



The hearing commenced at approximately 10:15 a.m. in a conference room of the Nebraska Department of Education in the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Petitioner appeared pro se. The Respondent was represented by Brian L. Halstead, General Counsel, Nebraska Department of Education. The parties jointly offered Exhibits 1 through 10, which were received without objection. The hearing was recorded by Precision Reporting, Inc. A transcript of the hearing accompanies this recommendation. The Petitioner's son, Leron Morgan, was also present briefly at beginning of hearing. To avoid confusion with his father of the same name, the boy will be referred to as Petitioner's son and the father as Mr. Morgan.

Having considered the sworn testimony of the Petitioner and three witnesses, as well as the exhibits, the Hearing Officer makes the following proposed findings of fact, recommended conclusions of law and recommended decision.

#### PROPOSED FINDINGS OF FACT

1. Petitioner is 23 years old and is currently enrolled at Wayne State College having commenced in the fall of 2008. Petitioner is an education student and is seeking a degree in early childhood unified education.
2. Petitioner graduated from Omaha Burke High School in May of 2008.
3. On June 27, 2011, Petitioner was arrested in Omaha, Nebraska for two counts of assault and battery, a misdemeanor. A trial was held on September 21, 2011 and Petitioner was found guilty on two counts of assault and battery under Omaha Ordinance 20-61(2), under which she was charged for unlawfully, purposely or knowingly striking or attempting to strike Leron Morgan with the intent to cause bodily injury or cause or attempt bodily harm to Leron Morgan or place Leron Morgan in fear of imminent bodily harm, and a similar count in connection with

Lakeshia McQueen. On December 1, 2011, Petitioner was sentenced to nine months probation, payment of court costs, requirement to take anger management course and to abstain from use or possession of alcohol and controlled substances, with random drug tests. On September 20, 2012, Petitioner was released from probation upon satisfaction of judgment.

4. On June 27, 2011, Petitioner proceeded to her former boyfriend's home (also the father of her son) to pick up her son who had been staying with his father. The son was approximately four years old. The son was with his father, Mr. Morgan, at the Mr. Morgan's girlfriend's house and Mr. Morgan needed Petitioner to pick up their son so that Mr. Morgan would not be late for work the next day. When Mr. Morgan brought their son to Petitioner's car, she saw that her son did not have on any shirt, shoes or socks and that he had a terrible cough and she was also upset that he was at Mr. Morgan's girlfriend's house, since they had agreed that Mr. Morgan would not have their son there after her son had said he saw his father, Mr. Morgan, engaging in sexual activities with the girlfriend. The Petitioner testifies that Mr. Morgan was very defensive, making threats and calling her names and then hit her in the face three times, after which she chased him and he hit her again and ran across the street into the apartment complex. Petitioner testifies that she went back to her car to call the police and as she was on the phone, Mr. Morgan's girlfriend approached the vehicle asking why Petitioner had hit her boyfriend and asking why Petitioner did not want Petitioner's son over to the girlfriend's house. The girlfriend then, according to Petitioner's testimony, hit Petitioner and then Petitioner struck back and a fight ensued. The police came and they all told their stories and the police arrested Petitioner, but not Mr. Morgan or his girlfriend. They had seen scratches on the girlfriend's face, but at that time had not seen any marks on Petitioner. Later, after being released from jail the next day, Petitioner filed a police report in which case she was able to show bruises and patches of hair missing from

her head. However, I do not find the above testimony of Petitioner to be credible, as the court found Petitioner guilty of assault and battery against both Mr. Morgan and his girlfriend, Lakeshia McQueen, after trial on the charges.

5. The Petitioner testifies that she was represented by a public defender, but says her public defender did not allow her to testify and inadequately represented her. There is no independent testimony of the inadequacy of the representation by the public defender or reasons for Petitioner not testifying at her trial.

6. Petitioner has no other criminal offenses or law enforcement contacts other than a speeding ticket.

7. Petitioner has been on the dean's list at Wayne State College the past two semesters, was awarded a full ride scholarship to Wayne State and testified as to involvement on campus and in the community in both Wayne, Nebraska and Omaha, Nebraska. She is the past vice president of the student organization, Minorities in Accordance Coming Together. She helped charter the first African-American student organization on Wayne State campus and is the Tau Alpha Chapter president of Zeta Phi Beta Sorority and has been involved in committees, college fairs, workshops and conferences promoting higher education and leadership skills, diversity and scholarship. Petitioner also did volunteer work for the Food Bank of the Heartland and has been invited by the Urban League in Omaha to come speak to at-risk teens at North High School. She has also done voluntary activities with career fairs, Boys and Girls Club and Meals on Wheels.

8. Sherry Dorman testified on behalf of the Petitioner. Ms. Dorman is an academic advisor at Wayne State College and a teacher of education courses for the last seven years. Prior to that she was an elementary school teacher in Colorado. She gave the Petitioner a high

character reference as a responsible parent and student who has come up through adversity and who could be a role model for other students.

9. Karen Gramberg testified on behalf of Petitioner. She is a counselor at Wayne State College and has been an employee there for over twenty years. She is a mental health practitioner and conducted the anger management courses for Petitioner as required under the order of probation. In addition to her testimony, there is a letter from her contained in Exhibit 2. She testified that Petitioner is a dedicated and responsible student, having demonstrated a gift for organizing groups of peers and leading them in activities. She testified that Petitioner is a leader and organizer in campus groups and has the potential to be a dynamic and influential teacher of young children. She testified that the Petitioner completed the anger management sessions in a timely manner and with an understanding of alternate ways in which she might have handled the incident in question as well as handling future challenges.

10. Contained as Exhibit 3 is a letter from Laura Franklin, Assistant Professor of Special Education at Wayne State College, who also gave a high character reference for the Petitioner as a dedicated student, a stellar writer and mature beyond her years.

11. Exhibit 4 contains a letter from Curt Frye, President of Wayne State College, providing a character reference for Petitioner, stating that he has known her for three years, that she has developed into a good student and contributor to the college and held several offices of responsibility in some of their student organizations. He believes the difficulty she finds herself in is uncharacteristic of her demeanor as he has observed it on campus.

12. Denise Rashad, the mother of Petitioner, also testified as a character witness for Petitioner. She testified how she was disappointed when Petitioner became pregnant as a teenager, but now believes she has handled it well and become a good mother and is always

tending to the younger generation of the children in the family, including the witness's twenty-two grandchildren. She believes Petitioner has adjusted well and is an independent person and a good parent and has learned from her mistakes, including how to handle trouble.

#### RECOMMENDED CONCLUSIONS OF LAW

1. Title 92 NAC 20 Sec. 005.07B provides that a person with a conviction as defined in Sec. 005.07A shall not be allowed to participate in pre-student teaching field, laboratory and classroom experiences or student teach without approval by the Commissioner or the Board.

2. Under 92 NAC 20 Sec. 005.07, an institution shall inform all persons who apply for admission to this program, that persons who have felony convictions or misdemeanor convictions involving abuse, neglect or sexual misconduct, as defined in Sec. 005.07A, are automatically rejected by the Department for certification and may only be considered for participation in pre-student teaching field, laboratory and classroom experiences or student teaching with the approval of the Commissioner or the Board.

3. Under 92 NAC 20 Sec. 005.07A(2) a misdemeanor conviction involving abuse, neglect or sexual misconduct means an offense under the laws of any jurisdiction which, if committed in Nebraska, would constitute one of the listed misdemeanors, which includes Sec. 005.07A(2)(a) assault in the third degree under Neb. Rev. Stat. § 28-310, which statute provides that a person commits the offense of assault in the third degree if he intentionally, knowingly or recklessly causes bodily injury to another person or threatens another in a menacing manner.

4. That Petitioner's conviction in Douglas County Court was under Omaha Ordinance Sec. 20-61(2) that provides that it is an assault and battery for a person to unlawfully, purposely or knowingly strike or attempt to strike a person with the intent to cause bodily injury or cause or attempt to cause bodily injury or place a person in fear of imminent bodily harm. The grounds

under the Omaha Ordinance and the State's statute for assault are substantially the same. Therefore the Petitioner's misdemeanor convictions for assault and battery against two individuals do constitute misdemeanor convictions involving abuse, neglect or sexual misconduct under 92 NAC 20 Sec. 005.07A(2). Title 92 NAC 20 Sec. 005.07B provides that a person with a conviction as defined above may request approval by the Commissioner or the Board by using the procedures set forth in Title 92 NAC 21, Sec. 009.02 through Sec. 009.04, which provide that if the Board finds that the applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to approve the request to participate in pre-student teaching field, laboratory and classroom experiences or student teach. In determining whether the Applicant has good moral character and the moral fitness for teaching, the following factors shall be considered:

- (a) The nature of the crime, the facts and circumstances surrounding the Applicant's conviction, including whether the conduct of the Applicant would constitute a crime in Nebraska, the sentence received and whether the sentence was commuted, set aside or pardoned;
- (b) The Applicant's age at the time of the conduct;
- (c) The recency of the conduct;
- (d) The Applicant's positive social contributions since the conduct; and
- (e) The reliability of the information concerning the conduct.

RECOMMENDED DECISION

1. Petitioner is properly before the Board of Education for determination of her request to participate in pre-student teaching field, laboratory and classroom experiences or student teach.

2. The 2011 convictions were misdemeanors involving assault and battery of two

individuals in the presence of her then four-year old son. Therefore, the Petitioner has a conviction disqualifying her from participation in pre-student teaching field, laboratory and classroom experiences or student teach, unless otherwise approved by the Commissioner or the Board.

3. Petitioner has received good character references from educators and family. Petitioner is receiving good grades. Petitioner asserts that she was wrongly convicted of the assault and battery, but, with counseling, has learned to deal with such situations and anger in the future. However, it is not the role of this tribunal to retry her criminal cases. The Douglas County Court found her guilty of assault and battery on two counts after a trial on the charges. Not only does this Hearing Officer not have all parties present to give both sides of the story, but it is not the role of the Board of Education to second guess the Douglas County Court or retry the matter even if it had such evidence before it. Such convictions do not demonstrate that she now possesses the good moral character and moral fitness for teaching necessary to qualify her for the privilege of student teaching. An Applicant needs to learn to deal with stress and anger without violence.

4. That is not to say that Petitioner cannot reach and demonstrate that level of maturity necessary to satisfy the requirements of good moral character and the possession of good moral fitness for teaching. It appears, however, that Petitioner requires the passage of time without any other lapses or law violations in order to demonstrate such standards. It has only been two years since the assault and battery and less than two years since the conviction and approximately eleven months since she was released from probation. Petitioner may certainly reapply for permission to student teach when she believes that sufficient time has elapsed and she can further demonstrate that she has good moral character and possesses the moral fitness for teaching.

5. The Hearing Officer therefore recommends, based upon the evidence in the record, that the Board of Education at this time reaffirm the Commissioner of Education's denial of Petitioner's request to pre-student teaching field, laboratory and classroom experiences or student teach.

Dated this 25<sup>th</sup> day of July, 2013.



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Jim R. Titus, #16064, Hearing Officer  
MORRIS & TITUS LAW FIRM, PC, LLO  
4645 Normal Blvd., Suite 272  
Lincoln, NE 68506  
(402) 434-5200 – phone  
(402) 434-5209 – fax  
[jtitus@morristituslaw.com](mailto:jtitus@morristituslaw.com)

CERTIFICATE OF SERVICE

The undersigned, Jim R. Titus, hereby certifies that the original of the foregoing with attached transcript was hand delivered to Leslie S. Donley, Assistant Attorney General, Nebraska Department of Justice, 2115 State Capitol, Lincoln, Nebraska on July 25, 2013, and a true and correct copy of the foregoing was served by first-class United States mail, postage prepaid on July 25, 2013, to the following parties:

Brian L. Halstead  
Assistant Commissioner/General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

Matkia Montgomery  
130 Maple Street  
Wayne, NE 68787



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Jim R. Titus, #16064  
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

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MATTKIA MONTGOMERY,	)	
130 Maple Street	)	NDE Case No. 13-09
Wayne, NE 68787,	)	
	)	
Petitioner,	)	<u>REQUESTED TRANSCRIPT</u>
	)	
vs.	)	VOLUME I - TESTIMONY
	)	(Pages 1 - 68, incl.)
ROGER D. BREED, Ed.D.,	)	
COMMISSIONER OF EDUCATION,	)	VOLUME I - EXHIBITS
	)	(Nos. 1 - 10, incl.)
Respondent.	)	

**ORIGINAL**

Proceedings had before JIM R. TITUS, HEARING  
OFFICER, at Lincoln, Nebraska, on **July 10, 2013.**

A P P E A R A N C E S

For the Petitioner:	Pro se
For the Respondent:	<b>MR. BRIAN L. HALSTEAD</b> Assistant Commissioner/ General Counsel Nebraska Board of Education 301 Centennial Mall South Sixth Floor Lincoln, NE 68508
Also Present:	Ms. Sherry Dorman Ms. Karen Granberg Mr. Leron Morgan Ms. Denise Rashad

## I N D E X

<u>WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
MATTKIA MONTGOMERY	9	15	35	37
SHERRY DORMAN	40	45		
KAREN GRANBERG	49	52		
DENISE RASHAD	56			

<u>EXHIBITS:</u>	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1. Pleadings	4	7	7	ATT
2. Letter from Karen Granberg (7/9/13)	4	7	7	ATT
3. Letter from Laura Franklin	4	7	7	ATT
4. Letter from Curt Frye (6/21/13)	4	7	7	ATT
5. Color Copies of Two Photographs	4	7	7	ATT
6. Rule 20	4	7	7	ATT
7. Rule 21	4	7	7	ATT
8. Rule 61	4	7	7	ATT
9. Criminal Complaint (CR11-18135)	4	7	7	ATT
10. Incident Report (R.B. No. 112302)	4	7	7	ATT

ATT - Attached

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C E R T I F I C A T E

I, Jody J. White, Registered Merit Reporter,  
do hereby certify that the within and following  
transcript contains all the evidence requested to  
be transcribed by me from the proceedings had in  
the foregoing cause; that said transcript is a  
correct and complete transcription of the  
proceedings requested to be transcribed from the  
record made at the time of said proceedings.

Dated this 17th day of July, 2013.

  
General Notary Public



1 (At 10:15 a.m. on July 10, 2013, at the  
2 Nebraska Department of Education, 301 Centennial  
3 Mall South, Sixth Floor, Conference Room B,  
4 Lincoln, Nebraska, before JIM R. TITUS, HEARING  
5 OFFICER, with Ms. Mattkia D. Montgomery appearing  
6 pro se, with Mr. Brian L. Halstead appearing as  
7 counsel for the Respondent, and with Ms. Sherry  
8 Dorman, Ms. Karen Granberg, Mr. Leron Morgan, and  
9 Ms. Denise Rashad also present, the following  
10 proceedings were had:)

11 (Exhibit Nos. 1 through 10 were  
12 marked for identification.)

13 HEARING OFFICER: We'll go ahead and  
14 go on the record now. We'll convene the hearing  
15 in the matter of Mattkia Montgomery --

16 Am I saying your name correctly?

17 MS. MONTGOMERY: Yes.

18 HEARING OFFICER: -- versus the  
19 Commissioner of Education. I'm Jim Titus. I'll  
20 be the Hearing Officer. I'm -- I'm a private  
21 attorney, but the Department has asked me to serve  
22 as hearing officer -- as a hearing officer in  
23 these cases.

24 Just as a preliminary matter, if you have a  
25 cell phone, please turn it off or to vibrate

1 but -- just so it's not disturbing us, and if you  
2 need to answer it, answer it outside the hearing  
3 room. Let the record show that Mattkia Montgomery  
4 is present, representing herself and that the  
5 Department is represented by Brian Halstead. Both  
6 parties have received notice. No one's requested  
7 that the court Rules of Evidence apply to this  
8 hearing, and all witnesses will be sworn into --  
9 sworn in by me.

10 And just -- you know, we're in a fairly large  
11 room; so if you'd just talk loudly enough so  
12 everyone can hear, that's -- and we especially  
13 need to have the court reporter hear it. If she  
14 asks you to spell a name or to -- or if she can't  
15 hear something, she'll ask you to repeat it, and  
16 please help her out so we have a good record.

17 I understand we have ten exhibits, and I  
18 think I heard before the hearing that there's --  
19 there's not likely any objections.

20 Are we -- are we consenting to these ten  
21 exhibits to be --

22 MR. HALSTEAD: Well, actually, before  
23 the hearing started, Ms. Montgomery and I -- we  
24 went through the exhibits. She indicated to me  
25 she had no -- any objections to my exhibits. She

1 had an additional letter that she hadn't disclosed  
2 previously, but I've looked at that, and I had no  
3 objection; so I've had marked ten exhibits that, I  
4 think, we can all jointly offer if you'd like me  
5 to go through those.

6 HEARING OFFICER: If you'd just like  
7 to go through those --

8 And is that true, Ms. Montgomery?

9 MS. MONTGOMERY: Yes.

10 HEARING OFFICER: Okay.

11 MR. HALSTEAD: Okay. Well, Exhibit  
12 No. 1 would be the pleadings in this matter which  
13 would include her petition and its attachments,  
14 the Commissioner's answer, the assignment of you  
15 as the hearing official, the pre -- prehearing  
16 conference, and the Notice of Hearing. That's all  
17 in Exhibit No. 1.

18 Exhibit No. 2 is a July 9th, 2013, letter  
19 from Karen Granberg. Exhibit No. 3 is a letter  
20 from Laura Franklin. Exhibit No. 4 is a letter  
21 from Curt Frye, the president of Wayne State  
22 College. Exhibit No. 5 is a two-page exhibit of  
23 two photos that, I believe, the -- Ms. Montgomery  
24 is going to explain what the photo relates to and  
25 everything.

1 Exhibit No. 6 is Title 92, Nebraska  
2 Administrative Code, Chapter 20, the rules and  
3 regulations for teacher education program  
4 approval. Exhibit No. 7 is Title 92, Nebraska  
5 Administrative Code, Chapter 21, the rules and  
6 regulations for the issuance of certificates and  
7 the criteria for reviewing convictions. Exhibit  
8 No. 8 is Rule 61, the rules and regulations for  
9 contested cases before the State Board of  
10 Education.

11 Exhibit No. 9 is a copy of the County Court  
12 of Douglas County record in the case of State of  
13 Nebraska versus the petitioner, and Exhibit No. 10  
14 is the Omaha Police Department incident reports  
15 related to the incident and the criminal  
16 conviction in Exhibit No. 9.

17 So I think we would jointly offer Exhibits 1  
18 through 10 at this time.

19 HEARING OFFICER: Is that correct? Is  
20 there --

21 MS. MONTGOMERY: Yes.

22 HEARING OFFICER: -- any objections?

23 Okay. Exhibit -- Exhibit Nos. 1 through 10  
24 are received.

25 (Exhibit Nos. 1 through 10 are

1                   made a part of this Requested  
2                   Transcript and may be found  
3                   attached hereto.)

4                   HEARING OFFICER:  If either of you  
5                   need to refer to the exhibits, just ask, and we'll  
6                   let you have them.  Okay.  Do you wish -- either  
7                   wish -- either of you wish to make an opening  
8                   statement?

9                   Ms. Montgomery?

10                  MS. MONTGOMERY:  No.

11                  MR. HALSTEAD:  I'll waive an opening  
12                  statement.

13                  HEARING OFFICER:  Ms. Montgomery,  
14                  we'll start with you, and we have your exhibits.  
15                  What other evidence do you wish to offer?

16                  MS. MONTGOMERY:  Well, I kind of just  
17                  wanted to give like my side of what had happened,  
18                  but as far as evidence goes, the pictures that  
19                  I --

20                  HEARING OFFICER:  Okay.  We'll go  
21                  ahead and -- you're going to talk about these.  
22                  What I need to do -- you're going -- are you going  
23                  to testify first then?

24                  MS. MONTGOMERY:  Is -- yes.

25                  HEARING OFFICER:  Okay.  Then I need

*MATTKIA MONTGOMERY - Direct*

1 to swear you in.

2 MS. MONTGOMERY: Okay.

3 MATTKIA MONTGOMERY,

4 called as a witness on her own behalf,  
5 having been first duly sworn,  
6 testified as follows:

7 HEARING OFFICER: Okay. Now, you  
8 know, usually it's question-and-answer format, but  
9 when it's the same person doing both, we -- we  
10 kind of are relaxed on that; so you don't have to  
11 just ask questions. You could just go ahead and  
12 testify --

13 THE WITNESS: Okay.

14 HEARING OFFICER: -- as to what facts  
15 you believe are important for me to know for  
16 making a recommendation to the Board of Education.  
17 If Mr. Halstead, you know, says, "I object," stop  
18 where you're testifying so I can deal with  
19 whatever objection he has.

20 So you may go ahead.

21 DIRECT EXAMINATION

22 THE WITNESS: Okay. The night I went  
23 to go pick up my son, he had called me to pick him  
24 up because he had to be to work in the morning. I  
25 was going to go pick him up in the morning, but he  
suggested that I come and pick him up at night. I

*MATTKIA MONTGOMERY - Direct*

1 was at Skate City in Bellevue, and that's where I  
2 had came from. I went to go pick my son up, and I  
3 called him to come outside. And when he brought  
4 my son to my car, my son was inappropriately  
5 dressed. It was cold outside, and he was sick.  
6 And he wasn't with him that long; so I basically  
7 asked like "What is going on? Why is he sick?  
8 Why is he not dressed? Why isn't his shoes on?"  
9 I asked all the necessary questions I wanted to  
10 know, and he immediately got upset.

11 Let's see. What happened after that?

12 Mom, can you step out? I don't want to talk  
13 about it in front of Leron. Sorry.

14 (At this time Ms. Denise Rashad  
15 and Mr. Leron Morgan left the  
16 room.)

17 THE WITNESS: So -- I'm sorry --  
18 basically, he got mad that I was asking him those  
19 questions, and he started talking to me, calling  
20 me "Dumb broad" and like "Just shut up" and stuff;  
21 so I was -- I'm sorry. So after that the --  
22 the -- the situation that transpired between he  
23 and I was -- after that had happened, I took my  
24 son and put him in my car, and I had -- at the  
25 time I had a Monte Carlo, so a two-door, and I put

*MATTKIA MONTGOMERY - Direct*

1 my son in the backseat.

2 And he and I -- we were still talking, and he  
3 had threatened me and said that he was going to  
4 bomb on me which basically means he would hit me  
5 if I didn't shut the "F" up. And so I told him  
6 "You're not going to do anything," and that's when  
7 he punched me. And when he had hit me, he was  
8 like "I've been waiting to do this;" so -- I'm  
9 sorry -- after he had hit me, I had chased after  
10 him. I admit that. I chased after him, but I  
11 didn't hit him. He ran in the house and said, "I  
12 got something for your ass." And I went back to  
13 my car to call the police 'cause I wanted him  
14 arrested. And as I'm on the phone with the  
15 operator, the person that I was talking to, they  
16 were saying a car was coming.

17 The -- the girl that he was seeing at the  
18 time, she starts walking from her apartment  
19 complex to my car. And so I told the lady I was  
20 on the phone with -- I was like "She's coming to  
21 my car." And as she gets to my car, she's trying  
22 to argue with me, and, basically, she said that I  
23 had hit him. That's what he had told her. And  
24 she was asking me why I didn't want my kid at her  
25 house, and I wasn't really trying to talk to her.

*MATTKIA MONTGOMERY - Direct*

1 I didn't want to hear what she had to say. I kept  
2 telling her "He hit me, and the cops is on the  
3 way."

4 And I -- I can't tell you -- I'm trying to  
5 think of any -- what else was -- like what else  
6 was said at -- during that moment, but she kept  
7 walking closer to my car; so -- and she got really  
8 close to me; so I stood up, and she hit me, and we  
9 started fighting. It wasn't -- we weren't  
10 throwing punches, but we were pulling hair. I was  
11 trying to like wrestle and get her off of me. So  
12 my cousin that was there at the time, she was just  
13 like "Come on, you-all. Like break it up" 'cause  
14 she knew the girl too, Lakeshia, and I kept  
15 saying, "Just let go of my hair."

