

THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

HILLSBOROUGH, SS.  
Northern District

JANUARY TERM 2024

State of New Hampshire

v.

Adam Montgomery

Case No. 216-2022-CR-00020  
216-2022-CR-02372

**STATE’S PARTIAL OBJECTION TO DEFENDANT’S MOTION *IN LIMINE* –  
ALLEGATIONS OF PRIOR or SUBSEQUENT BAD ACTS**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and hereby objects in part to the defendant’s Motion *in Limine* – Allegations of Prior or Subsequent Bad Acts (“Def.’s Mot.”).

1. The defendant has filed a motion wherein he asks the Court to preclude the State from introducing evidence of prior or subsequent bad acts or conduct at trial in the above-captioned cases. This case is scheduled for a February 6, 2024 trial.

2. The admissibility of evidence regarding other crimes, wrongs, or acts is governed by Rule 404(b) of the New Hampshire Rules of Criminal Procedure. Rule 404(b) provides:

Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. Rule 404(b) prohibits the use of such evidence as so-called “propensity” evidence; however, evidence of other crimes, wrongs, or acts may be admissible if 1) the evidence is relevant for a purpose other than proving the actor’s character or disposition; 2) there is clear proof that the other acts occurred and that the person in question committed them; and 3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.

4. The New Hampshire Supreme Court has made a distinction between two types of other crimes, wrongs, or acts: intrinsic and extrinsic. *State v. Wells*, 166 N.H. 73, 77–78 (2014). “Other act evidence is intrinsic, and therefore not subject to Rule 404(b), when the evidence of the other act and the evidence of the crime charged are inextricably intertwined . . . .” *Id.* at 77 (internal quotations omitted). “Typically, [intrinsic other act evidence] is a prelude to the charged offense, is directly probative of the charged offense, arises from the same events as the charged offense, forms an integral part of a witness’s testimony, or completes the story of the charged offense.” *Id.* at 77–78.

5. The defendant’s motion makes specific reference to eleven “categories” of bad acts evidence that he is seeking to preclude. (Def.’s Mot. ¶ 2a–k.) As described below, the State is not intending to introduce other acts evidence in some of these eleven categories; however, there are other categories where the State will seek to introduce other acts evidence, either as charged conduct, under Rule 404(b) or as intrinsic evidence not subject to Rule 404(b).

***a. Allegations that the defendant sold or possessed firearms***

6. First, the defendant asks this Court for an order precluding allegations of the conduct underlying the charges in case no. 216-2022-CR-00557, 216-2023-CR-00507, and

216-2023-00509 as well as any allegations that “Mr. Montgomery sold or possessed firearms[.]”(Def.’s Mot. ¶ 2a.) The State has no intention of using this evidence in its case-in-chief and does not object to the requested order. However, the State notes that the defendant was convicted of charges in case no. 216-2022-CR-00557 and, as fully discussed *infra k*, should the defendant testify, his conviction in 216-2022-CR-00557 is admissible pursuant to N. H. R. Ev. 609.

***b. Allegations of Domestic Violence perpetrated upon Kayla Montgomery***

7. With respect to the motion to preclude allegations of domestic violence perpetrated upon Kayla Montgomery (“Kayla”) by the defendant (*see* Def.’s Mot. ¶ 2b), the State objects. On October 26, 2022, the defendant was charged with, among other things, tampering with witnesses and informants pursuant to RSA 641:5, I(a) (“Tampering”). *See* Complaint, Charge ID No. 2027115c. The defendant was subsequently indicted for tampering on January 20, 2023. *See* Indictment. Both the initial complaint and the indictment allege that the defendant, purposely attempted to induce or otherwise cause Kayla to testify or inform falsely and that he did so believing that an official proceeding or investigation was pending or about to be instituted. The charge relates to conduct that occurred between December 7, 2019, and January 4, 2022. As such, the allegations of domestic violence perpetrated by the defendant upon Kayla is the charged conduct supporting the Tampering charge. Because it is charged conduct, it is not subject to analysis under Rule 404(b).

8. Kayla has proffered evidence which formed the basis of the defendant’s charge of Tampering. The State anticipates that Kayla will testify that she provided false statements due to the abuse, threats, and conditioning she suffered at the hands of the defendant, and the fear he instilled in her that should she report his criminal acts, he would harm her.

9. On March 16, 2023, Kayla provided significant information on the causal relationship between the defendant's fear that she would report him for murdering Harmony Montgomery ("Harmony"), and the abuse he perpetrated on her. Kayla said that the abuse occurred consistently "[l]ike pretty much almost every day[.]" *see* attached Exhibit 1, Kayla Montgomery's March 16, 2023, Proffer ("Proffer") at pg. 44. During her proffer, Kayla described how, for almost a year the defendant would assault her daily, threaten her, and restrict her movements, all while accusing her of "telling" on him. *See* Proffer pg. 34.

10. During her proffer, Kayla was asked if the defendant ever hit or punched her after accusing her of telling on him. Kayla responded that, "[y]eah. Yeah, a lot. A lot of times. I like can't even count. And I would - - I would try to go to bed, and he'd be like - - he'd be calling my name, and the kids would be sleeping. And then I'd be like, dude, I'm going to bed. And he'd be like, come sit out here with me. And I'm like, no, I'm not. Like mentioning the living room because he was sitting out in the living room. And - - and he just kept like repeating himself. I didn't want him to wake up the kids, so I would go sit out there with him. And then he would just keep running his mouth, like oh, I know you're doing this, **I know you're telling**, I know you're cheating on me, I know you're doing all these[] things that I wasn't doing." *Id.* at pg. 37. (emphasis added)

11. Kayla was asked if the defendant would ever threaten her after accusing her of telling on him. Kayla stated that "**[h]e would - - he hurt me**. He tried - - he hurt me like a few times and - - because he was being crazy. And I just - - I remember that. And I would like try to leave and he's like - - I'd be like, I'm leaving. He'd be like, okay. And then I'd go to leave, and **he doesn't let me leave**." *Id.* at pg. 34-5. (emphasis added).

12. On December 22, 2023, Kayla reported that following Harmony's murder, she was afraid of the defendant. She reported still living in fear of the defendant. She said that following Harmony's murder, the defendant assaulted her regularly and accused her of reporting him for murdering Harmony. Kayla said that she was able to get a protective order and to flee from the defendant. She said that when she left him and hid in her neighbor's apartment, she thought the defendant would kill their neighbor to get to her, and then kill her. She said that following Harmony's murder, the defendant became increasingly paranoid thinking that she would report him. She said that the defendant was paranoid because of what he did to Harmony and the fear he had of being caught. He believed the police were aware of what he did to Harmony and were actively engaged in surveillance tactics including wiretaps and surreptitiously installing hidden listening devices in their home.

13. Kayla reported that after the defendant would hurt her, he would feel bad and apologize. She said that on one occasion, the defendant hit her so hard that she could not see. Kayla said that several times after the defendant would accuse her of reporting him, she would tell him that she was reporting him because she thought that perhaps he would not hurt her. She said that after she got away from the defendant, and in the time that followed before her arrest, she was living in fear of the defendant. Fear that the defendant would kill her to further cover up what he had done. She said that after she left him, she did not know where he was but she knew what he was capable of. She said that the constant assaults were due to his fear that she was working with the police and reporting him for what he did to Harmony. Kayla reported that the defendant assaulted her hundreds of times after he murdered Harmony. She said that he threatened her not to report him, and because of the defendant's constant threats and assaults she understood that if she reported the defendant, he would kill her.

14. The state anticipates that at trial, witnesses will corroborate Kayla's statements, *supra*, regarding the Tampering charge and the fear she had of the defendant. Ras just one example, Roseanne Smith, a driver for Pelican Transportation, transported Kayla and the defendant to their appointments at the methadone clinic. She began driving for them on December 11, 2019, just four days after the defendant murdered Harmony. Ms. Smith told officers that "Kayla is scared of [Adam] that is why she is tight-lipped." *See* Exhibit 2. Ms. Smith reported she saw the defendant abuse Kayla. She stated that on one occasion while the Montgomery family lived at their apartment on Union Street, the defendant broke Kayla's cellphone. Roseanne said that when she snuck Kayla her own cell phone, the defendant approached Kalya, twisted the phone from her hand, and told Ms. Smith that he would "kill [her] if [she gave] that phone to [his] wife." *Id.*

15. The anticipated testimony of Kayla, Ms. Smith, and other corroborative evidence is not "other acts" evidence that would be covered by Rule 404(b) of the New Hampshire Rules of Evidence, but instead, the testimony relates to direct evidence that the defendant Tampered with Kayla by threatening her, abusing her, and conditioning her in an attempt to induce her to testify or inform falsely, which is in turn direct evidence of the conduct comprising one of the charges the defendant is currently facing. Therefore, such evidence should not be precluded.

***c. Allegations of Neglect and Assaults on Harmony Montgomery***

***i. Evidence of neglect and assault***

16. With respect to the motion to preclude allegations of "neglect in caring for Harmony Montgomery and any assaults or assaultive behavior against Harmony Montgomery . . ." other than the charged conduct, the State objects in part. (Def.'s Mot. ¶ 2c.) The State

seeks to introduce this evidence as intrinsic other acts evidence that is not subject to Rule 404(b). *See Wells*, 166 N.H. at 77–78. Specifically, the State anticipates that multiple witnesses will testify that in the months and weeks prior to Harmony’s death, she appeared to be malnourished and covered in bruises. One witness will testify that Harmony weighed just 35 lbs. in the months prior to her murder. Witnesses will testify that on November 29, 2019, the Montgomery family was involved in a traffic accident which officers responded to, during which the defendant covered Harmony with a blanket so that her bruises would not be seen by responding officers. Witnesses will testify that Harmony’s bruises came from the defendant hitting her after she experienced incontinence in the family car, a partial impetus for his attack on the day of her death. The defendant’s act of concealing Harmony to hide her injuries is significant in that it explains why officers did not observe her with the family a week prior to her murder. It also narrows the timeline of when Harmony was murdered and combats the defendant’s claims that he returned Harmony to her mother, Crystal Sorey, the day before Thanksgiving in 2019. Additionally, Harmony’s physical frailty at the time of her murder shows the defendant’s intent (i.e., that he acted recklessly and with extreme indifference) when he murdered Harmony. Evidence of Harmony’s physical condition prior to her murder is directly probative of the defendant’s intent, knowledge, and extreme indifference to the value of Harmony’s life. These facts form an integral part of the testimony of various anticipated witnesses, which completes the story of the various charged offenses in the instant case. This evidence is at times part of the charged offenses, and as a whole, inextricably intertwined with the facts and circumstances of the charged offenses; therefore, such evidence would be

intrinsic other acts evidence not subject to Rule 404(b). *See State v. Wells*, 166 N.H. 73, 77–78 (2014).

17. The NH Supreme Court held in *Papillion* that evidence which is intrinsic to the case at hand is not 404(b) evidence. When the evidence of the other act and the evidence of the crime charged are “inextricably intertwined” or part of the same “criminal episode” there is a causal connection with the charged crime and the uncharged offenses. Such evidence which is a prelude to the charged offense is directly probative, arises from the same events, forms an integral part of a witness’ testimony or completes the story of the charged offense. *State v. Papillion*, 173 N.H. 13, 24-25 (2020). The Court in *Papillion*, cited to *Wells* where it had previously found that other act evidence could be intrinsic to a case under the rationale that “events do not occur in a vacuum and the jury has a right to hear what occurred immediately prior to and subsequent to the commission of the charged act” in order to conduct a realistic evaluation of the evidence. *State v. Wells*, 166 N.H. 73, 78 (2014).

18. In order for intrinsic evidence to be admissible, the trial court need only follow the balancing test under Rule of Evidence 403. *See State v. Nightingale*, 160 N.H. 569 (2010) and *State v. Dion*, 164 N.H. 544 (2013). Under Rule 403, relevant evidence may only be excluded if the probative value is substantially outweighed by unfair prejudice, confusion of the issues, misleading the jury, presenting cumulative evidence, causing undue delay, or wasting time. The Court in *Ainsworth* advised that evidence would be unfairly prejudicial only where its primary purpose was to appeal to sympathy or cause the jury to base its decision on something other than the evidence in the case. *State v. Ainsworth*, 151 N.H. 691 (2005). Here, the evidence of Harmony's physical condition prior to her murder is directly the reason she was hidden from officers on November 29, 2019, and the defendant’s knowledge of her



condition when he murdered her makes these facts intrinsic and not unfairly prejudicial to the trier of fact.

***ii. Assaults Against Harmony Montgomery***

19. As referenced *supra*, the prior assaults on Harmony by the defendant<sup>1</sup> explain why she was concealed when officers arrived on the scene of a traffic accident on November 29, 2019. The accident occurred one week prior to Harmony's murder, and her physical condition at the time, as described by witnesses, including bruising to her face, was due to the defendant striking her after she experienced incontinence in his vehicle. Assuming *arguendo*, that Rule 404(b) would apply to the abuse perpetrated on Harmony by the defendant prior to her murder, the evidence would still be admissible under Rule 404(b) as it is relevant to charged offenses to provide context and to show the defendant's intent. *See State v. Sawtell*, 152 N.H. 177, 182 (2005).

20. The admissibility of evidence of other bad acts is governed by Rule 404 of the New Hampshire Rules of Evidence. In essence, Rule 404 generally prohibits evidence of prior bad acts when it is being offered as nothing more than character evidence; however, under Rule 404(b) evidence of other crimes, wrongs, or acts may be admissible for other purposes "such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

21. Under Rule 404(b)(2), evidence of other crimes, wrongs, or acts is admissible only if:

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<sup>1</sup> This does not refer to the charged July 2019 assault by the defendant causing Harmony's black eye, as witnessed by several others and admitted to by the defendant to several witnesses. That assault is of course a charge unto itself.

- a. it is relevant for a purpose other than proving the person's character or disposition;
- b. there is clear proof, meaning that there is sufficient evidence to support a finding by the fact-finder that the other crimes, wrongs or acts occurred and that the person committed them; and
- c. the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.

22. As to Rule 404(b)(2)(A) here, the prior conduct involved the same victim, an identical mechanism of assault (i.e., the defendant punching and/or striking Harmony's face), and occurred under similar circumstances (i.e., in response to Harmony being incontinent in the defendant's vehicle). Additionally, the conduct occurred in close temporal and spatial proximity to Harmony's murder between the defendant's eviction on November 27, 2019, and Harmony's murder on December 7, 2019. The conduct is direct evidence of the defendant's intent to injure her when he murdered Harmony. This would be a permissible purpose other than proving the defendant's character and disposition satisfying the requirement under Rule 404(b)(2)(A). *See Sawtell*, at 182.

