

**News Release from
The Honorable Sandra Doorley
Monroe County District Attorney**

March 31, 2025

FOR IMMEDIATE RELEASE
COMMUNITY RELATIONS DIRECTOR: Calli Marianetti
Monroe County District Attorney's Office
47 South Fitzhugh Street
Rochester, NY 14614
(585) 753-4532

**Jury Finds Herbert Montgomery Guilty of Murder in the 2nd Degree for the
Homicide of Christopher Austin**

Rochester, NY- On Monday, March 31, 2025, a Monroe County jury convicted 46-year-old Herbert Montgomery of Murder in the 2nd Degree for killing Christopher Austin on July 26, 2024.

On July 26, 2024, at approximately 9:30 p.m., Rochester Police Officers responded to a gas station store on North Street in the City of Rochester following reports of a disturbance inside the store. Upon their arrival, officers located 38-year-old Christopher Austin deceased from a stab wound in his neck.

Following a detailed investigation by the Rochester Police Department, it was determined that Christopher Austin was inside the store when Herbert Montgomery initiated a verbal and physical altercation. This confrontation immediately escalated with the defendant stabbing Christopher Austin, in the neck, ultimately leading to his death. After the incident, Montgomery fled the scene in his vehicle. Rochester Police Officers located Herbert Montgomery within twelve hours and arrested him for the murder. At the time of the murder, the defendant was a twice-convicted felony offender and was also on federal probation.

The case was prosecuted by Assistant District Attorney Patrick Gallagher, Chief of the Domestic Violence Bureau.

“On the day of his murder, Christopher Austin’s long-term girlfriend went into labor to give birth to their child, which should have been a joyous occasion to celebrate. Instead, Christopher’s life was violently and painfully taken away by the defendant,” said Assistant District Attorney Patrick Gallagher. “This attack was swift, violent, and heartless, denying Christopher Austin the opportunity to meet his son. I want to thank the Rochester Police Department and the community members who came forward to assist in the investigation. I sincerely hope that Christopher’s loved ones, especially his own mother and the mother of his child, find solace in today’s conviction.”

“Herbert Montgomery was a two-time convicted felony offender who was also on federal probation at the time of Christopher Austin’s murder,” said District Attorney Sandra Doorley. “The defendant had the chance to live lawfully and avoid violence, but he instead chose to instigate an altercation that led to the fatal stabbing of Christopher Austin, a man who will never meet his son. Herbert Montgomery has repeatedly shown that he is a dangerous threat to our community, and it is the hope of the Monroe County District Attorney’s Office that he will serve a life sentence in the New York State Department of Corrections.”

Herbert Montgomery will be sentenced on May 7, 2025, in front of Monroe County Court Judge Dollinger.

###