16 And we were just arguing, and while we were  
17 pulling hair, she kept saying that I wanted him,  
18 and -- and I'm like "No, I don't." I don't know  
19 what he had been telling her, but like I was in a  
20 relationship at the time. There was no way. We  
21 hadn't been together for a long time, years. So I  
22 told her -- I said, "If you don't let go of my  
23 hair, I'm going to scratch your face," and she  
24 wouldn't let go of my hair; so I took my hand, and  
25 I clawed her in the face. I do admit that.

*MATTKIA MONTGOMERY - Direct*

1 That's where it got physical on my behalf. It  
2 didn't get physical on my behalf before that.

3 While me and her was in this physical  
4 altercation, my son's dad, who was in the house at  
5 the time, had came back out and kicked me out of  
6 the way 'cause we were in my door fighting. My  
7 door was open. We were in the door fighting. He  
8 kicked me out of the way and took my son out of  
9 the car and ran in the house.

10 And when the cops got there, they were  
11 threatening to Mace us, like "Break it up. Break  
12 it up;" so we finally let each other go. I was --  
13 I do admit I was really upset 'cause I just got in  
14 a fight with two people, and I didn't go into  
15 detail about anything. I just said, "I just got  
16 in a fight with him. He came out here. He hit  
17 me, and she came out here to fight me, and I want  
18 them both arrested." That's what I was telling  
19 them.

20 And I don't quite know what she was saying to  
21 the cops, but they pulled us apart, and they were  
22 talking to both of us. I talked to one cop. She  
23 talked to another cop, and he -- one of the cops  
24 told me to wait in my car, and they walked her in  
25 the house with -- to go talk to Big Leron, my

*MATTKIA MONTGOMERY - Direct*

1 son's dad, and take her in the house. Shortly  
2 after that they came outside and arrested me, and  
3 that's pretty much what happened.

4 I do want to say the reason why -- I mean, he  
5 and I don't have a good relationship, but I wanted  
6 him to watch my son while I went skating; so -- he  
7 doesn't really get to see him quite often, and  
8 that's by choice, not from me, but a couple days  
9 prior to the whole incident, I had told his dad  
10 that I didn't want my son around her anymore in  
11 particular just because I didn't want to take my  
12 son from him again.

13 A situation had occurred where my son had  
14 told me and my mom that he saw his dad and her --  
15 he saw her giving his dad oral sex, and I had a  
16 talk with him about it. I thought it was  
17 extremely inappropriate, and I said, "Instead of  
18 keeping your son away from you, I just don't want  
19 him at her house anymore," and I thought that was  
20 more appropriate, but, instead, he just still went  
21 over there and took Leron over there. I wasn't  
22 mad about it. I went to pick up my son, and that  
23 could have been the end of it. I just want to add  
24 that. I feel like I called the cops on myself. I  
25 pretty much got myself arrested.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 I regret -- I don't know. I regret not  
2 driving away. Maybe I could have just drove away  
3 and waited for the cops. I'm sorry. But I feel  
4 like in court he made it seem like I called the  
5 cops for nothing, that I just started yelling,  
6 saying I was going to call the cops. "I'm going  
7 to call the cops." That wasn't the case. If I  
8 had assaulted him, I feel like he would have  
9 called the cops. He was in the house. I had  
10 already had my kid in my car. I could have just  
11 left and went home. He had already ran in the  
12 house. If he didn't do anything to me, there was  
13 no reason for me to call the police.

14 So that's -- I just wanted to add that. And  
15 that's pretty much what transpired that night.

16 HEARING OFFICER: Okay. Is that all  
17 your testimony then?

18 MS. MONTGOMERY: Yes.

19 HEARING OFFICER: Okay. Mr. Halstead,  
20 do you have any questions?

21 CROSS-EXAMINATION

22 BY MR. HALSTEAD:

23 Q. Okay. Ms. Montgomery, let's back up a  
24 little bit. How old are you?

25 A. Right now I'm twenty-three.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. Okay. And where do you currently live?

2 A. For the summer I stay with my mom in  
3 Omaha.

4 Q. Okay.

5 A. Do you need the address?

6 Q. No.

7 A. Oh.

8 Q. You're -- you're living --

9 A. Yes.

10 Q. -- with your mom in Omaha right now?

11 A. For the summer, yes.

12 Q. Okay.

13 A. I live in Wayne, Nebraska --

14 Q. Okay.

15 A. -- with --

16 Q. And --

17 A. -- my son.

18 Q. And when you live in Wayne, Nebraska, with  
19 your son, you're attending Wayne State College?

20 A. Yes.

21 Q. Okay. How long have you been attending  
22 Wayne State College?

23 A. For five years.

24 Q. So when did you start going to Wayne State  
25 College?

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 A. In 2008.

2 Q. Okay. And tell me about you going to  
3 Wayne State College.

4 A. Well, I had got a full-ride scholarship to  
5 Wayne. That was the reason why I had went. And I  
6 moved there probably -- well, I moved there  
7 officially in October of my first semester. I had  
8 to get there and find a house and stuff, but  
9 that's when I had moved there.

10 Q. Where did -- where did you go to high  
11 school?

12 A. Burke High School.

13 Q. Graduated from Burke?

14 A. Yes.

15 Q. That would have been in May of 2008?

16 A. Yes.

17 Q. Okay. And your son is how old now?

18 A. He is six.

19 Q. And his father -- how did you meet his  
20 father?

21 A. At a skating rink, actually.

22 Q. Okay.

23 A. It was at InterSkate 680. I was thirteen,  
24 and I seen him and just went and talked to him.

25 Q. Okay. I take it skating must be something

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 you like to do.

2 A. I love to skate.

3 Q. Okay. So you met the father of your son  
4 when you were thirteen. How old was the father?

5 A. He's about three or four years older than  
6 me.

7 Q. Okay. So he's sixteen, seventeen when you  
8 met?

9 A. Yeah.

10 Q. Okay. You and the father have never been  
11 married?

12 A. No.

13 Q. Okay. Obviously, you both had your son  
14 six years ago.

15 A. Yes.

16 Q. Describe for me, if you can, generally the  
17 relationship between your son and the father and  
18 you.

19 A. Well, we were fairly young when -- I was  
20 fifteen when I got pregnant. While I was  
21 pregnant, I ended the relationship with him just  
22 because he wanted to be -- he -- he was cheating  
23 on me, and he wasn't taking the pregnancy serious.  
24 He wasn't buying anything or anything like that;  
25 so the relationship between he and I is

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 nonexistent as far as like a relationship  
2 together, but I've always given him the chance to  
3 be in his son's life. I -- I always invited him  
4 to come up to Wayne because like I'm two hours  
5 away from my family. It's hard with a kid going  
6 to school. He never would come.

7 Q. Has there been paternity established with  
8 him being the father?

9 A. Not like a DNA test or anything, but --  
10 he's ordered to pay child support, yeah --

11 Q. Okay.

12 A. -- but he doesn't pay it.

13 Q. Okay. And the order's through the  
14 District Court in Douglas County?

15 A. Yes.

16 Q. Okay. So there's some responsibility he's  
17 supposed to have for your son?

18 A. Yes.

19 Q. As to whether he carries that out is a  
20 different question, but --

21 A. (Witness nods head.)

22 Q. Okay. And right now at Wayne State  
23 College, where are -- where are you at?

24 A. I --

25 Q. I mean, in the sense of your classes and

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 your standing.

2 A. As of right now, I only have student  
3 teaching to do.

4 Q. So you've completed all of your courses  
5 except for student teaching?

6 A. Yes.

7 Q. And what -- what's your degree you hope to  
8 get from Wayne State College?

9 A. It's in early childhood unified education.

10 Q. Okay. So it's going to be a bachelor of  
11 education?

12 A. Yes.

13 Q. And the incident we're talking about, it  
14 occurred in June of 2011; correct?

15 A. Yes.

16 Q. Okay. And I take it that was the summer  
17 break while at Wayne.

18 A. Yes.

19 Q. So were you back living in Omaha at the  
20 time or --

21 A. Yes.

22 Q. Okay. You made a comment about "In court  
23 he made it sound like;" so there was a trial about  
24 the criminal charges; correct?

25 A. Yes, there was.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. Okay. Do you remember who all appeared as  
2 witnesses in that trial?

3 A. He appeared. The girl that I had -- with  
4 the physical altercation, she was there. Kimesha  
5 Legon, she was there with me.

6 Q. And Kimesha Legon is . . .

7 A. She's my cousin. She was skating with me  
8 that night.

9 Q. So she rode along with you to go pick up  
10 your son?

11 A. Yeah --

12 Q. Okay. She was --

13 A. -- to meet on the way from Bellevue.

14 Q. Okay. So she was physically present and  
15 got to observe all this herself?

16 A. Yeah.

17 Q. Okay.

18 A. Well, she was sitting in the car when --

19 Q. Right.

20 A. -- the whole incident happened, yes.

21 Q. Right. Okay. Was there anybody else who  
22 testified?

23 A. And the -- the arresting officers.

24 Q. Okay. And you got to testify?

25 A. No, I did not.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. You didn't testify?

2 A. No. The original arrangement -- I had  
3 spoke to my Public Defender, and she had -- we had  
4 a conversation, and I can't say verbatim what the  
5 conversation was about. It was a long time ago,  
6 and it was a really short conversation, but we had  
7 agreed that I wasn't going to testify and that --

8 Q. It was just going to be based on everybody  
9 else's testimony for the Judge --

10 A. Well --

11 Q. -- to decide?

12 A. -- I didn't know. I really didn't know  
13 how the whole order of -- the whole process of  
14 going to court and stuff worked. I figured that  
15 since she was my attorney she was going to at  
16 least have some evidence on my behalf because I  
17 showed her pictures of -- I had pictures of plugs  
18 missing from my head of hair. I showed her the  
19 bruises I had. I told her -- showed her text  
20 messages where he told me to come and pick him up.  
21 I showed her all kinds of stuff. I thought she  
22 was going to at least use that, but --

23 Q. She didn't?

24 A. No.

25 Q. Okay.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1           A.    And the day of the trial, she and another  
2 person -- I don't know who she was to my Public  
3 Defender, but I had told -- talked to them, and I  
4 was like "Well, I do want to testify." I didn't  
5 know if I could do that or not, but I did tell  
6 them I wanted to testify.

7                   And I spoke to the lady that was with her,  
8 and she was saying, "Yeah," but my Public Defender  
9 was like forty-five minutes late to trial; so when  
10 she had walked in, her and the Judge exchanged  
11 words, and they were kind of going backwards and  
12 forwards arguing, and then we just started. And I  
13 told her when I was next to her -- I was like "I  
14 want to testify." She was just like "Shh."

15           Q.    So after the -- the people had  
16 testified --

17           A.    Yes.

18           Q.    -- did the Judge make his decision then?

19           A.    Right after.

20           Q.    Okay.

21           A.    I -- it went so fast. I didn't even know  
22 it was over. She was like "Well, I -- I'm going  
23 to find her guilty on both counts."

24           Q.    Okay. So she found you guilty of  
25 assaulting or attempting to assault Leron Morgan?

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 A. Yes.

2 Q. That's the father; right?

3 A. Uh-huh.

4 Q. And of assaulting or attempting to assault  
5 Lakeshia McQueen? That's --

6 A. Yes.

7 Q. -- the girlfriend; right?

8 A. (Witness nods head.)

9 Q. Okay. Did she sentence you that day, the  
10 Judge?

11 A. No, she didn't. I had came back in, I  
12 believe, December.

13 Q. Okay. And between the trial and December,  
14 was there like a presentence investigation done by  
15 somebody? Did you have to provide information to  
16 the probation office?

17 A. There wasn't a presentencing  
18 investigation, but I did get on probation.

19 Q. Okay. And how long was your probation?

20 A. Nine months.

21 Q. So in December of 2011 the Judge sentenced  
22 you to probation for nine months?

23 A. Yes.

24 Q. Remember what you had to do for probation?

25 A. I had to take random drug testing. I had

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 to complete anger management --

2 Q. Okay.

3 A. -- and I had to pay fines.

4 Q. Did you complete all of those?

5 A. Yes.

6 Q. Tell me about anger management. What did  
7 that all involve?

8 A. Just discussing the situation that  
9 transpired, what could have happened differently.

10 Q. Who did you discuss this with?

11 A. With Karen Granberg.

12 Q. Okay. And let's just -- who's Karen  
13 Granberg?

14 A. She is a counselor at Wayne State College.

15 Q. Okay. And what did you learn from the  
16 anger management?

17 A. I learned to drive away from the scene so  
18 I can be protected and then wait for the cops  
19 there. I learned that -- I learned how not to  
20 stress out about stuff, and I learned -- we did  
21 talk about the differences between being angry  
22 and -- like it's okay to feel -- to get upset  
23 sometimes. Like it's normal for people to get  
24 upset and -- I don't -- I don't really remember  
25 too much.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. Did you think the anger management was  
2 helpful?

3 A. I think it was helpful because I got to  
4 speak to someone and talk to them about how I was  
5 feeling --

6 Q. Uh-huh.

7 A. -- about the situation, but I didn't think  
8 I needed anger management.

9 Q. Okay. Any other criminal offenses?

10 A. No.

11 Q. Driving offenses?

12 A. Like speeding tickets?

13 Q. Yeah.

14 A. Yeah --

15 Q. Okay.

16 A. -- but I -- I don't know if those are  
17 still on my -- I don't know. I have -- I have a  
18 speeding ticket from when I first started going to  
19 Wayne.

20 Q. Okay. But nothing other than a speeding  
21 ticket or --

22 A. No.

23 Q. -- something like that, a minor traffic  
24 offense?

25 A. No.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. Okay. Any other interactions with law  
2 enforcement?

3 A. No.

4 Q. Okay.

5 A. Like getting arrested?

6 Q. Or being a -- a -- yeah, like getting  
7 arrested or you were interviewed for other  
8 potential criminal conduct by other people.

9 A. No.

10 Q. No. Okay. I just --

11 A. Oh, I just wanted to make sure I knew what  
12 you were asking.

13 Q. No. That's good. I -- it just -- it  
14 gives a sense of whether there had been any prior  
15 contacts with law enforcement about you or other  
16 people or whether --

17 A. Oh, well, when the whole situation had  
18 happened, there were like restraining orders --

19 Q. Right --

20 A. -- and stuff.

21 Q. -- but I mean -- that's for this incident.  
22 I'm talking about totally different --

23 A. Oh --

24 Q. -- other --

25 A. -- no.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. -- incidents.

2 A. No, no. Nothing.

3 Q. I know there was other stuff -- you know,  
4 there were --

5 A. Yeah.

6 Q. I think the -- the court record that  
7 Mr. -- the hearing official has has in there  
8 notations about no contact orders by a bunch of  
9 people, you and Lakeshia --

10 A. Yeah.

11 Q. -- and all of that stuff, but I'm talking  
12 about other incidents besides this one that we've  
13 been describing today.

14 A. No. There's --

15 Q. Okay.

16 A. -- none.

17 Q. Are you involved in any activities at  
18 Wayne State College?

19 A. Yes.

20 Q. What are you involved in at Wayne State  
21 College?

22 A. Any -- well, pretty much all the  
23 organizations that are part of the Multicultural  
24 Center. I was --

25 Q. Well, presume none of us know anything

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 about the Multicultural Center at Wayne State  
2 College.

3 A. Well --

4 Q. Tell us what you're involved in --

5 A. I --

6 Q. -- or have been involved in.

7 A. I was -- when I first got -- my first  
8 semester I was a member of Minorities in  
9 Accordance Coming Together, and later I was voted  
10 vice president for that. When I say I was -- I  
11 worked with all the organizations, it's -- there's  
12 Latino organizations. There's African  
13 organizations. There's a PRIDE organization.  
14 There's a Native American organization. We all  
15 work together. We did events together. I was  
16 president of Black Student Union, and I was  
17 actually one of the members who chartered Black  
18 Student Union. I was the first president of it.

19 Q. Okay. So let's just -- what's the Black  
20 Student Union? What's its purpose? What does it  
21 do?

22 A. The purpose of it was -- okay. Well,  
23 MACT -- it was pretty much known as the black  
24 organization on campus, but it was diverse. We  
25 didn't want it to be that, and we recognized that

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 there was other organizations in the Multicultural  
2 Center that had reflected their culture; so other  
3 schools, like big universities, they have Black  
4 Student Unions; so we were like "Let's get one."  
5 Pretty much it was to just promote diversity and  
6 give a positive aspect of black culture.

7 Q. Okay. So could anybody join?

8 A. Anybody. We had --

9 Q. Okay.

10 A. -- people from different ethnicities in  
11 it.

12 Q. Okay. How many people are in it now  
13 approximately, do you know?

14 A. I'll say like eleven.

15 Q. Okay.

16 A. I'm not sure.

17 Q. Okay. And that's just in the Black --

18 A. Student Union --

19 Q. -- Union?

20 A. -- yes.

21 Q. And there are other multicultural groups  
22 involved in this whole area?

23 A. Yes.

24 Q. Is there a separate one for Hispanics?

25 A. They're Latinos Uniting.

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Q. Latinos United [sic]?

2 A. Yeah.

3 Q. Any other --

4 MS. GRANBERG: Pan African.

5 Q. (By Mr. Halstead) Native American?

6 A. Yeah. Pan African Student Alliance.

7 MS. DORMAN: Native American.

8 A. Yeah, Native American Student Alliance.

9 Q. (By Mr. Halstead) Okay.

10 A. And PRIDE.

11 Q. Do they all have similar type membership  
12 numbers and everything, if you know?

13 A. It varied from different organizations --

14 Q. Sure.

15 A. -- yeah.

16 Q. Okay. And you mentioned -- you work  
17 together as a group sometimes and sometimes  
18 individually?

19 A. We definitely did. We did, especially  
20 when we wanted the campus to come together and  
21 recognize the Multicultural Center. It doesn't  
22 get much recognition on our campus; so we did  
23 events to promote the Center. Like we'll have  
24 back to school bashes. Anytime we have like a big  
25 event, like it was -- we have something called the

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 Soul Bowl. All the organizations would be there  
2 to support -- any event that any organization had,  
3 we'll be there to support each other any way we  
4 could.

5 Q. Any other activities or organizations  
6 you're involved in?

7 A. Yes. I am a member of the Zeta Phi Beta  
8 Sorority, Incorporated. I'm president of my  
9 chapter right now, the Tau Alpha chapter. It's at  
10 the University of Nebraska-Omaha and -- I -- I  
11 don't want to say -- well, I am affiliated with a  
12 lot of organizations, but I do a lot of things  
13 outside of that on my own time too.

14 Q. What would be an example?

15 A. Last week I did volunteer work for the  
16 Food Bank of the Heartland where we went around at  
17 a concert and we asked people to buy teddy bears  
18 which was a \$5 donation to the Food Bank, and that  
19 would provide seventeen meals. And yesterday I  
20 was invited by the Urban League in Omaha to come  
21 speak to some at-risk teens at North High. There  
22 was a program going on there, and there was over  
23 about thirty kids and -- let's see.

24 I -- I do so much. I -- there's so much  
25 stuff I do. I -- I've done career fairs. I've

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 done things with the Boys & Girls Club where  
2 students have come and I talk about furthering  
3 their education with them.

4 Q. When kids come. What kind of kids?

5 A. Like high school students.

6 Q. Okay.

7 A. I'm sorry.

8 Q. Thank you.

9 A. I've done like Meals On Wheels and stuff,  
10 and I also -- everything I do, I take my son with  
11 me. He -- he's always there. We've -- we've been  
12 in the newspaper doing community service. Like  
13 we're always doing things; so . . .

14 Q. Okay. And your son attends school now?

15 A. He's going to the second grade.

16 Q. And where is he attending school?

17 A. At Wayne Elementary.

18 Q. Okay. So he was a kindergartner and a  
19 first grader at Wayne and now second grader this  
20 coming school year?

21 A. Yes.

22 Q. Do you participate in anything at the  
23 Wayne Public Schools?

24 A. Well, there is -- it's called WEB, and  
25 anytime they call a parent and needed them to

*MATTKIA MONTGOMERY - Cross (Halstead)*

1 participate -- like for Valentine's Day there was  
2 a Valentine's party for all of the first graders.  
3 The parents -- I was called and asked if I wanted  
4 to participate in that. I just basically bought  
5 snacks and helped plan what games they were going  
6 to do. There was a time where they had -- did a  
7 school fund-raiser, and all of the first graders  
8 made like hand paintings, and I was asked to come  
9 up and help the kids make their paintings, and we  
10 did it for all the first graders. Any school  
11 event that he has, I'm there --

12 Q. Okay.

13 A. -- so -- unless I had night class. Then  
14 he'd be with me.

15 Q. Anything else in your life that you do  
16 besides raising your son and educating yourself?

17 A. I work.

18 Q. Where do you work?

19 A. Well, right now I work at Baker's  
20 Supermarket in Omaha --

21 Q. Okay.

22 A. -- so . . .

23 Q. Do you work while you're going to school  
24 at Wayne or did you?

25 A. I did at one point in time. I worked at

*MATTKIA MONTGOMERY - Redirect*

1 the Multicultural Center as a desk worker.

2 Q. Okay. And you got a full-ride scholarship  
3 to Wayne. Does that continue all the way through?

4 A. All the funds are gone. It -- this is the  
5 last semester.

6 Q. Okay.

7 A. This past semester was the last one that I  
8 got to receive it, but recently, in April, I was  
9 awarded the Regional Zeta Phi Beta Midwestern  
10 Scholarship, and that was for \$500. I've gotten  
11 like several different scholarships too, but that  
12 was the biggest one. It covered all my tuition.

13 Q. Okay. Anything else you want to add?

14 A. No.

15 Q. Okay.

16 MR. HALSTEAD: I don't have any more  
17 questions.

18 HEARING OFFICER: Okay. Do you have  
19 anything else you wish to add as -- as far as  
20 testimony?

21 REDIRECT EXAMINATION

22 THE WITNESS: Pretty much this  
23 (indicating) picture of -- is of where I had --  
24 where the whole situation had transpired. I  
25 don't -- I don't know. I just wanted it to be

*MATTKIA MONTGOMERY - Redirect*

1 shown how like far she walked and across a  
2 business -- busy street at that -- to my car to --  
3 to come confront me about the situation. I just  
4 felt like she knew what happened, and she just  
5 wanted to -- she wanted to fight me. I just  
6 thought it was important for you-all to -- well,  
7 everyone to see it.

8 I'm glad that Mr. Halstead did bring my  
9 police report. I actually had to go in and make  
10 my own police report because at first there wasn't  
11 one on my behalf; so I went and did that. There  
12 are two police reports here; so -- but I did go in  
13 after the whole situation had happened between --  
14 well, that night I went in and took my own  
15 pictures of all my bruises and everything.

16 HEARING OFFICER: Let me ask you about  
17 the pictures. The -- there's two pictures here.  
18 They've been marked pages 1 and 2. The first one  
19 shows a -- page 1 shows this tree (indicating) --

20 THE WITNESS: Well, that was --

21 HEARING OFFICER: -- and the second  
22 page shows a building. Is that the building  
23 that's shown there where --

24 THE WITNESS: The building -- that's  
25 the building that she lives in --

*MATTKIA MONTGOMERY - Recross (Halstead)*

1 HEARING OFFICER: Okay.

2 THE WITNESS: -- and I was just  
3 standing across the street on one of the steps,  
4 the first part of the stairs. It's just to show  
5 like how far I was parked from her apartment.  
6 Like I wasn't on the premises. I was across the  
7 street. It was a one-way at that -- I wasn't  
8 parked across the street 'cause I was scheming or  
9 anything. It was -- it was a one-way street; so I  
10 had to go down and come up.

