her temperature to be 100.4 degrees Fahrenheit. The physical exam revealed a "[w]ell appearing child, appropriate for her age, no acute distress." Her ears, mouth, neck, and skin were examined with no notation of injury other than the diagnosis of impetigo around her mouth. See Bates 4821-4824.

9. The State also cites a January 4, 2022 police report documenting an interview with Lesley Rivera. See Bates 307. During the interview, Rivera described once seeing Harmony when Harmony came to her home to take a shower during the summer of 2019. She described Harmony as looking "malnourished." See id. This lone observation aside, the rest of the discovery offers nothing to suggest that Harmony was malnourished, unhealthily thin, or frail.

10. Indeed, during this same time period, DCYF worker Demetrios Tsaros paid visits to the Montgomery family, some of which were unannounced. On July 29, 2019, Tsaros saw Harmony and "did not observe any concerns." See Bates 2086. During an August 7, 2019 visit, Tsaros saw a red mark on Harmony's right eye and a faded bruise under her eyelid but otherwise observed that "Harmony appeared to be clean and healthy with no visible concerns." See Bates 2091. During an October 1, 2019 visit, Tsaros observed Harmony and saw that she "appeared to be fine with no visible concerns." See Bates 2098-2099. In addition, in-between one of these visits, Sergeant Michael Bergeron, on September 11, 2019, responded to the Montgomery residence and observed that all three children, Harmony included, "appeared to be clean and fed. Their clothing was appropriate for the current conditions." See Bates 2145-2147.

11. In sum, prior to the State's Partial 404(b) Objection and the latest Zwicker letter, both of which have been submitted this month, the defense reasonably expected that each of the charges in this case could be considered fairly and separately by a jury in a joined trial. Now, however, regardless of how the Court might rule on the Rule 404(b) issues, it is plain that the State intends on using the second degree assault alleged as evidence of the second degree murder charge. Rather than allowing the two charges to be considered separately, the State now seeks to treat them as a course of conduct.

WHEREFORE, Adam Montgomery respectfully requests this Honorable Court:

- (A) Grant his motion to sever; or
- (B) If the Court is disinclined to grant Montgomery's request to sever based on the pleads, schedule an evidentiary hearing; and
- (C) Grant such other and further relief as deemed fair and just.

Respectfully submitted,

/s/ Caroline L. Smith
Caroline L. Smith, Esq.
NH Bar #5992
NH Public Defender
408 Union Avenue
Laconia, NH 03246
(603) 524-1831

/s/ James T. Brooks
James T. Brooks, Esq.
NH Bar #14876
NH Public Defender
27 John Stark Highway
Newport, NH 03773
(603) 865-1460

CERTIFICATE OF SERVICE:

I hereby certify that a copy of this pleading has been forwarded to Senior Assistant Attorney General Benjamin J. Agati and Assistant Attorney General R. Christopher Knowles on this 12th day of January 2024.

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



Manchester NH Police Department

405 Valley St, Manchester, NH 03103
603-668-8711



Case Number: 21-018997

01/04/2022

On 01/04/2022, I was working as a detective assigned to the Juvenile Division conducting follow up on the Harmony Montgomery case. I had previously contacted a:

Lesley Rivera

01/27/1980

3 Pine Street

Manchester, NH

774-670-7310

reference her vehicle being photographed in 09/2019 in front of the residence of Kayla and Adam Montgomery's house at 77 Gilford Street. I wanted to speak with Lesley and discuss her relationship with Adam and Kayla. I asked Lesley if she would respond to headquarters, which she did on 01/04/2022, at 16:10 hours. Det. Valenti and I brought Lesley into a Juvenile Division interview room where she stated the following:

Lesley stated that she knew Adam and Kayla from working at the Dunkin Donuts located off of Webster Street. Lesley stated that both Adam and Kayla worked there is it was in 2018. Lesley stated that at the time she had information from both that Adam and Kayla were fighting for custody of Harmony. Lesley stated that Adam and Kayla were working, appeared normal, and being treated at the methadone clinic. I asked Lesley if she had ever been at Adam and Kayla's residence and she stated to drop off groceries.

In 2019, Lesley stated after not being in contact with Adam or Kayla since 2018, after leaving Dunkin Donuts, she was contacted by both. The contact was in reference to Lesley helping them out running errands, but she stated that Harmony might have been there. Then Lesley was advised that they received custody of Harmony. Lesley stated that both contacted her and asked if they (Adam and Kayla, and children) could come to her house located at 211 Woodbury Street in Manchester and shower. It was explained to Lesley that Kayla and Adam had lost power to their residence (77 Gilford Street).

