

216-2022-CR-00039

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<https://www.courts.nh.gov>

**PROBABLE CAUSE STATEMENT FOR ARREST WARRANT**

I, Detective Adrienne Davenport declare under penalty of perjury:  
(Name of officer)

1. I am employed by and my current assignment and experience is:

**I am a Police Officer with the city of Manchester, NH and have been so since July 2012. I graduated from the New Hampshire Police Standards and Training Class 159 in December 2012. I have held the rank of Detective with the Manchester Police Department since February 2020. My duties and responsibilities as a Detective include the follow-up investigation of crimes that occur in Manchester, NH. I have conducted investigations of sexual assaults, homicides, robberies, assaults, burglaries, child pornography, and other serious crimes. I am currently assigned as a Detective in the Juvenile Investigative Unit. I have received training from the Manchester Police Department in-house training academy and the New Hampshire Police Standards and Training Council full-time police academy. I have also attended numerous training courses covering many different aspects of investigations.**

(Describe position, assignment, office, etc.)

2. I have information, based upon (Describe source, facts indicating reliability and credibility of source and nature of information. If based on personal knowledge, so state).

**The information set forth below is based on information known to me personally through my own investigation and through my communications with other Manchester Police Officers. Additionally, I reviewed police reports prepared by Manchester Police Officers detailing their involvement in this investigation. This affidavit does not contain every fact known to me or other investigators. Rather, it contains material information relevant to determining whether there is sufficient probable cause to believe that the crime of Prohibited Acts, pursuant to RSA 167:17-b(d), has been committed.**

See additional page(s) for more information

For these reasons I ask the Court to issue an arrest warrant for

Name Kayla Montgomery DOB: 08/31/1990

For the following crimes:

- RSA: 167:17b(d) Descriptor: Prohibited Acts
- RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_
- RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_
- RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_
- RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_

01/03/2022  
Date

Det. A Davenport <sup>DIS</sup>  
Signature of Officer

Detective Adrienne Davenport  
Name of Officer

*Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.*

**PROBABLE CAUSE STATEMENT FOR ARREST WARRANT**

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

Kayla Montgomery holds an account with the New Hampshire Department of Health & Human Services, Division of Family Assistance. The case number assigned to Kayla's account is: XXXXX2376. On 2/25/2019, Kayla filed a "Change Report" with NH DHHS indicating the reason for the change as: "My husband, Adam Montgomery's daughter, HM is now currently living with us full-time. She is 4 years old and permanently blind in one eye, she was born like that. any questions or concerns please call 603-XXX-XXXX-cell. Thank you." New household member added to the account was "HRM" DOB 06/07/2014. Kayla Montgomery electronically signed this document. The DHHS file indicates that the benefits allotted to the Montgomery family (account 717372376) increased by \$129.00 per month, beginning on 3/1/2019, upon adding HM to the account. This does not include additional COVID supplemental benefits. According to the Lawrence (MA) Juvenile Court, HR's father, Adam Montgomery DOB 1/22/90, was granted full custody of HM as of 2/22/2019.

On 1/7/2021, as part a redetermination process, Kayla indicated to the DHHS that her household consisted of "2 adults married filing jointly, 4 children - 3 in common and all claimed as tax dependents." Adam and Kayla Montgomery have three children in common: SM DOB 6/8/17, CM DOB 11/4/20 and DM DOB 1/30/19. The DHHS case worker added a note on the redetermination paperwork of: "she [Kayla] seemed confused about whether or not Harmony lived there because goes to her mom's every other weekend."

On 6/2/21, another account change report was initiated regarding Kayla's income. During that contact, DHHS noted that case management for HM was closed, noting "client said she moved back with her mother and to remove her from her case."

Recently, the Manchester Police Department became involved in an investigation into the possibility that HM is a missing person. HM's mother was identified as: Crystal Sorey DOB 9/14/90. DCYF and the Manchester Police Department had spoken with Crystal on several occasions and she reported that she has not seen Harmony in over two years, and that she had been trying to locate her to obtain visitation.