11 HEARING OFFICER: Okay. Thank you.

12 Anything else in your testimony?

13 Any other questions, Mr. Halstead?

14 MR. HALSTEAD: Well, let me ask --

15 RE CROSS-EXAMINATION

16 BY MR. HALSTEAD:

17 Q. The other photo, is that taken from her  
18 building looking out to the street?

19 A. Yes. It's --

20 Q. Okay. So you have --

21 A. The car -- the actual car that's right  
22 there is where I got arrested. This (indicating)  
23 is my car --

24 Q. Okay.

25 A. -- right there.

*MATTKIA MONTGOMERY - Recross (Halstead)*

1 Q. So you have -- the two photos are of the  
2 same scene. They're just from a different  
3 perspective, one from the street looking in and  
4 the other from the building --

5 A. Yes.

6 Q. -- looking out? Okay.

7 HEARING OFFICER: And you were  
8 pointing at the blue car that shows up in the  
9 photo?

10 THE WITNESS: Yes. It's -- it's  
11 green.

12 HEARING OFFICER: Or green.

13 THE WITNESS: Maybe the ink is wrong.  
14 I'm sorry.

15 HEARING OFFICER: Well, for the record  
16 it -- pointing doesn't help us; so I -- we just  
17 need something to help the court reporter.

18 Q. (By Mr. Halstead) Ms. Montgomery, to your  
19 knowledge, was either Leron Morgan or Lakeshia  
20 McQueen charged with any criminal offense related  
21 to this incident that we've been discussing?

22 A. Related to this specific incident?

23 Q. Right. In the sense of the incident on  
24 June 27th of 2011.

25 A. No.

*MATTKIA MONTGOMERY - Recross (Halstead)*

1 Q. You were the only one --

2 A. Yes.

3 Q. -- criminally prosecuted?

4 A. Which I feel is unfair because --

5 Q. Right, but --

6 A. -- I feel that they -- one of -- at least  
7 Leron should have got arrested that night.

8 Q. But, for whatever reason, that didn't  
9 happen?

10 A. Yes.

11 Q. Okay. Thank you.

12 HEARING OFFICER: Okay. Do you have  
13 other witnesses you wish to have testify?

14 MS. MONTGOMERY: Well, they can  
15 testify on my behalf.

16 HEARING OFFICER: Okay. Well,  
17 which --

18 MR. HALSTEAD: Which one?

19 MS. MONTGOMERY: Oh, Sherry Dorman.  
20 This (indicating) is my adviser.

21 HEARING OFFICER: Now, when it comes  
22 to Sherry Dorman, I'm going to swear her in, but  
23 then this -- this time you need to ask questions,  
24 and she needs to respond with answers.

25 MS. MONTGOMERY: Okay.

*SHERRY DORMAN - Direct (Montgomery)*

1 HEARING OFFICER: Could you raise your  
2 right hand?

3 MS. DORMAN: (Complies.)

4 **SHERRY DORMAN,**

5 called as a witness on behalf of the Petitioner,  
6 having been first duly sworn,  
7 testified as follows:

8 MS. DORMAN: So she has to ask me  
9 questions?

10 HEARING OFFICER: She has to ask you  
11 questions.

12 **DIRECT EXAMINATION**

13 BY MS. MONTGOMERY:

14 Q. Okay. Well, can you just give some  
15 background as to how you know me and how you feel  
16 about the situation and . . .

17 A. Okay. Well, I've known Mattkia as long as  
18 she's been at Wayne State. I've been her academic  
19 adviser, and I have to say through that time I've  
20 been blessed to see how grown up Mattkia has --  
21 has -- how she's -- how she's matured and  
22 blossomed. And Leron is kind of famous at Wayne  
23 State. I mean, you know, he -- and in --  
24 particularly, in our building he's kind of a --  
25 you know, a -- a little ministudent because  
26 Mattkia does have to oftentimes -- in my advising

*SHERRY DORMAN - Direct (Montgomery)*

1 experience with her, working with classes, it's  
2 always been a concern -- "Well, I can't do that  
3 because of Leron," and we've had to work through  
4 and figure out how we can make it work so that she  
5 can do night classes if she needs to or whatever;  
6 so Leron has already been very much a part of  
7 Mattkia's life, very much totally responsible for.

8 I've had Mattkia as a student as well in  
9 classes that I've taught. I love -- I teach a  
10 class called diverse family systems, and it was  
11 wonderful because we don't have a lot of  
12 diversity -- at least apparent diversity at Wayne  
13 State College; so Mattkia has always been  
14 wonderfully willing to share some of her  
15 experiences that many of our students have no idea  
16 about and -- and proudly.

17 And -- and Mattkia is also -- in our  
18 conversations together, I've talked with Mattkia  
19 about how important it is -- there were a couple  
20 incidents, misunderstandings with a faculty  
21 member, and it was very upsetting to Mattkia  
22 because she felt her side of the story wasn't  
23 being -- and I kind of talked with her about  
24 "Sometimes while we want people" -- because I know  
25 it's important for Mattkia -- it's very important

*SHERRY DORMAN - Direct (Montgomery)*

1 for her that people "understand my side of the  
2 story," and I had to sort of explain to her "I get  
3 that. I get that totally, but sometimes for us to  
4 accomplish what needs to happen here, we have to  
5 kind of let go of that." And she learned that  
6 and -- and sucked it up and said, "Okay. I'm  
7 going to do what I need to do to accomplish my  
8 goals."

9           And I said to her, "We need you -- we need  
10 teachers like you. We need children like your son  
11 to have teachers like you that look like them  
12 and -- and also that you could be a role model for  
13 other students who have come up through some  
14 adversity." Mattkia didn't have everything handed  
15 to her. She's kind of had to come up through and  
16 had adversity. "So we need people like you to be  
17 role models for other -- other students," and --  
18 and so -- and she has. She rose to the occasion.  
19 She's done what she's had to do. She's overcome a  
20 lot.

21           She's very active -- actively involved,  
22 you know. Mattkia is well-known on campus.  
23 President Curt Frye was -- I -- when Mattkia told  
24 me, first of all, I was like "Mattkia, oh, my  
25 gosh. Why didn't you tell me this when this was

*SHERRY DORMAN - Direct (Montgomery)*

1 going on?" "Well, because I'm ashamed." "Well, I  
2 understand that." So she has great pride. She  
3 has grade pride. She's worked hard. She's not  
4 expecting handouts from -- from anybody. And I  
5 thought, "Jeez, but I thought we had the kind of  
6 relationship where you could trust and you would  
7 know I'm in your corner," and maybe we could have  
8 got her decent representation. It didn't happen  
9 that way; so we're here now. And I said, "Don't  
10 give up because" --

11 I'm going to cry. Stop that.

12 "Don't give up because we need you as a  
13 teacher," and she is a fine example. She does go  
14 back into her community. She's not ashamed that  
15 she comes from north Omaha. She's proud of it,  
16 and she should be, and she's able to share that  
17 with others who need to know that. We need  
18 Mattkia as a teacher. She has taken everything  
19 she's needed to do. She's been the responsible  
20 parent, taken care of her son. She's done  
21 everything she's needed to do at -- on the campus.  
22 She's been actively involved, making a difference.

23 She was invited to come and -- and speak  
24 to other students. You know, that's on her own.  
25 That's not us setting that up. That's on her own.

*SHERRY DORMAN - Direct (Montgomery)*

1 Those are things that she chooses to do, and she's  
2 been actively involved in -- in -- we do a lot of  
3 service learning kind of activities at Wayne  
4 State, and Mattkia has been very actively involved  
5 in several of those things too. She's gone to  
6 national conferences to represent Wayne State.

7 I'm proud of her. I'm really proud,  
8 and -- and I just hope that the -- I have to say I  
9 think our court system is skewed, and I have to  
10 say there's some people that just don't get a fair  
11 shake, and I think in this kid's situation this is  
12 a person who didn't get a fair shake. She didn't  
13 get fair representation, and now her dream is  
14 going to be stopped because of it, but I'm with  
15 her. We're going to get through this. One way or  
16 the other, we'll figure this out, and Mattkia will  
17 make a difference. She's here to make a  
18 difference.

19 And I'm proud of you, and I'm glad to be  
20 here to -- to testify on your behalf.

21 And Curt Frye said he would do -- you  
22 know, he also said, "Whatever I need to do." I  
23 mean, I think we could call him up, and he would  
24 speak here. I said to Mattkia "Who do you know  
25 here on campus?" And she goes "Well, you know,

*SHERRY DORMAN - Cross (Halstead)*

1 Curt Frye said" -- I said, "What? You have the  
2 president of the" -- I said, "Well, let's go down  
3 and see him." And we called up, and he received  
4 us quickly into his office, and he would be  
5 willing to do anything. And so I think that says  
6 a lot, that a president of a college -- I mean, I  
7 don't think he would do that for me; so -- so I  
8 think that says a lot about who Mattkia is.

9 Mattkia is not represented in this court  
10 recording. That's not who we know. That's not  
11 the person I've known, and I've known her for the  
12 whole time she's been at Wayne State.

13 Anything else you want to ask me?

14 Q. No.

15 HEARING OFFICER: Mr. Halstead, do you  
16 have any questions?

17 MR. HALSTEAD: Just a couple  
18 questions.

19 CROSS-EXAMINATION

20 BY MR. HALSTEAD:

21 Q. Just for the -- you're employed by Wayne  
22 State College?

23 A. Yes, I am.

24 Q. And your role at Wayne State College is --

25 A. I am a teacher of education courses, yes.

*SHERRY DORMAN - Cross (Halstead)*

1 Q. You're also an adviser to --

2 A. Academic --

3 Q. -- the students?

4 A. -- adviser.

5 Q. How long have you been at Wayne State  
6 College?

7 A. I've been at Wayne State College just a  
8 little bit longer than Mattkia. Seven years.

9 Q. Okay. And prior to Wayne State College?

10 A. I worked in Colorado Springs --

11 Q. And --

12 A. -- as an elementary teacher.

13 Q. Okay. How long did you do that?

14 A. Oh, eighteen years.

15 Q. Okay. So your background is in education?

16 A. Yes, it is.

17 Q. All right. You made -- you -- your source  
18 of information about the June 27th incident and  
19 the Douglas County Court proceedings, what's -- is  
20 that just --

21 A. My source of information -- I have not  
22 seen the court proceedings. I --

23 Q. Is it just --

24 A. It's from what Mattkia -- and I understand  
25 that, you know --

*SHERRY DORMAN - Cross (Halstead)*

1 Q. Okay.

2 A. I understand there's two sides to every  
3 story, but I've been around the block a time or  
4 two, and I do -- I've -- I've had a little  
5 experience in court and people having gone through  
6 court experiences; so, yeah, that's probably  
7 partly my opinion, but . . .

8 Q. Well, that's fine. I was trying to figure  
9 out -- you haven't talked to Leron Morgan?

10 A. No. I've never --

11 Q. You didn't --

12 A. -- met him.

13 Q. -- talk to Lakeshia --

14 A. I've never met him.

15 Q. You never talked to the friend that was  
16 riding with Ms. Montgomery in the car that --

17 A. No.

18 Q. So your perspective of the incident --

19 A. My perspective is from -- it's very  
20 one-sided. I've heard Mattkia's, but -- yes.

21 Q. Okay.

22 MR. HALSTEAD: I don't have any more  
23 questions. Thank you.

24 HEARING OFFICER: Do you -- do you  
25 have any other follow-up questions?

1 MS. MONTGOMERY: No.

2 HEARING OFFICER: Okay. Do you have  
3 another witness then?

4 MS. MONTGOMERY: Karen Granberg.

5 HEARING OFFICER: Okay. And, of  
6 course, I notice the question-answer format kind  
7 of fell apart there.

8 Is there any objection to continuing  
9 forward --

10 MR. HALSTEAD: She asked a question,  
11 and she answered it; so --

12 HEARING OFFICER: So you're fine  
13 with --

14 MR. HALSTEAD: I have no problem --

15 MS. DORMAN: I thought it was an  
16 open-ended --

17 HEARING OFFICER: If you need to  
18 object, I'll -- if you need to object --

19 MS. MONTGOMERY: Sorry.

20 HEARING OFFICER: No. That's fine.  
21 If he wants to object, he -- he's fully --

22 MR. HALSTEAD: I'll -- I know how to  
23 object.

24 HEARING OFFICER: He knows how to  
25 object.

*KAREN GRANBERG - Direct (Montgomery)*

1           Okay. Ms. Granberg, would you raise your  
2 right hand?

3                       MS. GRANBERG: (Complies.)

4                               **KAREN GRANBERG,**

5           called as a witness on behalf of the Petitioner,  
6                       having been first duly sworn,  
7                       testified as follows:

8                               HEARING OFFICER: You may ask a  
9 question.

10                                       DIRECT EXAMINATION

11 BY MS. MONTGOMERY:

12           Q. You can do the same. Tell how you know me  
13 and how you feel about the situation that  
14 transpired.

15           A. I am a counselor at Wayne State College.  
16 I'm a licensed mental health practitioner. I've  
17 been at Wayne State for twenty-plus years. I work  
18 particularly -- I have a particular interest in  
19 the Multi -- Office of Multicultural Affairs  
20 and -- and working with students there and the  
21 Director there, and that is how I came to know  
22 Kia, and I've known her for -- oh, I -- I would  
23 say since she started at Wayne State; although, I  
24 get to know students the longer they participate  
25 in the program and the more involved they become,  
and so -- so I've known her for several years.

*KAREN GRANBERG - Direct (Montgomery)*

1 I think -- and -- and I -- I -- Mattkia --  
2 I put a -- put a letter together to describe what  
3 I've -- my -- my thoughts about what has  
4 transpired, but particularly I am pleased at how  
5 Mattkia responded to the -- to the court decision.  
6 She -- she said, "Okay. I've got to do probation.  
7 Okay. I need to find out about anger management,  
8 and they need to come in and talk with somebody."

9 Mattkia, you did -- you did what was  
10 required of you even when you felt like it was  
11 really unfair what happened, and you followed  
12 through, and that to me was a significant --  
13 significant indication of how you can -- you can  
14 channel your energies when you need to.

15 And one of the things that really is key  
16 in my mind is that when she came in and told me  
17 she was arrested for --

18 When you came in and told me you were  
19 arrested for assault, it was like "How can that  
20 be? That's -- that's ridiculous." And then I  
21 realized as we talked about your situation and --  
22 and the anger and -- and the response and that  
23 kind of thing that you were back home in the place  
24 that you grew up with the skills and the knowledge  
25 that you had growing up, the tools that you had

*KAREN GRANBERG - Direct (Montgomery)*

1 available to you to defend yourself or to take  
2 care of Leron. And those tools were not adequate  
3 to the situation, but that's what you had, and  
4 that's what you used.

5 And -- and so in terms of anger management  
6 and -- and -- you know, the key thing is to step  
7 back and secure the perimeter and call in your --  
8 your resources, and you did that. The only  
9 resource you had in your toolbag at home was the  
10 police, and you secured the perimeter by standing  
11 up to the danger.

12 That's -- in my -- in my understanding in  
13 talking with you and -- and where you've come  
14 from, that's what you had available to you, and  
15 you used that. And, you know, there are other  
16 ways -- and we've -- we've talked about that,  
17 and -- and you have responded. There are other  
18 ways to do it.

19 And -- and -- you know, and the -- and the  
20 thing that -- that I have seen since is that you  
21 have redirected your efforts. "Okay. I'm going  
22 to become a part of a black student group that's  
23 not just here at Wayne State College where I can  
24 come away from my culture and be a part of this  
25 and not have to deal with those kinds of issues,

*KAREN GRANBERG - Cross (Halstead)*

1 but I'm going back, and I'm going to get  
2 connected," and that's what I -- that's what I see  
3 you doing. "I'm going to get connected with that  
4 part of who I am and a positive part of who I am  
5 and -- and make it -- make it real." And it's a  
6 continuation of making it real, which you've done  
7 at -- at Wayne State, and I've seen it happen.  
8 And, yeah, you've grown and learned.

9 Any other questions?

10 MS. MONTGOMERY: No.

11 HEARING OFFICER: Mr. Halstead, any  
12 questions?

13 MR. HALSTEAD: Just a couple.

14 CROSS-EXAMINATION

15 BY MR. HALSTEAD:

16 Q. The anger management that you did with  
17 Kia, how long did that last?

18 A. Eight sessions.

19 Q. Okay. And so how long were each session?

20 A. An hour.

21 Q. Okay. Once a week?

22 A. Once a week, yeah.

23 Q. Okay.

24 A. Approximately. It stretched out toward  
25 the end because I wanted to have a little more

*KAREN GRANBERG - Cross (Halstead)*

1 time.

2 Q. I'm just trying to get into the record the  
3 duration of your work with her on the anger  
4 management and all that; so -- and you were here  
5 earlier when she testified --

6 A. Yes.

7 Q. -- right? Okay.

8 A. Yes.

9 Q. And I'm reading from my notes; so I don't  
10 know if this is an exact quote, but when I asked  
11 her about anger management, she made the statement  
12 or used the words "I didn't feel I needed anger  
13 management."

14 A. (Witness nods head.)

15 Q. I'm curious. What -- what's your response  
16 to her assertion that she didn't need anger  
17 management today?

18 A. She is -- she is focusing on the incident,  
19 yes, and -- and we talked about that several times  
20 over the course of our -- of our meeting together,  
21 that she's -- she's focusing on one incident, and  
22 at that moment she wasn't talking about "I  
23 shouldn't be angry," and she -- and she had a --  
24 we have a right to our feelings.

25 Q. Right.

*KAREN GRANBERG - Cross (Halstead)*

1           A.     She can be angry. How to deal with that  
2 anger and -- and -- she said, you know, "I need to  
3 back away. I need to, you know, move away from  
4 the situation and take care of it." Yes.

5           Q.     You think she --

6           A.     Generalizing would be -- would be a good  
7 thing for her.

8           Q.     Do you think she benefited from the anger  
9 management?

10          A.     Yes.

11          Q.     Okay. To make this fair, do you think she  
12 needs more management -- anger management  
13 training?

14          A.     No.

15          Q.     Okay.

16          A.     I think she needs -- I think she needs  
17 coping strategies for her stress so it doesn't  
18 overwhelm her.

19          Q.     Thank you.

20                   MR. HALSTEAD: I don't have any more  
21 questions.

22                   HEARING OFFICER: Do you have any  
23 further questions?

24                   MS. MONTGOMERY: No.

25                   HEARING OFFICER: Do you have any

1 further testimony or evidence?

2 MS. MONTGOMERY: Can I add one thing  
3 really quick on my behalf?

4 HEARING OFFICER: Yes, you may.

5 MS. MONTGOMERY: Okay. When you were  
6 asking me all the stuff that I've done, I don't --  
7 I don't know if this is important or not, but I  
8 feel like it's a big accomplishment to me, that I  
9 made the Dean's List like the last three  
10 semesters, and that was hard; so -- it was super  
11 hard. My mother -- I would like for her to speak  
12 on my behalf.

13 MS. GRANBERG: May -- Mattkia, may I  
14 go with Leron?

15 MS. MONTGOMERY: Is that okay, if she  
16 leaves, or does she --

17 HEARING OFFICER: Yes.

18 MS. MONTGOMERY: Okay.

19 MR. HALSTEAD: It's fine with me if  
20 she --

21 MS. MONTGOMERY: Well, I just don't  
22 want Leron in here.

23 MR. HALSTEAD: No, no. I understand  
24 that.

25 HEARING OFFICER: That -- that is

*DENISE RASHAD - Direct (Montgomery)*

1 fine.

2 MS. MONTGOMERY: Okay.

3 HEARING OFFICER: Let's go off the  
4 record for a moment.

5 (At this time a brief recess was  
6 taken.)

7 (Ms. Karen Granberg leaves the  
8 room, and Ms. Denise Rashad  
9 enters the room.)

10 HEARING OFFICER: Your name, ma'am?

11 MS. RASHAD: Denise Rashad.

12 HEARING OFFICER: Okay. Raise your  
13 right hand.

14 MS. RASHAD: (Complies.)

15 **DENISE RASHAD,**

16 called as a witness on behalf of the Petitioner,  
17 having been first duly sworn,  
18 testified as follows:

19 HEARING OFFICER: Okay. Same  
20 procedure, you know, as far as asking questions.

21 **DIRECT EXAMINATION**

22 BY MS. MONTGOMERY:

23 Q. How do you feel -- well, how have you  
24 helped me since I've been in school with  
25 everything?

A. Well, when she first started college, I

*DENISE RASHAD - Direct (Montgomery)*

1 offered to keep the little -- the -- her little  
2 son, Leron, and she said, "No, Mom. I wouldn't be  
3 able to concentrate. I want to take my baby with  
4 me," and so I thought that was really good. I was  
5 like "I tried," you know. "Yay." But, yeah, I  
6 come up and visit her every summer and do her  
7 spring-cleaning and -- and help her with Leron as  
8 much as I can.

9 And -- and I help pay her bills, and she  
10 promised me that -- she -- she goes, "Mom" -- she  
11 said, "All I'm putting you through, you will be  
12 rewarded one day 'cause I'm going to take care of  
13 you when you're not able to take care of  
14 yourself." And --

15 Q. And -- go ahead.

16 A. Go ahead.

17 Q. Let's see. What can you -- from your --  
18 from your perspective, how did you feel about me  
19 having Leron at a young age and me and Leron's  
20 dad's relationship?

21 A. Well, when she first got pregnant, I was  
22 disappointed, but I had to live with it because I  
23 seen that she did want her baby and everything,  
24 and I was there to help her, you know, through  
25 thick and thin with him. I wasn't worried about

*DENISE RASHAD - Direct (Montgomery)*

1 her not being able to be a good mother because she  
2 was a good daughter. If I'm not bubbly around  
3 her, she's rubbing my head, saying, "What's wrong,  
4 Mom?"

5 And she's a good daughter as far as  
6 parent-wise to her parents because, actually, she  
7 stopped her dad at a very young age from drinking  
8 'cause she would pour his liquor out all the time,  
9 and nobody knew what happened to it, but she was  
10 the one always pouring it out; so he just -- he  
11 just said, "Forget it. I'm not going to drink  
12 anymore 'cause I'm wasting my money" 'cause she  
13 wouldn't stop. And she's really good with him  
14 too. She's a good daughter. She's honest. She's  
15 loving and caring.

16 She's always tending to the younger  
17 generation of the kids in the family. I have  
18 twenty-two grandkids, and she spends a lot of time  
19 always wanting to help in the community. She's  
20 always wanting to -- during the holidays "I want  
21 to go somewhere and help out." If she knows that  
22 there's going to be some kind of food giveaway or  
23 whatever, she's always trying to get into  
24 something in the neighborhood to -- to help out.

25 She's the baby of six children, and out of

*DENISE RASHAD - Direct (Montgomery)*

1 all six children -- well, I got them all  
2 graduated, but she's the only one attending  
3 college; so -- and she wanted to show me that  
4 "Mom, I'm not going to live off the State, the  
5 system. I want to -- I want to be responsible for  
6 me and my baby."

7 And I'm really hurt about this because I  
8 kind of feel like -- being a security officer of  
9 nineteen years and a cosmetologist of over thirty  
10 years, I taught my children whenever trouble come  
11 along to call 911. Well, she did, but it  
12 backfired on her and that -- you know, I kind of  
13 feel like I let her down for telling her to call  
14 911.

15 I love her to pieces. She's so sweet. I  
16 mean, never fought the other siblings which -- she  
17 was the baby; so -- good with her grandparents. I  
18 mean, she has one living now, and she still to  
19 this -- her grandmother lives in Chicago, but she  
20 still checks on her like every week.

