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Convicted sex offender charged with Burlington murder

By Jill Fahy
Free Press Staff Writer

A 33-year-old convicted sex offender from the Old North End of Burlington was charged Tuesday in the rape, beating and strangulation of Laura Winterbottom, a Burlington woman who was killed March 8.

Gerald Tyrone Montgomery was questioned Monday night at his home on Manhattan Drive and taken to the Chittenden Regional Correctional Facility in South Burlington. He has been charged with first-degree murder and aggravated sexual assault. He faces up to life in prison if convicted.

Montgomery pleaded not guilty Tuesday morning at Vermont District Court in Burlington to both charges. Judge Edward Cashman set a bail hearing for early next week.

Winterbottom had no known connection to Montgomery, according to court papers filed Tuesday. But in the nearly two weeks since Winterbottom's body was found in her 2001 Ford Focus, police consistently said they had no information to conclude the killing was a random act, emphasizing that their investigation was focused on interviewing those who knew Winterbottom.

Police continued that tack Tuesday during a news conference in which Montgomery's arrest was announced. Later, Burlington Police Chief Thomas Tremblay clarified the department's investigative approach.

"We're still investigating the circumstances of how their two paths may have crossed," Tremblay said. "We have no specific information they were acquainted or dating. Is it possible it was a random act? Absolutely."

On the police department's investigation, Tremblay continued, "We never closed the door to any possibility, but if we had felt the need to release information to the public regarding a risk, we would have released it."

Neighbors in the Old North End, already shaken by the nearby killing, said they wish they had known police had a suspect in mind who apparently had no real connection to Winterbottom. A random crime, many said, is even more scary because it just as easily could have been one of them.



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Montgomery came to the attention of police when he phoned in a tip the day after Winterbottom's body was found, telling investigators that an acquaintance of his might have been involved. Montgomery told police the acquaintance had "jacked" someone and that the person was hurt. Police later determined the tip to be unfounded.

Eleven days later, investigators matched Montgomery's DNA -- which was stored in a database of convicted sex offenders -- to that of semen found in Winterbottom's body, on her clothes and in her car.

Court information Tuesday painted a picture of Montgomery as a habitual criminal whose arrests dating back to 1996 include simple assault, domestic assault, lewd and lascivious conduct, failing to register as a sex offender and driving under the influence. In 1996, he went to jail for nearly a year after being charged with raping a female acquaintance in an unoccupied garage in the Old North End. The trial in 1997 ended in a hung jury, and the case was pleaded down to lewd and lascivious conduct in 1998. Montgomery received probation.

Montgomery also allegedly committed numerous probation violations during the past nine years. He served nearly three years in prison after failing to comply with the sex-offender registry in 1999, required as part of his 1998 conviction.

Police have declined to say how Montgomery, a part-time employee at J.P.'s Pub on Main Street, came into contact with Winterbottom the night she was slain, noting only that the investigation is continuing.

What happened

According to court papers, Laura Winterbottom, 31, was last seen leaving Church Street Tavern about 9:15 p.m. Winterbottom's sister Leigh said she saw the victim walking toward her car, which was parked on College Street, facing east near the intersection with Church Street.

Montgomery went downtown to the "clubs" at about 9 p.m., Montgomery's wife, Leona, stated in court papers. She told police her husband came home drunk at about 1:30 a.m., and had a red stain on his arm. She said he threw \$40 in cash on the bed and told her that he "jacked" someone.

According to court papers, Leona Montgomery said she then followed Gerald Montgomery into the basement, where he removed his clothes and put them into the washing machine. She characterized her husband as "very nervous" and said he spent the following days looking out the apartment windows "as if he was waiting for something or someone."

Leona Montgomery said she didn't want to comment when reached by phone Tuesday.

Winterbottom was repeatedly sexually assaulted, beaten with a blunt object and strangled between 9:29 and 10:45 p.m., according to court papers. Records indicate she was assaulted in the parking lot of Burlington Health & Rehabilitation Center on Pearl Street and taken in her car to an unoccupied residence on Hyde Street -- about four blocks from Montgomery's house. Her bloodied body was found, naked from the waist down, in the back seat of her car about 7 a.m. the next day.

An investigation of the car that morning yielded copious blood evidence, court papers said. Blood was found on Winterbottom's face, and on the seats and floor of her car. A shoe print on the inside of the rear window indicated a struggle, court records said. Investigators later found a 3-foot-long 2-by-4 piece of lumber with blood on it lying in a trash bin in the lot where Winterbottom's car was parked.

A day later, a woman who works at Burlington Health & Rehabilitation Center told police she had seen a small, dark car parked near her truck in the center's parking lot at about 10:45 the night of the killing. The tipster, according to court papers, said she had noticed the windows of the car were "fogged up," and thought it odd because none of the other cars had foggy windows.

Police investigating the tip later found a winter hat, blood-smearred glasses, a car owner's manual and a compact disc case -- all belonging to Laura Winterbottom -- at the Pearl Street parking lot.

During the investigation, police received information from tips, one of which was Montgomery's. Police said Montgomery drew police scrutiny once he phoned in the tip. But it was the DNA evidence against Montgomery, investigators acknowledged, that cracked the case.

The evidence

Monday, a forensic chemist with the Vermont Department of Public Safety Forensic Laboratory told police that DNA collected from the crime scene matched Montgomery's, whose DNA profile is kept in the state Combined DNA Index System database.

Police questioned Montgomery at his home Monday night. They asked him whether he knew Winterbottom and showed him pictures of the woman, who lived in the New North End. Montgomery told them he didn't know Winterbottom and had never seen her car.

Montgomery also had several alibis for where he was on the night of Winterbottom's killing. According to court papers, he first told police he was working, then he was home with his family. When police asked Montgomery to provide them with fingerprints, he refused, became upset and asked officers to leave. He was then arrested without incident and taken to the police station.

More evidence possibly linked to the crime was found behind Montgomery's house early Tuesday morning, hours after his arrest. According to court papers, police found a pair of recently bleached jeans lying in brush about 60 feet behind the residence. At the bottom of an embankment behind the house, police found a plastic shopping bag containing Nike sneakers, a brown hat and a green sweatshirt. These clothes also "reeked" of bleach, according to court papers, and the sneakers appeared to be stained with blood.

The arraignment

At his arraignment Tuesday, the 5-foot-5-inch Montgomery was led into a packed courtroom in shackles. The only time he opened his mouth was to confer briefly with his attorney, public defender Jerry Schwarz.

During the hearing, Prosecutor Robert Simpson argued against bail for Montgomery. Simpson read off some of the evidence against Montgomery, including the DNA match and blood evidence found on the washing machine, a laundry hamper and the basement door of Montgomery's residence. Simpson also described Montgomery's familiarity with the Old North End and Hyde Street, noting that Montgomery used to live across the street from where Winterbottom's body was found.

Schwarz told the judge he needed time to digest the state's evidence and Simpson's motion to withhold bail. Judge Cashman set the bail hearing for 2 p.m. Monday.

Winterbottom's family was notified of Montgomery's arrest Monday night, Burlington Police Deputy Chief Walt Decker said. Police, Decker said, have been in constant contact with the family, who have requested that people respect their privacy. Contact Jill Fahy at 660-1898 or jfahy@bfp.burlingtonfreepress.com

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