I asked Lesley if there was any mention of somehow keeping the power on in the residence and she stated there was mention of a generator. Lesley added that they were going through hardships and believed Adam and Kayla were using drugs. When I asked how she came to that conclusion, Lesley stated, "They looked like shit." Lesley stated that at the time Adam and Kayla came to her house to shower, Harmony was with them. When I asked how Harmony looked, Lesley stated, "Malnourished."

Lesley then told me about a time that Adam came over in March 2020. She described Adam as having no socks on, shorts, and a t-shirt. She found this odd because it was March and cold. Lesley stated that Adam appeared crazy and said that Kayla was trying to sell his body to people for money. Adam heard Lesley's phone vibrate and Adam ran off while police drove by. Adam then asked if Kayla came by to sell her adult sized clothing. Lesley then stated between March 2020 and April 11, 2020, Lesley stated that she doesn't know if Harmony left to Florida with the grandmother or the child was sold to the people Kayla was trying to see Adam too. Lesley stated that Adam appeared to be freaked out on methamphetamine.

I then went back in a time line and asked Lesley the about a time that she might have been in Adam and Kayla's house. Lesley stated that she has been in their house once to bring in groceries and the house looked like a disaster. I asked Lesley if the house looked like that of an addict and I further explained a house that would be very unkempt. Lesley



Manchester NH Police Department

405 Valley St, Manchester, NH 03103
603-668-8711



Case Number: 21-018997

stated the house looked like someone that was not right in the brain. Lesley then referred back to when Adam and Kayla came to her house, which was in the summer of 2019. Lesley stated that Harmony was not with them, but Sheamus and Declan were with them.

Lesley stated that at the time that Adam and Kayla came over, Kayla appeared to be pregnant with her third child, but Harmony was not with them. I then asked Lesley about the time Harmony came over with Adam and Kayla. Lesley stated that Adam and Kayla came over about three times, but only one of those times was Harmony with them.

I then asked Lesley for a time line again. It was established that she met Adam and Kayla in 2016, Lesley leaves Dunkin Donuts in 2018, she is contacted by both in 2019, and in 2019 is when she met Harmony. Lesley stated that she had Facebook messages from Kayla and I asked to look over the message, while Det. Valenti spoke with her. Det. Valenti verifies the timeline in this paragraph. Det. Valenti asked Lesley how Adam and Kayla's appearance appeared, Lesley stated, "Normal."

Det. Valenti asked when Lesley came back in contact with Kayla, Lesley stated 09/2019. Det. Valenti asked Lesley how often she saw Adam and Kayla, Lesley stated not often. Det. Valenti asked how Adam and Kayla knew she resided on Woodbury Avenue, Lesley stated they drove by and saw Lesley at her house. Lesley then confirmed with Det. Valenti that Harmony only came over once and that was to shower. Det. Valenti confirmed that Adam come over between March and April of 2020 and was not acting normal. Lesley stated that Adam appeared to be meth'd out or cracked out. Det. Valenti asked if the last time she saw the children were in the fall of 2019. Det. Valenti asked Lesley what kind of people Kayla and Adam were and asked Lesley if she thinks Adam or Kayla did something to Harmony. Lesley stated that Adam and Kayla were good people prior to being on drugs and stated that Harmony might have been sold based on what Adam told Lesley about Kayla wanting to sell Adam's body.

Lesley then spoke about the message that Kayla sent her about Adam going missing. I looked at the message prior to Lesley really speaking about it. Kayla had sent Lesley a message about Adam being in Jackson, which I would assume is Jackson, NH, and also made mentioned that Kayla hoped Adam did not get robbed. Lesley then stated that she did not get involved in asking about Adam going missing in Jackson because Adam and Kayla were having too many issues and did not want to get involved.

Lesley had mentioned that Kayla had a second Facebook page and while doing so, Det. Valenti asked Lesley if she observed any bruises on Harmony when she saw her. Lesley stated that did not observe any bruises, but stated Harmony had dark circles around her eyes. Det. Valenti did ask if Harmony appeared skinny, Lesley stated that she did. Our interview then ended at 16:47 hours.

