

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

Court Name: \_\_\_\_\_  Agency Case Number: \_\_\_\_\_

**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 \_\_\_\_\_  for one count of \_\_\_\_\_ contrary to the New Hampshire

RSA: 637:4 Descriptor: Theft by Deception

RSA: 167:17-b Descriptor: Prohibited Acts

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 \_\_\_\_\_  Court.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
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

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PROBABLE CAUSE STATEMENT FOR ARREST WARRANT

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

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 of 2012. I graduated from the New Hampshire Police Standards and Training Class 159 in December of 2012. I have held the rank of Detective with the Manchester Police Department since February of 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 Theft by Deception, pursuant to RSA 637:4, as well as the crime of Prohibited Acts, pursuant to RSA 167:17-b, 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: 637:4 Descriptor: Theft by Deception
RSA: 167:17-b Descriptor: Prohibited Acts
RSA: Descriptor:
RSA: Descriptor:
RSA: Descriptor:

01/11/2022 Date

Det. A Davenport DIS 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 DOB 8/31/90 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 2/25/19, Kayla filed a "Change Report" with NH DHHS indicating the reason for 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." New household member added to the account was "HRM" DOB 6/7/14. Kayla Montgomery electronically signed this document. According to the Lawrence (MA) Juvenile Court, HR's father, Adam Montgomery DOB 1/22/90, was granted full custody of HM as of 2/22/19.

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 had 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 her biological mother, Crystal, in November of 2019 and hadn't seen HM since. Manchester Police Detectives 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 request that DHHS remove HM from her household account until 06/02/2021. A comment in Kayla's file from that date reads "[Kayla] said [HM] moved back with her mother and to remove her from the case."

On 1/3/22, a subpoena was served to the Supplement 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.

The New Hampshire Special Investigations Administrator for the Bureau of Program Integrity reported that the dollar amounts of benefits that could be contributed HM's portion of the household between January of 2020 and June of 2021 were in excess of \$1500. Based on Kayla and Adam's individual statements to investigators that they had not seen HM since November of 2019, Kayla was not entitled to receive such benefits.

**PROBABLE CAUSE STATEMENT FOR ARREST WARRANT**

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

DHHS records contain multiple instances between December 2019 and March 2021 in which Kayla included H.M. as a household member in applications for benefits and/or otherwise represented to DHHS that H.M. was in Kayla's household. On or about 12/17/2019, Kayla submitted a Shared Shelter Arrangement/Meal Arrangement for Food Stamps document which included HM as a household member. On or about 3/11/2020, 8/19/2020, and 9/19/2020, Kayla submitted applications for assistance (including SNAP) which all listed HM as a household member. On or about 11/10/2020, Kayla submitted a change report to add her newborn, CM DOB 11/4/2020, to her household account, increasing her benefits eligibility from a household of 5 to a household of 6. In the change report, Kayla included HM as a household member: the 6 members listed were Kayla and Adam; their three children SM, DM, and CM; and HM. Comments in Kayla's case file indicate that during an interview for redetermination of benefits on or about 1/7/2021, Kayla's household was "2 adults married filing jointly [which would be Adam and Kayla], 4 children - 3 in common [which would be SM, DM, and CM] and all claimed as tax dependents." The comments further state, "[Kayla] seemed confused about whether or not [HM] lived there because goes to her mom's every other weekend." On or about 2/11/2021, Kayla submitted an application for assistance (including SNAP) which listed HM as a household member. Comments in Kayla's case file indicate that on or about 3/30/2021 she reported that Adam was out of the household and she (Kayla) had all four of the children; at that point Adam and Kayla still only had three children together: SM, DM, and CM.

DHHS records also contain instances when HM was not included in Kayla's household. A rental verification form apparently signed by an employee at Families in Transition on or about 1/1/2020 noted two adults and two children. A lease agreement signed on or about 2/20/2020 noted that it was for Adam and Kayla and their two children. On or about 7/15/2020, Kayla submitted a paper application to DHHS that only listed herself, Adam, SM, and DM. Furthermore, in documents submitted on or about 2/10/2021, 5/7/2021, and 5/13/2021, Kayla listed the only children in her household were SM, DM, and CM. However, as previously noted, it was not until approximately 6/2/2021 that Kayla affirmatively told a DHHS caseworker that HM moved back with her mother and to remove her from the case. In addition, despite these instances, Kayla continued to include HM as a household member as noted above.

Based on the foregoing there is probable cause to charge Kayla with one class A felony count of theft by deception in violation of RSA 637:4 for engaging in a scheme or course of conduct from approximately 11/30/2019 to 06/02/2021 to steal benefits in excess of \$1,500 by representing to NH DHHS on various occasions that HM was in Kayla's household despite Kayla admitting that H.M. was not a member of her household during that time period, resulting in the receipt of in excess of \$1,500 in benefits for H.M. to which Kayla was not entitled.

In addition, based on the foregoing there is probable cause to charge Kayla with two misdemeanor counts of prohibited acts in violation of RSA 167:17-b, 1(a), one occurring 2/11/2021 and one occurring 3/30/2021, for her intentional false statements and/or misrepresentations to DHHS that HM was in her household, which she made to obtain or attempt to obtain any assistance or benefit or payment under RSA 161 or RSA 167 to which she was not entitled.