23. As to Rule 404(b)(2)(B), testimony from Kayla and other witnesses to the assault or the defendant's statements about the assault/abuse would provide the clear proof required by the rule. Alone, Kayla's testimony would be "sufficient evidence to support a finding by the fact-finder" that the conduct occurred and that the defendant committed it.

24. Finally, as to Rule 404(b)(2)(C), the probative value of the evidence would not be substantially outweighed by the danger of unfair prejudice. The State expects that the timing of Harmony's murder will be a key issue at trial as multiple witnesses will testify that the defendant told them that he returned Harmony to her mother, Crystal Sorey, on November 27, 2019. Therefore, any evidence of why Harmony was not seen with the family on November

29, 2019, is highly relevant—especially since one reason the defendant was concealing her was to hide the physical evidence of the abuse he inflicted. The evidence is also highly relevant to show the defendant’s intent when he murdered Harmony and his extreme indifference to the condition and value of her life as an equal human being. This would also be consistent with *Sawtell*, where the Court found that the evidence of prior conduct was “relevant to prove the defendant’s intent. . .” *Id.*

***d. Allegations of Assaults and Assaultive Behavior***

25. With respect to the motion to preclude allegations of assaults “and/or other assaultive behavior; against others including, but not limited to, allegations of an assault on Corey Watts” the State objects in part. (Def.’s Mot. ¶ 2d.) The State notes that at the trial of the defendant in Case No. 216-2022-CR-00557, Walmart surveillance footage of the defendant, Ms. Kelsey Small, and Kayla, was admitted by the State without objection from the defendant. The footage was subsequently published to the jury. Prior to deliberations, the defendant moved to preclude the footage arguing then for the first time that the footage contained evidence that was prohibited under Rule 404(b). This Court disagreed and denied the defendant’s motion.

26. The State seeks to introduce this evidence as intrinsic other acts evidence that is not subject to Rule 404(b). *See State v. Wells*, 166 N.H. 73, 77–78 (2014). Specifically, the State anticipates that witnesses will testify regarding the great lengths the defendant took to avoid detection after he murdered Harmony. The footage at issue shows the defendant, his girlfriend, and his wife, disposing of electronic evidence that connected him to the charged crimes. The disposal of evidence is an integral part of the testimony of various anticipated witnesses, which completes the story of the charged offenses in the instant case. The footage

would be inextricably intertwined with the facts and circumstances of the charged offenses as it shows the defendant disposing of items connecting him to the charged conduct; therefore, such evidence would be intrinsic other acts evidence not subject to Rule 404(b). *Id.*

***e. Allegations that the Defendant Sold Illegal Drugs***

27. With respect to the motion to preclude allegations that the defendant sold illegal drugs, (*see* Def.'s Mot. ¶ 2e.) the State has no intention of using this evidence in its case-in-chief and does not object to the requested order.

***f. Allegations that the Defendant Used Illegal Drugs***

28. With respect to the motion to preclude allegations that the defendant used illegal drugs, the state objects. (Def.'s Mot. ¶ 2f.) The State seeks to introduce this evidence as intrinsic other acts evidence that is not subject to Rule 404(b). *See State v. Wells*, 166 N.H. 73, 77–78 (2014). Specifically, the State anticipates that witnesses will testify that the defendant was using illegal drugs prior to and following Harmony's murder. One witness, Kayla Montgomery, will testify that the defendant used heroin for twenty to twenty-five minutes while Harmony slowly died in the back seat of his car. Rather than checking on the five-year-old he struck repeatedly, he the defendant chose to use illegal drugs. Other witnesses will testify that the defendant's increasing drug use led to homelessness which lays the foundation for why the defendant and his family were living in a vehicle. The defendant's drug use is an integral part of the testimony of various anticipated witnesses, which completes the story of the charged offenses in the instant case. This evidence also forms an integral part of the witness's testimony and completes the story of the various charged offenses in the instant case. This evidence of drug use is at times part of the charged offenses and, as a whole, is

inextricably intertwined with the facts and circumstances of the charged offenses; therefore, such evidence would be intrinsic other acts evidence not subject to Rule 404(b). *Id.*

29. Generally, evidence of other crimes would have to be admitted under Rule 404(b); however again, the NH Supreme Court held in *Papillion* that evidence which is intrinsic to the case at hand is not 404(b) evidence. When the evidence of the other act and the evidence of the crime charged are “inextricably intertwined” or part of the same “criminal episode” there is a causal connection with the charged crime and the uncharged offenses. Such evidence which is a prelude to the charged offense is directly probative, arises from the same events, forms an integral part of a witness’ testimony or completes the story of the charged offense. *State v. Papillion*, 173 N.H. 13, 24-25 (2020). The Court in *Papillion*, cited to *Wells* where it had previously found that other act evidence could be intrinsic to a case under the rationale that “events do not occur in a vacuum and the jury has a right to hear what occurred immediately prior to and subsequent to the commission of the charged act” in order to conduct a realistic evaluation of the evidence. *State v. Wells*, 166 N.H. 73, 78 (2014).

30. In order for intrinsic evidence to be admissible, the trial court need only follow the balancing test under Rule of Evidence 403. *See State v. Nightingale*, 160 N.H. 569 (2010) and *State v. Dion*, 164 N.H. 544 (2013). Under Rule 403, relevant evidence may only be excluded if the probative value is substantially outweighed by unfair prejudice, confusion of the issues, misleading the jury, presenting cumulative evidence, causing undue delay, or wasting time. The Court in *Ainsworth* advised that evidence would be unfairly prejudicial only where its primary purpose was to appeal to sympathy or cause the jury to base its decision on something other than the evidence in the case. *State v. Ainsworth*, 151 N.H. 691 (2005). Here, the evidence of drug use sought to be admitted goes directly to the relationship of the parties

and the circumstances surrounding the charged events. It is intrinsic and, as such, the motion to preclude should be denied.

***g. Allegations of theft***

31. The defendant asks this Court for an order precluding allegations of theft. (Def.'s Mot. ¶ 2g.) The State has no intention of using this evidence in its case-in-chief and does not object to the requested order. However, the State notes that the defendant was convicted of theft-related charges and, as fully discussed *infra k*, should the defendant testify, these convictions are admissible pursuant to N. H. R. Ev. 609.

***h. Allegations of Domestic Violence perpetrated upon Crystal Sorey and prohibiting Crystal Sorey from seeing Harmony Montgomery***

32. With respect to the motion to preclude allegations that the defendant perpetrated acts of domestic violence upon Crystal Sorey and prohibited her from seeing Harmony Montgomery, the State objects in part. (*see* Def.'s Mot. ¶ 2h.) The State has no intention of using allegations that the defendant perpetrated acts of domestic violence upon Ms. Sorey in its case-in-chief and does not object to such an order. However, the State objects to any order precluding evidence that the defendant prohibited Ms. Sorey from seeing her only daughter, Harmony. This evidence is admissible as intrinsic other acts evidence that is not subject to Rule 404(b). *See Wells*, 166 N.H. 73, 77–78 (2014). Specifically, the State anticipates that witnesses will testify that the defendant refused to allow Ms. Sorey to see Harmony after he murdered her, that the defendant blocked her number and stopped answering her messages and calls after the last time she saw Harmony via a Facetime call in April 2019, and about the lengths she went to in an attempt to find Harmony prior to law enforcement initiating an investigation. Similarly, Kayla is expected to testify that the defendant blocked family

members after he murdered Harmony to avoid detection. The defendant's conduct in preventing Ms. Sorey from seeing Harmony is an integral part of the testimony of Ms. Sorey, and it corroborated both Ms. Sorey's testimony as well as Kayla's. As such, this evidence forms an integral part of witness testimony and completes the story of the charged offenses. This evidence would be inextricably intertwined with the facts and circumstances of the charged offenses; therefore, such evidence would be intrinsic other acts evidence not subject to Rule 404(b). *Id.*

33. As discussed *supra*, generally, evidence of other crimes would have to be admitted under Rule 404(b); however, the NH Supreme Court held in *Papillion* that evidence which is intrinsic to the case at hand is not 404(b) evidence. When the evidence of the other act and the evidence of the crime charged are "inextricably intertwined" or part of the same "criminal episode" there is a causal connection with the charged crime and the uncharged offenses. Such evidence which is a prelude to the charged offense is directly probative, arises from the same events, forms an integral part of a witness' testimony or completes the story of the charged offense. *State v. Papillion*, 173 N.H. 13, 24-25 (2020). The Court in *Papillion*, cited to *Wells* where it had previously found that other act evidence could be intrinsic to a case under the rationale that "events do not occur in a vacuum and the jury has a right to hear what occurred immediately prior to and subsequent to the commission of the charged act" in order to conduct a realistic evaluation of the evidence. *State v. Wells*, 166 N.H. 73, 78 (2014).

34. In order for intrinsic evidence to be admissible, the trial court need only follow the balancing test under Rule of Evidence 403. *See State v. Nightingale*, 160 N.H. 569 (2010) and *State v. Dion*, 164 N.H. 544 (2013). Under Rule 403, relevant evidence may only be excluded if the probative value is substantially outweighed by unfair prejudice, confusion of

the issues, misleading the jury, presenting cumulative evidence, causing undue delay, or wasting time. The Court in *Ainsworth* advised that evidence would be unfairly prejudicial only where its primary purpose was to appeal to sympathy or cause the jury to base its decision on something other than the evidence in the case. *State v. Ainsworth*, 151 N.H. 691 (2005). Here, the evidence that the defendant prevented Ms. Sorey from seeing Harmony goes directly to the circumstances surrounding the charged events. It is intrinsic and, as such, the motion to preclude should be denied.

***i. Allegations of any Wrongdoing in obtaining Custody of Harmony Montgomery***

35. With respect to the motion to preclude allegations of the defendant's wrongdoing in obtaining custody of Harmony, (*see* Def.'s Mot. ¶ 2i.) the State does not object. The State has no intention of using evidence of wrongdoing on the part of the defendant in obtaining custody of Harmony in its case-in-chief and does not object to the requested order at this time.

***j. Evidence of the Defendant's Criminal History as a Juvenile***

36. With respect to the motion to preclude allegations of the defendant's criminal history as a juvenile, or that he resided at the Youth Development Center, (*see* Def.'s Mot. ¶ 2j.) the State does not object. The State has no intention of using such evidence in its case-in-chief and does not object to the requested order.

***k. Evidence of the Defendant's Prior Convictions***

37. With respect to the motion to preclude evidence of the defendant's prior convictions, (*see* Def.'s Mot. ¶ 2k.) the State does not object. The State has no intention of using such evidence in its case-in-chief and does not object to the requested order at this time. However, the State, requests that this Honorable Court permit the State to admit the existence



of certain criminal convictions to impeach the defendant's credibility if he testifies at trial. Should the defendant testify, the State seeks to admit the following:

- a. 6/2023 Conviction (currently serving sentence): two counts each of Armed Career Criminal, Theft By Unauthorized Taking, and Receiving Stolen Property (216-2022-CR-577).
- b. 9/9/14: assault and battery with a dangerous weapon, larceny from a person (1498CR000304).

38. 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 the defendant 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 the defendant's character for truthfulness should he testify at trial. *See id.* As such, this Court should allow the State to admit the defendant's prior convictions as outlined above.

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

- (A) Deny the defendant's Motion Re: Allegations of Prior or Subsequent Bad Acts; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: January 2, 2024

/s/ Benjamin J. Agati  
Benjamin J. Agati, Bar # 16161  
Senior Assistant Attorney General

/s/ R. Christopher Knowles  
R. Christopher Knowles, Bar #276524  
Assistant Attorney General

Criminal Justice Bureau  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the State of New Hampshire e-filing system to Carrie Smith, Esq. and Jamie Brooks, Esq. counsel of record in this matter.

/s/ R. Christopher Knowles  
R. Christopher Knowles

**Proffer Interview # 3 with Kayla Montgomery  
03/16/23 1129 -1301 hours  
At the Attorney General's Office in Concord, NH**

**JD = Detective Jack Dunleavy  
MR = Detective Max Rahill  
CK = Assistant Attorney General Christopher Knowles  
BA = Assistant Attorney General Ben Agati  
PG = Attorney Paul Garrity  
KM = Kayla Montgomery**

**JD: It's March 16th, at 11:29 a.m. Ah -- We're at the Attorney General's Office in Concord, New Hampshire. Ah -- Present are myself, Detective Dunleavy, ah -- Detective Rahill, ah -- ah -- Assistant Attorney General Knowles, Assistant Attorney General ah -- Agati, your attorney, Paul Garrity, then yourself, obviously, Kayla Montgomery. Um -- So, this is going to be kind of informal. It's going to be kind of the same as we've done in the past. We're just going to kind of ask some questions, except that we're going to -- we want honest -- your honestly for all these questions. Okay?**

**KM: Um-hm.**

**JD: Um -- Before we start, do you have any questions at all?**

**KM: Not really, no.**

**JD: Okay. Um -- If you don't know the answer, just tell me you don't know. Okay?**

**KM: Um-hm.**

**JD: Um -- That's fine if you don't know or if you don't remember, but just again, I want these questions to be answered honestly.**

**KM: Yeah.**

**JD: Um -- That way, down the road, we don't have any issues. Okay?**

**KM: Okay.**

**JD: So, ah -- one of my first questions was -- we have spoken to obviously a bunch of people -- have you and/or Adam ever asked for a freezer um -- of any type from one of the drivers at Pelican Transportation?**

**KM: No.**

**JD: Do you remember Jackie, the driver at Pelican Transportation?**

**KM: Yeah. Yeah.**

**JD: There were -- There had been conversation with her um -- or associates of Pelican where there had been mention that maybe you or Adam had asked for a freezer at one point from them, to see if they had one.**

**KM: No, not that I remember. I never heard that or anything. I know that Jackie um -- was moving and she offered to give us some furniture, because we didn't have a bed frame or anything like that. So, she gave us her bed and bed frame and some pillows and a blanket, but that's like it. I never heard anything about a freezer or asking her for that.**

**JD: When did you guys end up getting that? Were you living -- What --**

**KM: We were living on Union Street.**

**JD: Now, was that something that you had just moved in there or something different?**

**KM: Yeah, that was when we moved in. Like it was probably like a couple months after we moved in, and Jackie um -- was moving, and she gave us the furniture. It was like the springtime. Yeah.**

**JD: Okay. All right. Um -- And these aren't in any particular order, but I know in the past, you had stated Adam didn't use any tools on Harmony, um --**

**KM: That I know of.**

**JD: That you're aware of.**

**KM: Yeah.**

**JD: Do you remember him buying any tools around that time that you're aware of --**

**KM: No.**

**JD: -- or notice any new tools in the house at all?**

**KM: No. I know um -- there was -- I know he did get some tools. Um -- But I don't remember when he got them. I remember there was like a -- I remember when he broke the um -- the counter, um -- the day he got arrested the first time.**