NFI

FELICIANO-LESLEY RIVERA'S 2ND INTERVIEW ON 01/05/2022-01/08/2022
01/08/2022 08:50:55

*****SUPPLEMENTAL INFORMATION*****

LESLEY RIVERA 2nd INTERVIEW

826330

Contact Log

Family Name : MONTGOMERY

Worker :

Date	Time AM/PM	Contact Type	Rec Seq	Whom	Interviewer
07/29/2019	10:25 AM	Face to Face (Client's Residence)	3	KAYLA MONTGOMERY	Tsaros , Demetrios

Summary

This worker went to the home unannounced in an attempt to see the family. This worker observed adam and harmony getting into a vehicle (this worker recognized adam from prior contacts). They left and I approached the home but there was a large doog barking at me, tied up to the porch. IA woman came out to see why the dog was barking. I ID'd myself and she introduced herself as Kayla. I explained who I was and why I was there. Kayla appeared lucid and sober. Kayla then said that she was expecting a report to dcyf. I asked her why and she explained that a friend of hers and adam's, alex call, needed a place to stay and that they allowed him to stay there. Kayla said that alex was in recovery and they made it clear to him that they would not tolerate drug use in the home, that she and adam are in recovery and they have the kids there. Kayla said that alex relapsed and his paraphernalia was discovered by adam's uncle, who comes into the home when they're not there. I asked if the home was adam's grandmother's and she said yes, that grandma has a home in florida and "up north" (this worker rememebered that the grandmother had a home in the Laconia area) and that she gave the home to adam and kayla, "along with all it's bills". I observed the generator in the driveway and she said that the electricity got shut off and they have been using the generator to run the power, that was why adam was leaving; he was going to get gas for the generator, to run the refrigerator, stove, ac, etc. I asked if I could come into the home and she said yes, I then requested that she place the dog in a closed room and she did. I then entered the room and saw that it was a bit messy with children's items but not of concern. The home smelled a bit like dog but was not overpowering. I asked kayla more about where she and adam go for treatment and she said "the good place, not the place where they give people way too much methadone"--

07/29/2019	10:25 AM	Face to Face (Client's Residence)	5	HARMONY MONTGOMERY	Tsaros , Demetrios
------------	----------	--------------------------------------	---	--------------------	--------------------

Summary

This worker briefly saw harmony as she was leaving with her father. This worker did not observe any concerns.

07/29/2019	10:45 AM	Face to Face (Client's Residence)	6	SHEAMUS MONTGOMERY	Tsaros , Demetrios
------------	----------	--------------------------------------	---	--------------------	--------------------

Summary

This worker saw sheamus and declan in their mother's care. Declan was sitting in a baby swing and appeared clean and healthy, with no visible concerns. He seemed content at that moment. This worker also saw sheamus and said hi to him. He said hi back and asked where the doggie was. This worker observed him to appear clean and healthy, with no visible concerns. This worker did not observe any marks or bruises on him. He was wearing a tshirt and shorts. He seemed to be in good spirits and was affectionate with his mother.

07/29/2019	10:45 AM	Face to Face (Client's Residence)	7	DECLAN MONTGOMERY	Tsaros , Demetrios
------------	----------	--------------------------------------	---	-------------------	--------------------

Summary

This worker saw sheamus and declan in their mother's care. Declan was sitting in a baby swing and appeared clean and healthy, with no visible concerns. He seemed content at that moment. This worker also saw sheamus and said hi to him. He said hi back and asked where the doggie was. This worker observed him to appear clean and healthy, with no visible concerns. This worker did not observe any marks or bruises on him. He was wearing a tshirt and shorts. He seemed to be in good spirits and was affectionate with his mother.

State of New Hampshire
 Department of Health & Human Services

Contact Log

Family Name : MONTGOMERY

Worker :

Date	Time AM/PM	Contact Type	Rec Seq	Whom	Interviewer
08/05/2019	01:04 PM	E-mail	20	MPD RECORDS	Tsaros, Demetrios

Summary :

Rec'd mpd contacts--7/7/2019, call for unwanted guest/visitor, Alex Call, mpd trespassed him from the property (this worker was aware of this); 6/8/2019, neighbor reports family's dog is a nuisance, 7/10/19, neighbor calls to report adam and kayla yelling at each other (non-criminal, verbal only, no further involvement), 7/28/19, call for check the condition (connected to original report); mpd goes there, at night, no contact made, next day mpd goes back for check the welfare (this worker had just cleared the residence), no concerns observed, 8/5/19, 1139am (today), mpd conducts welfare check from neighbor calling to report that the family is "squatting" there--mpd responds, adam explains that he has open report with me, mpd reports generator is running the home, food in the house, kids appear to be healthy, "all is well".