21 I'm just really sad this had to happen to  
22 her -- it really is -- because -- I wish she would  
23 have listened to me, as a matter of fact, 'cause I  
24 told her -- when I seen that those two individuals  
25 were keeping up trouble with her, I told her "Just

*DENISE RASHAD - Direct (Montgomery)*

1 don't take the baby around anymore," and she  
2 didn't want to do that. "I don't want to deprive  
3 him of having a father. I grew up with my dad,  
4 and I want my son to grow up with his dad." So  
5 she didn't listen there, and this is what it end  
6 up being.

7           When her baby was first born, I had to put  
8 a protection order against her [sic] dad's mother  
9 because they were constantly trying to swindle the  
10 baby out of her to get out of paying child  
11 support. They figured if the baby lived with  
12 them, then he wouldn't be stuck with child  
13 support, and so I kind of knew something was going  
14 to come up once I put a protection order on the  
15 mother for coming to the house wanting to fight  
16 over the baby. I knew something was going to  
17 happen after the protection order was taken off of  
18 her.

19           That's when she pulled up in the -- my  
20 driveway, and she wanted to see Leron, and I --  
21 the baby, and I asked Mattkia -- I go "Why are  
22 they over here?" And she was like, "Well, she's  
23 his grandmother, and he's the dad, and I don't  
24 want to deprive him from that 'cause I wouldn't  
25 want no one doing me like that."

*DENISE RASHAD - Direct (Montgomery)*

1           And this is how it ended up. It's -- it's  
2 really a sad situation because she's really smart  
3 as far as education and -- and carrying herself as  
4 a young -- a nice young lady. I haven't had any  
5 trouble out of her. Before this even occurred  
6 with her, she's never been in any trouble. She's  
7 not -- never been a troublesome child. It's like  
8 a nightmare. It's like I get my kids down to the  
9 last one, to the baby, and she's doing fine in  
10 college. She's getting good grades. She's being  
11 responsible with her baby.

12           And now I'm ready to move on with my life  
13 'cause I figure I did what I was supposed to do  
14 with my kids. And I did do a good job 'cause my  
15 oldest son's a deacon. My oldest daughter -- all  
16 my kids are very independent and hard workers; so  
17 it's like it's my time to shine, and it's like  
18 this nightmare we're in. I just wish it can all  
19 turn around for her for the better.

20           I'm in prayer. She -- as a matter of  
21 fact, we are very heavily -- we're heavy in our  
22 faith with -- with God, and Mattkia -- she belongs  
23 to two churches. She belongs to one in Wayne and  
24 one in Nebraska, Morning Star Baptist Church in  
25 Omaha, Nebraska. And the way I raised my children

*DENISE RASHAD - Direct (Montgomery)*

1 is to do unto others as you would want them to do  
2 unto you, and I did raise them to -- if evil come  
3 towards them to protect theirself, but -- I told  
4 them not to start the trouble, you know, but "If  
5 it comes to you, protect yourself if you're in any  
6 type of harm," and that's what actually Mattkia  
7 was doing and -- and called the police as soon as  
8 possible in the situation where there's trouble.

9           So when the police came, it was like two  
10 against one, and they took the other party's side,  
11 and the young lady lied and said that she was  
12 pregnant, and she wasn't pregnant and "Ha-ha,  
13 he-he. I'm going to see to it that I stop at  
14 nothing that -- to see to it that you won't be  
15 able to teach," and they -- actually, I believe  
16 they're still he-he'ing 'cause --

17       Q. Mom, that doesn't matter. We're not going  
18 to worry about them.

19       A. Okay. Ask me another question, Baby.

20       Q. That's -- that's it.

21       A. Are you sure?

22       Q. (Nods head.)

23                   HEARING OFFICER: Mr. Halstead, do you  
24 have any questions?

25                   MR. HALSTEAD: No, I don't.

1 Thank you.

2 MS. RASHAD: You're welcome.

3 HEARING OFFICER: I -- I don't think  
4 it was on the record, but you're the mother of  
5 Mattkia?

6 MS. RASHAD: Yes, I'm her mother.

7 HEARING OFFICER: Okay. Do you have  
8 any further evidence?

9 MS. MONTGOMERY: No.

10 HEARING OFFICER: Do you have anything  
11 further, Mr. Halstead?

12 MR. HALSTEAD: No, I do not.

13 HEARING OFFICER: Before we get into  
14 closing arguments, I'd just like something cleared  
15 up for me. I was noticing in the police records  
16 these are misdemeanors under ordinances of the  
17 City of Omaha.

18 MR. HALSTEAD: Right.

19 HEARING OFFICER: Now, how -- can  
20 you -- maybe you're going to do this in closing,  
21 but how do they tie into the -- the -- the  
22 convictions that are disallowed under the rule?

23 MR. HALSTEAD: Right. And I think as  
24 you look at the language in the regulation, the  
25 way it is written -- the way the statute is

1 written, it -- it talks about misdemeanors  
2 involving abuse, neglect, or sexual misconduct,  
3 and what we've done in an attempt to better define  
4 that is identified the Nebraska statutes that are  
5 covered under those terms; so in the sense of --  
6 it's not just the Nebraska ones 'cause this  
7 occurred in another state or in another  
8 jurisdiction. You look to the offense itself as  
9 to the other jurisdiction or whatever and "Are the  
10 elements of that offense similar to or the same  
11 elements of the Nebraska offenses listed herein?"

12 So, in that regard, the assault and battery  
13 ordinance of the City of Omaha, when you look at  
14 the elements -- strike or attempt to strike,  
15 attempt to cause bodily injury or to place  
16 somebody in imminent bodily harm -- are all  
17 remarkably the same elements of third-degree  
18 assault under the criminal code of the State of  
19 Nebraska.

20 So, in that regard, we would suggest to you  
21 the language in the rule doesn't say, "You can  
22 commit ordinance offenses that aren't in there."  
23 We use the statutes of Nebraska to give indicators  
24 as to the types of misdemeanors involving abuse,  
25 neglect, or sexual misconduct. In this case the

1 ordinance of the City of Omaha, we would tell you,  
2 is arguably third-degree assault under the  
3 Nebraska statutes; so in the sense of you always  
4 have to do that for other jurisdictions, whether  
5 they be in the state of Nebraska -- like cities  
6 have the authority to do ordinances and enforce  
7 their own ordinances -- you do that analysis when  
8 you look to "is -- is unlawfully, purposely, or  
9 knowingly striking or attempting to strike a  
10 person to cause bodily injury or cause or attempt  
11 to cause bodily injury or place somebody in  
12 imminent bodily harm." Those are all largely the  
13 same elements of third-degree assault under the  
14 Nebraska statutes cited therein; so . . .

15 HEARING OFFICER: Which is 28-310.

16 MR. HALSTEAD: Right, correct.

17 HEARING OFFICER: Thank you.

18 Okay. Well, do you wish to make closing  
19 arguments now?

20 MS. MONTGOMERY: I just want to say  
21 that I feel like I've worked really hard, and  
22 teaching is one of my passions. That's what I  
23 want to do. And I'm a good mom and a good  
24 student. I wish this situation would have never  
25 happened. I wish I would have listened to my mom

1 and just been done with him years ago. I just --  
2 I don't know. I just hope I can really -- well, I  
3 also want to say that I don't want it to seem like  
4 it -- 'cause this did happen two years ago. It  
5 did take me a while to actually talk to someone  
6 about it 'cause I didn't -- I'm very private. I  
7 didn't want to talk to anybody about it, but I was  
8 going through a lot of stuff, and right after --  
9 like I was back in court going through custody.  
10 My son is like the most important thing to me; so  
11 that was -- that had to come first. That's it.

12 HEARING OFFICER: Mr. Halstead.

13 MR. HALSTEAD: I think the  
14 Commissioner's letter that he issued to her sets  
15 forth the concern the Commissioner had. It's  
16 primarily the offense itself, the assault, that  
17 occurred. And we can all, in our own minds --  
18 whether this should have been charged criminally  
19 or not or there's other offenses that aren't, I  
20 think the -- the reality is both of the victims  
21 had some injuries from the altercation. Whether  
22 it ever should have occurred is an entirely  
23 different thing, but the recency of the offense, I  
24 think, is what the Commissioner's concern was. It  
25 has only been just two years, basically -- two

1 years and a couple weeks since the incident  
2 occurred.

3 I think you have all the other information  
4 about it in that regard. I think the -- the  
5 hearing today allowed Ms. Montgomery to better  
6 present her facts and evidence as opposed to the  
7 paper reviewed by the Commissioner, but, at the  
8 same time, assault isn't something we want  
9 teachers to be convicted of. The ability to deal  
10 with stress and anger and the roles that teachers  
11 are going to find themselves in working with  
12 children when the parents challenge them is all  
13 part of a dynamic of learning how to address  
14 situations. And, obviously, on June 27th of 2011,  
15 the petitioner may not have had all the tools.  
16 The question is today: Does she have the tools to  
17 do that? So we'd submit it to you on the facts  
18 before us.

19 HEARING OFFICER: Okay. I will look  
20 at all the exhibits and consider the testimony. I  
21 will be making recommendations to the State Board  
22 of Education and, I guess, try to get it to -- to  
23 them in time for the August meeting. It kind of  
24 depends when the record will be ready, but then --  
25 then once I present it to them, it's the Board's

1 decision.

2           Okay. That will close this hearing. Thank  
3 you.

4           (The proceedings concluded at 11:30 a.m.)

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BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

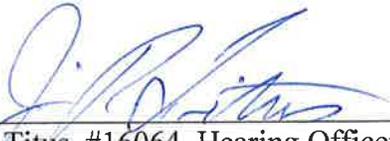
Mattkia Montgomery, )  
130 Maple Street ) NDE Case No. 13 – 09  
Wayne, NE 68787, )  
Petitioner, )  
)  
vs. ) NOTICE OF HEARING  
)  
ROGER D. BREED, Ed.D. )  
COMMISSIONER OF EDUCATION, )  
)  
Respondent. )

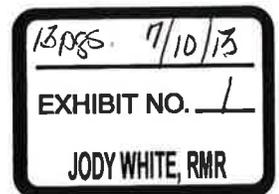
On June 20, 2013, I held a telephonic planning conference with respondent's counsel and petitioner. They shared their views with me respecting the progression of this case. With those views in mind, I have determined that this case shall be set for hearing as follows:

Date: July 10, 2013  
Time: 10:00 a.m. – 11:30 a.m.  
Location: Conference Room B  
Nebraska Department of Education  
Nebraska State Office Building  
301 Centennial Mall South, 6<sup>th</sup> Floor  
Lincoln, NE 68508  
Recording: Certified Court Reporter

In addition, the parties shall, on or before July 3, 2013, exchange copies of exhibits they intend to offer at hearing and a list of witnesses, including name, address and occupation.

SO ORDERED on June 20, 2013.

  
\_\_\_\_\_  
Jim R. Titus, #16064, Hearing Officer  
MORRIS & TITUS LAW FIRM, PC, LLO  
4645 Normal Blvd., Suite 272  
Lincoln, NE 68506  
(402) 434-5200 – phone  
(402) 434-5209 – fax  
[jtitus@morristituslaw.com](mailto:jtitus@morristituslaw.com)

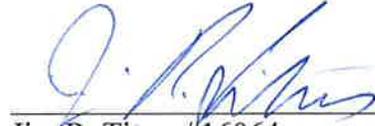


CERTIFICATE OF SERVICE

I certify that on June 20, 2013, I served a true and correct copy of the foregoing notice of hearing by email on the following parties:

Brian L. Halstead  
Assistant Commissioner/General Counsel  
Nebraska Department of Education  
Brian.Halstead@nebraska.gov

Matkia Montgomery  
mamont02@wsc.edu



---

Jim R. Titus, #16064  
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Mattkia Montgomery )  
130 Maple Street )  
Wayne, NE 68787, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933, )  
 )  
Respondent. )

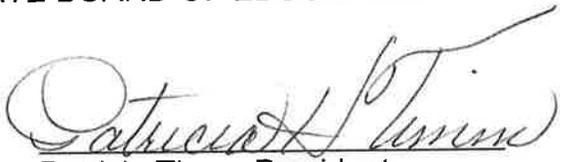
NDE Case No. 13-09

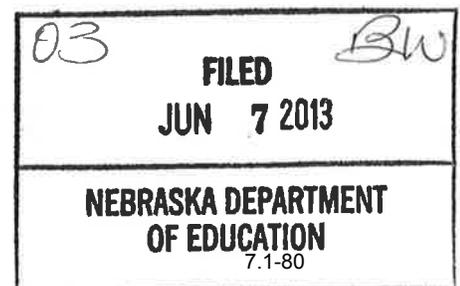
**ASSIGNMENT OF CASE  
TO HEARING OFFICER**

Pursuant to Title 92, *Nebraska Administrative Code*, Chapter 61, the State Board of Education ("State Board") hereby appoints Jim R. Titus as the Board's hearing officer in this case. The hearing officer shall conduct the hearing and submit proposed findings of fact, recommended conclusions of law, and a recommended decision to the State Board.

DATED this 7<sup>th</sup> day of June, 2013.

STATE BOARD OF EDUCATION

BY:   
Patricia Timm, President



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Assignment of Case to Hearing Officer was served upon Mattkia Montgomery, 130 Maple Street, Wayne, Nebraska, 68787, via United States Mail, first class postage prepaid; and upon Brian L. Halstead, Assistant Commissioner/General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska, via interoffice mail, all on this 7<sup>th</sup> day of June, 2013.

Brenda L. Wid

49-977-30



BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Mattkia Montgomery  
130 Maple Street  
Wayne, NE 68787,

Petitioner,

v.

Roger D. Breed, Ed.D.  
Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509,

Respondent.

Case No. 13-09

ANSWER

COMES NOW the Respondent, Roger D. Breed, and for his answer to the Petition of the  
Petitioner, admits, denies, and alleges as follows:

1. Admits paragraphs 1, 2, 3, 4, and 6 of the Petition.
2. Denies paragraph 5 of the Petition.

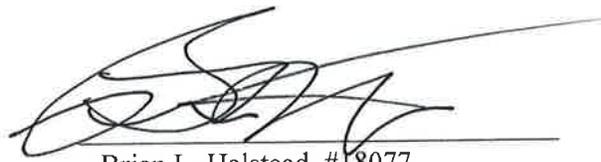
WHEREFORE, the Respondent requests that the State Board of Education appoint a hearing  
officer to hold a hearing on this matter, make a recommendation to the Board, and the Board take such  
action as may be warranted by the evidence at such hearing.

  
\_\_\_\_\_  
Roger D. Breed, Ed.D.  
Commissioner of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through  
regular United States mail, postage prepaid, this 3<sup>rd</sup> day of May 2013:

Mattkia Montgomery  
130 Maple Street  
Wayne, NE 68787

  
\_\_\_\_\_  
Brian L. Halstead, #18077  
Attorney for Respondent

02 FILED MAY 3 2013 BW

NEBRASKA DEPARTMENT OF EDUCATION

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Matthia Montgomery  
(Name)  
130 Maple Street  
(Address)  
Wayne, NE, 68787  
(City, State, and Zip Code)

Case No. 13-09  
(Leave Blank)

Petitioner,

vs.

Roger D. Breed, Ed.D.  
Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509,

Respondent.

PETITION FOR APPROVAL TO  
PARTICIPATE IN PRE-STUDENT  
TEACHING FIELD, LABORATORY,  
AND CLASSROOM EXPERIENCES  
OR STUDENT TEACH

The Petitioner, in accordance with Title 92, Chapter 61, of the *Nebraska Administrative Code*, states and alleges as follows:

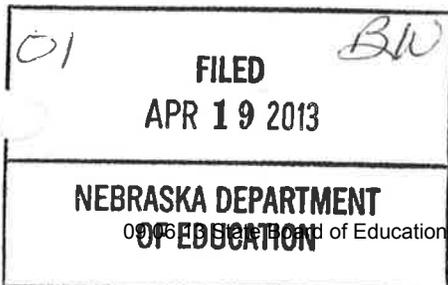
1. The Petitioner is Matthia Montgomery 130 Maple Street  
(Name) (Address)  
Wayne, NE 68787 402 06/06/90  
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at Wayne State College  
(Name & Address of University or College)  
Senior / Fall 2013  
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

a. Criminal Charge: Assault and Battery  
Disposition: 9 months probation  
Date: September 21, 2011

Name and address of court: Douglas County District Court  
1701 Farnam Street  
Omaha, NE 68183



b. Criminal charge: \_\_\_\_\_  
 Disposition: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Name and address of court: \_\_\_\_\_

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on

04-02-13  
 (Date on letter from Commissioner).

5. Other relevant data: #1 letter from Commissioner #2  
Personal Statement

6. Title 92, *Nebraska Administrative Code*, Chapter 20, Section 005.07B states: "A person with a conviction as defined in Section 005.07A shall not be allowed to participate in pre-student teaching field, laboratory, and classroom experiences or student teach, without approval by the Commissioner or the Board. A person with a conviction as defined in Section 005.07A may request approval by the Commissioner or the Board by using the procedures set forth in 92 NAC 21 Sections 009.02 through 009.04."

WHEREFORE, Petitioner requests that the State Board of Education approve that the Petitioner be allowed to participate as provided under Title 92, Chapter 20, of the *Nebraska Administrative Code*. Petitioner grants permission for the Nebraska Department of Education to obtain and review all criminal records maintained by any law enforcement agency regarding the Petitioner.

Dated this 04 day of 18, 2013.

  
 Signature of Petitioner

VERIFICATION

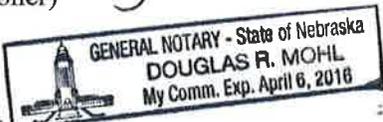
STATE OF NEBRASKA     )  
  ) SS  
COUNTY OF Wayne     )

I, Matthia D. Montgomery, being first duly sworn under oath, state that I have read the contents of the petition and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said petition.

Matthia Montgomery  
Signature of Petitioner

Subscribed and sworn before me this 18 day of APRIL, 2003, by

Matthia Montgomery  
(Petitioner)

(Seal) 

Douglas R. Mohl  
Notary Public



**Roger D. Breed, Ed.D., Commissioner**  
**Scott Swisher, Ed.D., Deputy Commissioner**

301 Centennial Mall South    Tel: (402) 471-2295  
PO Box 94987    Fax: (402) 471-0117  
Lincoln, NE 68509-4987    Web: [www.education.ne.gov](http://www.education.ne.gov)

**CERTIFIED MAIL**

April 2, 2013

Ms. Mattkia Montgomery  
130 Maple Street  
Wayne, NE 68787

Re: Request for Approval to Participate

Dear Ms. Montgomery:

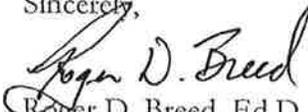
I have received your Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On December 1, 2011, you were found guilty by the Douglas County Court of two misdemeanor counts of Assault and Battery, and sentenced to nine months of probation; 2) Your conviction resulted from a physical altercation with two other people in front of your young son while you were picking him up from his father's residence; and 3) It has been approximately one year since your conviction.

You may appeal my decision within twenty (20) days after receipt of this letter by filing a petition with the State Board of Education using the procedures set forth in 92 Nebraska Administrative Code, Chapter 21, Section 009.03, and Title 92, *Nebraska Administrative Code*, Chapter 61. Copies of these rules are enclosed.

If you have any questions, please feel free to contact Brian Halstead, General Counsel, at 402-471-0732.

Sincerely,

  
Roger D. Breed, Ed.D.  
Commissioner of Education

Enclosures

xc: Wayne State College

Matkia Montgomery  
130 Maple Street  
Wayne, NE 68787  
April 18, 2013

Nebraska State Board of Education  
P.O. Box 94933  
Lincoln, NE 68509-4933

Dear Nebraska State Board of Education:

I wish I could be in person to formally discuss this matter but given the circumstances I felt it is appropriate that I share my side of the events that lead up to this point. I hope that you take this into consideration when deliberating on my request for approval.

I am a senior majoring in Early Childhood Unified Education at Wayne State and the first in my family to attend college. One of my biggest accomplishments besides making the Dean's List the past two semesters was being awarded a full-ride scholarship from Wayne State. I am and have been tremendously involved on my campus and community in both Wayne and Omaha. I have outstanding relationships with my peers and faculty on my campus. I am the past vice-president of the student organization Minorities in Accordance Coming Together. I helped chartered the first African American student organization on campus which I had the privilege of becoming the first and current president of. I am also the new Tau Alpha chapter president of Zeta Phi Beta Sorority Incorporated. I have been involved in committees, college fairs, workshops, and conferences that promote higher education and leadership skills, diversity, and scholarship. My passion for education is a great deal to me and I aspire to be an educator because of the rewards it brings. I am currently in my clinical experience and partaking in three service learning projects and it is amazing. I find it fulfilling that teachers build character and provide students with skills and knowledge that will have a huge impact on their lives.

On June 27, 2011, I left Skate City in Bellevue, NE and proceeded to pick up my son. He was with his dad at his girlfriend's house and needed me to get him then so he would not be late for work the next day. This was an issue being that my son was not to go over her house because two days prior, my son told me he saw his dad engaging in sexual activities with her. Instead of keeping my son from him all together, we agreed that he would not have our child over there anymore. Once he brought my son to my car, I saw my child had on no shirt, shoes, socks, and he had a terrible cough. It had been raining that weekend and it was chilly outside. I took my son from him and asked why he was improperly dressed and sick. He immediately got defensive telling me to shut up and continued explaining with excuses. I was upset and I explained how lazy and

irresponsible he was with our son. It went downhill from there. We could not have a civilized conversation and I was repeatedly being called out my name so I decided to leave. He began making threats saying he would hit me if I said something else. I told him he was not going to do anything to me and that is when he punched me in my face three times. I was stunned. Not thinking, I chased after him and he hit me again and ran across the street into the apartment complex. As he was running, he told me to wait right there and that he had something for me. I hurried to my car to call the police. As I was parked in my car and on the phone with the operator, his girlfriend approached my vehicle. She wanted to argue asking why did I hit her boyfriend and why did I not want my son over her house. Apparently he had told her that I hit him and to go outside and fight me. She was also under the impression that I still wanted to be with him which was false as well. She ran up to me and hit me and that is where it became physical on my behalf. During the fight, my son's dad came back outside to grab my son from my car. I was pinned against my car by my hair by his girlfriend and I refused to move. I was then kicked out the way by my son's dad; he grabbed my child from my car, and ran back into the apartment. Shortly after, the police arrived and broke us up. We were split up for questioning. I told the officers that I was attacked by them and I wanted them both arrested. She told the officer that she came outside to protect her boyfriend and to ask why I did not want my son at her house. They looked at her and seen that she had scratches on her face and asked if I had any marks on me. They did not see any at the time being that it was dark outside. They told me to wait at my car while they walked her inside and to question my son's dad. When questioning my son's dad, he denied my allegations and said that I got upset with him and scratched him. They came back outside and arrested me for two counts of assault and battery.

The day after I was released from jail, I went to file police reports. They took pictures of all my bruises and the patches of my hair missing from my head. I filed restraining orders against them both. I even went to a women's advocacy center to see what I could do to protect myself and my son. I met with my public defender Leah Frazier and told her everything and showed her my evidence including text messages and call logs telling me to come get my child that night from her apartment. I was advised not to testify for a reason I cannot recall. I agreed trusting my attorney had everything she needed to represent me and because I was innocent. The day of my trial, I spoke with my attorney telling her I wanted to testify because I did not want the lies overshadowing the truth. I knew my good name was on the line and the judge and the arresting officers did not know me as a person nor did they see what took place that night. During trial, I did not get to speak at all. The two other people involved told completely different versions of what happened and I did not get to defend myself at all. I did have a witness, but that did not help in my behalf. After the trial, I hired a new attorney for my sentencing because I was devastated that my public defender did not let me testify or subpoena my evidence into court. I was sentenced to nine months

Matkia Montgomery  
March 18, 2013  
Page 3

probation. I did consider appealing this, but my new attorney told me the chances of winning were not good being that I had no evidence on my behalf in trial.