**JD: Now, where would this be and when -- what time?**

**KM: Union Street.**

**JD: And that was just while you --**

**KM: And it was in March.**

**JD: Did you still have Harmony at that point?**

**KM: No.**

**JD: Okay. Um -- Do you remember him buying anything or stealing anything, any other types of tools, like power tools or anything?**

**KM: No.**

**JD: Okay. So, I'm going to show you a picture of a tool, um -- and can you just tell me whether you had seen it in the apartment or not?**

**KM: Um-hm. Umm -- No, I never seen that. I haven't seen that. I know he had -- There was like a -- There was a**

**saw like um -- but it was like a big -- like um -- like a table saw like that -- I don't know. That's what he broke the counter, because like he was pulling it out because he was being crazy.**

**JD: So, it was like a table saw, like something you --**

**KM: Like a big -- It was a big box. Like this big.**

**JD: Okay. Um -- So, it was like kind of positioned on --**

**KM: It was under the counter.**

**JD: -- like a table?**

**KM: No, it was under -- it was under the counter in its box that -- I don't -- I don't remember. I just remember it was a saw.**

**JD: Okay.**

**KM: And it was a big box. And it -- I don't remember it looking like that.**

**JD: Okay. Are you -- Should I pull up a picture of a --**

**CK: I can do that while you keep going.**

**JD: Okay. Um -- Another thing I had asked about was -- I remember you said that a bag of lime was used at some point --**

**KM: Yeah.**

**JD: -- to put into the bag where Harmony's body was in.**

**KM: Yeah.**

**JD: Tell me again what you remember about where that came from.**

**KM: I don't even know where it came from. I just know he got it. I don't know where it came from, where he got it from.**

**I just -- It was just there all of a sudden. I don't know where he got it from, who he got it from, how he got it.**

**JD: Okay. Um -- I'll -- So, I'm -- This is just from Home Depot. Um -- Some general pictures of lime bags. Do any of these look familiar or similar to the one that you remember seeing?**

**KM: I think this one. I think. I remember it was white.**

**JD: Okay. So, that's like the most similar -- the sim-- like the closest to what you remember seeing?**

**KM: Yeah.**

**JD: Do you mind just circling that? Initialing it? Just so I -- And then I'll put this um -- in our notes for later. Thank you.**

**MR: Do you know if he had a shovel?**

**KM: No, I don't.**

**MR: Okay. Or when he left that night --**

**KM: Um --**

**MR: -- in a U-Haul?**

**KM: I don't remember the time that he left. I just remember he had ah -- Travis' girlfriend rent it.**

**MR: Um-hm.**

**KM: And get the -- got the hotel room. Our kids were with us at the hotel. He got them to rent the hotel room and rent the U-Haul, and he left in like the middle of the night, and came back when it was like starting to get light out, and I was sleeping with the kids. I don't know when -- I don't know what -- when he left.**

**JD: Before I kind of jump topics, do you want to --**

**CK: Do you remember what color the tool was that he had, the saw?**

**KM: No, I just remember the black box. I don't remember. I remember it was like a old -- it was old, but I don't --**

**MR: It was handheld though?**

**KM: I think it -- No, it was like a -- you had to plug it in, I think.**

**CK: So, like --**

**MR: Yeah, but like it wasn't like a fixed --**

**JD: Is that what you saw? Like a --**

**KM: Yeah, something like that, but it was in the big box. Like it was big. But I didn't -- I don't remember the color of it --**

**JD: Did it have --**

**KM: -- on the inside. I just remember the box.**

**JD: Did it have like a table built into it like?**

**KM: No.**

**JD: Okay. So -- But it was something like this?**

**KM: Yeah.**

**JD: Okay. So, that would be a -- just a --**

**KM: I just don't remember the brand.**

**JD: -- just a cordless compact saw, circular saw?**

**KM: Yeah.**

**JD: All right.**



**KM: But I don't remember the brand. But I remember it was a thing like that.**

**JD: And you --**

**KM: I just remember the box.**

**JD: And --**

**KM: Because I remember him destroying the house.**

**JD: But that was after her body was disposed of?**

**KM: Yeah.**

**JD: But you're a hundred percent on the fact that there was no tools used to --**

**KM: That, I don't know.**

**JD: -- break -- break her body up?**

**KM: No, I don't know of that.**

**JD: Okay. And you didn't --**

**KM: I just remember the lime.**

**JD: And you didn't hear any noise of any tools going or anything like that?**

**KM: No.**

**JD: Okay.**

**KM: I didn't -- No.**

**JD: And even going in the shower. I know -- I remember you were telling me you were in the bathroom for a portion of it.**

**KM: Yeah, but I didn't --**

**JD: You don't remember seeing anything like that?**

**KM: No, I just remember the lime.**

**JD: Okay. And how much of the bag did he use, if --**

**KM: I don't know. I don't. I don't know. I just remember -- I just know that he used it. I don't know how much he used or -- I don't know.**

**JD: And remind me again -- and I apologize if it's something you had already told us in the past -- was it after he had finished with what he had done in the shower? Is that when he used the lime, or it was prior to that?**

**KM: I -- I don't know, because I wasn't in there when he did it. But I know -- I think -- it had to have been after because he -- I don't know. I think that's like -- I don't know. It's -- I don't know.**

**JD: Does this look more like what you saw?**

**KM: Eh -- Umm.**

**JD: Or more like if --**

**KM: Well, that wasn't -- that's not there. I don't know.**

**JD: The bottom portion of it isn't?**

**KM: Yeah. No.**

**JD: Okay.**

**KM: I just remember that -- that it was something like that.**

**CK: The -- The black box, was it plastic, or -- or was it cardboard?**

**KM: It was the plastic. It was like a -- You get a tool, and it comes with a box.**

**CK: Okay. And did it have wording on it?**

**KM:** Yeah, that's what I'm trying to remember. I don't remember the name of it.

**JD:** Okay.

**KM:** I -- But remember it was the -- like the box that the tool comes in.

**JD:** Okay.

**MR:** Just for documentation purposes, that was a miter saw. Just because there's no video.

**JD:** Yeah.

**CK:** I forwarded ah -- both images, and so we can print those out and attach them to the report.

**JD:** Okay. Sure. Um -- If Adam would go to buy like tools or things like that, where would he typically go to like --

**KM:** Um --

**JD:** -- buy things like anything outdoor-related?

**KM:** I remember he was working at Home Depot, but then that didn't happen after he got arrested that night, and whatever. He wasn't going anymore. Um -- But I know there would be like -- he'd go on like the Marketplace or something like that, or if people were getting rid of tools --

**JD:** Um-hm.

**KM:** -- he would ask, "Oh, can I -- are you getting rid of that," or something. Or people would be like, "Oh, I'm getting rid of this. Do you want it?"

**JD:** Okay.

**KM:** And I -- I don't remember who gave him that -- that saw thing.

**JD:** Okay. Um --

**KM:** Or where. I don't remember where -- if where -- if he bought it or if somebody gave it to him. I don't know.

**JD:** Okay. Ah -- Do you remember seeing any other tools around either Lake Ave or Union Street when you guys were living there? Any -- Any tools that he would carry from place to place at all?

**KM:** No.

**JD:** Okay.

**KM:** And when we were at Lake Ave he was mostly working and that -- like wasn't doing anything; just working.

**JD:** Okay. Um -- Where would you guys go to with-- withdraw money from? Like would you typically go -- go to get cash -- ah -- or would you guys always use a card?

**KM:** I know that I had a Chime card.

**JD:** Now, was that something that was just in your name or both your names?

**KM:** He had one in his name, but I had one in my name. But I think the one that -- He lost his card somehow, but I ended -- I think we ended up using my bank account because we got our taxes and that -- like all that -- I ended up using that as a -- our bank.

**JD:** And now what kind of ah -- bank card did you have?

**KM:** Chime.

**JD:** Okay. So, it wasn't you -- It was just a Chime.

**KM:** Yeah.

**JD:** So, like neither of you had -- Did you have like a Bank of America or a -- or a TD Bank?

**KM:** No, I haven't had any kind of bank account like that in years that I can remember.

**JD: So, because I'm not super familiar with Chime, is that a card you have?**

**KM: Yeah.**

**JD: Like a physical card?**

**KM: Yeah, and it had -- they have like a -- their own banking thing. Like there's a routing number, account number, stuff like that.**

**JD: Okay.**

**KM: And I had it before I got arrested in January.**

**JD: Okay. Think back to the time of like when everything happened with Harmony, when she was killed, when her body was disposed of. Were you guys using your Chime card at that period of time?**

**KM: Um -- Yeah, because we got our taxes, and --**

**JD: So, your taxes went right onto that Chime card?**

**KM: Yeah. First, it -- we had that Emerald card. So, I know we had that.**

**JD: Okay. That's the one that you get from -- from ah -- H&R Block?**

**KM: Yeah. And then um -- I know that I switched over to the Chime, I think, or something. I think the H&R Block, I think that was our -- like it was gone, and then we started using the Chime account when he um -- when he got the job at Home Depot. And I also think it was -- Because I think he set up the PayPal to get paid from the job he was doing with Mike Sullivan --**

**JD: Okay.**

**KM: -- that summer. And then um -- And then I switched it over to the Chime card, and so -- and I don't remember if the PayPal was in my name or his name or what.**

**JD: Okay. But you both used the Chime account?**

**KM: Yeah.**

**JD: Okay. And was there a -- So, there was one card for you, one card for Adam, and then did you have a third card that was for shared, or did you guys just kind of --**

**KM: No, it was just the same. We just used the card, and Adam lost his card.**

**JD: Okay. So, it was all one account though?**

**KM: Yeah.**

**JD: Okay.**

**KM: Well, Adam's was his account, and he lost his card, so we -- he didn't use his account.**

**JD: So, he started using your card?**

**KM: So, it was my account.**

**JD: Gotcha.**

**KM: Yeah.**

**JD: How other -- What other ways would you guys use to purchase things like going to the convenience store or getting gas? Like how -- how other ways would you --**

**KM: Umm -- Card. Um -- Usually a card. I know that if he needed -- if like we would just take money out to get drugs or something, we'd go to 7 Eleven or a Rite Aid. Mostly, it was a 7 Eleven or the -- that convenience store that was across from the apartment, the Union Street Market.**

**JD: So, you'd go to 7 Eleven ah -- to withdraw money from the ATM?**

**KM: Yeah, any 7 Eleven like because that was -- it was free, like they wouldn't charge your card the fee to um -- get the money out.**

**JD: Okay. So, 7 Eleven, Union Street Market, and where else? You said there was one more that you --**

**KM: Or Rite Aid.**

**JD: "Rite Aid," okay.**

**KM: I know we used -- used a Rite Aid.**

**JD: Did you --**

**KM: Because I know the Chime, you can -- like it depended on the type of ATM machine like. But I know 7 Eleven was the most, but I've used it at Rite Aid or just like -- I don't know if that was a long time ago. I just know that's where we'd take money out.**

**JD: So, you would take cash out as well besides using the card?**

**KM: Yeah. Most of the time, we only took cash out to get drugs.**

**JD: So, the cash -- when you took cash out, it was for drugs?**

**KM: Yeah.**

**JD: The card was used for every other day type purposes?**

**KM: Yeah.**

**JD: Okay.**

**KM: That I know of. That's what I used it for.**

**JD: Right. So, did you guys ever have an account at Citizen's or anything? Or would you use Citizen's to withdraw money?**

**KM: I don't remember using Citizen's, and I know I didn't have a bank account at Citizen's.**

**JD: So, we have a withdrawal on February 26th of 2020, where it looks like maybe you and/or Adam withdrew \$500.00 from Citizen's on South Willow. Were you guys taking out that lump sum of money pretty often? Like large amounts of money?**

**KM: No. I don't even remember that.**

**JD: Okay. So, you're not sure about that?**

**KM: No.**

**JD: Okay. Ah --**

**MR: So -- Sorry.**

**JD: No, go ahead.**

**MR: So, that was around the time that you guys bought that rifle from um -- Travis Beech?**

**KM: He did. Not me.**

**MR: Right. Right.**

**KM: Yeah.**

**MR: Well -- all right -- during that transaction. So, it was around that time. Do you remember him going to the bank, or does that help you like --**

**KM: I know like he was the one that was always leaving, and I was staying home with the kids. Like he was the one always going, because I stayed home. He's the one that went and got a job. He's the one that was leaving to go get whatever.**

**MR: Okay.**

**KM: So, I just know that um -- I -- he would take the card and go take money out or something, and I would think -- it**



was what time? What date? What year? I mean, what month? (Laughing)

**JD:** February -- February of 2020. Like right at the end. So, what --

**KM:** Before March? Like right --

**MR:** Yeah.

**KM:** -- before March?

**MR:** Yes.

**KM:** Yeah, that's when we got our -- that's when we got our taxes.

**MR:** Um-hm.

**JD:** Okay. How much were you guys taking out at a time, if you had to guess, what -- that you know of?

**KM:** I don't know. I know um -- that I know of? It was hun-- a hundred or two hundred at a time. I don't remember taking out five hundred.

**JD:** Okay. And it might be something that Adam did. You know --

**KM:** Yeah, I know.

**JD:** -- you might not have been there or you just didn't know he was taking that amount.

**KM:** Yeah.

**JD:** Yeah. But it --

**KM:** Unless it -- Like I know we went shopping, and like I don't know. That's the -- I don't remember taking money out.

**MR:** Would you ever go to South Willow? I mean, that's kind of far from Union Street.

**KM: Um -- That's the only thing I can think of is if somebody gave him a ride.**

**MR: Right.**

**KM: And he was paying them something --**

**MR: To go there.**

**KM: -- to go get something, or.**

**MR: Right.**

**KM: Whatever.**

**MR: But nothing that you're aware of?**

**KM: No.**

**MR: Okay.**

**JD: So, when Adam got that gun from Travis, do you remember how he got that money to pay for it?**

**KM: No.**

**JD: Because he -- Because you were home, from what I remember --**

**KM: Yeah.**

**JD: -- being in the home when that transaction happened.**

**KM: I don't remember -- I don't remember how he paid him, or I don't remember any -- any of that. I don't remember how he paid him. I didn't see him pay him.**

**JD: Okay.**

**KM: I just remember the gun coming in the apartment.**

**JD: Okay. Um -- I think you've answered a couple of these next ones. So, you guys -- So, just for clarification, right**

around the time -- between the time of Harmony's death and the time that she was disposed of --

**KM:** Um-hm.

**JD:** -- you don't recall having any actual bank account, other than the Chime, as far as like a --

**KM:** Yeah. The Chime was like the main one, and I was still using it um -- all the way up until last year, January.

**JD:** Okay.

**KM:** Because I was using it to -- I would use it for my um -- direct deposit for work and um -- also when I got my taxes. That was just -- That was just strictly the bank account that I would use.