08/07/2019	11:00 AM	Face to Face (Client's Residence)	21	ADAM MONTGOMERY	Tsaros, Demetrios
------------	----------	--------------------------------------	----	-----------------	-------------------

Summary

This worker met with adam and the kids for a scheduled hv. Adam appeared lucid and sober with no visible concerns. The home appeared to be picked up and the long grass in front had been cut. We spoke in the livingroom. I explained the report to him and he signed the frb. I brought up the specific concerns re: abuse and SUD. Adam explained that he has been going to methadone for the past years, along with kayla, and that he was willing to sign a full release for his counselor. He then signed the release and initialed all the boxes (full rol). RE: abuse concerns, he said that this was not true...he just fought for and won custody of his daughter from MA DCF. He explained that in re: to Harmony's eye injury, he explained that he had bought the children foam bats that they were playing with. He said that sheamus picked up his plastic lightsaber and swung it, hitting Harmony on the corner of her eye, causing some bruising and some blood in her eye. He said that in re: to people calling in reports, he has had a major falling out with Kevin and that Kevin is the one calling people and asking them to call in reports. He then showed me text that Kevin sent to Kayla, telling her that he will give her 500\$ to have Harmony go to live with relatives in florida, to which Kayla told him 'absolutely not'. Adam showed me the home and this worker did not observe concerns. Adam acknowledged the electricity being turned off and that he was using the generator to power things that were needed, including the ac (the home had a comfortable temp.) Adam also signed a rol for the kid's pcp office.

08/07/2019	11:15 AM	Face to Face (Client's Residence)	22	HARMONY MONTGOMERY	Tsaros, Demetrios
------------	----------	--------------------------------------	----	--------------------	-------------------

Summary

This worker saw and spoke with Harmony. She appeared to be clean and healthy with no visible concerns. She was watching a movie. This worker spoke with her a bit, making small talk. She seemed to be in a good mood and was friendly. This worker observed the redmark in her right eye, and some faded bruising under the eyelid. She was wearing eyeglasses and removed them to show me. I asked her what happened and she explained a similar version of what her dad told me, that sheamus swung his light saber and it hit her eye. I asked if it still hurt and she said no, it doesn't bother her. I asked if she felt safe in the home and she said yes. I asked if there was anything that happened to her that made her scared or sad and she said no. I asked if her mom, dad or anyone else hurt her recently or ever and she said no.

Contact Log

Family Name : MONTGOMERY

Worker :

Date	Time AM/PM	Contact Type	Rec Seq	Whom	Interviewer
10/01/2019	12:00 PM	Face to Face (Client's Residence)	48	ADAM MONTGOMERY	Tsaros , Demetrios

Summary

This worker went to the home unannounced and made contact with the family. Adam was cleaning out the family car and had sheamus with him. Kayla also came out and said hi. Both appeared lucid and sober. I explained that I had try to call but the vm was full, so I stopped by. Adam explained that the house has been foreclosed on and has been sold by the bank. An eviction notice was served but they are staying until they absolutely have to leave, as they were able to get the electricity paid and back on. I noticed that the generator was gone. Adam said that they are looking for a home outside of manchester but it's difficult due to the lack of affordable housing. I briefly popped in and saw that the home appeared a bit messy but no safety concerns were observed. Kayla then left to do something before I could speak with her further. Adam said that he thought the report was closed. I told him that it was almost ready, I was just hoping to see the kids and home one more time and ask kayla if she would sign roi for her methadone counselor. I explained that habit opco does not accept dcyf's roi's and to that end, I asked adam to pass onto kayla for her to sign an roi next time she goes to treatment. I told adam that as long as that comes back with no issues I would try to close the report out. He thanked me for being understanding and that he would pass the info onto kayla.

