

NEWS RELEASE

Released by: Michael A. Delaney, Attorney General

Subject: Officer Involved Use of Deadly Force in Winchester,
New Hampshire on June 27, 2011

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I. INTRODUCTION

New Hampshire Attorney General Michael A. Delaney announces that the Attorney General's Office has made a determination that the officer-involved shooting in Winchester, New Hampshire on June 27, 2011, which resulted in the death of Christopher D. Seksinsky (age 39), was a justified use of deadly force by the police officer who shot and killed him.

II. FACTS

A. Summary of the facts

On the evening of June 27, 2011, Denise Seksinsky and her husband, Chris Seksinsky had an argument at their apartment located at 35 Keene Road in Winchester, New Hampshire. During their argument, Chris talked about throwing some things out the window and told Denise that he would kill her as he held up a broken lamp. Later on, Denise saw that Chris had taken a large kitchen knife and was holding it as he sat on the living room couch. This was significant because there had been numerous times in the past when Denise said that Chris would talk about killing himself. Chris had a history of mental illness and was supposed to be taking several medications, but had not been taking one of them for a while due to financial issues. Some time after the argument with Chris and seeing him on the couch with the knife, Denise went downstairs and spoke to her neighbor/landlord about her husband. That prompted the neighbor to call the Winchester Police Department.

Police officers from the Winchester and Swanzey Police Departments responded to the apartment building in Winchester where the Seksinsky's lived. They spoke to Denise who told them that her husband was in their upstairs apartment, was suicidal and had a knife.

The four police officers went into the apartment building to the Seksinsky's second-floor apartment. They saw Chris Seksinsky on the living room couch, holding a large knife. The officers told him to drop the knife. Instead, Seksinsky held onto the knife, stood up, and started walking towards the police officers. Swanzey Police Officer Robert Blodgett repeatedly told Seksinsky to drop the knife and to stop, but he did not obey those commands. As Seksinsky advanced on the police officers, Officer Cameron Prior fired a TASER round at Seksinsky in an attempt to stop him, but it had no effect.¹ As Seksinsky continued to approach, Officer Blodgett again told him to stop and to drop the knife, however he did neither.

Officer Prior then fired another TASER round at Seksinsky. Corporal Joel Sampson also fired his TASER at Seksinsky while almost simultaneously, Officer Robert Blodgett fired his police issued handgun at Seksinsky, striking him in the upper left arm. Seksinsky fell to the floor and then was disarmed by the police officers. The officers also attempted to render medical assistance to Seksinsky and called for an ambulance. Medical personnel arrived at the scene to treat Seksinsky, but he was already deceased. No one else involved in the incident was physically injured.

The scene was secured and in accordance with established protocol, a member of the New Hampshire Attorney General's Office, with the assistance of the New Hampshire State Police Major Crime Unit, led an investigation into the shooting incident. That investigation involved viewing the scene of the incident, reviewing photographs, examining physical evidence, reviewing police reports, reviewing witness interviews, and conducting witness interviews. Throughout the process, all the police officers and non-police witnesses involved in the incident were completely cooperative with the investigation and complied with all the investigators' requests.

B. Police officers

Swanzey Police Officer Robert Blodgett

Officer Blodgett has been a police officer since 1986. He began working full-time with the Swanzey Police Department in 1994.

Officer Blodgett was on duty with the Swanzey Police Department on June 27, 2011. At about 8:42 p.m., he responded to a request for assistance from the Winchester Police Department in regards to a suicidal man. Officer Blodgett drove to the Seksinsky residence in Winchester where he met with Winchester Police Officer Cameron Prior. Officer Blodgett learned that Chris Seksinsky was upstairs in his apartment, had a knife, and was suicidal. Winchester Police Officer Fred Ziegler also arrived on the scene and said he was familiar with Chris Seksinsky. Officer Ziegler called out to Seksinsky to try and get him to talk, but Seksinsky did not respond. The officers also got a number for Seksinsky's phone in the

¹ A TASER is a device which can deliver a high voltage electric shot and can potentially stun an assailant without being lethal.

apartment and called that number to try and talk to him. The officers could hear Seksinsky's phone ringing in the apartment but he did not pick up.

After trying to communicate with Seksinsky and having no success, the decision was made to go into the apartment to check on Seksinsky. Corporal Sampson asked Seksinsky's wife if they had her permission to go inside their apartment and she said yes. Officer Ziegler, Officer Blodgett, Officer Prior, and Corporal Sampson all went up the stairs leading to the second-floor Seksinsky apartment. When the police officers got to the top of the stairs and opened the door, Seksinsky called out, "Who invited you in?" Officer Ziegler spoke to Seksinsky and tried to get him to talk and to come outside, but Seksinsky told them to go away. Officer Ziegler also told Seksinsky that they needed to see that he was okay, but Seksinsky still told the officers to go away. Seksinsky sounded clear and angry when he responded to Officer Ziegler.

The police officers continued up the stairs to the hallway in the apartment. Officer Blodgett looked to the left and saw Seksinsky lying on the living room couch, holding a large silver colored knife on his chest. Officer Blodgett pointed his handgun at Seksinsky. Officer Blodgett told Seksinsky not to move and to put the knife down. Officer Cameron Prior moved into the living room next to Officer Blodgett. Officer Blodgett noted at the time how close Seksinsky was to them and was concerned. Officer Prior aimed his TASER at Seksinsky and then Seksinsky picked up his knife went to stab himself with it, stopping just short of actually doing it. Seksinsky got up from the couch, holding the knife in his right hand. Officer Prior yelled "TASER" and then fired his TASER at Seksinsky. The TASER probes hit Seksinsky, who stumbled and tried to rip the TASER prongs out of his body. Then, Seksinsky continued advancing towards the police officers with the knife in his hand, stepped and pivoted. Officer Blodgett fired one shot from his handgun, hitting Seksinsky in the shoulder. Seksinsky fell to the floor, still holding the knife. Corporal Sampson and Officer Prior went up to Seksinsky and pulled the knife away from him. They also tried to stop Seksinsky's bleeding and called for an ambulance.