**JD:** Now, was that um -- that account -- that's the same account you've had open since back then?

**KM:** Yeah.

**JD:** Like you've never had to close it and reopen it or anything like that?

**KM:** They actually closed it when I got -- went to Valley Street last year after four months, and I guess they said that I had multiple accounts, and I was like, "I don't remember doing that." And I signed up for the credit card thing, and they gave me the credit card and -- like before I got arrested. And I just remember that. So, then when I got out and I tried to use it, um -- they said that I couldn't do it --

**JD:** Okay.

**KM:** -- because I had multiple open, and I don't remember that.

**JD:** Now, you -- So, you should have an account with Chime? Adam should have an account with Chime?

**KM:** Um-hm.

**JD: Okay. Did you guys ever open in the children's name, just because --**

**KM: No.**

**JD: -- because maybe like your credit or whatever was going on?**

**KM: Not that I know of.**

**JD: Okay. Um -- Kind of going fast-forward a little bit to the U-Haul.**

**KM: Um-hm.**

**JD: Did Adam or Travis or anyone else take the U-Haul out that you remember before Adam left like late at night?**

**KM: I don't know. I don't know if anybody left with it --**

**JD: Okay. And did --**

**KM: -- before him.**

**JD: So, you don't know if anybody or even if Adam went out and ran errands or anything like that?**

**KM: No.**

**JD: Did you ever get in the U-Haul at any point?**

**KM: Not that I know of. Not that I remember.**

**JD: All right. So, you -- you never got in? You guys didn't like run down the street to get like food or anything like that? Because, I mean, that's --**

**KM: No.**

**JD: -- your only source of --**

**KM: I didn't do that. I remember we were walking. But I wasn't going anywhere -- it was cold -- with the kids.**

**Like I wasn't -- If we wanted to eat something, I would have him go get it, because I'm like, "I'm not going out there and bringing the kids out there."**

**JD: Right. Because you have all those kids to pile into a small van.**

**KM: Yeah, there was just two at the time, but.**

**JD: So, that's a lot of work.**

**KM: Yeah, and there was nowhere to go. There was nowhere to sit in the van. He said there was just the two seats in the front.**

**JD: Okay.**

**KM: So.**

**JD: Is there anything else about that U-Haul that you're remembering um -- that maybe you didn't remember in the past, or that you had kind of thought about since our last time we spoke?**

**KM: No.**

**JD: Okay.**

**KM: I keep trying to remember when I first talked to you guys about it, and you said something about me being there with the kids or something. Like you were like, "Oh, you wouldn't be there with the kids," or when he was getting the U-Haul from the place, and I was like, "No," and then you were making me think that I did that, and I didn't.**

**JD: Well, just because we had some conflicting statements from other people.**

**KM: Um-hm.**

**JD: So, we wanted to try to iron out those details. Were you there or weren't you there, because other people thought they remember you being there. But you're telling us you**

weren't. They weren't a hundred percent sure, so we're just trying to look for clarification, so.

**KM:** Okay.

**JD:** Um -- So, that's why maybe it came off like that.

**KM:** Yeah, I don't remember. I don't remember getting it. I don't remember going there. I just know he came back and was like, "Oh, I have the U-Haul."

**JD:** Okay.

**KM:** And I was like, "Okay."

**JD:** Kind of staying in the same theme of U-Haul, tell me about ah -- the storage unit you have.

**KM:** The one I had before it got taken?

**JD:** Yeah.

**KM:** Um -- I got that um -- a family member from the church um -- helped me because I -- I left Adam --

**JD:** Okay.

**KM:** -- and took my kids um -- and was -- and stayed with my mom, and I needed to figure out how to put some stuff away. Like I was like, "I don't want to leave all this stuff here. Like I do need some of it until I get a place." And then um -- so Myles was the one that helped me. Him and his son helped me move stuff out.

**JD:** Now, were they the ones that -- that actually like rented it for you?

**KM:** Yeah. Myles rented the U-Haul.

**JD:** Remind of Myles' last name again.

**KM:** Um --

**JD:** I know I've spoken to him. Um --

**KM: I don't remember. My -- Martin.**

**JD: Myles Martin?**

**KM: Yeah.**

**JD: Okay. I remember speaking to him; I just couldn't remember. So --**

**KM: Yeah.**

**JD: -- remind me which town that U-Haul was located in.**

**KM: Um -- It was -- I remember it was in -- behind the airport.**

**JD: Okay.**

**KM: But it was like Bedford, but Manchester. I don't remember which one it was in.**

**JD: Okay.**

**KM: But I know it was right there behind the airport.**

**JD: But not in -- not on South Willow?**

**KM: No.**

**JD: Okay. Um -- So, we ended up going through the stor-- the storage unit. All right?**

**KM: Um-hm.**

**JD: Ah -- We didn't throw anything out. We just left everything kind of where it was. Ah -- We did take a few things to go through them, some paperwork and stuff like that.**

**KM: Um-hm.**

**JD: In that unit, we had found a Domestic Violence Petition. Do you remember filing one or filling one out at least?**

**KM:** Um -- So, that was the first time he got arrested, because um -- the cops came for like the third time.

**JD:** Um-hm.

**KM:** And because he was being crazy, and he was yelling, "Somebody call the cops," and he thought I was trying to kill him.

**JD:** Okay.

**KM:** But I wasn't.

**JD:** So, that DVP, did you end up ever filing it, or was that just something you filled out with the intentions of maybe filing it at some point?

**KM:** I don't remember filing it, but I remember that bef-- because I couldn't go straight to my mom's house, and DCYF was involved, and ah -- um -- they connected me with the YWCA, and they put me in a hotel with my kids --

**JD:** Okay.

**KM:** -- um -- until I could go with my mom, because my mom was in North Dakota. And um -- So, then I was there for like a few days until she came, and then um -- What was the question again?

**JD:** If you ever filed the DVP that we found in there.

**KM:** No, I don't remember. I don't remember doing that, but I remember um -- the -- I remember doing court over the phone or something, or a hearing, whatever, when he was getting released, and they had me connected to the violence thing. I don't remember if I filed that or not. I don't.

**JD:** So, in there -- I don't remember the exact language of what you wrote, but it was something along the lines of he was accusing you -- you were saying that he was accusing you of something. Do you remember what that was in reference to?



**KM: Telling.**

**JD: Telling?**

**KM: About Harmony.**

**JD: Okay. So, in that DVP -- Was he saying that when he got arrested? Was he like freaking out because he was thinking you were telling people about what he did to Harmony?**

**KM: Every time that he would freak out, it was either I was trying to kill him, I was telling about Harmony, or I was cheating on him, or all three.**

**JD: Okay. So, you remember specifically that DVP was he was accusing you of --**

**KM: All of it. All the -- All three things that --**

**JD: Okay.**

**KM: He would -- He would say random. Like it was either, "You're cheating on me," or "You're trying to kill me," or "You're telling." Like he wouldn't say after what I'm telling, but I knew what he was saying, and he knew what he was saying.**

**JD: Okay. Any like cleanup from that question?**

**CK: Um -- When he was being accus-- accusatory, when he was accusing you of those things --**

**KM: Yeah.**

**CK: -- did he ever threaten -- threaten you in any way?**

**KM: He would -- He hurt me. He tried -- He hurt me like a few times and -- because he was being crazy -- and um -- I just -- I just remember that. And I would like try and leave, and he's like -- I'd be like, "I'm leaving," and he'd be like, "Okay." And then I'd go leave, and he doesn't let me leave.**

**CK:** So, was there -- was there an interaction between the two of you that led to you -- like one that stands out that led to you um -- wanting to get the protective order?

**KM:** Um --

**CK:** Or that you --

**KM:** -- I think it was more or less the officer that came to the house, because he was coming very frequently, and he -- and I had a um -- a black eye the next day that they came again, and um -- he suggested doing that protective order. And then when he got arrested and um -- went to Valley Street after St. Paddy's Day was when he got arrested that year, in 2020? 20-- I don't remember what --

**JD:** I think it might have been '21.

**KM:** Yeah, that one.

**CK:** So, the black eye that you just mentioned --

**KM:** Yeah.

**CK:** -- how -- how did you get it?

**KM:** He punched me right in the face. And he had done it -- he did it quite a few times within those years.

**CK:** Um -- Can you describe what was going on before he punched you?

**KM:** Um -- He'd be yelling and screaming, saying that I was cheating on him. And the first time, he was like um -- he was like, "Tell me or I'm going to punch you in the face." And I was like, "I'm not telling you because I didn't do anything," and then I was -- and then I told him that I did when I really didn't, and he still punched me in the face.

**CK:** So, were those two separate times, or?

**KM:** No, it was the same time.

**CK: Same time?**

**KM: Yeah.**

**CK: So, he punched you twice that time?**

**KM: Yeah, he just kept punching me. Like it wasn't just twice; he just kept punching me.**

**CK: Um -- Did he ever use physical -- Did he ever punch you or -- or hit you or push you or -- or manhandle you in any way um -- after accusing you of --**

**KM: Yeah.**

**CK: -- of telling on him?**

**KM: A -- Not um -- Yeah, a lot. A lot of times. I like can't even count.**

**CK: Okay.**

**KM: And I would um -- I would try and go to bed, and he'd be like -- he'd be calling my name, and the kids would be sleeping, and then I'd be like, "Dude, I'm going to bed," and he'd be like, "Come sit out here with me." And I'm like, "No, I'm not," like mentioning the living room, because he was sitting out in the living room. And I'm like, "I'm not doing this with you." And um -- And he just kept like repeating himself. I didn't want him to wake up the kids, so I would go sit out there with him, and then he would just keep running his mouth, like threatening and saying things like, "Oh, I know you're doing this. I know you're telling. I know you're cheating on me. I know you're doing" -- all these things that I wasn't doing. And I know, a couple times, I did tell him that I was cheating on him, just because he just kept going, like repeating it and coming at me with it, so I just said that I did, even though I didn't. (Crying)**

**CK: Was there something specific that would trigger those interactions?**

**KM:** Yeah, like um -- when we would -- would smoke crack. Once we would get crack, right after he took that hit, it was over. That was it. It was like he was just gone and like destroying everything. (Crying) And like it was to the point where I couldn't take care of the kids and like I couldn't feed them, I couldn't make them a bottle, I couldn't change them. (Crying and sniffing) And if I knew he would like be leaving to go get drugs or whatever, before he would come back, I would um -- make the bottles, feed them, make sure they're in bed, make sure that I could change them, make sure I had everything ready for them, and that they were fine, because I knew he was going to -- anything I did, it was, I was taking the drugs or they were fake or if I move, it's like something -- Like I couldn't even move. (Crying and sniffing)

**CK:** And feel free to use that if you need.

**JD:** They just went to get you some tissues. I know that's not the --

**MR:** Softest.

**JD:** -- softest thing to wipe your face with. (Laughing)

**KM:** (Laughing)

**CK:** Um -- Do you remember around when that kind of change happened with -- with Adam?

**KM:** Um -- I feel like it hap-- like it slowly started happening when we went to Lake Ave. Like I know when we were living in our car, like I could see -- like before living in the car, I could see like he was changing, and then once we were living in the car, like he started getting a little crazier. And then once we were at Lake Ave and he was working, and he was fine, and then once we moved to Union Street, he slowly started getting nuts, and then he just started getting crazy. It was like that right after we got our taxes in 2021 or 2020 -- I don't remember whatever date that was.

**JD:** 2020.

**KM:** Yeah. So, it was like we had our taxes. He was okay, up until like the wintertime. And then once the winter came, he was going nuts and accusing me of whatever like.

**CK:** So, at that point, you still have Harmony -- Harmony's body?

**KM:** Yeah. Yeah, until the Mar-- Yeah, until the March after that, or May, whatever, that springtime.

**JD:** Yeah. So, him accusing you of telling about Harmony and assaulting you at the same time, was that happening when you guys still had her body?

**KM:** Yeah.

**JD:** Okay.

**CK:** Did you ever have a -- like -- like a sober conversation with him when he was --

**KM:** Yeah.

**CK:** -- like coming down or -- or --

**KM:** When like he would be fine when like he'd be sober and we'd be able to talk, and then he would be like, "I'm sorry," and apologize. (Crying) And he's -- But then he's like, "Just tell me." Like he would talk -- call me and he's like, "Just tell me what you're doing," and I'm like, "I'm not doing anything." And I did um -- I do remember one of the times um -- we were laying in bed and he was accusing me of saying -- of telling about Harmony, and I was like, "No, I'm not." And then um -- he just kept nagging me, and then I told him that I did, when I didn't. Like I kept just telling him that I was doing things that I wasn't doing because he wouldn't stop. (Crying and sniffing)

**CK:** And so, that incident that you're describing where you told him that you did tell --

**KM:** Yeah.

**CK:** -- when you hadn't, what -- how did he react to that?

**KM:** He was like -- He was like -- He was calm, but he was like, "I" -- he was like, "I knew it. I -- I knew it the whole time." And like he was calm and um -- but then he like -- I don't know. He was just calm, and it was like weird, and he's like, "It's okay. Like I -- I understand like why."

**CK:** And so, that time that you're describing where -- the times where you lied to him and said you did tell, and you hadn't --

**KM:** Yeah.

**CK:** -- did he still have her body at that point?

**KM:** I -- I honestly don't remember if it was -- I don't remember if it was before or after because it was constantly happening. (Crying and sniffing)

**CK:** More than -- More than five times?

**KM:** I wasn't telling him that I told like five times, but it just kept happening with him, when he was going to get like (Crying and sniffing) -- Then I told him that I wasn't doing anything, and then I told him that I didn't tell, and then he's like -- he's like, "Why do you keep doing this to me, like messing with my head?" And I'm like, "I -- Like I know I mess with your head, but you're like fucking with me so bad, and I just can't -- you're telling me if I tell you that I did something that you're not going to hurt me, and then you -- you still hurt me if I'm telling you that I did something that I didn't." (Crying and sniffing)

**CK:** Did that stop at some period in time, at some point?

**KM:** Yeah, when I left him.

**CK:** Okay.

**KM:** When I took the kids and left. And the same day that I left, he punched me in the face and threw coffee at me. I literally had to -- Like he went to the store to get

cigarettes or something, and I already had stuff packed because I was leaving. I was going. And he was like, "Where did you just come from?" I'm like, "I didn't come from anywhere. I'm leaving." And he's like, "Really?" And I'm like, "Yeah, I'm going." Like I just got the few things I needed for the kids, and I had a bag packed, and I was like, "I'm just going. Like I can't -- can't do this." And um -- he was like -- he was like, "No, just wait right here. I have something for you," and I was like, "I don't even want that." Like I kept telling him every time that he wanted to go get crack, like obviously he knows that I like it. You know what I mean? But I was to the point where I was like, "Dude, just go somewhere else and do that. Like I don't want to deal with you." The house would get a mess. He would throw food cans, everything. And it came to the point where the kids were -- Declan and Shemus were both like destroying it, too, just because they see him doing it, and then they're doing it. And I couldn't stop them, and he's -- and I would try to, and he's like, "No, sit down." And I'm like, "What the fuck, dude?" Like and I'd be stuck. (Crying and sniffing)

**JD:** Anything else on that?

**MR:** Ah -- I have a question. I know you said you -- there's too many times to count, but like from when his behavior changed to when you finally left, how many times did something domestic-related happen that wasn't reported? Like assaults, threats, him destroying things, to the time where you finally left?