10/01/2019	12:00 PM	Face to Face (Client's Residence)	49	KAYLA MONTGOMERY	Tsaros , Demetrios
------------	----------	-----------------------------------	----	------------------	--------------------

Summary

This worker went to the home unannounced and made contact with the family. Adam was cleaning out the family car and had sheamus with him. Kayla also came out and said hi. Both appeared lucid and sober. I explained that I had try to call but the vm was full, so I stopped by. Adam explained that the house has been foreclosed on and has been sold by the bank. An eviction notice was served but they are staying until they absolutely have to leave, as they were able to get the electricity paid and back on. I noticed that the generator was gone. Adam said that they are looking for a home outside of manchester but it's difficult due to the lack of affordable housing. I briefly popped in and saw that the home appeared a bit messy but no safety concerns were observed. Kayla then left to do something before I could speak with her further. Adam said that he thought the report was closed. I told him that it was almost ready, I was just hoping to see the kids and home one more time and ask kayla if she would sign roi for her methadone counselor. I explained that habit opco does not accept dcyf's roi's and to that end, I asked adam to pass onto kayla for her to sign an roi next time she goes to treatment. I told adam that as long as that comes back with no issues I would try to close the report out. He thanked me for being understanding and that he would pass the info onto kayla.

10/01/2019	12:10 PM	Face to Face (Client's Residence)	50	SHEAMUS MONTGOMERY	Tsaros , Demetrios
------------	----------	-----------------------------------	----	--------------------	--------------------

Summary

This worker saw sheamus in his parent's care. He seemed to be in good spirits. He was dressed appropriately for the weather and was running around the yard. He came over and said hi, then continued to play. No concerns were observed.

10/01/2019	12:15 PM	Face to Face (Client's Residence)	51	DECLAN MONTGOMERY	Tsaros , Demetrios
------------	----------	-----------------------------------	----	-------------------	--------------------

Summary

This worker saw declan in his parent's care. He was asleep in a car seat. He appeared clean and healthy with no visible concerns.

State of New Hampshire
Department of Health & Human Services

Contact Log

Family Name : MONTGOMERY

Worker :

Date	Time AM/PM	Contact Type	Rec Seq	Whom	Interviewer
10/01/2019	12:15 PM	Face to Face (Client's Residence)	52	HARMONY MONTGOMERY	Tsaros , Demetrios

Summary

This worker saw harmony in her parent's care. She was sitting on the couch, watching tv. I said hi to her and she said hi back. She appeared to be fine with no visible concerns.

10/01/2019	01:53 PM	Telephone	53	ADAM MONTGOMERY	Tsaros , Demetrios
------------	----------	-----------	----	-----------------	--------------------

Summary

This worker called and spoke with adam. I apologized for bothering him and explained that I forgot to ask why Harmony was not in school. He explained that he tried to get Harmony into kindergarten but he was told by the staff at Parker varney that he couldn't prove that she was a NH resident. I told him that if he had issues with registration that he could give them my name and number and they could speak with me if it would help. He thanked me for offering this and that he would try to get her into kindergarten.

10/02/2019	12:30 PM	Other	54	ADD INFO	Bellavance , Meaghan
------------	----------	-------	----	----------	----------------------

Summary

Additional information received.

10/07/2019	12:42 PM	Other	55	ADD INFO	Boylan , Rosemarie
------------	----------	-------	----	----------	--------------------

Summary

Rec'd AI

10/07/2019	12:44 PM	Other	56	ADD INFO	Tsaros , Demetrios
------------	----------	-------	----	----------	--------------------

Summary

Reviewed recent AI. This worker is already aware of the concerns that the person is calling in. This worker went to the home recently, unannounced, and made contact with the family. The children appeared to be fine, the parents appeared lucid and sober. The electricity was back on and the generator was not being used to power the home. This worker also checked in with the father's methadone counselor, who reported that he was in compliance.

STATE OF NEW HAMPSHIRE
 Division for Children, Youth and Families

ASSESSMENT REFERRAL INFORMATION

01/04/2022 03:07 PM

REPORT NUMBER 832124

SECTION I FAMILY INFORMATION
 NAMES

NO	LAST	FIRST	DOB	AGE	ROLE	SEX	RELATIONSHIP TO PRIMARY VICTIM
1	MONTGOMERY	HELEN	06/06/1943			F	
2	MONTGOMERY	KEVIN	05/27/1978			M	
3	MONTGOMERY	ADAM	01/22/1990			M	
4	MONTGOMERY	KAYLA	08/31/1990			F	
5	MONTGOMERY	SHEAMUS	06/08/2017			M	
6	MONTGOMERY	DECLAN	01/30/2019			M	
7	MONTGOMERY	HARMONY	06/07/2014			F	