I do apologize for waiting until now to begin this process. I understand the significance of reporting criminal charges before continuing with undergraduate studies. I have been under a great deal of stress with being a single mother, finances, maintaining good grades, committing to my extracurricular activities, and trying to cope with and work through this situation. A couple weeks after being falsely convicted, I was back in court going through a child custody battle for my son. This was incredibly difficult because of the risk of losing my son, as he is my motivation for everything. This process is extremely challenging and I am still continuing to work through it. It has been almost two years since this has happened and I am still working on putting this experience behind me being that it is a very emotional part of my past. Especially when I took all the appropriate steps and told the truth which was never heard in court. I was protecting my child and myself that night and should have never been arrested. I was falsely prosecuted and condemned for a situation that I did not create.

I do take full responsibility for my actions that took place that night. I wish I would have driven away from the scene after contacting law enforcement and waited for them there. I also wish I could have afforded to hire an attorney that would have subpoenaed my evidence into court, gave me my right to testify, and showed that they had my best interest in mind. I am working on taking this issue to court and getting it set aside for the sake of my career. I want to move forward and not let the past get the best of me. This situation is an unfair snapshot of who I am and portrays me as an aggressive individual, but in reality I am the opposite. This does not in any way or form define who I am or what I am capable of achieving and trying to accomplish in life. I have a great passion for the career I have chosen to pursue and I am praying that I will be able to continue working toward it.

Sincerely,

Matkia Montgomery

# Wayne State College

1111 Main Street

Wayne, Nebraska 68787

www.wsc.edu

Member of the Nebraska State College System

July 9, 2013

Department of Education  
Teacher Certification  
Post Office Box 94987  
Lincoln, NE 68509-4987

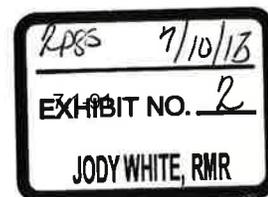
To Whom It May Concern:

Mattkia Montgomery has requested that I appear at her hearing before the Commissioner of the Nebraska Department of Education in support of her appeal to be allowed to complete student teaching, pursuant to obtaining her degree in Elementary Education from Wayne State College. I am a Licensed Mental Health Practitioner (LMHP) in the State of Nebraska employed by Wayne State College to assist students in removing obstacles that impede their success. In that role, I have worked with Ms. Montgomery in a variety of settings throughout her college career.

Mattkia Montgomery is a dedicated and responsible student. On the WSC campus, Ms. Montgomery has demonstrated a gift for organizing groups of peers, leading them in activities and bringing them to a place of self-discovery and insight. She has been an officer and a leader of the Black Student Union and has worked hard to organize awareness campaigns and interactive events through that organization, as well as through the WSC Office of Multicultural Affairs. In her role as a leader and organizer, she is received with attention and respect by her peers. In addition to this gift for leadership, Ms. Montgomery has the keen ability to be fully present to those with whom she is working. She engages with enthusiasm, a ready smile, and a real sense of confidence and enjoyment in what is transpiring.

All of Ms. Montgomery's accomplishments as a student have been made while being a full-time Mom. Ms. Montgomery has included her son in activities appropriate to his age and developmental level at the college. LeRon presents as a happy, outgoing and sensitive young boy, successfully learning to navigate the world of rural white America and to help that world, by his presence, to recognize the gifts of an inclusive culture of diversity.

With regard to the situation that has brought Ms. Montgomery to this place of appeal today in her teaching career, the only explanation for the incongruence of her behavior is an instinctual need to protect her child from harm. While Ms. Montgomery is respected by her peers at college, she encounters challenge every step of the way from her son's father back home. This is consistent with the situation for many young people of color, who having left their



communities to acquire further education, return to find that those with whom they were friends previously now resent their pursuit of goals outside of the community.

Ms. Montgomery faced a perceived threat of physical harm to herself and her son, while picking her son up from a weekend visit with his father. She struck the person from whom she believed the threat to be coming. To her relief, as she recounted the incident, the police appeared shortly thereafter. To her bewilderment, she was charged with assault. She appeared in court to respond to the charge and was convicted. She received a sentence of a period of probation and a requirement to attend counseling sessions addressing how to deal with her anger.

Ms. Montgomery completed the anger management sessions in a timely manner and with an understanding of alternate ways in which she might have handled the incident in question, as well as the handling of any further challenges, to keep herself and her son out of harm's way. She was able also to explore potential resources for assistance in providing for the safety and well-being of her son. Ms. Montgomery completed the terms of her probation without further incident. She has continued with her education, maintaining a grade point average that supports her eligibility for student teaching when her coursework is completed.

Ms. Montgomery has continued to be active in leadership activities with peer groups, including successful completion of a rigorous pledging process with the Zeta Phi Beta Sorority, whose purpose is "to foster the ideas of service, charity, scholarship, civil and cultural endeavors, sisterhood and finer womanhood..." through voluntary service, community outreach programs, scholarship fund-raising, support of organized charities, and promotion of legislation for social and civic change.

It is my sincere belief that Ms. Montgomery has the potential to be a dynamic and influential teacher of young children. She will have made the most of the tough experiences of her life to become an encourager, supporter, and promoter of the safety and success of her students.

Sincerely,



Karen Granberg, LMHP

Wayne State College Counseling Center

1111 Main St.

Wayne, NE 68787

402-375-7321

[Kagranb1@wsc.edu](mailto:Kagranb1@wsc.edu)

# Wayne State College

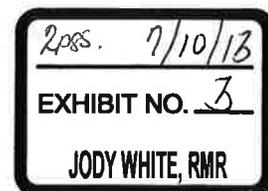
1111 Main Street

Wayne, Nebraska 68787

www.wsc.edu

Member of the Nebraska State College System

Wayne State College  
1111 Main Street  
Wayne, NE 68787  
May 11, 2013



To Nebraska Board of Education:

I have had the pleasure of working with Mattkia Montgomery during the fall and spring semester 2012-2013 at Wayne State College in our Characteristics and Methods: Ages 5-8 and as a advisee. Kia is a dedicated student and a stellar writer. Her background knowledge and experiences have brought her to a level where she is capable of engaging others, working collaboratively, and infusing a much-needed perspective into classroom and small group discussions. Kia can assume the role of leader during our group work, and she can also decide to actively participate and give the reins to her peers. This ability to be both is also a huge strength.

From my observations in the classroom and our discussions in office hours, I have witnessed how Kia's abilities will serve her very well in her future classroom. She has an inherent understanding of how to engage students and she is a positive influence for her peers and colleagues. Kia also has a degree of self-reflection and desire to continually change and improve that will serve her well in her future teaching career. Her level of concern and desire to gain more information to best serve a student is also a quality that will make her a terrific educator.

As Special Education faculty at WSC, I have tried to convince Kia to add a Special Education endorsement and enter this field! She can establish rapport with many populations of students and would be a powerful addition to a special education faculty as a co-teacher working with students with Learning Disabilities, Behavior Disorders, or other high-incidence disabilities. Her ability to meet the needs of diverse learners will also benefit her future students and make her a valuable asset to any team.

Having worked in the K-12 public education system for 10 years, I would be very pleased and excited if Kia was hired to my faculty. Her future colleagues will enjoy a high level of collaboration that she will bring to her teaching positions. As a researcher, it would be an honored to work with Kia through a narrative inquiry approach. Her passions and experiences will hopefully lead her back to graduate school and ultimately to her own research agenda. As an assistant professor, this past academic year was enriched through Kia's participation and attendance. She was always in class, even though it was an evening class, and always thinking about our material. I was also lucky enough to meet her son, Leron, who is in Kindergarten at

# Wayne State College

---

1111 Main Street

• Wayne, Nebraska 68787

• [www.wsc.edu](http://www.wsc.edu)

• Member of the Nebraska State College System

---

Wayne Elementary. Leron is a brilliant and interested child who asked as many questions as his mother and drew multiple (quite accurate) pictures of me- with glasses and everything!

Again, I have enjoyed teaching and learning with Kia this year and I hope to see her in her student teaching as soon as possible. Her past experiences have molded her outlook, matured her beyond her years, and ultimately, have prepared her to always be positive, motivated and dedicated to what she believes in. And Kia believes in teaching. Our profession needs more of Mattkia Montgomery.

If you have any questions please feel free to call me or email me at any time. My number is (928) 853-1653 and email [lafrank1@wsc.edu](mailto:lafrank1@wsc.edu).

Sincerely,

Laura Franklin  
Assistant Professor of Special Education  
Wayne State College

# Wayne State College

1111 Main Street • Wayne, Nebraska 68787 • www.wsc.edu • Member of the Nebraska State College System

**PRESIDENT**  
402-375-7200

June 21, 2013

To Whom It May Concern:

I have been asked to provide a character reference for Ms. Kia Montgomery. I am pleased to do so.

I have known Ms. Montgomery for three years. She has developed into a good student and a contributor to the College and has held several offices of responsibility in some of our student organizations.

She is a full-time student who is a single mom. She is dedicated to earning a degree and equally as dedicated to her son. The difficulty she finds herself in is uncharacteristic of her demeanor that I have observed on campus.

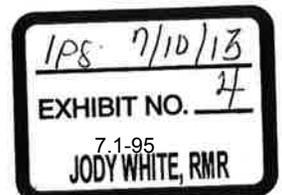
I would ask the court to consider the hard work she has exhibited in pursuing a college education. Her goal is to use the degree to make a better life for herself and her son.

Sincerely,



Curt Frye, President

jsb





2088 7/10/13  
EXHIBIT NO. 5  
7.1-96  
JODY WHITE, RMR



**NEBRASKA DEPARTMENT  
OF EDUCATION**

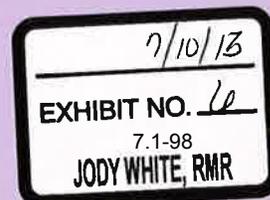
# **RULE 20**

**REGULATIONS FOR THE APPROVAL OF  
TEACHER EDUCATION PROGRAMS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 20**

**EFFECTIVE DATE  
JANUARY 19, 2008  
(REVISED)**

**State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509  
Douglas D. Christensen, Ph.D.  
Commissioner**



NEBRASKA DEPARTMENT  
OF EDUCATION

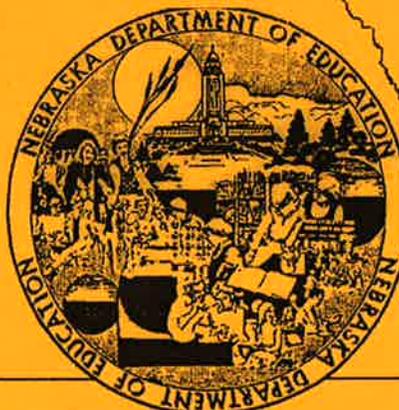
# RULE 21

REGULATIONS FOR THE ISSUANCE OF CERTIFICATES AND PERMITS  
TO TEACH, PROVIDE SPECIAL SERVICES, AND ADMINISTER IN  
NEBRASKA SCHOOLS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 21

EFFECTIVE DATE  
DECEMBER 11, 2011  
(REVISED)

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509



7/10/13  
EXHIBIT NO. 7  
7.1-99  
JODY WHITE, RMR

NEBRASKA DEPARTMENT  
OF EDUCATION

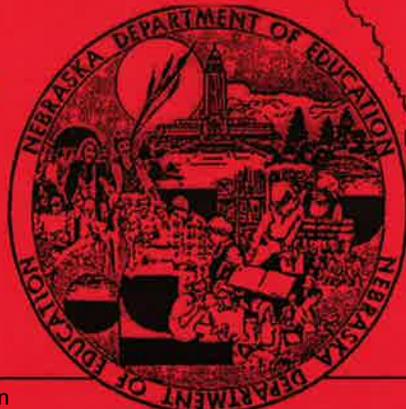
# RULE 61

RULES OF PRACTICE AND PROCEDURE FOR HEARINGS IN  
CONTESTED CASES BEFORE THE DEPARTMENT

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 61

EFFECTIVE DATE  
OCTOBER 1, 1997  
(REVISED)

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509



Justice # K1044016

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA  
STATE COMPLAINT

STATE OF NEBRASKA )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MATTKIA D MONTGOMERY, )  
 )  
 Defendant. )  
 )  
 D.O.B. )  
 ADDRESS: 3159 GRAND AVE )  
 OMAHA, NE )  
 DR. LIC.: H13153558 )  
 AR# K1044016 )  
 RB# Z11230 )  
 CMS# K1044016 )

*CR 11-18135*

**CRIMINAL COMPLAINT**



On the complaint and information of ANN C. MILLER, Deputy County Attorney/Special Assistant City Prosecutor, made in the name and on behalf of the State of Nebraska before the County Court of Douglas County, Nebraska, on 27 June 2011, who being sworn on oath alleges that the above named Defendant did:

**COUNT I  
ASSAULT AND BATTERY  
§20-61(2)**

on or about the 27th day of June, 2011 within the City of Omaha, Douglas County, Nebraska contrary to the Ordinances of the City of Omaha and against the peace and dignity of the State of Nebraska did unlawfully, purposely or knowingly: (a) strike or attempt to strike LERON MORGAN with intent to cause bodily injury or (b) cause or attempt to cause bodily injury to LERON MORGAN or (c) place LERON MORGAN in fear of imminent bodily harm. (Penalty: OMC 1-10)

FILED  
CRIM/TRAFF DIVISION

JUN 27 2011

County of Douglas  
District Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

**DV**

10pss 7/10/13  
EXHIBIT NO. 9  
JODY WHITE, RMR

**COUNT II  
ASSAULT AND BATTERY  
§20-61(2)**

on or about the 27th day of June, 2011 within the City of Omaha, Douglas County, Nebraska contrary to the Ordinances of the City of Omaha and against the peace and dignity of the State of Nebraska did unlawfully, purposely or knowingly: (a) strike or attempt to strike LAKESHIA MCQUEEN with intent to cause bodily injury or (b) cause or attempt to cause bodily injury to LAKESHIA MCQUEEN or (c) place LAKESHIA MCQUEEN in fear of imminent bodily harm. (Penalty: OMC 1-10)



ANN C. MILLER, # 24021  
Deputy County Attorney/ Special Assistant  
City Prosecutor

Subscribed and sworn to in my presence this on 27 June 2011.

DEPUTY



Clerk of the County Court  
Douglas County, Nebraska

Witnesses for the State:

PAUL A SARKA #2005  
OWEN P GREGG #2007  
LERON MORGAN  
LAKESHIA MCQUEEN

FILED  
CRIM/TRAFF DIVISION

JUN 27 2011

My Office Douglas  
County Court  
CRIMINAL JUSTICE COURT  
DOUGLAS COUNTY, NEBRASKA

am

JUSB2056

Douglas County Court  
JOURNAL ENTRY & ORDER

Page: 1

Crim. No.: 01C50

Judge.: No Judge Assigned  
Filed.: 6/27/2011

Case No.: CR 11 18135

Date: 6/27/2011 12:30 Action: Arraignment

Caption: State v. Mattkia D Montgomery

AICA:

DOB: 6/06/1990

Arrest #: Amended to

Citation #: K 1044016

No Charge

Statute/Ord. No. MSD  
20-61(2) MSD  
20-61(2) MSD

1 ASSAULT AND BATTERY  
2 ASSAULT AND BATTERY

**APPEARANCES**

Defendant;  Defense Counsel;  Parents or Guardian;  Prosecutor; Medina; Interpreter

**ARRAIGNMENT AND ADVISEMENT**

- Defendant advised of the nature of the above charges, all possible penalties, and each of the following rights: Counsel; Appointed Counsel; Trial; Jury Trial; Confront Accusers; Subpoena Witnesses; Remain Silent; Request Transfer to Juvenile Court; Defendant's Presumption of Innocence; State's Burden of Proof Beyond Reasonable Doubt. (clear and convincing in cases of probation violations). Defendant advised of loss of driving privileges/registration/plates if convicted of no proof of insurance.
- Defendant waived each of the above and foregoing rights.  Non-citizen advisory given.  Domestic Violence advisory given.
- Plea(s) entered knowingly, understandingly, intelligently, voluntarily, and a factual basis for plea(s) found; defendant advised of right to appeal conviction and sentence and appointment of counsel for each.
- Indigency inquiry held;  Defendant adjudged indigent, Public Defender appointed.  Conflict counsel appointed.  Defendant adjudged not indigent.
- Defendant will hire own counsel.  Employed
- Defendant enters plea(s) of: GUILTY 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) No Contest 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Not Guilty 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- Defendant is found: GUILTY 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Violation of Probation: Admitted ( ) Denied ( )
- Case set for trial on July 29, 2011 at 9am in Courtroom No. 27
- Probable cause for detention found. Bond set at \$ 200  10%;  Signature;  ROR;  Pre-Trial Release.
- Charge(s) 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) dismissed on motion of  Prosecutor;  Defense;  Court.
- Transferred to Juvenile Court.  Transferred to Jury Docket.

**TRIAL/MOTION HEARING**

- Trial held; Defendant found: GUILTY: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Not Guilty: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- State's  Defendant's  motion to  withdrawn;  granted;  denied.
- Enhancement hearing held/waived. Court finds  aggravated;  not aggravated.
- Exhibits introduced: Nos.                      thru                     . Received
- Judicial Notice taken of  Citation.  Affidavit of Violation of Probation.  Failure to Appear.
- Case continued to                     , 20                      at                      CR No.                       For Trial  For a Plea  For Sentencing
- on motion of  Prosecutor;  Defense;  Court.  Case taken under advisement.

**SENTENCING**

- Presentence ordered. 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )  Victim Impact Statement Only.  Restitution Only
- Defendant ordered to pay fine of: (1) \$                      (2) \$                      (3) \$                      (4) \$                      (5) \$                      Total of \$                      and all costs of prosecution.
- Execution hereby issued against any bond monies on deposit herein for fines and costs assessed.
- Execution of \$                      is suspended until                     , 20                     ;  Defendant to stand committed to Corrections Center until fine and costs are paid.
- Defendant is sentenced to the Corrections Center for a term of (1)                      (2)                      (3)                      (4)                      (5)                      Total                      days and is to pay the costs of this prosecution.  Execution of sentence suspended until                     .
- Credit for                      days served.  Credit for time, fine and cost served  State recommended time and cost
- Defendant is ordered not to drive a motor vehicle and his/her driver's license is  impounded;  revoked for a period of
- Defendant may apply for an ignition interlock permit as provided by law.
- Defendant is placed on probation according to the terms of a separate order. Probation  Revoked.  Continued.  Terminated  Satisfactorily  Unsatisfactorily

**ADDITIONAL ENTRIES OF RECORD**

- Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.  No action taken.
- Defendant fails to appear;  Capias to issue;  Bond set at \$                     ;  Mitimus to issue;  Release to issue;  Capias cancelled.
- Bond in the amount of \$                       forfeited;  reinstated;  released;  Appeal bond set at \$
- Court Costs                       Witness Fees \$                       Sheriff Fees \$                       Subpoena Fees \$                       Other \$

Hon.

09.06.13 State Board of Education

*[Signature]*  
Judge

6/27/11 *[Signature]*  
Date Bailiff

159  
Tape Nos.

STATE OF NEBRASKA

ORDER OF RELEASE FROM CUSTODY

CR/TR 222 (6/06)

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

STATE OF NEBRASKA,

Plaintiff,

Case Number:

CR 11 18135

Docket Number:

vs. Montgomery, Mattia
Defendant

ORDER OF RELEASE FROM CUSTODY

IT IS ORDERED PENDING FURTHER HEARING IN THIS CASE THAT THE DEFENDANT IS TO BE:

- [ ] released upon his/her personal recognizance.
[ ] released in the custody of ... or Pretrial Release, who has agreed to supervise him/her, with the understanding that the defendant must follow the supervisor's rules.
[X] released after execution of either one of the following appearance bonds at the option of the defendant:
1. An appearance bond in the sum of \$ 2000 and the deposit with the Clerk in cash or other qualified security in the amount of not less than \$25.00 or 10% of the bond.
2. A bail bond with surety or sureties or cash in the amount of \$

IN ALL CASES, THE DEFENDANT SHALL:

- 1. Refrain from unlawful conduct.
2. Not go farther than 10 miles beyond the boundaries of Douglas County, Nebraska. may travel to work
3. Reside at his/her residence
4. Refrain from possessing or using firearms or other weapons.
5. Refrain from possessing or using alcohol or controlled substances.
6. Refrain from any direct or indirect contact with Leron Morgan, Lakeshia McQueen, personally or through another person.
7. Other:

IT IS FURTHER ORDERED BY THIS COURT THAT:

- 1. A warrant be issued immediately if the defendant violates any of the conditions of this release, in addition to any other penalties or forfeitures provided by law as follows:
[ ] If charged with a felony, not more than 5 years imprisonment and/or a \$10,000.00 fine.
[ ] If charged with a Class II Misdemeanor, not more than 6 months imprisonment and/or a \$1,000.00 fine..
[ ] If charged with an Ordinance Violation calling for more than a 90-day sentence, not more than 6 months imprisonment and/or a \$1,000.00 fine.
2. If the defendant fails to obey the Court's Order to Appear, he/she will be guilty of a Class IV Felony and/or may be charged with Contempt of Court.
3. If the defendant remains in custody for more than 24 hours from the execution of this Order, he/she may request to be brought before the Court for a review of the conditions imposed.
4. The defendant shall not be released from custody until he/she signs this Order acknowledging that he/she understands it.
5. Any bond posted shall be applied to any fines and costs in the above captioned case. The defendant may file a written Request for Hearing within 10 days from the date of judgment, to determine the application of bond money to fines and cost.

Date:

6/27/11

Judge

Bezis

I have read and understand or have had explained to me and understand the above and foregoing conditional release from custody.

Date:

Defendant

Mattia M

STATE OF NEBRASKA

ORDER FOR RELEASE OF PRISONER

CR/TR 220 (12/98)

Douglas County Court, Criminal/Traffic Division  
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

ORDER FOR RELEASE OF PRISONER

Case No. CH11 12.15.15

Doc. No. 1212-15

TO THE DIRECTOR OF THE CORRECTIONS CENTER:

You are ordered to release the defendant, Montgomery, Matthew  
from imprisonment, if detained in your custody for no charge(s) other than:

Charge: ASSAULT + BATTERY / 2C15.1

Charge: \_\_\_\_\_

Charge: \_\_\_\_\_

- The defendant furnished bond for appearance in District Court on appeal  Filing fees paid;
- The defendant was released on his/her own recognizance;
- The defendant received suspended execution on fines and/or costs;
- The defendant received credit for time and costs served;
- These charges against the defendant have been dismissed.

DATE: 6/27/11 BY THE COURT: [Signature] (County Judge)

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

Mattkia D. Montgomery,

Defendant.

CASE NO. CR11-18135

NOTICE OF APPEARANCE

COMES NOW Liah S. Frazier, Assistant Public Defender, pursuant to the Douglas County Court's Journal Entry and Order appointing the Douglas County Public Defender's Office to represent the Defendant in the above-captioned matter, and hereby enters this notice of appearance.