**KM:** It was happening for about like a year and a half, like --

**MR:** Like every day, he was --

**KM:** -- consistent like. Pretty much almost every day, because -- and any time that we -- any time that he would get crack. Any time -- Like there would be like a two-week period where there was nothing because he didn't get paid yet. That was when he was working at Home Depot.

**MR:** Um-hm.

**KM:** And then when -- And when he was waiting -- when he was working with Mike first, and he was waiting to get paid, like it was just a period when there was no money.

**MR:** Um-hm.

**KM:** And then it was -- Once we had money, we're like, "Oh, we shouldn't do this."

**MR:** Um-hm.

**KM:** And then we're both thinking about it, and not telling the other one that like -- because we're both like, "Oh, we shouldn't do it," then one of us says it out loud, and then like, "All right. Then we're just going to go get it," and then he goes and gets it. And then after that, it's like -- there would be like two weeks at a time where it'd be normal.

**MR:** Um-hm.

**KM:** And then within that year and a half, it was like all the time. Within that time when he got arrested in March, um -- over that period of time in the weekend, because I think he -- Yeah, he was arrested -- I think it was like during the week. But um -- over that weekend, up until he got arrested that day, it was literally like Tornado Adam in the house, like three days in a row, and right after I would finish cleaning everything, it would start all over again. (Crying and sniffing)

**MR:** So, you think it happened quite frequently? Like --

**KM:** Yeah.

**MR:** -- dozens of times? Hundreds of times?

**KM:** Like hundreds.

**MR:** Okay.

**KM:** And he even ripped the walls apart, was ripping the rug up. Like ripping everything and ruining everything.



**MR:** Okay.

**CK:** Where were you living when he was going that?

**KM:** On Union Street.

**CK:** "On Union Street." So, from what you said, it -- it sounds like it started when you guys got evicted and were living in the car, this change in his personality?

**KM:** Um-hm.

**CK:** Harmony was still alive at that point?

**KM:** Yeah, during the -- Yeah, until we were living in the car until the car died.

**CK:** So, aside from after you guys left the clinic and while you were still there, the -- the -- December 7th, did he ever -- did he ever direct any of that at her prior to the day that he killed her?

**KM:** Yeah, she -- he would repeatedly -- he was repeatedly punching her because she peed in the car again. But ah -- because we kept saying, "If you have to use the bathroom, just let us know, and we can bring you to the bathroom." And she wouldn't tell us, and then he would get mad and would just hit her. But it wasn't so much as what he did that morning. Like it -- it -- that was just insane. Like it --

**CK:** So, the -- the other times, ah -- not as bad, obviously, but would -- Can you describe that? Can you just tell us a little bit more about it?

**KM:** Um -- Like what do you mean, in the car?

**CK:** In the car when -- when he would hit her.

**KM:** Um -- So, I just -- I remember that last day. Like I know if we -- because we were sleeping in our car, and I know a couple times, like we would wake up like in the middle of the night or something, and um -- like the car just smelled like pee. Like you could just smell it, and it wasn't like

bad, but you could smell it a little bit, and um -- I know he -- he would be like, "What the fuck, Harmony? Like why are you doing that?" And then he would like hit her or slap her or smack her. Like he would do it like probably three times before all that -- the -- before that day that he just like just kept punching her.

**CK:** When he would do that to her, how would she react?

**KM:** She was um -- like fetal position, like trying -- just covering herself, and she was crying.

**CK:** Would she say anything?

**KM:** No.

**CK:** And afterwards, what would the interactions be like between him and her?

**KM:** Um -- She -- I think you could see that she was scared like a little bit. Like sad. (Crying)

**CK:** Would he try to console her or apologize? Anything like that?

**KM:** Yeah, he would after he -- like, I mean, any altercation, he would be like, "Oh, I'm sorry," and console her, and. But that morning, he didn't at all. Because all he cared about was going to get high, which I did too, but at the same time, I didn't really care. We had our Methadone. (Sniffling) It's like whatever. I don't know. He just was going crazy. (Crying and sniffling)

**JD:** Those --- And kind of piggy-- piggybacking off what Chris said, those -- that morning that you -- those couple mornings that you guys stayed at the hotel --

**KM:** Um-hm.

**JD:** -- um -- March 3rd and 4th, do you remembering going to the clinic with Adam both mornings? Like would you guys always go to the clinic together?

**KM:** I don't remember if we went to the clinic. I don't remember if he went or if I went. I don't remember.

**JD:** We have records that you did go; I'm just curious if you recall if Adam would have gone with you or not.

**KM:** Ah -- I think so. I don't -- I don't remember if it was transportation. If the transportation came and picked us up, then yeah, we were together. And then --

**JD:** Was there times that you guys wouldn't go together the -- go together?

**KM:** Yeah. Sometimes um -- like when we -- when we went to -- when we moved to Union Street, um -- there would be days like -- like when he thought I was trying to kill him, he wouldn't go take his Methadone, because he's like, "I know they're poisoning me, or you're having them do something to me." And I'm like, "Well, I'm going to get the Methadone. Like that's -- that's what's saving me. Like I'm going to get that." And he -- And then he would tell me, "No, we're not going to the clinic," and try and tell me I couldn't go get my Methadone, and I'd have to stay in the house. And like you're not sick after you do it -- not get it. Like the first two days, you're fine, but it's just like that was just the routine. We'd get up, go to the clinic, have breakfast, and -- with the kids -- and that like -- and it was just getting all messed up because he wouldn't let me leave. He wasn't letting me leave. I literally had to sneak out with the kids one morning and go to the clinic, and Jackie brought me, and he was sleeping, and I literally had to just leave.

**JD:** So, you can't say, definitively, if Adam went with you or not those two mornings you stayed at the hotels?

**KM:** Um-um.

**JD:** Okay. But when you did go, it was always in the morning?

**KM:** Yeah.

**JD:** It had to be in the morning, right?

**KM:** Yeah, because they closed.

**JD:** Because they're closed after --

**KM:** During the week, they closed at 10:30, and on the weekends -- No, they close at 11:00 during the week, and on the weekends, they close at 10:30.

**JD:** Okay.

**KM:** And they were open from 6:00. Yeah, they'd open at 6:00.

**JD:** And you always went to Market Street, up until recently, correct?

**KM:** Yeah.

**JD:** So, you and Adam -- you never went to -- to ah -- Maple Street?

**KM:** No, I've been -- I was there for seven years. Um --

**JD:** The same with Adam?

**KM:** Um -- He started a year after me, but yeah.

**JD:** Okay. So, you guys had always gone to Habit Opco, right?

**KM:** Yeah.

**JD:** Is that where you'd go? Okay.

**CK:** And he's - (Ahem) -- Excuse me.

**JD:** Okay.

**CK:** I'm losing my voice, I guess. Um -- When you said he wouldn't let you leave, what -- what does that mean?

**KM:** Um -- He'd be like, "You're not going anywhere. You're staying here with the kids." And like if I'd be like -- I would just listen to him because I was scared.

**CK:** Would he do anything physical, like kind of block you from getting to the door, or anything else to like --

**KM:** Um --

**CK** -- physically stop you if you wanted to leave?

**KM:** I -- I remember -- I don't remember about going to the clinic in the morning.

**CK:** Um-hm.

**KM:** If he would do that, but I --

**CK:** Okay.

**KM:** -- remember, a lot of times, when I would try and leave, he would not -- he would block me, and I would unlock -- I would run and unlock one door. Because we had the front door and the back door, and if I went to run one door and he stopped me, I would run to the other door, and I'd make it out, and then he would con me into coming back inside, and he's like, "You're just going to leave the kids here? You're just going to just leave them like that?" I'm like, "I" -- I'm like, "I need to go," and I was like, "Yeah, I'm going to leave them and go get help." Like I can't do this. (Crying and sniffing)

**CK:** When -- When you said he'd con you to come back in, what are some of the other things he would say to you?

**KM:** He'd be like, um -- because I'd -- I'd be outside and it'd be nighttime, and he'd be like -- he'd be like, "Come on Kayla. Don't do this right now. Like it's late," and he's like, "Don't do this." And I'm like -- I'm like, "I -- I'm not going back inside." He's like, "Get back in the house." I'm like, "I'm not going inside. I don't want to." And he's like -- he's like, "Come on. It'll be fine. Just come -- Just come inside." And I'm like, "No. You always say that, and then it's not fine. Like I'm not -- I don't want to go in the house," and he was like -- he -- I ended up going because my kids were in there. (Crying and sniffing)

**CK:** And you said, just a moment ago, "It's not fine." And when you go back in the house, what's happening then when it's not fine?

**KM:** He just keeps talking crap to me, like saying he -- saying I'm cheating on him and I'm trying to kill him, and I'm telling about Harmony. And I didn't do any of that. (Crying and sniffing)

**CK:** What about when you wanted to go to the Methadone Clinic and he didn't want to go? You told us a moment ago, sometimes he would say, "They're poisoning me down there. You're having them," you know, "mix my stuff up," and --

**KM:** Yeah.

**CK:** -- whatever it was. Um -- What would he do then if he tried to -- Would he stop you from trying to go to the Methadone Clinic? Let me ask that question first.

**KM:** Um -- Like I would get ready, and I'd get the kids ready to go.

**CK:** Um-hm.

**KM:** And then our transportation would show up, and I'm like, "All right." I'm -- I'm like, "We got to go," and he's like, "No, we're not going." And I'm like, "Why? Like, we're ready to go." He's like, "No, we're not going."

**CK:** Okay.

**KM:** And then if I didn't want to just -- because I was scared. I didn't want to -- I didn't know what was going to happen. Whether if I did go or didn't go, if I was going to get punched in the face. (Crying and sniffing)

**CK:** Thank you. Let me just -- to piggyback off that. Eventually, you left him? Can you tell me about that?

**KM:** Um -- So, that morning, he was gone. Ah -- He had left that night and didn't come back, and I literally slept with a knife, like because I didn't know when -- what was

going to happen, if he was coming or not. Like I don't know. I was just scared, and um -- the kids were in bed. And he came back the next morning. So, early in the morning, um -- Tara, um -- she ended up um -- bringing me a coffee because she went to Dunkin Donuts, and she went to the clinic, and she got me a coffee. And then um -- my transportation came at like 9:00, and I would go to the clinic at that time when she got me a coffee and stuff. I went to the clinic and went back home, and um -- then he just walked through the door. And it was probably like 12:00 or something like that, and he just came back and he was wearing some like collared purple shirt and black jeans that were way too big, and I don't even know if he had shoes on his feet, but he wasn't wearing the clothes that he left in, and he -- like because he thought his clothes were burning him or on fire, and um -- when he -- when he came back and he thought I was leaving -- I mean, thought that I just came back from leaving, he was like um -- he asked for the Chime card, and I told him I didn't know where it was, when I really did. Because it had the rest of the taxes it, and I wasn't going to give it to him, and. Um -- And then, never mind that, but he threw money everywhere later -- like that day before he left, like we were fighting over it, because I was like, "No, I don't want -- I don't want you to go get whatever you're getting. I don't want to deal with that." And he literally -- we were fighting over it, and the money was everywhere like in the bedroom and like by the closet. It was just all over the place. And when he left, I ended up getting the money, and then I gave him -- he asked to get cigarettes. I gave him a 10-dollar-bill, and he went to the store, and when he went to the store, that's when I took the kids and everything I had and left, and I went downstairs to Mar-- Mariam. Mar-- I don't remember her name, but she was the old lady that lived on the bottom floor, and --

**JD:** Is she the one with the oxygen tank?

**KM:** Yeah, her. And I stay-- I brought the kids in there with me and told her not to let him know that I was in here. And he tried asking her to um -- have a cigarette with him outside, and I'm like, "Do not do that, because he will just run right through you. Like he will not care. He will just

come right through that door." And um -- she was like, "Okay. I won't." And then she shut her window because it was open a little bit, and um -- because you could hear the kids in there. And then I don't know where he went, but um -- Tara kept looking out to see where he was and if he was coming around, and she didn't see him, so I took the kids and went over to her side. And um -- that night -- that day that I left, I was calling ah -- for help like to do something. I'm like, "I can't stay here." And um -- when I did that, he was gone and left, and he obviously got drugs. And then I could see him like out -- because Tara's building is on the other side, and the backside of our apartment was facing the parking lot. So, I could see him go. He was wearing a black hoodie and those black pants, and I saw him come back from wherever he went, and um -- he tried asking me to go -- go with him. I'm like, "No." He's like, "Come here." I'm like, "No, I'm not coming over there." And I didn't. I was like, "I'm not doing that." And I'm like, "You go." And before he went up there, the curtains were open, because he broke every light, so there was no light, and I had to see. And um -- once he got upstairs, he ended up shutting all the curtains so nobody could see what he was doing, which he was smoking crack. And um -- then he was gone. He like was gone again, I guess, because then somebody called the cops. Because he had an -- he couldn't come back to the house when he got arrested that night, and he did, and then somebody called the cops. I think it was Tara or somebody saying that he was in the area and he wasn't supposed to be there. And then he -- they checked the house. They brought the dog and all that stuff, and he wasn't there. And then um -- And then he was gone, and then I ended up leaving at like 3:00 and went to the hotel. And he was like around the house or whatever, and then he got arrested.

**JD:** Okay. Um -- And kind of going back to the -- the storage. We found a phone in the storage unit um -- that the screen was broken. Do you remember anything about that?

**KM:** Um -- I don't remember the kind of phone, but I know sometimes we had -- I -- I don't know why I would keep the phone, but I know sometimes -- Because he was



always breaking everything. He was always breaking phones like every time. Anything we had -- Anything electronic. The TV, the phones, the tablets that the kids got for Christmas, he had broke every single one of them and destroyed them because he thought that um -- the phones were tapped or the cameras were being like -- um -- the cops were listening. The cops could see what we were doing. And he broke the TV accusing me that I was like doing something sexual with some dude on the TV, and that when him and I were like intimate that somebody was watching through the TV somehow, and. I don't know. It was --

**JD:** So, whose phone would have that been at the storage unit?

**KM:** I don't -- I don't know.

**JD:** Um -- Any reason why you would have kept it?

**KM:** Ah -- I probably -- probably because I wanted to get the pictures, um -- and I know -- I remember there was a phone. I don't even know if it was this time. I've had so many phones, I can't even keep track.