ADDRESSES

NO	RFD/BOX/STREET/APT-UNIT NO.	TOWN/CITY	STATE	ZIP	PHONE	WORK TEL
1	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
2	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
3	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
4	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
5	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
6	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-
7	77 Gilford Street	Manchester	NH	03102	(603) 858-3393	()-

HOUSEHOLD FINDING DIRECTIONS

--

SECTION II REPORT INFORMATION

DATE REPORT INITIATED 09/12/2019	TIME OF REPORT 12:32 PM
ABUSE/NEGLECT TYPE(S)	
D.O. Manchester	TOWN Manchester
NH BRIDGES SEARCH RESULTS: AI to 826330	NO OF PRIOR REPORTS 6 Admin Review Required

SECTION III REPORTER INFORMATION

NAME OF THE REPORTER DET SGT MIKE BERGERON		RELATIONSHIP TO REFERRAL Law Enforcement
ADDRESS 405 Valley Street Manohester, New Hampshire 03104-		
TELEPHONE	HOME ()- WORK (603) 668-8711 MESSAGE ()-	NAME TO BE USED: Disclosure Allowed

INTAKE ASSESSMENT

ABUSE/NEGLECT INCIDENT DESCRIPTION

What are the details of the Abuse/Neglect of the children?

Harmony age 5, Shamus age 2, and Declan age 7mo live with their parents Kevin and Kayla.

On 09/11/2019 at approximately 1242 hours, I was working patrol assigned to unit 1-2. I was driving a fully marked patrol vehicle and wearing the blue uniform of the day. I was dispatched to 77 Gilford St regarding two male family members having a dispute over property. Upon arrival, I contacted all involved subjects, they were determined to be: Adam Montgomery, Kevin Montgomery, Helen Montgomery, Kayla Montgomery, Harmony Montgomery, Shamus Montgomery, Declan Montgomery. Adam told me his Uncle Kevin arrived at this address with his grandmother Helen and attempted to retrieve personal items from the home. Adam told me he and his family have paid rent to Helen for several months while she was living in Florida recovering from heart surgery. Adam was upset because Kevin and Helen tried to barge their way in without his permission. I then spoke to Kevin. He told me Adam and his family had taken over the house since Helen had gone to Florida. Kevin said they originally inhabited the upstairs but took over the rest of home. Kevin said he and Helen only wanted to retrieve some personal items before Adam and his family are to be evicted at the end of the month. I then entered the home with Helen to retrieve her property. While inside the residence I observed clutter in every room consisting of clothing and empty food containers. Adam told me although the power had been turned off several months ago due to nonpayment; he has a portable generator in the driveway which powers the refrigerator. I could see food in the cupboards and refrigerator. Adam further explained that the home has running water as well. I went upstairs with Helen where I contacted Adam's wife Kayla and the three children, Declan, Shamus and Harmony. All three children appeared to be clean and fed. Their clothing was appropriate for the current conditions. Although this area was highly disheveled, it did not appear unsafe.

The argument was defused and both parties separated after the property was retrieved.
NFI

Does the child have injuries now? If so, describe the injuries.

When was the child last seen and by whom? What was the child's condition?

Where are the children now and how long will they be there?

What are the risk factors in the home?

- Domestic Violence
- Substance Abuse

- Physical/Mental Impairment - Caretaker
- Physical/Mental Impairment - Child[ren]

Details/Other Risk Factors:

Who else was told or knows of this situation?
Why are you calling Today?
Additional Information

NAME OF INTAKE CPSW Karen E Geerer	DATE REPORT ACCEPTED/NOT ACCEPTED 09/12/2019	TIME 02:12 PM
DO REFERRED TO NOT ACCEPTED	RISK ASSESSED (A/N)	
SUPERVISOR NAME Angie L Prindle		

IP



100 McGregor Street
Manchester, NH 03102



CMC1245



Patient Name: Montgomery, Harmony
MRN: 728608
Account NO: 00067423772
DOB: 7-June-2014