Respectfully Submitted,

*Liah S. Frazier*

ATTORNEY FOR THE DEFENDANT

Liah S. Frazier, #23637  
Assistant Public Defender  
H05 Civic Center  
Omaha, NE 68183  
(402)-444-7376

Jury \_\_\_\_\_  
Non-Jury   X  

FILED  
CRIM/TRAF DIVISION

JUL 05 2011

By: Leslie Douglas  
Clerk of Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

6

DV

JUSB2058-P2

Douglas County Court  
JOURNAL ENTRY & ORDER

Page: 1

Crtrm...: 01C27

Case No.: CR 11 18135

Date....: 7/29/2011 09:00 Action: Trial

Caption.: State v. Matkka D Montgomery

DOB.....: 6/06/1990

Arrest #: Amended to

Judge.: Stephen M Swartz  
Filed.: 6/27/2011

AKA:

Citation #: K 1044016  
Statute/Ord. No. 20-61(2) MSD  
20-61(2) MSD

No Charge

- 1 ASSAULT AND BATTERY
- 2 ASSAULT AND BATTERY

APPEARANCES

Defendant;  Parents or Guardian  
 Prosecutor; Matthew F. Fragione; Interpreter

ARRAIGNMENT AND ADVISEMENT

- Defendant advised of the nature of the above charges, all possible penalties, and each of the following rights: Counsel; Appointed Counsel; Trial; Jury Trial; Confront Accusers; Subpoena Witnesses; Remain Silent; Request Transfer to Juvenile Court; Defendant's Presumption of Innocence; State's Burden of Proof Beyond Reasonable Doubt. (clear and convincing in cases of probation violations). Defendant advised of loss of driving privileges/registration/plates if convicted of no proof of insurance.
- Defendant waived each of the above and foregoing rights.  Non-citizen advisory given.  Domestic Violence advisory given.
- Plea(s) entered knowingly, understandingly, intelligently, voluntarily, and a factual basis for plea(s) found; defendant advised of right to appeal conviction and sentence and appointment of counsel for each.
- Indigency inquiry held;  Defendant adjudged indigent, Public Defender appointed.  Conflict counsel appointed.  Defendant adjudged not indigent.
- Defendant will hire own counsel.  Employed
- Defendant enters plea(s) of: **Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **No Contest** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- Defendant is found: **Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Violation of Probation **Admitted** ( ) **Denied** ( )
- Case set for trial on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ in Courtroom No. \_\_\_\_\_
- Probable cause for detention found. Bond set at \$ \_\_\_\_\_  10%;  Signature;  ROR;  Pre-Trial Release.
- Charge(s) 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) dismissed on motion of  Prosecutor;  Defense;  Court.  Transferred to Juvenile Court.  Transferred to Jury Docket.

TRIAL/MOTION HEARING

- Trial held; Defendant found: **Guilty:** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty:** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- State's  Defendant's  motion to \_\_\_\_\_  withdrawn;  granted;  denied.
- Enhancement hearing held/waived. Court finds \_\_\_\_\_  aggravated;  not aggravated.
- Exhibits Introduced: Nos. \_\_\_\_\_ thru \_\_\_\_\_ Received \_\_\_\_\_
- Judicial Notice taken of  Citation.  Affidavit of Violation of Probation.  Failure to Appear.
- Case continued to \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ CR No. \_\_\_\_\_  For Trial  For a Plea  For Sentencing on motion of  Prosecutor;  Defense;  Court.  Case taken under advisement.

SENTENCING

- Presentence ordered. 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )  Victim Impact Statement Only.  Restitution Only
- Defendant ordered to pay fine of: (1) \$ \_\_\_\_\_ (2) \$ \_\_\_\_\_ (3) \$ \_\_\_\_\_ (4) \$ \_\_\_\_\_ (5) \$ \_\_\_\_\_ Total of \$ \_\_\_\_\_ and all costs of prosecution.
- Execution hereby Issued against any bond monies on deposit herein for fines and costs assessed.
- Execution of \$ \_\_\_\_\_ is suspended until \_\_\_\_\_, 20\_\_\_\_;  Defendant to stand committed to Corrections Center until fine and costs are paid.
- Defendant is sentenced to the Corrections Center for a term of (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_ Total \_\_\_\_\_ days and is to pay the costs of this prosecution.  Execution of sentence suspended until \_\_\_\_\_
- Credit for \_\_\_\_\_ days served.  Credit for time, fine and cost served  State recommended time and cost
- Defendant is ordered not to drive a motor vehicle and his/her driver's license is  impounded;  revoked for a period of \_\_\_\_\_
- Defendant may apply for an Ignition Interlock permit as provided by law.
- Defendant is placed on probation according to the terms of a separate order. Probation  Revoked.  Continued.  Terminated  Satisfactorily  Unsatisfactorily

ADDITIONAL ENTRIES OF RECORD

- Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.  No action taken.
- Defendant fails to appear;  Capias to issue;  Bond set at \$ \_\_\_\_\_;  Mittimus to issue;  Release to issue;  Capias cancelled.
- Bond in the amount of \$ \_\_\_\_\_  forfeited;  reinstated;  released;  Appeal bond set at \$ \_\_\_\_\_
- Court Costs  Witness Fees \$ \_\_\_\_\_  Sheriff Fees \$ \_\_\_\_\_  Subpoena Fees \$ \_\_\_\_\_  Other \$ \_\_\_\_\_

Hon. Judge \_\_\_\_\_

Date 7/29/11

Bailiff

Tape Nos. CT#

7.1-106R/TR 239 (9/10)

7

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. MATTKIA D MONTGOMERY  
DOB: 6/06/1990  
Case ID: CR 11 18135  
Citation: K 1044016

Printed on 7/29/2011 at 9:12  
Room 01C27  
Page 1  
Date of Hearing 7/29/2011

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

CHARGE	STATUTE	DESCRIPTION	CLASS	TYPE
01	20-61(2)	ASSAULT AND BATTERY		MSD
02	20-61(2)	ASSAULT AND BATTERY		MSD

APPEARANCES AND ADVISEMENT

Judge	Lawrence E Barrett
Defendant	MATTKIA D MONTGOMERY
Defense Counsel	Frazier, Liah, S,
Prosecutor	Makayla Maclin

FUTURE COURT APPEARANCES

Case continued to 9/21/2011 at 9:00 AM on motion of Defense  
in County Courtroom 27 for Trial

Hon. Lawrence E Barrett  7/29/2011 ns  
Lawrence E Barrett Date                      Bailiff  
Tape Nos. CR#163/164

**ORDER TO APPEAR IN COURT**

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. MATTKIA D MONTGOMERY  
DOB: 6/06/1990  
Case ID: CR 11 18135

Printed on 7/29/2011 at 9:12  
Room 01C27  
Page 1

MATTKIA D MONTGOMERY is ordered to appear in

Douglas Co CR Trial Ctrm #27

at 09:00 AM on September 21, 2011 for:  
Trial

Failing to appear in the court as directed may result in a warrant being issued for your arrest and an additional charge of Failure to Appear, which is punishable as follows:

Not more than 5 years imprisonment and/or a \$10,000.00 fine if the original offense is a Felony.

Not more than 6 months imprisonment and/or a \$1,000.00 fine if the original offense is a Misdemeanor or a City Ordinance violation calling for more than a 90-day jail sentence.

Not more than 3 months imprisonment and/or a \$500.00 fine if charged because of failure to appear or otherwise comply with the command of a citation.

In other cases you may be subject to a fine and/or imprisonment for Contempt of Court.

Date: July 29, 2011

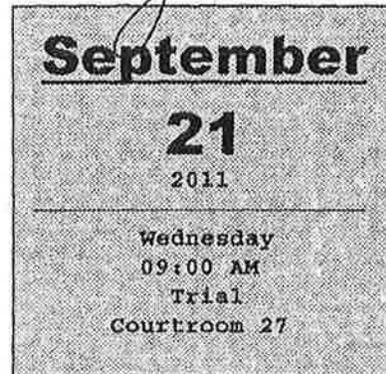
BY THE COURT

*Lawrence E. Barrett*



Defendant signature

*Mattkia D Montgomery*



Mattkia D Montgomery  
3159 grand ave  
Omaha, NE 00000-0000

CASE FILE COPY  
09.06.13 State Board of Education

FILED BY  
Clerk of the Douglas County Court  
07/29/2011

ORDER TO APPEAR IN COURT  
7-1-109

JUSB2056

Douglas County Court  
JOURNAL ENTRY & ORDER

Page: 1

Crtrm...: 01C27  
Case No.: CR 11 18135

Judge.: Swartz, Stephen, M.  
Filed.: 6/27/2011

Date....: 9/21/2011 01:30 Action: Trial

Caption.: State v. Mattkia D Montgomery

AKA:

DOB.....: 6/06/1990

Arrest #:

Citation #: K 1044016

No Charge

Amended to

Statute/Ord. No.

- 1 ASSAULT AND BATTERY
- 2 ASSAULT AND BATTERY

- 20-61(2)
- 20-61(2)

- MSD
- MSD

APPEARANCES

Defendant;  Defense Counsel Fraser;  Parents or Guardian \_\_\_\_\_;  
 Prosecutor Miller/Galt; Interpreter \_\_\_\_\_

ARRAIGNMENT AND ADVISEMENT

- Defendant advised of the nature of the above charges, all possible penalties, and each of the following rights: Counsel; Appointed Counsel; Trial; Jury Trial; Confront Accusers; Subpoena Witnesses; Remain Silent; Request Transfer to Juvenile Court; Defendant's Presumption of Innocence; State's Burden of Proof Beyond Reasonable Doubt. (clear and convincing in cases of probation violations). Defendant advised of loss of driving privileges/registration/plates if convicted of no proof of insurance.
- Defendant waived each of the above and foregoing rights.  Non-citizen advisory given.  Domestic Violence advisory given.
- Plea(s) entered knowingly, understandingly, intelligently, voluntarily, and a factual basis for plea(s) found; defendant advised of right to appeal conviction and sentence and appointment of counsel for each.
- Indigency inquiry held;  Defendant adjudged indigent, Public Defender appointed.  Conflict counsel appointed.  Defendant adjudged not indigent.
- Defendant will hire own counsel. \_\_\_\_\_  Employed \_\_\_\_\_
- Defendant enters plea(s) of: **Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **No Contest** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- Defendant is found: **Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Violation of Probation **Admitted** ( ) **Denied** ( )
- Case set for trial on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ in Courtroom No. \_\_\_\_\_
- Probable cause for detention found. Bond set at \$ \_\_\_\_\_  10%;  Signature;  ROR;  Pre-Trial Release.
- Charge(s) 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) dismissed on motion of  Prosecutor;  Defense;  Court.  
 Transferred to Juvenile Court.  Transferred to Jury Docket.

TRIAL/MOTION HEARING

- Trial held; Defendant found: **Guilty**: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty**: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- State's  Defendant's  motion to \_\_\_\_\_  withdrawn;  granted;  denied.
- Enhancement hearing held/waived. Court finds \_\_\_\_\_  aggravated;  not aggravated.
- Exhibits introduced: Nos. \_\_\_\_\_ thru \_\_\_\_\_ Received \_\_\_\_\_
- Judicial Notice taken of  Citation.  Affidavit of Violation of Probation.  Failure to Appear.
- Case continued to Dec 1, 20 11 at 10:30 CR No. 29  For Trial  For a Plea  For Sentencing  
on motion of  Prosecutor;  Defense;  Court.  Case taken under advisement.

SENTENCING

- Presentence ordered. 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )  Victim Impact Statement Only.  Restitution Only
- Defendant ordered to pay fine of: (1) \$ \_\_\_\_\_ (2) \$ \_\_\_\_\_ (3) \$ \_\_\_\_\_ (4) \$ \_\_\_\_\_ (5) \$ \_\_\_\_\_ Total of \$ \_\_\_\_\_ and all costs of prosecution.
- Execution hereby issued against any bond monies on deposit herein for fines and costs assessed.
- Execution of \$ \_\_\_\_\_ is suspended until \_\_\_\_\_, 20 \_\_\_\_;  Defendant to stand committed to Corrections Center until fine and costs are paid.
- Defendant is sentenced to the Corrections Center for a term of (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_ Total \_\_\_\_\_ days and is to pay the costs of this prosecution.  Execution of sentence suspended until \_\_\_\_\_
- Credit for \_\_\_\_\_ days served.  Credit for time, fine and cost served  State recommended time and cost
- Defendant is ordered not to drive a motor vehicle and his/her driver's license is  impounded;  revoked for a period of \_\_\_\_\_
- Defendant may apply for an ignition interlock permit as provided by law.
- Defendant is placed on probation according to the terms of a separate order. Probation  Revoked.  Continued.  Terminated  Satisfactorily  Unsatisfactorily

ADDITIONAL ENTRIES OF RECORD

- Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.  No action taken.
- Defendant fails to appear;  Capias to issue;  Bond set at \$ \_\_\_\_\_;  Mittimus to issue;  Release to issue;  Capias cancelled.
- Bond in the amount of \$ \_\_\_\_\_  forfeited;  reinstated;  released;  Appeal bond set at \$ \_\_\_\_\_
- Court Costs \_\_\_\_\_  Witness Fees \$ \_\_\_\_\_  Sheriff Fees \$ \_\_\_\_\_  Subpoena Fees \$ \_\_\_\_\_  Other \$ \_\_\_\_\_
- No further order as to Mr. McQueen

Hon. James Thomas  
Judge

9-21-11  
Date

PA  
Balliff

CT #  
Tape Nos.

207

7-1-11  
CRTR 239 (9/10)

10

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. MATTKIA D MONTGOMERY  
DOB: 6/06/1990  
Case ID: CR 11 18135  
Citation: K 1044016

Printed on 9/21/2011 at 2:44  
Room 01C27  
Page 1  
Date of Hearing 9/21/2011

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

CHARGE	STATUTE	DESCRIPTION	CLASS	TYPE
01	20-61(2)	ASSAULT AND BATTERY Found: Guilty		MSD
02	20-61(2)	ASSAULT AND BATTERY Found: Guilty		MSD

APPEARANCES AND ADVISEMENT

Judge	Sheryl Lohaus
Defendant	MATTKIA D MONTGOMERY
Defense Counsel	Liah S Frazier
Prosecutor	Ann Miller

\*\*\*\*

TRIAL / MOTION HEARING

Trial held; Defendant found as shown above.

SENTENCING

Defendant to pay Subpoena Fees	\$40.69
Other	\$1.00

\*\*\*\*  
\*\*\*\*

WITNESSES

Witnesses: Lakeshia McQueen	CALLLED	For Plaintiff
Leron Morgan	NOT CALLED	For Plaintiff
Mattkia Montgomery	NOT CALLED	For Defense
Kimesha Lagone	CALLLED	For Defense
Leron Morgan	CALLLED	For Plaintiff
Lakeshia McQueen	NOT CALLED	For Plaintiff
Officer Sarka	CALLLED	For Plaintiff

\*\*\*\*

ADDITIONAL ENTRIES OF RECORD

Christine Galt (Law Clerk)

FUTURE COURT APPEARANCES

Case continued to 12/01/2011 at 10:30 AM  
in County Courtroom 29 for Sentencing

Hon.

*Sheryl Lohaus*  
Sheryl Lohaus



9/21/2011  
Date

FA \_\_\_\_\_  
Bailiff

Tape Nos. 203

**ORDER TO APPEAR IN COURT**

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. MATTKIA D MONTGOMERY

Printed on 9/21/2011 at 2:44

DOB: 6/06/1990

Room 01C27

Case ID: CR 11 18135

Page 1

MATTKIA D MONTGOMERY is ordered to appear in

Douglas Co TR Trial Ctrm #29

at 10:30 AM on December 1, 2011 for:  
Sentencing

Failing to appear in the court as directed may result in a warrant being issued for your arrest and an additional charge of Failure to Appear, which is punishable as follows:

Not more than 5 years imprisonment and/or a \$10,000.00 fine if the original offense is a Felony.

Not more than 6 months imprisonment and/or a \$1,000.00 fine if the original offense is a Misdemeanor or a City Ordinance violation calling for more than a 90-day jail sentence.

Not more than 3 months imprisonment and/or a \$500.00 fine if charged because of failure to appear or otherwise comply with the command of a citation.

In other cases you may be subject to a fine and/or imprisonment for Contempt of Court.

Date: September 21, 2011 BY THE COURT

*Sheryl J. ...*  


Defendant signature

*Mattkia D. Montgomery*

**December**

**1**  
2011

---

Thursday  
10:30 AM  
Sentencing  
Courtroom 29

Mattkia D Montgomery  
3159 grand ave  
Omaha, NE 00000-0000

CASE FILE COPY  
09.06.13 State Board of Education

**FILED BY**  
Clerk of the Douglas County Court  
09/21/2011

ORDER TO APPEAR IN COURT 7-1-12

JUS82058-P2

Cmtrn...: 01C29

Case No.: CR 11 10105

Date....: 12/01/2011 10:30 Action: Sentencing

Caption.: State v. Mattkia D Montgomery

DOB.....: 8/08/1990

No Charge

- 1 ASSAULT AND BATTERY
- 2 ASSAULT AND BATTERY

Douglas County Court  
JOURNAL ENTRY & ORDER

Page: 1  
Judge: Stephen M Oweritz  
Filed: 12/01/2011

Alibi:  
Creation #: K 1044010  
Statute/Ord. No.  
20 01(2) 100  
20 01(3) 100

**FILED**  
**CRIMINAL/TRAFFIC DIVISION**

DEC 01 2011

By: Leslie Douglas  
Clerk of Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

**APPEARANCES**

Defendant;  Defense Counsel C. Chandler;  Parents or Guardian \_\_\_\_\_;  
 Prosecutor A. Grove; Interpreter \_\_\_\_\_

**ARRAIGNMENT AND ADVISEMENT**

- Defendant advised of the nature of the above charges, all possible penalties, and each of the following rights: Counsel; Appointed Counsel; Trial; Jury Trial; Confront Accusers; Subpoena Witnesses; Remain Silent; Request Transfer to Juvenile Court; Defendant's Presumption of Innocence; State's Burden of Proof Beyond Reasonable Doubt. (clear and convincing in cases of probation violations). Defendant advised of loss of driving privileges/registration/plates if convicted of no proof of insurance.
- Defendant waived each of the above and foregoing rights.  Non-citizen advisory given.  Domestic Violence advisory given.
- Plea(s) entered knowingly, understandingly, intelligently, voluntarily, and a factual basis for plea(s) found; defendant advised of right to appeal conviction and sentence and appointment of counsel for each.
- Indigency inquiry held;  Defendant adjudged indigent, Public Defender appointed.  Conflict counsel appointed.  Defendant adjudged not indigent.
- Defendant will hire own counsel. \_\_\_\_\_  Employed \_\_\_\_\_
- Defendant enters plea(s) of: **G guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **No Contest** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- Defendant is found: **G guilty** 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) Violation of Probation **Admitted** ( ) **Denied** ( )
- Case set for trial on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ In Courtroom No. \_\_\_\_\_
- Probable cause for detention found. Bond set at \$ \_\_\_\_\_  10%;  Signature;  ROR;  Pre-Trial Release.
- Charge(s) 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) dismissed on motion of  Prosecutor;  Defense;  Court.  Transferred to Juvenile Court.  Transferred to Jury Docket.

**TRIAL/MOTION HEARING**

- Trial held; Defendant found: **G guilty**: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) **Not Guilty**: 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )
- State's  Defendant's  motion to \_\_\_\_\_  withdrawn;  granted;  denied.
- Enhancement hearing held/waived. Court finds \_\_\_\_\_  aggravated;  not aggravated.
- Exhibits introduced: Nos. \_\_\_\_\_ thru \_\_\_\_\_ Received \_\_\_\_\_
- Judicial Notice taken of  Citation.  Affidavit of Violation of Probation.  Failure to Appear.
- Case continued to \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ CR No. \_\_\_\_\_  For Trial  For a Plea  For Sentencing on motion of  Prosecutor;  Defense;  Court.  Case taken under advisement.

**SENTENCING**

- Presentence ordered. 1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( )  Victim Impact Statement Only.  Restitution Only
- Defendant ordered to pay fine of: (1) \$ \_\_\_\_\_ (2) \$ \_\_\_\_\_ (3) \$ \_\_\_\_\_ (4) \$ \_\_\_\_\_ (5) \$ \_\_\_\_\_ Total of \$ \_\_\_\_\_ and all costs of prosecution.
- Execution hereby issued against any bond monies on deposit herein for fines and costs assessed.
- Execution of \$ \_\_\_\_\_ is suspended until \_\_\_\_\_, 20\_\_\_\_;  Defendant to stand committed to Corrections Center until fine and costs are paid.
- Defendant is sentenced to the Corrections Center for a term of (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_ Total \_\_\_\_\_ days and is to pay the costs of this prosecution.  Execution of sentence suspended until \_\_\_\_\_
- Credit for \_\_\_\_\_ days served.  Credit for time, fine and cost served  State recommended time and cost
- Defendant is ordered not to drive a motor vehicle and his/her driver's license is  impounded;  revoked for a period of \_\_\_\_\_
- Defendant may apply for an ignition interlock permit as provided by law.
- Defendant is placed on probation according to the terms of a separate order. Probation  Revoked.  Continued.  Terminated  Satisfactorily  Unsatisfactorily

**ADDITIONAL ENTRIES OF RECORD**

- Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.  No action taken.
- Defendant fails to appear;  Capias to issue;  Bond set at \$ \_\_\_\_\_;  Mittimus to issue;  Release to issue;  Capias cancelled.
- Bond in the amount of \$ \_\_\_\_\_  forfeited;  reinstated;  released;  Appeal bond set at \$ \_\_\_\_\_
- Court Costs 49  Witness Fees \$ 48.73  Sheriff Fees \$ \_\_\_\_\_  Subpoena Fees \$ 10.50.79  Other \$ \_\_\_\_\_

Hon. J. Jones 12/1/11 A. #11 335 1009  
09.06.13 State Board of Education Date Bailiff Taps Nos. 7.1-110(R/IR 239.10)

ORDER OF PROBATION

Douglas County Court, Criminal/Traffic Division

FILED  
CRIMINAL/TRAFFIC DIVISION

DEC 1 2011

STATE OF NEBRASKA,

By: Leslie Douglas  
Clark of Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

-vs-

*LD*  
Plaintiff,

CHARGE(S)

*Assault & Battery*

*2 COUNTS*  
ORDER OF PROBATION

Case No. 02 11 18135

Docket No. \_\_\_\_\_

Supervised  
 Administrative

*Montgomery, Mattkia D.*  
Defendant

The Court does sentence the defendant to probation for a period of 9 (days) (months) under the following terms and conditions and subject to further Order of the Court.

THE DEFENDANT SHALL:

1. Refrain from unlawful conduct.
2. Avoid social contact with person of disreputable or harmful character and not be present where illegal activity is taking place.
3. Report to the Probation Office as directed by the Court or Probation Officer and permit the Probation Officer to visit the defendant at all times and places.
4. Cooperate in all matters which may affect this probation, and truthfully answer all inquiries from the Probation Officer.
5. Maintain gainful employment, receive vocational training, or attend school.
6. Obtain permission from the Probation Officer prior to any change in address and do not leave the State of Nebraska without advanced permission from the Court or Probation Officer.
7. Show proof of compliance with any of the special conditions specified or initialed below.

The following special conditions have been added by the Court to further the rehabilitation of the Defendant: ONLY THE SPECIAL CONDITIONS INITIALED BY THE JUDGE APPLY.

FINE

1. Shall Pay
  - a) Fine \$ \_\_\_\_\_ Court Costs by 1-26-2012 Assessment See #13
  - b) Restitution See #22 e) Other See #24
  - c) Drug Testing See #17

FINE SHOW CAUSE

2. Payment of \$ \_\_\_\_\_ shall be suspended until \_\_\_\_\_ and paid as directed by the Court.

JAIL

3. Serve a period of \_\_\_\_\_ in jail beginning \_\_\_\_\_.

JAIL SHOW CAUSE

4. Serve \_\_\_\_\_ days in jail beginning \_\_\_\_\_, unless waived by the Court, and to appear on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ .m., in Courtroom No. \_\_\_\_\_, for the purpose of determining whether said jail sentence should be waived.

LICENSE

5. Not to drive in the State of Nebraska for the first \_\_\_\_\_ days of this probation period and the defendant's driver's license is impounded/revoked by the Court during this period with credit for any time the license may be revoked pursuant to the Administrative License Revocation.

LICENSE SUSP.