**JD:** So, if ah-- do you -- are you pretty ah -- consistent with what you use as a pass code for your phones?

**KM:** Um -- I was.

**JD:** What -- What do you think um -- If we're able to get into that phone, what do you think would the pass code, or what would you use?

**KM:** It would be, "1008." It would be like October 8th. Um -- Or um -- if it was a word, it would be, "Summer2016."

**JD:** Now, that's as a --

**KM:** Like the --

**JD:** -- a pass code to a phone?

**KM:** No, I'm just saying that's just a password to like -- I don't know. I just remember that.

**JD:** Oh, oh, oh. How about your cell phones and -- and --

**KM:** The cell phone was like, "1008." And I really can't think of anything else.

**JD:** Okay.

**KM:** I think sometimes I would use, "0728," if I was trying to keep him from whatever.

**JD:** Getting into it?

**KM:** Yeah. Um -- But I don't know. I know -- I don't know if we used Shemus' birthday, like month and date. I don't know if we used Declan's month and date. But I know "1008" was the numbers that we would use constantly because that was our anniversary date from when we first got together.

**JD:** Okay. Um --

**KM:** And it could be, "100815," too.

**JD:** "100" what?

**KM:** "100815."

**JD:** Okay. Just if -- if we're able -- if -- if we're able to get into it, then I'm just trying to think of maybe pass codes that would work.

**KM:** Yeah.

**JD:** Um -- So, I remember -- I think we remember talking about like social media, like Facebook, kind of in -- in specific.

**KM:** Um-hm.

**JD:** Adam was blocking family members on social media, to obviously include Crystal. Um --

**KM:** Um-hm.

**JD:** Did you ever under-- I could understand why Crystal, but why other family members who he hadn't really been in contact with?

**KM:** Um -- I -- I don't know. Um -- From my perspective, I think, myself, that it's because um -- everybody just left him, like everybody just left, and that -- it was just -- everybody was down in Florida.

**JD:** So, he never said why he was blocking his family members or anything?

**KM:** No.

**JD:** Did he ever have you block his family members or anything?

**KM:** I don't remember if he asked me to, but I know there were blocks. Like I don't know if he did it himself or if he asked me or what, but I remember there were blocks on -- on the account that we shared. And then um -- the one that I made, because I ended up giving him that one, but we ended up sharing it because it was originally mine, and then he got locked out of his, so I gave him that one. But we both -- we knew -- we could see everything on each other's Facebook. Like could -- we had password. We knew everything, like didn't hide anything from each other. But then he thought I was being sneaky, and I wasn't. Like he thought that I had a -- um -- I was literally looking for a job, and he thought that I was sending a message to some guy that I don't even know. And I'm like, "Why -- Why am I going to do that?" And he's like, "Well, you wouldn't let me see the phone." I'm like, "Because I was in the middle of typing something. I didn't say you couldn't see it. I said, 'Hold on'." And he's like, "Well, I chased you into the bathroom with it to get --to just get it from you." I'm like, "Well, I had to go to the bathroom. I wasn't hiding anything from you."

**JD:** Okay. Kind of going in line with the Facebook stuff, um -- did Adam communicate with any family members about

**Harmony prior to her death? Like was he talking? Like were people reaching out asking about her, or was he reaching out to them talking about her?**

**KM: I just remember -- I remember text messages, but I don't remember Facebook messages.**

**JD: Well, yeah. It -- Whether it was through Facebook or some other means of social media.**

**KM: Yeah. I know um -- his uncle, Kevin, said that he'd give him \$500.00 if he could take Harmony and go to Florida with her. Um -- But other than that, I don't remember anybody really asking that I knew of.**

**JD: Um -- How about ever video chatting with anybody else besides her mom? Like was Harmony video chat -- chatting with Helen or any other family members or friends, ah -- besides Crystal, you know, around like Easter time, we know that she kind of stopped getting -- having any type of communication with her. How about after that? Do you remember any Facetimes or anything with Harmony and any other family members?**

**KM: Not that I remember.**

**JD: Okay.**

**KM: I don't remember if um -- when Nana went down to Florida um -- for vacation, I don't remember if we did like a video thing at that time. Um -- But I don't really remember doing any of that like, except for that.**

**JD: Um -- Did he communicate with -- Did Adam communicate with his family members after the murder at all? Like was he speaking to anybody on --**

**KM: Not that I know. Not that I know.**

**JD: So, at -- during this time, he was completely -- he distanced himself from everybody?**

**KM: Yeah, that I knew of.**

**JD: Okay.**

**KM: I don't know. I think he might have talked to his dad, but I'm not a thousand percent sure. But I know he just cut them all off and didn't talk to them, and --**

**JD: So, he was pretty upset that everybody went down to Florida and left him up in New Hampshire?**

**KM: That's what my perspective is. I don't --**

**JD: Okay.**

**KM: I can't speak for him.**

**JD: He never said anything about it?**

**KM: No.**

**JD: Okay.**

**KM: That's just what I feel like because they've always been there.**

**JD: You recall when Nan and Kevin came up?**

**KM: Yup.**

**JD: And I apologize if I've asked you this before, but just because I'm kind of thinking of family.**

**KM: Um-hm.**

**JD: Tell me about that. Because it sounds like there was an altercation. The police came.**

**KM: Yeah. Um --**

**JD: Run me through that real quick.**

**KM: So, I know um -- the front door was locked, and Adam put the fridge in front of the back door so they couldn't come in. And um -- because he just didn't even want to deal with them and knew that they were just going to say shit**

to him or whatever, I guess. I don't even know. But get in arguments. And I remember um -- they were both -- Kevin -- and they came with somebody else, too, Kevin's friend or cousin. I don't know. Something like that. But um -- Kevin tried coming through the back door with the fridge there, and Adam was shutting it, like kept trying to push it shut. And then um -- his friend was coming through the door, too. And I just remember that situation. And then Adam went outside, and I went up to the attic um -- with the kids, all three of them. Harmony and Shemus and Declan, and he told me to sit up there and wait until they leave. And nothing was even wrong with Harmony at -- that day. Like she was fine, but he just didn't want them to think that they could just take her from him.

**JD:** Was that your understanding of why they were there, or just what Adam told you?

**KM:** Um -- So, Nana said that she wanted to grab her um -- lamp -- her -- this lamp that she got. It was like a sailor captain guy.

**JD:** Okay.

**KM:** Um -- And she got it before she went to Florida, and she really wanted it. So, when she came up, she was like, "Just let me get my stuff." And um -- Adam was just arguing with them like, "You don't live here anymore. You left." And um -- And then the cops ended up coming because they were loud, and Kevin -- They were just all loud out there in the driveway.

**JD:** When everybody left New Hampshire, and you guys kind of took over the house, was that a bad time? Like was there fighting going on or was it just kind of like, "Hey, we're -- we're going down"?

**KM:** When they left -- Like so, at first, I didn't even want to live there. Um -- Our electricity was shut off -- got shut off for like the weekend at our old apartment. But he was like, "Oh, we can just stay here." I'm like, "I don't want to stay here. Like I -- I don't want to." And then we ended up staying there because I listened to him, like an

idiot. And um -- when we were there, everything was fine like, and we only had Shemus. We only had one kid, so. Um -- And then Kevin's girlfriend just moved out because they had their own thing with their son and whatever um -- situation, and um -- Nana was still there, and Kevin was still there, and Michael and Kayla was down -- still in the basement, and Kayla was working. Like everything seemed fine, and then Nana just went on vacation for the week, and then she had a triple bypass, open heart surgery.

**JD:** Um-hm.

**KM:** Um -- And the -- And then she decided to find a house down there, and stayed down there. And then Michael and Kayla packed all there stuff with a U-Haul, and Adam's dad came up um -- came from the airport, I think, so that he could help them drive down there with all the stuff in the U-Haul.

**JD:** Um-hm.

**KM:** And um -- then it was just Kevin, myself, and Adam and our two kids. And um -- then Kevin started leaving all of a sudden. Like he would -- he wasn't helping pay anything. Like I was the only one working and paying the bills. Like he was just spending money on virtual poker. Like he wasn't helping with anything. And it was just really frustrating. And we went to tell him like, "Oh, we need help paying this. Like you're supposed to help us."

**JD:** Um-hm.

**KM:** And he wasn't doing anything. He would say, "Yeah," but not do it. And then he ended up slowly leaving and without saying anything to us. Didn't even tell us he was going. He just left.

**JD:** Okay. So, he kind of just left you guys with everything?

**KM:** Yeah.

**JD:** Okay.

**CK:** Um -- Kayla, do you know why Kevin wanted Harmony?  
Why he offered to --

**KM:** Because I know um -- him and Adam would always argue. Because before when I was working at Dunkin Donuts, I'd work in the morning, and I'd come home at 2:00 in the afternoon. I'd work from 6:00 to 2:00. And um -- I know they would always be arguing and um -- like they would -- like that was the same thing with Nana. Like they would try and talk to Adam about the way he was parenting Harmony and um -- and stuff like that. And they didn't like the way he was parenting her. And I never like said anything to him, because I'm like, "I'm not going to step in." You know what I mean? "Like that's your thing. Like I'm not going to -- unless you ask me to and want advice, I'm not going to tell you what to do or how to take care of her, like that's on your own like." Um -- So, I just remember that particular situation, and I know Kevin um -- was home when Adam was home with the kids. And it was Harmony, Declan, and Shemus. And Declan was a baby, and Shemus was like two, and Harmony was four, turning five. And um -- I remember he had her clean the bathroom, I guess. And I was at work when that happened. Um --

**JD:** Who had who clean the bathroom?

**KM:** Adam had Harmony clean the bathroom for a discipline for I don't even know what that was about. I don't remember. Um --

**JD:** So, is that something you ever saw, or it was only Kevin?

**KM:** I don't reme-- I know Kevin saw. I don't remember -- I don't remember if I was there or not. Because I -- alls I did was work and come home and --

**JD:** Did you ever see Adam make Harmony clean the bathroom?

**KM:** No, not that I remember.

**JD:** How -- What other -- What about stand in the corner?



**KM:** Yeah, stand in the corner. Yeah.

**JD:** How long would that typically last for when -- you know, standing in the corner, like how long was that punishment for?

**KM:** I think it was like four minutes, five minutes that I remember. I don't remember her being there any longer.

**JD:** So, hours doesn't sound accurate then?

**KM:** No, not to me.

**JD:** Okay.

**KM:** That I saw.

**JD:** And what other types of -- And I think we've talked about this before, but I just want to clarify. What other types of discipline did you actually see from Adam, besides -- obvious -- we -- we know that he was --

**KM:** Yeah.

**JD:** -- hitting her. Um -- Maybe -- Maybe there was some cleaning in the bathroom, but just from what you saw, what were --

**KM:** Yeah.

**JD:** -- you seeing as like the form of discipline, generally?

**KM:** Um -- I remember he did smack her. He would smack her in the back of the head um -- and um -- yell at her and say mean words, curse at her, and um -- he did ended up -- he did hit -- slap her in the face um -- that I remember. Um -- Yeah, that's all I have right now. It's --

**JD:** And how about your forms of discipline towards Harmony?

**KM:** I know I slapped her on the hand, and I -- Oh, yeah, he also spanked her. I remember that. He spanked her. Um -- But I remember slapping her on the hand because she

was being mean to um -- Shemus because he was younger, but I think she was just doing it to get attention. But um -- I just -- Because she kept taking stuff from him, and I was like trying to like tell her not to do that, and she just kept doing it. And I ended up smacking her on the hand for that, and I don't remember if I spanked her on the butt. But I don't remember if I did that or not. Like it's -- I've been trying to remember everything from --

**JD:** How about punching?

**KM:** No, I never punched her.

**JD:** Um -- Did you ever hit her in the head?

**KM:** I know I smacked her on the head -- the back of the head one time, but I don't remember. Like it was just like a -- not like a --

**JD:** Okay. How about any other forms of discipline, ah -- aside from physical? And like -- like I said, standing in the corner or any -- anything else like -- or brushing her teeth with soap? Like things like that.

**KM:** No, not that -- not that -- not that I remember any of that.

**JD:** Okay. Anything else? Do you guys have any questions?

**CK:** If I can follow-up. Ah -- So, you said earlier, you know he made her clean the bathroom?

**KM:** Yeah.

**CK:** How do you know that?

**KM:** Because Kevin was complaining about it, and um -- he said that he had her clean the bathroom with a toothbrush. Um -- He told me that so -- because Kevin was -- stayed home with um -- Adam had to come pick me up from work, and Kevin was there and he um -- he stayed there with Harmony when he came to pick me up -- and the -- the boys um -- for -- just to -- so I could get picked up and come back home. But I just um -- I don't

really -- I just remember Kevin complaining about it, and Adam did tell me that he did that, and --

**CK:** So, you would overhear these --

**KM:** Yeah.

**CK:** -- arguments between them?

**KM:** They would always be arguing all the time.

**JD:** So, you heard that Kevin -- you heard Adam admit that he did make Harmony clean the bathroom?

**KM:** Yeah. He told me, too. He's like, "I had her clean the bathroom, because I didn't know what else to do." Like and he didn't want to touch her. Like he didn't want to put hands on her, didn't want to --

**JD:** What is --

**KM:** -- do any of that.

**JD:** What is -- Did he describe like what he meant by making her clean the bathroom, like what he made her do?

**KM:** He just -- No. He just said she um -- "I had her clean with the toothbrush." I don't know specifically what was getting cleaned. I don't know. Like I don't know what he had her specifically clean. I just know that he just had her do that.

**CK:** Any more follow-up on that?

**JD:** Um -- Did Adam ever use anybody else's name or date of birth whenever he was in trouble or just to lie to people?

**KM:** Um -- I think he used Kevin's like back forever ago. I don't remember.

**JD:** His brother, Kevin?

**KM:** His cousin, Kevin.

**JD: Or his cousin. So --**

**KM: I mean, his uncle, Kevin.**

**JD: Uncle Kevin. That's what I meant.**

**KM: God damn. So much family.**

**JD: Yeah. So, he'd use Uncle Kevin's name sometimes?**

**KM: Yeah.**

**JD: So, he knew --**

**KM: I remember that, yeah.**

**JD: He obviously knew his date of birth and stuff like that?**

**KM: Yeah, because they were close growing up. Like it was almost like Uncle Kevin was like his dad, because his -- his dad was in prison most of his life until he was a teenager.**

**JD: Um -- At any time when you guys had Harmony, um -- did she ever get into any of the drugs that you and/or Adam were using?**

**KM: No.**

**JD: Okay.**

**KM: Not that I remember. None of the kids ever got into any of the drugs.**

**JD: All right. Ah -- Chris, I know you had asked -- added this as a question. Um -- And I think we actually have the answer. But just for clarification, ah -- who did you guys buy food for at Burger King that morning of her death?**

**KM: Um -- It was for the kids and um -- I don't remember. I think he got me something, because he didn't care if he ate or not. But I remember we -- feeding the kids.**

**JD: So, you gave all the -- all the kids food?**

**KM:** I handed it in the back. Like I handed it back, and um -- and I had something. I had something for each one of them. I just handed it back like this, and um -- then Shemus and Dec-- like Declan couldn't eat it yet because he was an infant. But I gave Shemus like a little piece at a time. He was in the middle.

