

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

**MOTION IN LIMINE**  
**RE: HOME DEPOT PURCHASES**

Now comes Adam Montgomery, by and through his Public Defenders, Caroline L. Smith, Esq., and James T. Brooks, Esq., and respectfully moves this Honorable Court to exclude evidence of a February 15, 2020 purchase of pelletized limestone from the Home Depot in Hooksett and a February 26, 2020 purchase of pelletized limestone, a metal cutting diamond blade, a fuel grinder, and a lithium-ion battery and charger from the Home Depot in Manchester. This motion is based on New Hampshire Rules of Evidence 401, 402, and 403.

As grounds for this motion, the following is stated:

1. Adam Montgomery is scheduled for a February 6, 2024 jury selection on charges of second degree assault and second degree murder as well as other charges related to the death of Harmony Montgomery.
2. When interviewed by the police, Kayla Montgomery claimed that Adam Montgomery used lime to tamper with Harmony Montgomery's remains. She denied knowing how the lime was obtained, where it was obtained, or when it was obtained. She further denied any knowledge that Adam Montgomery used any tools in tampering with the remains.
3. The Manchester Police obtained records of two purchases from Home Depot during the relevant time period. Upon information and belief, no purchases of lime were sought or obtained from any other location. Video footage of the transactions at Home Depo was not recovered because it had been destroyed. The first purchase was a cash transaction for a forty-pound bag of

pelletized limestone from Home Depot's Hooksett location on February 15, 2020. The second was a cash transaction for a forty-pound bag of pelletized limestone, a lithium-ion battery and charger, a fuel grinder, and a metal cutting diamond blade from Home Depot's Manchester location on February 26, 2020. Financial records indicated that money sufficient to cover the cost of the Manchester transaction was withdrawn from Kayla Montgomery's account at an ATM location less than a mile away twenty-two minutes prior to the February 26 purchase.

4. Evidence of the Home Depot purchases should be excluded because it is not relevant. Evidence is relevant if it has any tendency to make a fact of consequence to the determination more or less probable than it would be without the evidence. N.H. R. Ev. 401. Evidence that is not relevant is inadmissible. N.H. R. Ev. 402.

5. The identity of the customer(s) is unknown. Thus, no nexus connects Adam Montgomery to the purchases. There is no evidence that lime is such a unique purchase that would connect the purchases to the Montgomerys. The police did not check other hardware stores, agricultural stores, or other locations that may have sold lime.

6. Kayla Montgomery denied knowing how, when, or where the lime she described was obtained. She further denied knowledge of Adam Montgomery using any tools in connection with the purported tampering of Harmony Montgomery's remains. One of the purchases included items not mentioned by Kalya nor implicated in this matter. Because there is no evidence connecting either Adam Montgomery or Kayla Montgomery to the Home Depot purchases, the purchases do not have any tendency to make a fact of consequence more or less probable, and the Court should therefore exclude the evidence as irrelevant.

7. The evidence should further be excluded because without a nexus, the jury is left to speculate regarding the import of the timing, location, and specifics of the purchases. See N.H. R. Ev. 403.

WHEREFORE, Adam Montgomery respectfully requests this Honorable Court preclude all evidence of the two Home Depot purchases referenced above.

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 21st day of December 2023.

/s/ Caroline Smith  
Caroline Smith, Esq.