Recently, Manchester Police Officers located Adam and inquired about the whereabouts of HM. Adam was insistent that he returned HM to Crystal in November of 2019 and hadn't seen HM since. Manchester Police Department traveled to Devens, MA to interview Crystal in person and confirmed that HM was not with her or under her care. These circumstances resulted in a full scale missing child investigation for HM. Part of this investigation included an interview with Kayla. Kayla stated that on the day after Thanksgiving in 2019, Adam dropped her off at work and said he was going to bring HM to her mother to live with her. Kayla stated that she has not seen HM since that day. When asked about receiving food stamp assistance for HM for over a year after that time, Kayla acknowledged receiving those benefits knowingly, and indicated that she attempted to remove HM from the account but was unsuccessful. According to the case management documents I have received and reviewed from NH DHHS, Kayla did not make any request or attempt to remove HM from her household account until 6/2/21 (as noted above).

**PROBABLE CAUSE STATEMENT FOR ARREST WARRANT**

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

On 1/3/22, A subpoena was served to the Supplemental Nutrition Assistance Program of the Bureau of Family Assistance of NH DHHS, in order to obtain records of benefits related to HM. With HM being a household member of Kayla's account, and thus benefits being paid for HM, these benefits were distributed and recorded under Kayla's account. The DHHS Office of Finance provided the EBT transaction history of Kayla Montgomery's EBT card. This report included all transactions between February of 2019 and June of 2021. There are 22 pages of transactions, with an estimate of approximately 800 transactions. The pattern shows that Kayla was receiving benefits and then spending them and depleting the balance perpetually.

Based on Kayla and Adam's statements regarding last seeing HM in November of 2019, both Kayla and Adam stating that HM was returned to Crystal Sorey in November of 2019, and the fact that food stamp benefits for HM were being paid to Kayla Montgomery until June of 2021, it is estimated that Kayla received in excess of \$1500 in benefits that she was not entitled to as HM was not under her care. This amount does not include any of the COVID supplemental benefits that were paid from December of 2020 to present. This total includes \$129 paid for the following months: 12/2019, 1/2020, 2/2020, 3/2020, 4/2020, 5/2020, 6/2020, 7/2020, 8/2020, 9/2020, 10/2020, 11/2020, 12/2020, 1/2021, 2/2021, 3/2021, 4/2021, 5/2021, 6/2021.

NH RSA 167:17-b Prohibited Acts states that no person shall intentionally fail to disclose the receipt of property, wages, income or resources or any change in circumstances which would affect his eligibility for assistance or his initial or continued right to any benefit or payment for the purpose of receiving any assistance, benefit or payment to which he is not entitled. NH RSA 167:17-c states that any natural person who violates NH RSA 167:17-b shall be guilty of a class A felony if the value of the monetary award or goods or services in question exceeds \$1,500.

THE STATE OF NEW HAMPSHIRE  
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Court Name: Hillsborough Superior Court - North Agency Case Number: 21-018997

**ARREST WARRANT**

To the sheriff of his deputies of any county in this state, or any police officer state or federal, within the state:

Detective Adrienne Davenport has established under oath that probable cause exists and an arrest warrant shall issue against the defendant,

Kayla Montgomery, D.O.B. 08/31/1990,

In the county of Hillsborough for one count of

Prohibited Acts contrary to the New Hampshire

RSA: 167:17b(d) Descriptor: Prohibited Acts

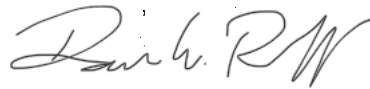
RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_

RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_

RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_

RSA: \_\_\_\_\_ Descriptor: \_\_\_\_\_

We command you to take him/her, if found to be in your jurisdiction, and bring him/her before the Hillsborough Superior Court - North Court.



Date Jan 5, 2022.

Hon David W Ruoff  
Signature of Judge / Justice of the Peace

**Superior Court Justice**

\_\_\_\_\_  
Name of Judge / Justice of the Peace

**RETURN**

STATE OF NEW HAMPSHIRE COUNTY OF \_\_\_\_\_

I have arrested the Defendant and now have him/her before the court as commanded.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Name of Officer/Department