**JD:** So, did you see -- I know one of the last-- the last two proffers, you had spoken about Harmony making some noise in the back and not really checking on her.

**KM:** Yeah.

**JD:** So, do you remember what you saw when you looked back in the back seat, now that you're saying that you had turned around to feed um -- one of the kids?

**KM:** Um -- I just remember her having the blanket. I know she had the blanket on her lap, but I don't remember really looking at her, because I didn't like turn all the way around. I was just like sitting on the seat and just handing --

**JD:** Okay.

**KM:** -- back the food.

**JD:** Um -- Any other questions?

**CK:** Did you hand food back to Harmony?

**KM:** Yeah, I handed -- I -- It was on the blanket. I know that. I put it on the blanket. I remember feeling for her when I was reaching back, because I was still trying to get the other food out of the bag at the same time.

**CK:** Did you see her face when you looked back?

**KM:** Um -- I know she had a black eye, but that was prior to that morning.

**JD:** And do you remember, again, what you bought from Burger King?

**KM:** I just remember it was breakfast. I don't --

**JD:** Some breakfast food?

**KM:** Yeah.

**JD:** Okay.

**KM:** It was breakfast, because it was early.

**JD:** Um --

**CK:** Anything else on that? Okay.

**JD:** Um -- Did Adam have anybody that he was constantly hanging out with that you had -- kind of -- kind of a close associate -- I don't know if you want to call them friends or just associates -- between the time of mo-- living in the car, her death, and then disposal? Like were there people that you saw Ad-- person, people, multiple people that you saw Adam hanging out with like on a regular basis during that time period?

**KM:** I don't know about hanging out, because we were in the car -- like we lived in the car, but I -- I remember staying

**JD:** But from that period of --

**KM:** Oh, from that period, all the way --

**JD:** Yeah, so like --

**KM:** -- up until we were in an apartment?

**JD:** -- early -- early December through when Harmony was disposed of in early March?

**KM:** Um -- I just remember um -- Anthony Boderro, because we were staying down in the parking lot --

**JD:** Um-hm.

**KM:** -- at Colonial Village.

**JD:** Yup.

**KM:** Um -- And he was already -- I've know him for before all this, like years.

**JD:** Right, I remember that. Yup.

**KM:** Um -- And I just remember there was always people in and out. I remember um -- Ish came by. I think that was it. Ish -- I don't remember his name, but I know Ish came by to try and sell him a gun. And um -- Adam literally took it apart, put it in a bag, and set -- and threw it in the trash out in the -- out in the barrel because when came up -- when Ish came upstairs, he had two phones in his hands, and he was like, "Show me how to work this camera." Like -- Like I'm not dumb. You know what I mean? I know what he was trying to do. And um -- Adam's like, "Get the fuck out of my house. Like go." And he -- And Adam brought the -- the gun to the trash first, and then he had him go, and he seen him -- he ended up taking that bag out of the trash -- Ish did -- and left with it. But I remember him. I remember um -- what was his name -- I remember Todd Ben-something. He goes by Whitey.

**JD:** Um-hm.

**KM:** Um -- And his girlfriend. And I remember Travis and his girlfriend. Um -- I remember Adam that we met at the family shelter, and his girlfriend, Kayla. Yeah, there was an Adam and a Kayla, and they were in Families In Transitions, and they ended up moving to an apartment. They got a room with -- through Families In Transitions behind the Family Outfitters thing. Um -- But the -- But the one time that um -- they came by because Adam was trying to figure out how to get stuff from somebody without dealing with the other people, because he thought that it was poisoning him and fake, and um -- Kayla's the one that came and brought stuff. And um -- he started freaking out because she was wearing a pair of boots that are similar to mine, a pair of pants that are similar to his, and he was like -- he's like, "You're wearing my pants." Like and it was after he took a hit of crack.

Like he started freaking out and kicked Kayla out of the house and was freaking out. And I just remember her. Um -- I -- I just -- Oh, I remember Nicole. Nicole was hanging out with us at fir-- because we met her at the shelter, too.

**JD:** Um-hm.

**KM:** And her kids. And -- And ah --

**JD:** Um -- If you had to guess somebody or just kind of make a -- a -- Yeah, if you had to make a guess, would -- who would Adam tell about what he did?

**KM:** Um --

**JD:** Or, do you personally know that he actually told anybody?

**KM:** I don't know that he told anybody, but I know he was really close to Mike -- Mike -- Matt -- Matt Garcia.

**JD:** Okay.

**KM:** I know they were really close, and um -- Adam was um -- did a couple side jobs with Matt when we were at the shelter um -- moving stuff, because he worked for um -- I don't know -- a moving company or whatever. Um -- But I remember that. And Matt did come by the apartment, but was outside. Um -- He had just broke his arm or something. But I don't -- I don't know if he specifically said anything to Matt. I don't -- I just know that they've been really, really close since they were like teenagers, like young.

**JD:** And ah -- I don't remember if I've asked you this before just because there's so many hours of us speaking.

**KM:** Um-hm.

**JD:** When Matt and his girlfriend, Courtney -- on Thanksgiving when you guys went to them --

**KM:** Um-hm.



**JD:** -- um -- they offered to let you guys stay with them. I don't know if you remember that.

**KM:** No, I don't remember that. I don't.

**JD:** So, from what we know --

**KM:** I don't even remember going there.

**JD:** So, what -- they -- it sounds like they offered you guys their place to stay until you could get back on your feet.

**KM:** Oh, I remember we met with -- met them at Piscataquog River Apartments.

**JD:** Um-hm.

**KM:** And he um -- gave um -- Adam something. Um -- Because he just -- I don't know. He sold Adam something.

**JD:** Like drugs, or?

**KM:** Yeah, drugs. Um -- And he had us meet him over there, and once he um -- met with him, I don't -- like I just remember he was like, "Oh, this is where my aunt lives," or something, and um -- Matt -- I think he offered -- I don't' remember -- I don't know --

**JD:** Any reason why you guys would have turned that down, knowing that you're living in a car, or?

**KM:** Um --

**JD:** If they did offer to let you stay with them?

**KM:** I was telling him that we should, but he was like, "No, we're not doing that."

**JD:** Okay.

**KM:** And I'm like, "Okay." But --

**JD:** How about any connections down in Massachusetts? Um -- Did Adam have anybody that he would regularly speak

with down in Massachusetts, or have any family that he would go down to visit? Um -- Now, again, we're talking about the timeframe of like December through March.

**KM:** Um -- Not that I know of. I just know -- I think that's where Kevin -- Kevin was living in Mass. I think that's where he was staying, with Aunt Pam or something, um -- but I don't know of him -- I don't know who else is down there -- I just know everybody went to Florida -- besides her, Aunt Pam. And Kevin moved down there. I don't know who else would be down there.

**JD:** Okay. Um -- If Adam would have -- So, Adam had an associate in jail. He told him to tell you to stay out of Revere. Any reason why he would have told you to stay out of Revere?

**KM:** I never heard that.

**JD:** No, I know you didn't hear it; we heard it.

**KM:** I don't know.

**JD:** But would you-- can you think of a reason why Adam wouldn't want you to go to Revere?

**KM:** No, because I don't -- I don't know why he would even say that. I don't -- I know that he brought um -- We went down there like years ago. Like not during any of that timeframe. But we went down there years ago, and we brought Harmony with us to his aunt's house. Now that I remember that. Um -- And I think his nana, Wanda -- that's who that is, Nana Wanda. Um -- His dad -- His mom's mom --

**JD:** "Mom's mom."

**KM:** Um --

**JD:** So, his grandmother? Adam's grandmother?

**KM:** Yeah, A-- Yeah, Adam's grandmother on the other side. Um -- And his aunt. Starts with a K, I think. I don't know. But I remember his aunt when we went down. Um

-- It was -- I remember going down there for Harmony's birthday.

**JD:** This is before you guys got her?

**KM:** No, this is when we got -- when we like just got Harmony, we went --

**JD:** Oh, okay.

**KM:** -- down for her birthday that summer, um -- because it was Shemus' birthday and her birthday like the next day. Um -- So, we went down there, and she got to spend her birthday down there, um -- and she spent the night. She um -- spent the night with her, I think. I know she said she asked if she could or something, and Adam let her stay with her, I think. I don't remember that a hundred percent, but I think it was something like that. Um -- But I don't -- I don't know why he would tell me to stay away from there. I don't even know that area. I don't -- I --

**JD:** Did you guys go down there to buy drugs?

**KM:** No.

**JD:** "No."

**KM:** He -- He just showed -- Like we went down there -- His best friend, Scott Paradise, ended up passing away, and that was a month after my best friend passed away, and we went down to his funeral. And this was way before any of that. And um -- that was one time I went down there. He also showed me his childhood house where he was staying when we were down there. But I don't know that area. Like I don't --

**JD:** So, what -- where were Adam's connections in Massachusetts, if he were to go down there? Like was he -- was he -- when you guys -- when this was all going on, or even leading up. So, let's start from like when you got Harmony until when she died, when she was disposed of.

**KM:** Um-hm.

**JD:** Did you guys go down to Mass to pick up drugs anywhere? Were you guys going to any towns in Massachusetts, specifically?

**KM:** Um -- Not that I remember. Um -- I -- I don't -- I don't remember doing any of that like.

**JD:** No. And if you don't remember, that's fine. I just --

**KM:** Yeah. I don't --

**JD:** I didn't know if you -- I'm not -- I'm just asking the question um -- if you remember going down there to a certain town specifically ever, or?

**KM:** No, there was -- the -- there -- we never went down to there specifically. The only time I remember going down there specifically was um -- meeting his aunt and his nana, and bringing Harmony down for her birthday, and then Scott's funeral. And I was pregnant with Shemus. No, I was pregnant with Declan. And I just remember that. And it was the month before we got Harmony.

**JD:** Okay. Have you heard from Adam in any other way um -- whether it be like messages relayed to you by someone else? Like any form or fashion, did somebody else write a note for him?

**KM:** No, not that I know of. I know over the summer when I was hanging out with Biggy -- ah -- Terrence whatever --

**JD:** Terrence Jackson?

**KM:** Yeah, that one. Um -- I know he -- he was in Valley Street before I got out --

**JD:** Okay.

**KM:** -- the first time. And um -- I know that like um -- he told me. I don't know why he told me this, but it was just random um -- when we were staying in the hotel. I don't remember what hotel, but um -- he said to me that Adam said to him that he understands if I talk and say what I need to say. Like he -- he knows that I -- he understands

why I need to tell like, and he won't -- he won't be mad, even though I know he's pissed. But I could care less. Like because like I don't know. Because then I -- I can be with the children. I can be with the kids. But now I'm having a hard time with that, a little bit.

**JD:** Okay. So, no one else has relayed any messages from him, like third-party or anything?

**KM:** No.

**JD:** Or, he hasn't tried to reach out to you, or?

**KM:** No.

**JD:** How about sending messages?

**KM:** Not even his dad, no.

**JD:** Yeah, how about sending his -- Adam telling his dad to tell you?

**KM:** No, his dad refuses to do any of that. Like --

**JD:** Okay.

**KM:** -- he says he will support me, he will support him in the ways that he can, but he's not going to -- he's not sending messages to either one of us.

**JD:** Okay. Who have you -- Who else have you told everything about?

**KM:** I know I told my mom. I didn't really get to tell her everything. I just told her why the cooler got picked up.

**JD:** Um-hm.

**KM:** Um -- And I know I talked to Tabby.

**JD:** Yup.

**KM:** Um -- I don't know, because I -- a lot of times, I share things when I shouldn't share them, so I don't know who

**I told anything to, honestly. I just get into too much detail, like I've been doing all day today.**

**JD: Well, this is a good --**

**KM: No, I know, this is good.**

**JD: -- this is a good reason. This is good.**

**KM: Yeah, I know. I know.**

**JD: To tell us.**

**KM: Yeah.**

**JD: But to tell other people that could -- could get you --**

**KM: Yeah, I don't -- I don't even know.**

**JD: -- potentially hurt, and you don't want that to happen.**

**KM: Yeah.**

**JD: What other stuff -- So, because you're -- you -- you've been kind of -- had all this time to think about everything. You've -- You've been sober for a while now.**

**KM: Um-hm.**

**JD: What other -- What other stuff have you remembered, you're like, "I really need to tell them this. I haven't told them this. I forgot it, or I was scared to tell them." Is there anything else that you haven't told us that you've been kind of dwelling about since you've been locked up?**

**KM: I just want to know where she is. I don't know where she is. And I had a -- I wanted to ask you guys a question. Um -- That -- The CMC bag --**

**JD: Um-hm.**

**KM: -- that you guys found, I was like, "How do they have that bag, but they're asking me where she is?"**

**JD:** Well, they made a ton of those bags.

**KM:** Yeah, but that one was specifically my bag, and I know that for a fact.

**JD:** But they made the same bag, like many of them, so when mothers were --

**KM:** No, I know that; I'm just saying when you showed me that bag --

**JD:** Um-hm.

**KM:** -- I could tell that was specifically my bag.

**JD:** What -- What about that bag made you believe that it was specifically yours?

**KM:** Because I've had it for so long, and I used it a quite -- like a lot. There was um -- There was this one spot. There was like a bloodstain on it --

**JD:** Okay.

**KM:** -- and that was there for -- I don't even know how long it was there. Way before her. Way -- It was there for a long time.

**JD:** I will tell you with one hundred percent honesty, we know that's not your bag. We know who we got that from because --

**KM:** It just looks so much like it.

**JD:** I understand, but I have no reason to lie to you about it.

**KM:** Yeah.

**JD:** They made a ton of them. We got --

**KM:** Yeah, I know they made a ton of them.

**JD:** We got one, knowing that this is -- this is what you're describing.

**KM: Yeah.**

**JD: This is what it looks like. And that's what we showed you. So, we don't -- we're not saying that we have the bag that's yours.**

**KM: Okay.**

**JD: We're saying that we have a bag that we know --**

**KM: It --**

**JD: -- is the exact -- the exact replica of it.**

**KM: I was so confused.**

**JD: And it just so happens that there might be a mark where you believe --**

**KM: Yeah, there was --**

**JD: Yeah.**

**KM: -- right where I know it is. Like I was so like --**

**JD: I promise you that we know that's not your bag.**

**KM: Okay.**

**JD: So, you can -- if that helps you sleep better at night --**

**KM: And --**

**JD: -- it's not yours.**

**KM: Not really. It doesn't, but ha.**

**JD: Right. But if you've been thinking about it, it's -- it's not.**

**KM: Yeah.**

**JD: What would you say if Adam makes the argument that you did this, and not him?**



**KM:** I don't know what I would say, honestly. I haven't even thought about that. Like I don't -- It's like what do you say? Like I know what I did. I don't know -- huh -- I don't know.