6. The defendant is ordered not to operate a motor vehicle in the State of Nebraska upon public or private property unless such operation is in the presence of an authorized agent of the Director of the Department of Motor Vehicles examining the defendant's qualifications to operate a motor vehicle. The defendant is ordered to obtain a valid Nebraska Motor Vehicle Driver's License and show proof of reinstatement by \_\_\_\_\_.

LICENSE REVOCATION WITH INTERLOCK

FILED

The defendant is ordered not to operate a motor vehicle for any purpose for a period of \_\_\_\_\_ days from this date, and the defendant's driver's license is revoked for a like period, with credit for any time the license may be revoked pursuant to the Administrative License Revocation. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit,

By: Leslie Douglas Clerk of Court DOUGLAS COUNTY COURT OMAHA, NEBRASKA

provide proof to the probation office, and \_\_\_\_\_ pay all associated cost, \_\_\_\_\_ as incident for the purpose of associated costs.

AUTO

9. Obtain \_\_\_\_\_ auto liability insurance and show evidence within 90 \_\_\_\_\_ days. Obtain \_\_\_\_\_ vehicle license plates \_\_\_\_\_ vehicle registration on (vehicle identification) \_\_\_\_\_ within 90 \_\_\_\_\_ days.

CLASSES

10. Attend and complete the following classes within 90 \_\_\_\_\_ days and pay fee. a) \_\_\_\_\_ Alcohol Education f) \_\_\_\_\_ Defensive Driving b) \_\_\_\_\_ Driving Under the Influence-1st g) \_\_\_\_\_ Appropriate Decision c) \_\_\_\_\_ Minor in Possession h) \_\_\_\_\_ Victim Impact d) \_\_\_\_\_ Attitudinal Dynamics i)  Anger Management e) \_\_\_\_\_ Cognitive/Behavioral Group j) \_\_\_\_\_

MEETINGS

11. Attend \_\_\_\_\_ AA meeting(s) \_\_\_\_\_ per week \_\_\_\_\_ within 90 \_\_\_\_\_ days. 12. Attend total of \_\_\_\_\_ meeting(s) within 90 \_\_\_\_\_ days.

ASSESSMENT

13. Complete Offender Assessment (DRI, SAQ, ACDI) at own expense. After review and/or further hearing, the Court may amend this Order to include any treatment reasonably related to the rehabilitation of the defendant.

TREATMENT

14. Obtain evaluation for chemical dependency from an accredited agency within 30 \_\_\_\_\_ days at own expense. After review and/or further hearing, the Court may amend this Order to include any treatment reasonably related to the rehabilitation of the defendant.

15. Successfully complete \_\_\_\_\_ outpatient treatment \_\_\_\_\_ inpatient program, for chemical dependency, including aftercare, at own expense.

16. Successfully complete a Batterers Intervention program from an accredited agency within 270 days at own expense.

TESTING

17. Shall abstain from the use or possession of alcohol and controlled substances, except by prescription, and submit to a chemical test of his/her blood, breath or urine, at own expense, to determine the use of alcoholic liquor or drugs. Total cost due: \$ \_\_\_\_\_

WEAPONS SEARCH

18. The defendant shall not own or possess firearms or ammunition. 19. Submit to random search and seizure of premises, person or vehicle by or upon request of the probation officer.

COMMUNITY SERVICE

20. Complete \_\_\_\_\_ hours of community service and pay fees unless waived by the Court within 90 \_\_\_\_\_ days, under the direction of the United Way of the Midlands.

21. Complete \_\_\_\_\_ hours of Public Service within 90 days under the direction of Offender Work Program.

RESTITUTION

22. Pay restitution of \$ \_\_\_\_\_ to \_\_\_\_\_ by \_\_\_\_\_

FEES OTHER

23. Enrollment Fee \$30.00 Monthly Fee \$ Waive 24. No contact w/ Ma McQueen

DATE: 12-1-2011 BY THE COURT: Sorran (County Judge)

I UNDERSTAND THAT IF I VIOLATE ANY OF THE CONDITIONS, I MAY BE ARRESTED AND PROSECUTED AS PROVIDED BY LAW.

Signature: Mattkia Montgomery Print Your Name Mattkia Montgomery

Address 130 Maple Street Wayne NE 68187 902-637-7133  
City State Zip Phone Number

Date of Birth 6-6-90 Driver's License Number \_\_\_\_\_

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA )  
Plaintiff, )  
vs. )  
MATTKIA D. MONTGOMERY )  
Defendant )

FILE #: CR11-18135

SATISFACTION OF JUDGMENT

AND SENTENCE

QD #: 1312373

THIS matter is before the Court on its own Motion pursuant to Neb. Rev. Stat. 29.2264 (1). The Court has been advised by the defendant's supervising probation officer that the defendant has satisfactorily completed the conditions of his/her probation for the entire duration of probation.

Accordingly, the Court finds that the defendant has satisfactorily completed the conditions of his/her probation for the entire duration of probation.

It is, therefore, ordered that the defendant be, and he/she hereby is, released from probation.

A copy of this order is to be sent to the defendant by his/her supervising probation officer.

SIGNED this 20<sup>th</sup> day of September, 2012

FILED  
CRIM/TRAF DIVISION

SEP 25 2012

BY THE COURT:

By: Leslie Douglas  
Clerk of Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

[Signature]  
JUDGE SHERYL L. LOHAUS

The foregoing Order was sent to the Clerk of the Douglas County Court on this 25 day of September, 2012.

DA/bjb

**ORIGINAL**



OMAHA POLICE DEPARTMENT  
INCIDENT REPORT



Initial Report  
 Modification

Page 1 of 4

Felony  Misdemeanor  Non-Criminal

R.B. No. 112307

<b>VICTIM</b>													
Victim Number <u>1</u> of <u>2</u>		Victim Name (Last/First/MI) or Victim Business <u>MCQUEEN, LAKEISHA</u>						Data No. - Data Review Use Only <u>2376083</u>					
Address <u>2020 DRAKE COURT WALK #301</u>						City <u>OMAHA</u>		State <u>NE</u>		Zip Code <u>68102</u>			
Location Occurred <u>OMAHA - DOUGLAS COUNTY</u>						District No. <u>51</u>		Location Reported <u>2020 DRAKE COURT WALK</u>				District No. <u>51</u>	
Occurred		Day <u>MON</u>	Month <u>6</u>	Date <u>27</u>	Year <u>11</u>	Hour <u>0158</u>	Date/Time Reported <u>MON 6 27 11 0158</u>		DOB or Age <u>10-26-70</u>		Race <u>BB</u>	Sex <u>FF</u>	
From -		To		Day		Month		Date		Year		Hour	
Driver's License No./State			Social Security No.			Residence Phone <u>402-594-6207</u>			Business Phone				
Victim Type Code [J] <u>02</u>				Injury Code [H] <u>02</u>				Injured as Result of Code [I] <u>09</u>					
Victim's Relationship to Offender(s) Code [N] Offender No. <u>1</u> Code No. <u>24</u>						Offender No. _____ Code No. _____						Advised Victim to Obtain Warrant(s) for Offender(s) Number(s) _____	
If Victim is a Juvenile, Parent/Guardian Name _____						Address _____			Telephone No. _____				
Indications of Victim Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs		Victim Advised of Procedure for <input type="checkbox"/> Warrant <input type="checkbox"/> Victim/Witness				Victim will Prosecute <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		CIB Unit Assigned					

<b>OFFENSE(S)</b>											
If one of the following offenses is <b>BURGLARY</b> , entry was by <input type="checkbox"/> force <input type="checkbox"/> non-force.											
										No. Units Entered	
Offense Number <u>1</u> of <u>2</u>	Offense <u>MISD ASSAULT</u> Code - Data Review Use Only <u>20900-5</u>	Offense Code [A] <u>04</u>	Crim. Activity Code [C] <u>02</u>	Hate/Bias Code [D] <u>98</u>	<input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed	Offender(s) Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	Location Code [B] <u>25</u>	Type Weapon Code [E] <u>35</u>			
Offense Number _____ of _____	Offense _____ Code - Data Review Use Only _____	Offense Code [A] _____	Crim. Activity Code [C] _____	Hate/Bias Code [D] _____	<input type="checkbox"/> Attempted <input type="checkbox"/> Completed	Offender(s) Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	Location Code [B] _____	Type Weapon Code [E] _____			
Offense Number _____ of _____	Offense _____ Code - Data Review Use Only _____	Offense Code [A] _____	Crim. Activity Code [C] _____	Hate/Bias Code [D] _____	<input type="checkbox"/> Attempted <input type="checkbox"/> Completed	Offender(s) Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	Location Code [B] _____	Type Weapon Code [E] _____			

<b>WITNESS / REPORTING PARTY</b>											
Witness _____ of _____		Reporting Party <input type="checkbox"/>		Name (Last, First, MI) _____				DOB or Age _____		Driver's License No./State _____	
Address _____				City _____		State _____		Zip Code _____		Residence Phone _____	
Place of Employment _____						Hours Working _____		Business Phone _____			

<b>MISCELLANEOUS</b>											
<input type="checkbox"/> Evidence Seized			<input type="checkbox"/> Sexual Assault Kit			<input type="checkbox"/> Crime Lab on Scene			<input type="checkbox"/> TRS Report		
CIB or Field Investigator Advised <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						On the Scene <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Officer Name _____		
Other Reports <input type="checkbox"/> Additional Factors						<input type="checkbox"/> Supplementary			<input type="checkbox"/> M. O. Information		
<input type="checkbox"/> Stolen Vehicle						<input checked="" type="checkbox"/> Other <u>NO SUPP. USED FOR</u>			Serial No. _____		
Officer/Serial No. <u>2007</u>						Approved By/Serial No. _____					

OPD Form 189 (10/03)

MPSS 7/10/13  
EXHIBIT NO. 10  
JODY WHITE, RMR

RB No. 112302

**SUSPECT / ARRESTEE**

Suspect/Arrestee 1 of 1 Name (Last/First/MI) MONTGOMERY, Matkka  
 Suspect  
 Arrestee  
 Address 130 MAPLE ST. City WAYNE State NJ Zip Code 68787  
 Data No. - Data Review Use Only 1312373  
 DOB or Approx. Age 6-6-90 Race Code [F] BB Sex Code [G] FF Height 5-6 Weight 170 Hair BLK Eyes BRO Residence Phone 880-9615  
 Alias/Maiden Name Social Security No. Driver's License No./State 41315 3558 / NJ Business Phone  
 Business/School Name WAYNE STATE Business/School Address Work Hours Occupation  
 Other Physical Identifiers Clothing Description

Arrested Offense [A] Code	Type of Arrest Code [K]	Booking/Citation No. (Street Release No. if known)	Booking/Citation/Street Release				Criminal Activity Code [C]	Type Weapon Code [E]	Juvenile Disposition
			Month	Date	Year	Hour			
04	01	141044016	6	27	11	0300	08	35	<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority <input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority <input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority
2.									
3.									

**PROPERTY**

Property Insured  Yes  No Insurance Company/Agent's Name Phone

Item No.	Quan.	Description	Type Code [P]	Affected Code [L]	Measure Code [M]	Approx. Value	Date Recovered		
							Month	Day	Year
<del>Table content is crossed out with a large diagonal line.</del>									

Vehicle No. of  Suspect No.  Victim No. Color Year Make Model Body Style License No./State/Year VIN

ON FOOT

**SYNOPSIS**

ON MON 27 JUNE 11 AT 0158 HRS, REPORTING OFFICER (P/O) GREGG #2007 WAS DISPATCHED TO THE AREA OF 20<sup>th</sup> + JONES FOR A DISTURBANCE. UPON ARRIVAL, P/O OBSERVED 2 FEMALES WITH A HAND FULL OF EACH OTHER'S HAIR. PARTIES WERE IDENTIFIED AS MONTGOMERY, MATKKA (6-6-90) AND MCQUEEN, LAKE SHIA (10-26-90). MCQUEEN HAD OBVIOUS INJURIES (SCRATCHES TO HER FACE) THAT WERE BLEEDING. MONTGOMERY DID NOT APPEAR TO HAVE ANY INJURIES. THE PARTIES WERE ARGUING OVER MONTGOMERY'S ALLEGED ASSAULT OF MCQUEEN'S BOYFRIEND. MCQUEEN'S RECOLLECTION OF EVENTS APPEARED MORE CONSISTENT THAN MONTGOMERY'S. MONTGOMERY BOOKED FOR MFSO, DV ASLT AND MFSO ASSAULT. SEE OTHER PAGES AND DIVISION FOR DETAILS. HABELL #1411 ADVISED.

6810 HD L2 HPC 11

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- Initial Report
- Modification



**OMAHA POLICE DEPARTMENT  
INCIDENT REPORT**



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G-770

**DATA PROCESSED**

Page 3 of 4

- Felony     Misdemeanor     Non-Criminal

R.B. No. 11230-2

**VICTIM**

Victim Number <u>1</u> of <u>1</u>		Victim Name (Last/First/MI) or Victim Business <u>MORGAN, Leron</u>				Data No. - Data Review Use Only <u>2266952</u>								
Address <u>3429 N 106th Plz #923</u>					City <u>Omaha</u>		State <u>NE</u>	Zip Code <u>681</u>						
Location Occurred <u>OMAHA - DOUGLAS COUNTY</u> <u>20th + Jones</u>				District No. <u>52</u>	Location Reported <u>20th + Jones</u>				District No. <u>52</u>					
Occurred	Day	Month	Date	Year	Hour	Date/Time Reported	Day	Month	Date	Year	Hour	DOB or Age	Race Code[F]	Sex Code[G]
From -	<u>Mon</u>	<u>06</u>	<u>27</u>	<u>11</u>	<u>0150</u>	<u>Mon 06 27 11 0150</u>	<u>Mon</u>	<u>06</u>	<u>27</u>	<u>11</u>	<u>0150</u>	<u>7-8-87</u>	<u>BB</u>	<u>MM</u>
To	<u>Mon</u>	<u>06</u>	<u>27</u>	<u>11</u>	<u>0154</u>									
Driver's License No./State			Social Security No.			Residence Phone <u>298-5394</u>			Business Phone					
Victim Type Code [J] <u>02</u>				Injury Code [H] <u>02</u>			Injured as Result of Code [I] <u>01</u>							
Victim's Relationship to Offender(s) Code [N] Offender No. <u>1</u> Code No. <u>23</u> Offender No. _____ Code No. _____							Advised Victim to Obtain Warrant(s) for Offender(s) Number(s) _____							
If Victim is a Juvenile, Parent/Guardian Name					Address			Telephone No.						
Indications of Victim Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs		Victim Advised of Procedure for <input type="checkbox"/> Warrant <input type="checkbox"/> Victim/Witness			Victim will Prosecute <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		CIB Unit Assigned <u>04</u>							

**OFFENSE(S)**

If one of the following offenses is BURGLARY, entry was by  force     non-force.

Offense Number	Offense	Offense Code [A]	Crim. Activity Code [C]	Hate/Bias Code [D]	Offender(s) Used	Location Code [B]	Type Weapon Code [E]
<u>1</u>	<u>DY Assault - Misd</u> Code - Data Review Use Only <u>ROSSO S</u>	<u>04</u>	<u>---</u>	<u>98</u>	<input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed	<u>25</u>	<u>35</u>
					<input type="checkbox"/> Attempted <input type="checkbox"/> Completed		
					<input type="checkbox"/> Attempted <input type="checkbox"/> Completed		

**WITNESS / REPORTING PARTY**

Witness of _____	Reporting Party <input type="checkbox"/>	Name (Last, First, MI)	DOB or Age	Driver's License No./State
Address		City	State	Zip Code
Place of Employment		Hours Working		Business Phone

**MISCELLANEOUS**

Evidence Seized     Sexual Assault Kit     Crime Lab on Scene     TRS Report

CIB or Field Investigator Advised  Yes     No

On the Scene  Yes     No    Officer Name HABELL    Serial No. 1414    Ref. R.B. No. \_\_\_\_\_

Other Reports  Additional Factors     Stolen Vehicle     Supplementary     M. O. Information     Property

Officer/Reporter SARIKA #2006 / GREGG #2007    Approved By/Serial No. [Signature]

OPD Form 89 (10/03)

RB No.  
11230-2

**SUSPECT / ARRESTEE**

Suspect/Arrestee <u>1</u> of <u>1</u>		Name (Last/First/Mi) <b>MONTGOMERY, Matthia</b>				Data No. - Data Review Use Only <b>1312373</b>	
<input type="checkbox"/> Suspect <input checked="" type="checkbox"/> Arrestee		Address <b>130 Maple St.</b>		City <b>Wayne</b>		State <b>NE</b>	Zip Code <b>68787</b>
DOB or Approx. Age <b>6-6-90</b>	Race Code [F] <b>BB</b>	Sex Code [G] <b>FF</b>	Height <b>506</b>	Weight <b>168</b>	Hair <b>Blk</b>	Eyes <b>Brn</b>	Residence Phone <b>580-9615</b>
Alias/Maiden Name		Social Security No. <b>[REDACTED]</b>		Driver's License No./State <b>(13153558) / NE</b>		Business Phone	
Business/School Name		Business/School Address		Work Hours		Occupation	
Other Physical Identifiers				Clothing Description			

Arrested Offense [A] Code	Type of Arrest Code [K]	Booking/Citation No. (Street Release No. if known)	Booking/Citation/Street Release				Criminal Activity Code [C]	Type Weapon Code [E]	Juvenile Disposition
			Month	Date	Year	Hour			
1. <b>04</b>	<b>03</b>	<b>K1044016</b>	<b>06</b>	<b>27</b>	<b>11</b>		<b>35</b>	<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority	
2.								<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority	
3.								<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority	

**PROPERTY**

Property Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		Insurance Company/Agent's Name		Phone					
Item No.	Quan	Description	Type Code [P]	Affected Code [L]	Measure Code [M]	Approx Value	Date Recovered		
							Month	Day	Year
<i>(Table content is mostly blank with diagonal lines)</i>									

Vehicle No. of <u>1</u>	<input type="checkbox"/> Suspect No. <input checked="" type="checkbox"/> Victim No.	Color	Year	Make	Model	Body Style	License No./State/Year		
				<b>ON</b>	<b>FOOT</b>		<b>VIN</b>		

**SYNOPSIS**

ON MON 27 JUN 11 AT 0158 HRS REPORTING OFFICER (P/O) GREGG #2007 RESPONDED TO A CALL OF A DISTURBANCE IN THE AREA OF 26<sup>th</sup> + TOWLS. UPON ARRIVAL, P/O MADE CONTACT W/ 2 FEMALES, MORGAN, LAKE SHIA (10-26-90) AND MONTGOMERY, MATTHIA (6-6-90). INVESTIGATION REVEALED AN ARGUMENT BETWEEN THE 2 PREVIOUSLY LISTED FEMALES CONCERNED AN ASSAULT OF MORGAN, LERONC (7-8-87). MORGAN WAS LOCATED AND HAD VISIBLE, BLEEDING WOUNDS TO HIS LOWER RIGHT LIP AND LEFT SHOULDER. MORGAN STATED IT WAS A RESULT OF ARGUING W/ HIS EX-GIRLFRIEND MONTGOMERY. MONTGOMERY BOOKED ON ASSAULT AND DV ASSAULT. HABELL #1414 ADVISED. SEE OTHER DCRS AND DV SUPP FOR DETAILS.

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Initial Report  
 Modification



OMAHA POLICE DEPARTMENT  
 INCIDENT REPORT



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Felony  Misdemeanor  Non-Criminal

DATA PROCESSED

R.B. No. 11230-2

**VICTIM**

Victim Number <u>1</u> of <u>1</u>	Victim Name (Last/First/MI) or Victim Business <u>MONTGOMERY, Matthew, D</u>	Data No. - Data Review Use Only <u>1312373</u>	
Address <u>130 Maple St</u>		City <u>Wayne</u>	State <u>NE</u>
Location Occurred <u>OMAHA - DOUGLAS COUNTY</u> <u>20th + Jones</u>		District No. <u>52</u>	Location Reported <u>20th + Jones</u>
Occurred	Day	Month	Date
From -	<u>Mon</u>	<u>06</u>	<u>27</u>
To	<u>Mon</u>	<u>06</u>	<u>27</u>
Date/Time Reported <u>0150</u>		Date/Time Reported <u>0154</u>	
DOB or Age <u>6-6-90</u>		Race <u>BB</u>	Sex <u>FF</u>
Driver's License No./State <u>1413153558/NE</u>		Social Security No. <del>XXXXXXXXXX</del>	Residence Phone <u>880-9615</u>
Business Phone		Victim Type Code [J] <u>02</u>	
Injury Code [H] <u>01</u>		Injured as Result of Code [I] <u>01</u>	
Victim's Relationship to Offender(s) Code [N] Offender No. <u>1</u> Code No. <u>13</u>		Offender No. _____ Code No. _____	
Advised Victim to Obtain Warrant(s) for Offender(s) Number(s)		_____	
If Victim is a Juvenile, Parent/Guardian Name		Address	
Telephone No.		_____	
Indications of Victim Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs		Victim Advised of Procedure for <input checked="" type="checkbox"/> Warrant <input checked="" type="checkbox"/> Victim/Witness	
Victim will Prosecute <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		CIB Unit Assigned	

**OFFENSE(S)**

If one of the following offenses is **BURGLARY**, entry was by  force  non-force. No. Units Entered

Offense Number	Offense	Offense Code [A]	Crim. Activity Code [C]	Hate/Bias Code [D]	Offender(s) Used	Location Code [B]	Type Weapon Code [E]
<u>1</u>	<u>Assault - Misd</u>	<u>04</u>	<u>---</u>	<u>98</u>	<input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed	<u>25</u>	<u>35</u>
of	Code - Data Review Use Only <u>20900 S</u>				<input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer		
Offense Number	Offense	Offense Code [A]	Crim. Activity Code [C]	Hate/Bias Code [D]	Offender(s) Used	Location Code [B]	Type Weapon Code [E]
of	Code - Data Review Use Only				<input type="checkbox"/> Attempted <input type="checkbox"/> Completed		
Offense Number	Offense	Offense Code [A]	Crim. Activity Code [C]	Hate/Bias Code [D]	Offender(s) Used	Location Code [B]	Type Weapon Code [E]
of	Code - Data Review Use Only				<input type="checkbox"/> Attempted <input type="checkbox"/> Completed		

**WITNESS / REPORTING PARTY**

Witness <u>1</u> of <u>1</u>	Reporting Party <input type="checkbox"/>	Name (Last, First, MI) <u>LEGON, Kimesha</u>	DOB or Age	Driver's License No./State <u>FF 3-34</u>
Address <u>6305 N 33rd St.</u>		City <u>Omaha</u>	State <u>NE</u>	Zip Code <u>68111</u>
Place of Employment		Hours Working	Residence Phone <u>320-4889</u>	
			Business Phone <u>320-4889</u>	

**MISCELLANEOUS**

Evidence Seized  Sexual Assault Kit  Crime Lab on Scene  TRS Report

CIB or Field Investigator Advised  Yes  No

On the Scene  Yes  No Officer Name HABELL Serial No. 1414 Ref. R.B. No. \_\_\_\_\_

Other Reports  Additional Factors  Stolen Vehicle  Supplementary  M. O. Information  Property  Other DV Supp

Officer/Serial No. SARKA #2005 / GREGG #2007 Approved By/Serial No. [Signature]

OPD Form 189 (10/03)