ACCOUNT NO 00067423772		ADMIT DATE 06/02/2019 14:17		ROOM NO. Urgent Care-Bedford		USER ID bc9e22f5_suna		PAT T Outpatient		AD S Physician		
SVC T Urgent Care		MRN 728608		PATIENT NAME Montgomery, Harmony				AGE 7y8m	DOB 07-Jun-2014		SSN	
SEX F	M.S U	PREVIOUS NAME			RELIGION Non Religion Listed		BROUGHT BY			AD T Elective		
PATIENT ADDRESS LINE 77 Gilford St Manchester New Hampshire 03102												
PATIENT PRIMARY PHONE (603)232-3766			PATIENT SECONDARY PHONE			PATIENT EMPLOYER						
PERSON TO NOTIFY		PERSON NOTIFIED NAME			RELATIONSHIP TO PATIENT			CONTACT PHONE				
CONTACT ADDRESS												
NEXT OF KIN		NAME			RELATIONSHIP		ADDRESS			PHONE		
INSURED		GUARANTOR NAME			GUARANTOR PHONE			GUARANTOR OCCUPATION				
GUARANTOR ADDRESS												

FINANCIAL / INSURANCE INFORMATION

More Insurances on Visit: No

Name:
Plan:
Group #:
Policy #:
Effective:
Expiration:
Subscriber:
Relation:

PRE AUTHORIZATION NO		CARRIER/PLAN	
PRE AUTHORIZATION NO		CARRIER/PLAN	
ATTENDING PHYSICIAN Urgent Care Bedford, Staff Prov		REFERRING PHYSICIAN Morrison, Julie A	FAMILY PHYSICIAN Morrison, Julie A
INJURY DUE TO ACCIDENT	DATE		PLACE
			EVENT
ADMISSION DIAGNOSIS COMPLAINT			

CMC Hospital
100 McGregor St Manchester, NH 03102-3730
603 Fax:

February 18, 2022
Page 1
Office Visit

Harmony Montgomery
Female DOB: 06/07/2014

332578

Ins: Well Sense Health Plan

06/02/2019 - Office Visit: UCB NP RM 171, mouth sores-CVS Declined
Provider: Joseph Mangum PAC
Location of Care: Urgent Care at Bedford Medical Park

History of Present Illness:

4 Years & 11 Months Old Female presents with mom for sores on her lips upon waking this morning. They are not painful. They are yellow crusted lesions along her lower lip and at the right corner of her mouth. She is febrile here today with a temp of 100.4. No cough. She denies a sore throat. No other rashes. Never had this before.

Past Medical History:

healthy

Medication List (Prior to reconciliation)

Review of Systems

See HPI

VITAL SIGNS:

Vital signs entered by DD Travers RN (June 2, 2019 2:20 PM)

Calculated Weight: 35.20 lb.

Temperature: 100.4 deg F.

Site: oral

Pulse rate: 110

Pulse rhythm: regular

O2 Sat 98 %

Respirations: 20

Patient in pain? yes

Location: mouth

Intensity: 3

Type: sore

Comments: Mom, Kayla, states patient developed sores around lips and few sores inside of mouth.

Yesterday poor appetite and fatigue. Acetaminophen 1 hour

ago.....DD Travers RN June 2, 2019 2:24 PM

Medications reviewed during this visit.

Current Drug Allergies

Allergies have not been documented for this patient.

004822

Harmony Montgomery
Female DOB: 06/07/2014

332578

Ins: Well Sense Health Plan

Advanced Directives reviewed during this visit.

Physical Exam

General:

Well appearing child, appropriate for age, no acute distress

Ears:

TM's pearly gray with cone, canals clear

Mouth:

yellow crusted lesions outside corner of mouth and along lower vermilion border; no lesions appreciated in the mouth; throat is nonerythematous

Neck:

bilateral cervical lymphadenopathy

Lungs:

Clear to auscultation, no crackles, rhonchi or wheezing, no grunting, flaring or retractions

Heart:

RRR without murmur

Skin:

no other rashes

Impression & Recommendations:

Problem # 1: Impetigo (ICD-684) (ICD10-L01.00)

Bactroban ointment as prescribed. Follow up if not improving. Mom agrees with plan.