**JD:** Is there going to be any surprises that come up that you're generally scared to tell us about? Or, is there things that he's going to tell us that you're not? Because now is the time to get them out in the open because --

**KM:** Yeah, I know that. But, honestly, I don't -- I don't know if he's going to say anything. I don't know what he's going to say. I don't remember anything else besides everything that I've told you guys. And I just know that I did the right thing. (Crying and sniffing)

**JD:** Yeah, and I -- and I want to believe you because you've been doing the right thing to come forward and talk to us about everything. But I have to ask you those questions because as we get --

**KM:** I know.

**JD:** -- closer to potentially having court, we need to make sure that everything makes sense; that we have all of our ducks in a row because --

**KM:** Um-hm.

**JD:** -- there -- there's a potential that they could say, "She's the one that did it." And --

**KM:** Yeah, I know. I've already thought about that.

**JD:** If that's -- If that's the argument, then we need to make sure that we have everything that we need in order to have a strong case.

**KM:** Um-hm.

**JD:** Um -- So, that's why we're asking if there's anything you haven't told us or that you were scared to tell us, like now is the time while you have your lawyer with you, while

**we're in this room, while -- before it's up on the stand where now we're like, "Whoa, we didn't hear that before."**

**KM: Right.**

**JD: You know what I mean?**

**KM: Yeah. No, I know. I -- Not that I can remember. I don't -- I -- I don't know. I've been trying to think of everything, and I have been thinking about that question, but not really as much because I -- I don't know. Like -- huh -- I don't know what to say to that. Like, yeah, I know I didn't do it, but it's like I don't know like what do you say? Just, "I didn't do that," like you know what I mean? What else is there to say?**

**CK: If that's the truth, then, yes.**

**KM: Yeah.**

**CK: That's the -- You know the only thing you can get in trouble for is lying.**

**KM: Yeah, I know.**

**CK: So. So, I'll just ask the question, point blank.**

**KM: Um-hm.**

**CK: Did you kill her?**

**KM: No.**

**CK: And did you punch her in the face that morning?**

**KM: No.**

**CK: Did you do anything else physical to her that morning that would, you believe, cause her to die?**

**KM: No.**

**CK: If that's the truth, then that's the truth. Okay?**

**KM: Yeah.**

**JD: Anything else, Chris?**

**CK: Um -- Um -- So, maybe we should've asked you this in the beginning, but can you just tell me about Harmony?**

**KM: And so, I met her when she was like two, I think it was, and she was in DCYF custody, and um -- because her mom kept losing custody of her, and she was staying with one foster parent, and it was pretty much the same one up until Adam was fighting to get custody of her because um -- she was upset she couldn't adopt her because the paternal father was fighting for her. And it was -- there was constant visits every week, and he was doing everything that he was asked to do by DCYF, and sober. And she -- she was happy every time we came to the visits. She was excited. She was always playing and jumping around and -- and it was -- it was fine all those times that we were at visits and she was -- she was just a normal kid that just was having fun. She played with her brother. We played games and -- every time we had a visit. And then once he got her, um -- we decorated her room for her, and it was Minnie Mouse, and she had a castle that her -- that his grandmother got for her. And um -- I just remember she was really excited. I remember the day that we picked her up and she was really excited, and we were all excited. But I remember she was really, really happy and um -- she loved being a big sister. Um -- And she was -- she was a good kid. (Crying) Like she was -- the things that she did, she was -- she was really smart and she -- she really likes helping and taking care of the -- her brothers, like being a big sister, a lot. And um -- I remember we would take -- um -- I would take pictures. Like she would be like -- she would um -- want to take pictures. I remember doing nails with her. Like we painted nails, and I remember playing with makeup with her, and she was just happy. (Crying and sniffing) And um -- she liked going outside and riding her scooter, and playing outside. (Crying and sniffing)**

**CK: In the picture that Jack showed you when we sat down, why do you have trouble with that, looking at it?**

**KM:** Because I'm still trying to process all of it. Like (Crying) it's a lot. A loss that I'm dealing with and like it's like -- it's like -- and she's like one of the biggest things that I'm dealing with, and it's just because of it's a huge thing, and (Crying and sniffing) I know how like the whole world is like dealing with that, and everybody that's been putting all their time and stuff into getting to find her and (Crying) I just -- even when I had to check in every day at the police station, and her picture was right there in front of me, it was like (Crying and sniffing) I don't know. It's like giving me PTSD every time. Like it's not that I don't want to see her smiling face, but it's just really hard (Crying and sniffing) to just look at her (Sniffing) even when I hear her name, like even just used as a word, like it just (Sniffing) -- my anxiety goes through the roof and I -- I don't know. (Sniffing) It's just really hard. (Crying and sniffing)

**JD:** Good. Is there anything else that you want to add or think we should know before we end this? I mean, obviously, there's always the -- if we have to, we can do this again. I mean, I hate to keep doing this.

**KM:** I'm sure.

**JD:** Um -- but it's necessary, obviously, because we want to make sure that we're doing everything correctly. Because again, at the end of the day, it's about -- it's about her. It's not about any of us.

**KM:** I know. (Crying and sniffing)

**JD:** So, we all have to be prepared to do the right thing, and -- and put forth a strong case. Right?

**KM:** Yeah.

**JD:** So, is there anything else that you can think of before we ah -- conclude here?

**KM:** No. (Crying and sniffing)

**JD:** "No," okay.

**CK: Well, how about yourself? Is there anything else you want to talk while we're on the -- on one of those?**

**BA: No. I mean, I think -- I mean, obviously, you guys have done a lot of work and covered a lot of ground, so.**

**KM: (Crying and sniffing)**

**JD: Um -- All right. I'll stop the recording at ah -- 1:01 p.m.**

**(END INTERVIEW)**



# Manchester NH Police Department

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



Case Number: 21-018997

[REDACTED]

## FELICIANO-ROSEANNE SMITH INTERVIEW-01/09/2022

01/09/2022 16:26:02

\*\*\*\*\*SUPPLEMENTAL INFORMATION\*\*\*\*\*

### ROSEANNE SMITH INTERVIEW

01/09/2022

On 01/09/2022, I was working as a detective assigned to the Juvenile Division conducting follow up on the Harmony Montgomery case. I conducted an interview with Det. Valenti on a tip received from:

Roseanne Smith

[REDACTED]

The interview started at 10:53 hours and the conversation started by me asking Roseanne to provide her job description.



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Roseanne stated that she works for:

Pelican Transportation

501 Harvey Road

Suite 103

Manchester, NH

603-518-5966

Roseanne provides transportation to and from medical appointments through Medicaid insurance that included doctor appointments, kidney dialysis appointments, and methadone treatments. Roseanne stated that she became Adam and Kayla's transportation to and from their methadone appointments starting in 12/11/2019. Roseanne stated that she began transporting Adam and Kayla to and from Kayla's mother's house located at Dubuque Street (258 Dubuque Street #1). Roseanne continued to explain that she would transport them both to the Methadone Clinic located at 20 Market Street. Roseanne mentioned a second location of Union Street (644 Union Street) where she would pick them up and that is where Roseanne stated that, "A lot of things began there, trouble began."

I asked Roseanne if Adam or Kayla ever mentioned how they came to live at Kayla's mother's residence. Roseanne stated that they never mentioned why they left Gilford Street to move in with Kayla's mother's residence. Roseanne continued and stated that a previous company who transported Kayla and Adam from the Gilford Street address should be contacted, because they would have more information of the transportation at the Gilford Street address. Roseanne also stated that her dispatcher that dispatched the transportation to Gilford Street stated that the previous transportation company were fond of Kayla and Adam and spoke with them about everything.

When I asked Roseanne about information about her dispatcher so I can find the person that provided the rides to and from Gilford Street, Roseanne stated that the dispatcher wanted to stay out of it and I could contact Medicaid to gain all the information about transportation. Det. Valenti asked Roseanne for clarification stating that there was a separate transportation company that transported Adam and Kayla prior to 12/11/2020, she stated, "Yes." Roseanne stated that we would have to go through the Medicaid department to gather such information. Roseanne then mentioned that Kayla had a different phone number than the one she has now, which Roseanne stated we should ping. She provided us with phone number 603-858-3393. Roseanne then uttered, "Kayla is scared of him (Adam) that is why she is tight lipped."

I then asked Roseanne if Adam and Kayla were the only two picked up while residing at the Dubuque Street address. Roseanne stated that there was their two kids, Sheamus and Declan, but the baby girl (Ciara) was not born yet. I asked Roseanne what kind of conversations she had with Adam and Kayla since it was explained that Roseanne spoke with them both about everything. Roseanne stated that they spoke about everything except Harmony. Roseanne stated that it would have appeared that Harmony had never existed. She continued to state that other people within Pelican drove



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Adam and Kayla and those drivers were also not aware that Adam had a daughter Harmony. I then asked Roseanne if she had ever overheard the kids mention a sister or the name Harmony while she would at times watch them in her vehicle while Adam and Kayla went into the methadone clinic, she stated, "No."

I asked Roseanne if there were any people that either would mentioned during their transportation to the clinic, she stated, "No." I then asked Roseanne to talk about conversations that she did have with Adam and Kayla. Roseanne stated that she would talk about recovery and when Adam was not in the vehicle, Kayla would talk about their relationship. I asked Roseanne if Kayla mentioned abuse, she stated, "I saw it." Roseanne observed an incident at the Union Street address where they lived and at that incident Adam broke Kayla's cellular phone. Kayla wanted to make a call so Roseanne snuck Kayla her personal cellular phone while she was in the vehicle. Adam observed that Kayla had Roseanne's phone and Adam walked right to Kayla, twisted the phone from Kayla's hand and stated to Roseanne, "I will kill you if you give that phone to my wife." Roseanne stated that this incident took place in front of the Union Street address and from outside of Roseanne's vehicle. Due to Roseanne being scarred after that incident, she began carrying pepper spray.

Roseanne stated that all would eventually talk about Adam's rage type behavior and it was recommended that he seek anger management. Adam explained that he had been to anger management twice. Roseanne then went back to the incident explained the look in Adam's eyes when he approached Roseanne on Union Street and described the look as someone that wanted to get her or come after her. I then asked Roseanne to describe Adam and Kayla's physical condition over the two years she transported them. Roseanne stated that it appeared that both were not using, but there was time that Adam began using again and mentioned a time where Adam was arrested for possession of crack cocaine. Roseanne stated that Kayla began going to church and Adam was currently in a halfway home. Roseanne then mentioned Kayla asking Roseanne to bring her to the halfway house that Adam was residing at. When asked why, Roseanne stated that Kayla had to bring Adam her food stamp card, which Roseanne mentioned as maybe being part of Kayla's charge of welfare fraud.

Roseanne mentioned that other people from the company had provided transportation to Adam and Kayla and none of the other drivers ever mentioned Adam and Kayla speak about Harmony or the mentioned of a daughter. I then asked Roseanne if she had ever transported Kayla or Adam separately, which she did. During the time that Roseanne transported Kayla, she would speak about her relationship with Adam and how it was toxic. Kayla would also speak about Adam using drugs again and going off the deep end. Kayla also added that while she was recently living at a shelter (177 Lake Avenue) Kayla mentioned Adam living in Maine with another women and how she did not allow her children to be with Adam and the other women because both were using drugs. Roseanne stated that Adam and his new girlfriend came down this past Christmas (2021) to deliver gifts and that is when Kayla would not allow their children to ride with Adam and his girlfriend.

Det. Valenti asked Roseanne if she was certain that there was another transportation company involved, Roseanne stated, "Yes." Roseanne continued by adding that Kayla advised her of the other company and stated that the other driver treated them extremely well, but never mentioned a name of the driver. I then inquired about the other drivers and during that conversation Roseanne stated that Adam and Kayla remained tight lipped and that, "Drug addicts will do anything, even sell their kids." Because of the statement that Roseanne made, I asked her if Kayla, separate from Adam ever mentioned owing drug debts, she stated, "No." Roseanne did state that her boss provided groceries to Adam and





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Kayla because they were in financial hardships and was more supportive to Adam and Kayla than any other family.

Det. Valenti asked Roseanne to go back to the time that she was threatened by Adam. Roseanne stated in the spring of 2020, she transported Kayla back to her residence (644 Union Street) and she had a look in her face of concern. Kayla told Roseanne that Adam broke her phone and was breaking things in the house and if Kayla can use Roseanne's phone to get Kayla and the kids out of the house. Roseanne stated that the conversation that she had with Kayla was while they were out front of the Union Street address while Adam was in front of the residence.

Det. Valenti then asked Roseanne to elaborate what was said by Kayla when she was asking for her phone. Kayla stated that Adam broke her phone and broke things within the residence. Det. Valenti asked Roseanne where Kayla was when she handed Kayla her phone. Roseanne stated that she handed Kayla her phone while in the vehicle and then Kayla took the phone and was outside of the vehicle. Det. Valenti asked Roseanne to describe Adam's demeanor and how he was acting. Roseanne stated that Adam was in a rage like Dr. Jekyll and Mr. Hyde and when Adam was in that mind state, Roseanne stated it was someone I did not recognize. Det. Valenti asked Roseanne how many time she had observed Adam in this rage and she stated twice.

Det. Valenti asked Roseanne if Adam threatened her, she stated, "Yes," followed by asking Roseanne what exactly Adam said. Roseanne said Adam stated, "I am going to kill you if you give my wife your phone!" Roseanne stated that Adam's behavior made her feel threatened and that is the reason she now carries pepper spray. Det. Valenti asked Roseanne if she thought Adam would hurt her, she stated, "Yes." Det. Valenti asked about the other time Adam was angry, she explained that Adam was in an altered state and that was the reason for his behavior.

Roseanne went back to explain the start of the transports in 2019 both Adam and Kayla appeared normal, but then there was a decline. Roseanne stated the decline had to do with money, food, and just a spiraling down. Det. Valenti asked Roseanne if Adam's behavior had to do with money. Roseanne stated it appeared that it did to the point that Adam went back to smoking crack and relapsing and that is when the monster (Adam) came out. To note, during the interview Roseanne was texting her manager to find out who the other transportation company was and we were provided with a company called CTS and provided a phone number of [REDACTED]. I would later look up CTS, which was a company out of Connecticut called Coordinated Transportation Solutions. The interview ended at 11:41 hours

NFI