RB No. 11230-Z

SUSPECT / ARRESTEE											
Suspect/Arrestee 1 of 1		Name (Last/First/Mi) MCQUEEN, Lakeshia					Data No. - Data Review Use Only 2376683				
<input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Arrestee		Address 2020 Drake Court Walk			City Omaha		State NE		Zip Code 68102		
DOB or Approx. Age 10-26-90		Race Code [F] BB	Sex Code [G] FF	Height	Weight	Hair Blk	Eyes Brn	Residence Phone 549-6207			
Alias/Maiden Name			Social Security No.			Driver's License No./State			Business Phone		
Business/School Name			Business/School Address			Work Hours			Occupation		
Other Physical Identifiers						Clothing Description					
Arrested Offense [A] Code	Type of Arrest Code [K]	Booking/Citation No. (Street Release No. if known)	Booking/Citation/Street Release				Criminal Activity Code [C]	Type Weapon Code [E]	Juvenile Disposition		
			Month	Date	Year	Hour					
1.								<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority			
2.								<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority			
3.								<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority			
PROPERTY											
Property Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		Insurance Company/Agent's Name					Phone				
Item No.	Quan.	Description	Type Code [P]	Affected Code [L]	Measure Code [M]	Approx. Value	Date Recovered				
							Month	Day	Year		
Vehicle No. of		<input type="checkbox"/> Suspect No.	Color	Year	Make	Model	Body Style	License No./State/Year			
		<input type="checkbox"/> Victim No.	VIN								
SYNOPSIS											
<p>On Mon 27 June 11 AIO's SARRA #2005 + GREGG #2007 responded to 20<sup>th</sup> + Jones for an assault and made contact with victim MONTGOMERY, Matikia who stated she had gotten into an argument with her ex-boyfriend MORGAN, Leron who sent his current girlfriend MCQUEEN, Lakeshia to fight MONTGOMERY. She stated MCQUEEN walked up to her and as MONTGOMERY stood up MCQUEEN started to hit MONTGOMERY and both parties began to fight. No injuries were observed on MONTGOMERY, but she did complain of pain to her face and head. AIO's observed bleeding scratches on MCQUEEN's face.</p>											

Initial Report  
 Modification



OMAHA POLICE DEPARTMENT  
 INCIDENT REPORT DATA PROCESS



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Felony  Misdemeanor  Non-Criminal

R.B. No. 11230 Z

**VICTIM**

Victim Number 1 of 1 Victim Name (Last/First/MI) or Victim Business MONTGOMERY, MATKIA O Data No. - Data Review Use Only 131237.3

Address 130 MAPLE City WAYNE State NE Zip Code 68787

Location Occurred OMAHA - DOUGLAS COUNTY District No. 52 Location Reported 505 S 15th District No. 51

Occurred From - MON 6 27 11 450 Date/Time Reported MON 6 29 11 1230 DOB or Age 6-6-90 Race B Sex F

Driver's License No./State H13153558 NE Social Security No. \_\_\_\_\_ Residence Phone (402) 580-9615 Business Phone \_\_\_\_\_

Victim Type Code [J] 02 Injury Code [H] \_\_\_\_\_ Injured as Result of Code [I] \_\_\_\_\_

Victim's Relationship to Offender(s) Code [N] \_\_\_\_\_ Offender No. 1 Code No. 23 Offender No. \_\_\_\_\_ Code No. \_\_\_\_\_ Advised Victim to Obtain Warrant(s) for Offender(s) Number(s) \_\_\_\_\_

If Victim is a Juvenile, Parent/Guardian Name N/A Address N/A Telephone No. N/A

Indications of Victim Using  Alcohol  Drugs Victim Advised of Procedure for  Warrant  Victim/Witness Victim will Prosecute  Yes  No CIB Unit Assigned OV

**OFFENSE(S)**

If one of the following offenses is **BURGLARY**, entry was by  force  non-force. No. Units Entered

Offense Number	Offense	Offense Code [A]	Crim. Activity Code [C]	Hate/Bias Code [D]	Offender(s) Used	Location Code [B]	Type Weapon Code [E]
<u>1</u>	<u>OV MISO ASSLT</u>	<u>04</u>	<u>COL</u>	<u>DR</u>	<input checked="" type="checkbox"/> Completed	<u>25-</u>	<u>36 37</u>
<u>1</u>	<u>20550-5</u>				<input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed		
					<input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer		

**WITNESS / REPORTING PARTY**

Witness 1 of 1 Reporting Party  Name (Last, First, MI) LEGM, KIMESHA DOB or Age \_\_\_\_\_ Driver's License No./State \_\_\_\_\_

Address 6305 N. 33rd St City OMAHA State NE Zip Code 68111 Residence Phone 320-4888

Place of Employment \_\_\_\_\_ Hours Working \_\_\_\_\_ Business Phone \_\_\_\_\_

**MISCELLANEOUS**

Evidence Seized  Sexual Assault Kit  Crime Lab on Scene  TRS Report

CIB or Field Investigator Advised On the Scene  Yes  No Officer Name \_\_\_\_\_ Serial No. \_\_\_\_\_ Ref. R.B. No. \_\_\_\_\_

Other Reports  Additional Factors  Supplementary  M. O. Information  Property  Stolen Vehicle  Other OV SUPP 3 OTHER INCIDENT REPORTS

Officer/Serial No. Sgt [Signature] 1046 Approved By/Serial No. Sgt [Signature] 1493

*Handwritten initials/signature*

RB No. 112302

SUSPECT / ARRESTEE									
Suspect/Arrestee <u>1</u> of <u>1</u>		Name (Last/First/MI) <u>MORGAN, LERON</u>				Data No. - Data Review Use Only <u>22100952</u>			
<input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Arrestee		Address <u>3429 N. 106<sup>th</sup> PLZ #923</u>			City <u>OMAHA</u>		State <u>NE</u>	Zip Code	
DOB or Approx. Age <u>7-8-87</u>		Race Code [F] <u>B</u>	Sex Code [G] <u>M</u>	Height <u>5'9"</u>	Weight <u>170</u>	Hair <u>BLK</u>	Eyes <u>BRN</u>	Residence Phone <u>(402) 208-5394</u>	
Alias/Maiden Name		Social Security No.			Driver's License No./State		Business Phone		
Business/School Name		Business/School Address			Work Hours		Occupation		
Other Physical Identifiers					Clothing Description				
Arrested Offense [A] Code	Type of Arrest Code [K]	Booking/Citation No. (Street Release No. if known)	Booking/Citation/Street Release				Criminal Activity Code [C]	Type Weapon Code [E]	Juvenile Disposition
			Month	Date	Year	Hour			
1.									<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority
2.									<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority
3.									<input type="checkbox"/> Handled within Department <input type="checkbox"/> Referred to other Authority

PROPERTY									
Property Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		Insurance Company/Agent's Name				Phone			
Item No.	Quan.	Description	Type Code [P]	Affected Code [L]	Measure Code [M]	Approx. Value	Date Recovered		
							Month	Day	Year
Vehicle No. of		<input type="checkbox"/> Suspect No.	Color	Year	Make	Model	Body Style	License No./State/Year	
		<input type="checkbox"/> Victim No.						VIN	

**SYNOPSIS**

ON WED 29 JUN 11 MONTGOMERY, MATKIA CAME TO CENTRAL POLICE STATION TO FILE DV MISO ASSAULT.

MONTGOMERY STATED THAT MORGAN (FATHER OF HER SON) CONTACTED HER TO COME & PICK UP THEIR SON. MONTGOMERY WAS STANDING BY HER CAR WITHIN MORGAN GAVE HER THE KEY. MONTGOMERY ASKED MORGAN WHY HER SON DID NOT HAVE ON SHOES & SOCKS & WHY WAS HE COUGHING. MORGAN STARTED YELLING AT MONTGOMERY, SAYING I'M ABOUT TO BOMB ON YOU. MONTGOMERY SAID YOU'RE NOT GOING TO DO ANYTHING. MORGAN HIT MONTGOMERY TWICE IN THE FACE & THEN ON THE ARM. MORGAN STATED I GOT SOMETHING FOR YOU & RAN BACK TO THE APT. MONTGOMERY THEN GOT INTO A FIGHT W/ MORGAN SEE INCIDENT REPORT SAME RB. DURING THIS FIGHT MORGAN RETURNED & KICKED MONTGOMERY ON

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# OMAHA POLICE DEPARTMENT



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CONTINUATION - CHECK ONE - SUPPLEMENTARY

RB No. 11230 Z

Offense <u>DV MISO ASSLT</u>	<input checked="" type="checkbox"/> Victim	<input type="checkbox"/> Suspect	Address <u>130 MAPLE WAY NE</u>
Day/Date/Time: Original Report <u>MON 27 JUN 11 0158</u>		Day/Date/Time: This Report <u>WED 29 JUN 11 1330</u>	

BOTH LEGS. R/O SAW BRUISES ON MONTGOMERY'S LEFT ARM (TRICOP AREA) & LEFT CMF & RIGHT CMF. MONTGOMERY COMPLAINED OF PAIN & WALKED SLOWLY. ALSO HAD BRUISES ON HER BACK. CRIME LAB TOOK PHOTOS.

MONTGOMERY IS PREGNANT.

OTHER REPORTS TAKEN w/ MORGAN, MONTGOMERY & McQUEEN AS VICTIMS SAME RB NUMBER.

OMAHA POLICE DEPT  
11 JUN 30 AM 12:32

Report Typed By	Date	Time	Signature Reporting Officer/Serial No.
Approved By: (Command Officer/Serial No.) <u>Sgt J.M. Volmer 1493</u>			<u>[Signature] #1046</u>

OPD Form 200 (01/97)



# OMAHA POLICE DEPARTMENT DOMESTIC VIOLENCE SUPPLEMENTARY



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VICTIM'S NAME (Last, First, MI) <b>MONTGOMERY, MATTIA D</b>		DATE OF BIRTH (Month/Day/Year) <b>6-6-90</b>	RB No. <b>11230 Z</b>
LOCATION OF CALL <b>3030 ORANGE COURT WALK</b>		NATURE OF CALL <b>DISTURBANCE</b>	
VICTIM LOCATED AT: <b>3030 ORANGE COURT WALK</b>		The victim displayed the following emotional and physical conditions	
<b>DESCRIBE ALL CONDITIONS OBSERVED</b>			
<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> AFRAID <input type="checkbox"/> IRRATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN	<input checked="" type="checkbox"/> COMP OF PAIN <input checked="" type="checkbox"/> BRUISE (S) <input type="checkbox"/> ABRASION (S) <input type="checkbox"/> MINOR CUT (S) <input type="checkbox"/> LACERATION (S) <input type="checkbox"/> FRACTURE (S) <input type="checkbox"/> CONCUSSION (S) <input type="checkbox"/> OTHER: EXPLAIN	<input type="checkbox"/> STRANGULATION <input type="checkbox"/> DIFFICULTY BREATHING <input type="checkbox"/> LOSS OF CONSCIOUSNESS <input type="checkbox"/> LOSS OF BODILY FUNCTIONS <input type="checkbox"/> DIFFICULTY SPEAKING <small>ALWAYS explain OPPOSITEs in narrative.</small>	PHYSICAL: <b>BRUISES</b>          EMOTIONAL: <b>/</b>
<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> AFRAID <input type="checkbox"/> IRRATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN	<input type="checkbox"/> COMP OF PAIN <input type="checkbox"/> BRUISE (S) <input type="checkbox"/> ABRASION (S) <input type="checkbox"/> MINOR CUT (S) <input type="checkbox"/> LACERATION (S) <input type="checkbox"/> FRACTURE (S) <input type="checkbox"/> CONCUSSION (S) <input type="checkbox"/> OTHER: EXPLAIN	<input type="checkbox"/> STRANGULATION <input type="checkbox"/> DIFFICULTY BREATHING <input type="checkbox"/> LOSS OF CONSCIOUSNESS <input type="checkbox"/> LOSS OF BODILY FUNCTIONS <input type="checkbox"/> DIFFICULTY SPEAKING <small>ALWAYS explain OPPOSITEs in narrative.</small>	CRIME SCENE: <b>NOT AT SCENE</b>
<b>RELATIONSHIP BETWEEN VICTIM AND SUSPECT</b> <small>MARK ALL THAT APPLY</small> <input type="checkbox"/> SPOUSE <input type="checkbox"/> FORMER SPOUSE <input type="checkbox"/> COHABITANTS <input checked="" type="checkbox"/> FORMER COHABITANTS <input type="checkbox"/> DATING / ENGAGED <input type="checkbox"/> FORMER DATING <input type="checkbox"/> SAME SEX		LENGTH OF RELATIONSHIP <b>4</b> YEAR(S) <b>/</b> MONTH(S) <small>IF APPLICABLE, DATE RELATIONSHIP ENDED</small>	
<b>MEDICAL TREATMENT</b> <input type="checkbox"/> NONE <input checked="" type="checkbox"/> WILL SEEK OWN DOCTOR <input type="checkbox"/> FIRST AID <input type="checkbox"/> SQUAD <input type="checkbox"/> HOSPITAL <input type="checkbox"/> REFUSED MEDICAL AID		PARAMEDICS AT SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO UNIT NUMBER _____ NAMES (s) No. _____	
PRIORITY HISTORY OF DOMESTIC VIOLENCE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PRIORITY HISTORY OF VIOLENCE DOCUMENTED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NUMBER OF PRIOR INCIDENTS <b>1</b> <input type="checkbox"/> MISD. <input type="checkbox"/> Felony CASE NUMBER(s) _____ INVESTIGATING AGENCY _____	
<b>EVIDENCE COLLECTED</b> FROM <input type="checkbox"/> Crime Scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Other: Explain <b>CRIME LAB</b> PHOTOS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Number <b>15</b> TYPE <input type="checkbox"/> 35mm <input type="checkbox"/> Polaroid <b>DIGITAL</b> TAKEN BY <b>HANSEN, ELIZABETH</b> <b>DESCRIBE ALL PHOTOGRAPHS</b> Photos of victim's injuries <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Photos of suspect's injuries <input type="checkbox"/> Yes <input type="checkbox"/> No Weapon used during incident <input type="checkbox"/> Yes <input type="checkbox"/> No Type of weapon(s) used _____ Weapon(s) impounded <input type="checkbox"/> Yes <input type="checkbox"/> No Firearm(s) impounded for safety <input type="checkbox"/> Yes <input type="checkbox"/> No Property Report made <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>DESCRIBE ALL EVIDENCE AND DISPOSITION</b>          <div style="text-align: right;"> <input type="checkbox"/> CONTINUED         </div>	
Signature Reporting Officer/Serial No. <i>[Signature]</i> #1046		Signature Reporting Officer/Serial No. Date/Time Approved by (Officer/Officer/Serial No.) <i>[Signature]</i> Sgt. [Name] 11/19/93	

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WITNESSES PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 STATEMENT(S) TAKEN?  YES  NO  
 CHILDREN PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 Names, Ages and DOB of ALL Children Present LARON MORGAN JR 10-8-06  
 STATEMENT(S) TAKEN?  YES  NO  
 WITNESS INFORMATION LISTED ON INCIDENT REPORT, OPD FORM 189?  YES  NO  
 WAS A 200 SUPPLEMENTARY MADE  YES  NO  
 SUPPLEMENTARY MADE  YES  NO

PROTECTION ORDER  YES  NO APPLIED FOR ONE  
 CURRENT  EXPIRED  
 ISSUING COURT \_\_\_\_\_  
 DOC. \_\_\_\_\_ PAGE \_\_\_\_\_  
 VICTIM GIVEN  
 DOMESTIC VIOLENCE INFORMATION  
 OPD RB NUMBER  
 DOMESTIC VIOLENCE UNIT PHONE NUMBER (444-5825)

VICTIM WILL BE AT A TEMPORARY ADDRESS?  YES. TIME DOMESTIC VIOLENCE SQUAD NOTIFIED

WITNESSES/CHILDREN

W1 \_\_\_\_\_

Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

W2 \_\_\_\_\_

Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

W3 \_\_\_\_\_

Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

VICTIM: 1

SUSPECT: \_\_\_\_\_

HT.: 5'6"

WT.: 175

PLEASE DRAW ON DIAGRAM(S) THE LOCATION OF ANY INJURIES.

VICTIM: \_\_\_\_\_

SUSPECT: \_\_\_\_\_

HT.: \_\_\_\_\_

WT.: \_\_\_\_\_

TO ALL HEALTH CARE PROVIDERS: Having been advised of my right to refuse, I hereby consent to the release of my medical records to law enforcement, the Douglas County Attorney's Office, and the City Attorney's Office.

Signature Matthew Montgomery Date 6-29-11



WITNESSES PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 STATEMENT(S) TAKEN?  YES  NO

CHILDREN PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 Names, Ages and DOB of ALL Children Present  
 STATEMENT(S) TAKEN?  YES  NO

WITNESS INFORMATION LISTED ON INCIDENT REPORT, OPD FORM 1897  YES  NO

PROTECTION ORDER  YES  NO  
 CURRENT  EXPIRED

ISSUING COURT \_\_\_\_\_  
 DOC. \_\_\_\_\_ PAGE \_\_\_\_\_

VICTIM GIVEN  
 DOMESTIC VIOLENCE INFORMATION  
 OPD RB NUMBER  
 DOMESTIC VIOLENCE UNIT PHONE NUMBER (444-5825)

VICTIM WILL BE AT A TEMPORARY ADDRESS?  YES. TIME DOMESTIC VIOLENCE SQUAD NOTIFIED

WITNESSES/CHILDREN

W1 MORGAN, KERRY L. JR.

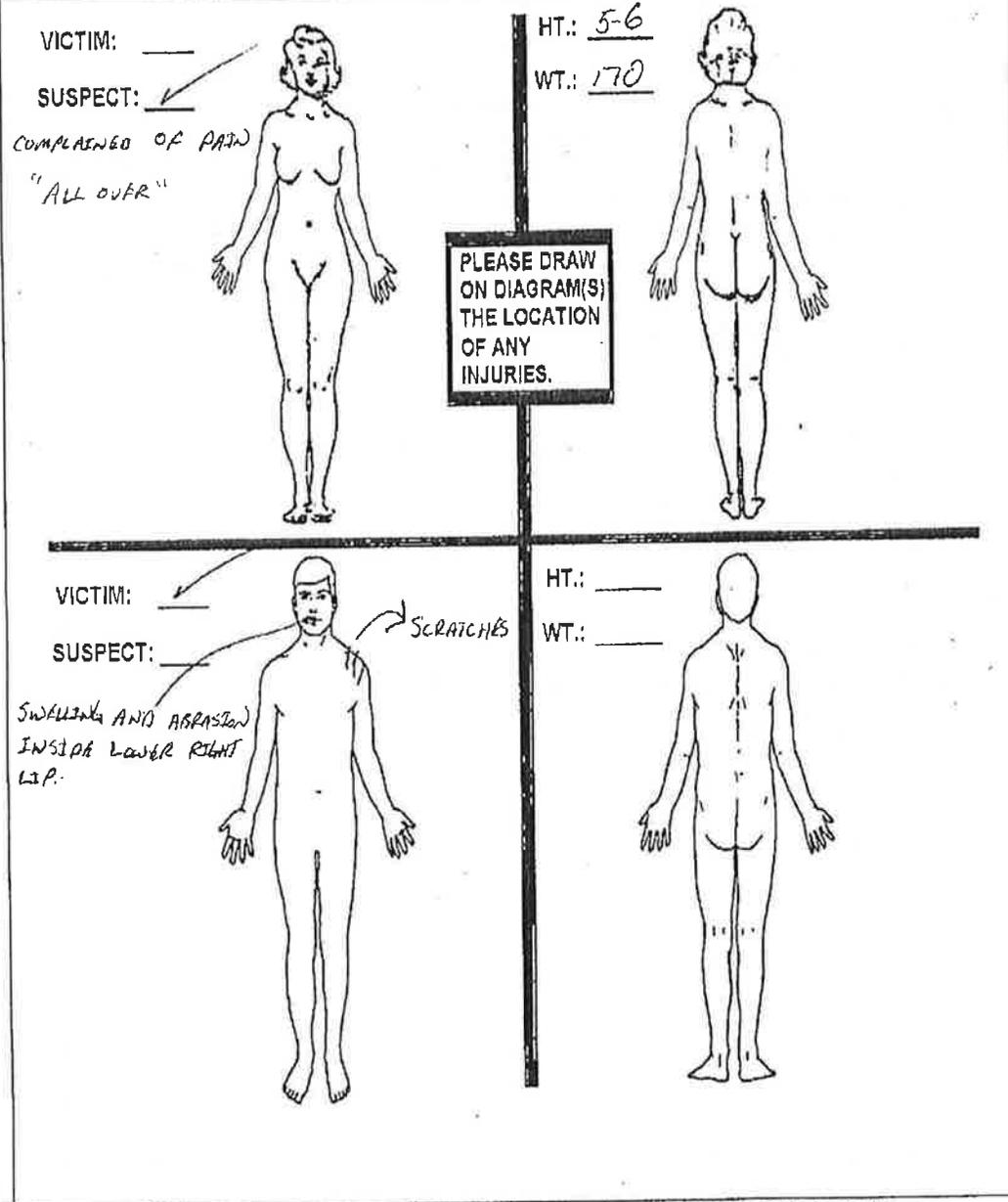
Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

W2 \_\_\_\_\_

Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

W3 \_\_\_\_\_

Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain



TO ALL HEALTH CARE PROVIDERS: Having been advised of my right to refuse, I hereby consent to the release of my medical records to law enforcement, the Douglas County Attorney's Office, and the City Attorney's Office.

Signature X DSO NOT WANT TO SIGN

Date \_\_\_\_\_



**OMAHA POLICE DEPARTMENT**  
**SUPPLEMENTARY REPORT**



HO

Data Number 2266952

RB Number 11230Z

Victim (Last/First/MI) MORGAN, Leron	Offense Assault	Original Report Made--Day/Date/Time Mon 27 Jun 11 0158	This Report Made--Day/Date/Time Wed 29 Jun 11 0825
---	--------------------	---	---

**REPORT CLASSIFICATIONS/CHANGES**

- Reclassify to \_\_\_\_\_ Reassign to \_\_\_\_\_
- (03) Incident occurred outside city limits -- Information only. Victim Referred to \_\_\_\_\_
- (03) Not our jurisdiction -- Turned over to other authority \_\_\_\_\_
- Add offense(s) for this victim \_\_\_\_\_
- Delete offense(s) for this victim \_\_\_\_\_
- Cancel RB No. \_\_\_\_\_ Report is  Duplicate or  Additional to RB No. \_\_\_\_\_
- (01) Unfounded -- False or baseless claim

**ITEMS CHECKED ABOVE THIS LINE MUST BE SENT TO DATA REVIEW**

- (11) Open File -- Subject to Review
- (19) Liability established (Liable vehicle owner or insurance company known, **ACC. INV. ONLY**)
- (61) Reviewed -- Based on available information, classification is correct. (Not to be used on offense reports)

**CLEARANCES - CLEARED BY THE FOLLOWING**

EXCEPTIONAL CLEARANCE	Adult Code	Juvenile Code
Suspect in custody, but not charged with this offense	41	51
Another jurisdiction -- Will not release to OPD	42	52
Victim refuses to cooperate in prosecution or investigation	43	53
Restitution made -- Victim does not wish to pursue the investigation	44	54
Warrant advised -- If juvenile, advise to contact Juvenile County Attorney	45	55
Death of the offender	47	57
Prosecution denied by Prosecutor	48	58
Other -- Specify reason, i.e., suspect is deceased, etc.	40	50

CLEARED BY ARREST	Adult Code	Juvenile Code
Booked	21	31
Cited	22	32
Street Released		33

Code	Name (Last/First/MI)	Arrest Number
21	MONTGOMERY, Mattkia b/f DOB:6-6-90	K1044016
	130 Maple St. Wayne NE	

**REMARKS**

UPB arrest

**NO COPIES  
REQUIRED**

**PROPERTY DISPOSITION**

Was Property Seized <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Supplementary Report Made <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was Property Released <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Explain	NCIC Entered <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Signature of Reporting Employee <i>[Signature]</i>	Serial No. 1534
Approved by Supervisor (Signature) <i>[Signature]</i>	Serial No. #1312

OPD Form 200S (11/08)

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