Orders:

Strep A (CPT-87880)

Medications Added to Medication List This Visit:

1) Mupirocin 2 % External Ointment (Mupirocin) Apply to affected area around mouth tid for 7-10 days

Prescriptions:

MUPIROCIN 2 % EXTERNAL OINTMENT (MUPIROCIN) Apply to affected area around mouth TID for 7-10 days #1[Tube] x 0

Entered and Authorized by: Joseph Mangum PAC

Electronically signed by: Joseph Mangum PAC on 06/02/2019

Method used: Electronically to

CMC Hospital
100 McGregor St Manchester, NH 03102-3730
603 Fax:

February 18, 2022

Page 3
Office Visit

Harmony Montgomery

Female DOB: 06/07/2014

332578

Ins: Well Sense Health Plan

RITE AID-1 SOUTH RIVER ROAD* (retail)
1 SOUTH RIVER ROAD
BEDFORD, NH 031106712
Ph: (603) 644-1275
Fax: (603) 644-1182

RxD: 1875105914876730

Final Medication List

MUPIROCIN 2 % EXTERNAL OINTMENT (MUPIROCIN) Apply to affected area around mouth TID for 7-10 days

Patient declined CVS.

*Speech recognition technology may have been used to create this section of the medical record

Electronically signed by Joseph Mangum PAC on 06/02/2019 at 2:47 PM

004824

**CATHOLIC MEDICAL CENTER
MANCHESTER, NH**

Minor Consent Urgent Care Bedford Documentation Form

- 1) Date: 6/2/19 Time: 14:15
- 2) Name of Minor: Harmony Montgomery
- 3) DOB: 6/7/2014 Age of Minor: 4 years
- 4) Name of Parent/Legal Guardian: Adam Montgomery
Phone Number: 603 232 3766
- 5) Minor's Chief Complaint: Sores around lips

6) The following attempts were made to obtain parental or guardian consent:

Time	Name of Person Called	Staff Member	Results
14:15	Adam Montgomery	Tia D	Consent given

- 7) Two Signatures: 1. Tia PSR RN 2. [Signature] PSR Title
- 8) Telephone call placed to parent/guardian _____ with discharge instructions: Yes No
Verbal read-back by parent/guardian: Yes No
Signature: _____ RN/LPN _____ Time: _____
- 9) Follow-up phone call attempted within 24 hours for minor treated without parental consent:
_____ RN/MA/PSR Date: _____ Time: _____

Name of person reached via phone: _____

*** Note:** Minors in the care of Foster Parents, DCYF, or Custody of Juvenile Court require parental or legal guardian consent or court order for treatment. Foster parents do not have the legal capacity to give consent for treatment.

****Note:** Minors must be released to a parent or a responsible adult designated by the parent or legal guardian.

*****Note:** In unique situations where no such arrangement is possible (ex. Parents are out of state), then verbal approval of discharge is acceptable.

******Note:** Any questions regarding a specific minor consent issue should be referred to the institution's Risk Manager.

Catholic Medical Center
100 McGregor Street
Manchester, NH 03102
Patient Results

MONTGOMERY, HARMONY	Urgent Care-Bedford	7y8m	F	Urgent Care Bedford, Staff Prov
CLS		07-Jun-2014		728608 / 00067423772

06-02-2019 14:35	Rapid Strep A (poc)	1 or more Final Results Received
Rapid Strep A (poc)	Negative Ref Range: Negative	Final



Officer(s):		
Officer: Dunleavy, John 100489	Involvement Date: 07/19/2022 11:32:00	Involvement Type: REPORT::Reporting
Event Details:		
Date / Time Reported:	Start Date / Time:	End Date / Time:
Location of Incident:		

Narrative
<p><u>Dunleavy-Follow up with Tabatha Scott 07/19/22</u></p> <p>On July 19, 2022 I (Det. Dunleavy) was made aware that an involved party in this case was in custody. That party was identified as:</p> <p>(Involved Other) Tabatha Scott 01/02/90 Homeless</p> <p>I made contact with Scott at her cell and asked her if she had spoken to Kayla lately and she stated she talks to her every day. I asked her what Kayla has told her about the case. According to Scott, Kayla had told her that Adam hit Harmony in the head multiple times and was abusive to her during the year time span they had her. Kayla stated Adam took Harmony somewhere but that she did not know where since she wasn't with him. Scott stated she did not want to know any more and that Kayla was crying when she told her this information. I asked her if Kayla had an idea of where the body was and she stated she could only speculate Massachusetts. I asked Scott if she had ever gone down to Massachusetts with them and she stated she had not. I asked her if Kayla had disclosed any other names as being involved she stated she hasn't. I asked Tabatha who else she has told this information to and she stated no one. I asked her if she knows if Kayla has told anyone and she stated she was not sure but possibly the women who runs the staffing agency she works at since her and Kayla are close.</p> <p>I left my business card in Scott's property and asked her to contact me if she remembered anything further.</p> <p>JD/Case Continues</p>