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Suspect to change plea in 2005 slaying

Published: Tuesday, July 17, 2007
 By Adam Silverman
 Free Press Staff Writer

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Gerald Montgomery, the man accused of sexually assaulting and killing Burlington resident Laura Winterbottom more than two years ago, is scheduled to change his plea Friday.

Details of the plea agreement with prosecutors were unavailable Monday, and Montgomery -- who previously pleaded not guilty to charges of first-degree murder, aggravated sexual assault and kidnapping -- had yet to endorse the deal formally, defense attorney Lorin Duckman said.

"We have negotiated a disposition. It is not final," Duckman said. "We have an agreement that I'm taking up for him to approve."

Montgomery, 35, of Burlington, who has been jailed without bail since his arrest, is incarcerated at the Northwest State Correctional Facility in St. Albans. The

STORYCHAT

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"It's going to be a very sad day in the court house", surely she doesn't mean pity for the man who did all this does she? No amount of prison time would even begin to compensate for what this man did, I don't think it is even possible for a regular person to try and even imagine the truly disturbing things this man must have done to Ms. Winterbottom. The only sadness I can imagine in the courthouse would be for the family of Laura Winterbottom, no punishment will bring her back nor will it make what happened disappear, he is lucky that he will never experience the unimaginable things that he inflicted. Never seeing the light of day again is more mercy than he deserves.

Posted: Tue Jul 17, 2007 8:02 am

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Posted: Tue Jul 17, 2007 4:14 am

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charges carry punishment of up to life in prison.

In a news release confirming Montgomery's expected admission, police referred to Friday's 9 a.m. hearing as a "change of plea/sentencing." Law-enforcement authorities and prosecutor Mary Morrissey said they could not comment further because of court-imposed restrictions on making public statements about the case.

"I'm gagged," said Detective Sgt. Kris Carlson, director of the Chittenden Unit for Special Investigations, which issued the news release.

No new case documents, including paperwork explaining the charges to which Montgomery would plead either guilty or no contest and details of his possible prison sentence, had been filed at Vermont District Court in Burlington.

Winterbottom, 31, of Burlington was abducted from downtown about 9 p.m. March 8, 2005. Her body, battered and half-naked, was found the next morning in her car, parked at a construction site in the Old North End. A graphic designer and graduate of New York's St. Lawrence University with a degree in fine arts, Winterbottom had been raped repeatedly, beaten severely and strangled, according to court papers.

The attack, police concluded, was random, although for weeks authorities had said their investigation was focusing on people Winterbottom knew.

Winterbottom's family could not be reached for comment Monday.

Montgomery came to the attention of police only after he phoned in a false tip, and then authorities linked him conclusively to the crime through DNA evidence, according to court papers. Investigators arrested Montgomery more than two weeks after the slaying.

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Almost immediately, questions arose about Montgomery's mental health and his fitness to stand trial. Expert evaluations, treatment at the state mental hospital, new changes in defense counsel, a dispute between the prosecution and the defense regarding Montgomery's medical records, and an appeal to the Vermont Supreme Court about that issue repeatedly delayed the case's progress toward trial.

Duckman said he and the Chittenden County State's Attorney's Office have been negotiating for some time on acceptable terms for a plea bargain. The deal won't be final until a judge questions Montgomery during Friday's hearing, he makes the new plea in open court and the judge accepts the change. Until then, Montgomery could change his mind.

"There's been a lot of work on this," Duckman said. "I wouldn't exactly call it a day of reckoning, but it's a day that's been making its way through the process. It's going to be a very sad day in the courthouse."

Contact Adam Silverman at 660-1854 or asilverm@bfp.burlingtonfreepress.com

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