Officer Blodgett said that as Seksinsky advanced on them with the knife, Seksinsky had a "determined" look on his face. Officer Blodgett believed that Seksinsky heard his repeated commands to stop and drop the knife, but kept coming closer. He estimated that Seksinsky was about ten to twelve feet away when they first saw him on the couch and that Seksinsky walked to within about five feet or closer to Officer Blodgett when he shot him.

At the time Officer Blodgett fired his gun at Chris Seksinsky, Officer Blodgett believed that Seksinsky presented an imminent threat to his life and the other officers, especially Officer Prior. Officer Prior was right next to Officer Blodgett and unlike Officer Blodgett, Officer Prior did not have his handgun out to protect himself because he was using a TASER on Seksinsky at the time. Officer Blodgett explained that he was trained to provide lethal force backup to another police officer when that other officer was using a TASER and dealing with a person who was armed.

Winchester Police Officer Cameron Prior

Officer Prior was on duty with the Winchester Police Department on June 27, 2011. He responded to a request for assistance from the landlord at an apartment building at 35 Keene Road in Winchester. The call was in regards to Denise Seksinsky, female tenant who was having problems with her husband Chris Seksinsky.

When Officer Prior arrived, he spoke with Denise Seksinsky about her husband. She said that she and her husband had had a disagreement about things that they were talking about, that he was upstairs and that he had a knife in his hand. Denise also said that Chris had schizophrenia and was taking medications for it, but was "off" of one of his medications because they could no longer afford the drug. She said that Chris had been suicidal in the past and had made a suicidal comment during their disagreement that night. Denise confirmed that Chris had experienced mental health issues in the past and had been hospitalized for those problems. Officer Prior contacted dispatch and asked for backup police officers to be sent to the scene.

Officer Prior asked Denise if Chris heard her voice whether he would calm down and come downstairs and she said no. Other police officers arrived at the scene to lend assistance and Officer Prior briefed them on the situation and had Denise explain the inside layout of their apartment.

The police officers stood outside the Seksinsky apartment and shined their lights inside the windows to try to get Chris's attention. They also called out to Chris and asked him to come outside. When that didn't work, they called into the apartment on a phone and tried to reach Chris, but he did not pick up his phone. After all that was tried, Officer Prior got the keys to the apartment from Denise Seksinsky so the officers could go up into the apartment. Officer Sampson asked Denise if they had her permission to go up into the apartment to check on Chris and she said that they did.

Officer Ziegler was the first officer up the stairs into the apartment. Behind him were Officer Blodgett and Officer Prior, who had his TASER out. As Officer Ziegler got to the top of the stairs, he announced himself as a police officer. A male voice responded by asking who let them (the police) in and who invited them in, and said that they were not welcome there. The officers continued up the stairs inside the apartment. At the top of the stairs, Officer Ziegler went to the right and looked inside the bedroom as Officer Blodgett looked to the left. Officer Prior heard Officer Blodgett say that Seksinsky was in the living room. Officer Prior turned and went into the living room doorway. He saw Seksinsky lying down on the couch, shirtless, with a large silver knife in his hands. Officer Blodgett had his firearm out and Officer Prior had his TASER out. An officer told Seksinsky to drop the knife. Seksinsky didn't and instead, said something and then took the knife and motioned as if to stab himself. An officer again told Seksinsky to drop the knife. Seksinsky did not drop the knife and stood up, faced the officers and started walking towards them. Officer Prior believed that Chris Seksinsky posed a threat to him and the other officers. He said "TASER" and then shot at Seksinsky with his TASER device. The TASER hit Seksinsky, who was

about ten feet away. Seksinsky did not appear to be affected by the TASER.² He took a step back and tried to grab the TASER prongs out of his skin. Officer Prior reloaded another TASER cartridge because he did not hear the TASER spark. Seksinsky was still approaching the officers at that point, so Officer Prior fired his TASER again at Seksinsky. After that, he heard a “bang” and saw Seksinsky fall back. Officer Prior realized that Officer Blodgett had shot Seksinsky at that point.

After Seksinsky fell to the floor, the officers told him to show them his hands because he still had the knife. The officers put on rubber gloves and notified dispatch that shots had been fired. The officers got the knife away from Seksinsky and applied pressure to his wounds. An ambulance was also called to the scene.

Swanzy Police Corporal Joel Sampson

Corporal Sampson was on duty for the Swanzy Police Department on June 27, 2011. At about 8:30 or 8:45 p.m., when a call came in asking for backup for the Winchester Police Department to deal with a suicidal person with a knife.

Corporal Sampson and Swanzy Police Officer Robert Blodgett drove to the scene in Winchester to lend assistance. When they arrived, they spoke to Winchester police officer Cameron Prior. Prior told them about the situation and that he had a telephone number for the man inside. At that point, Winchester Police Officer Fred Ziegler also arrived at the scene. Officer Prior called the number for the Seksinsky apartment but Chris did not pick up the phone.

Officer Prior got some keys from Denise Seksinsky for the apartment and opened the lower door to the stairs to the Seksinsky apartment. Officer Ziegler went up the stairs first, followed by Officer Blodgett, Officer Cameron, and Corporal Sampson. When they got to the top of the stairs and opened the door, Corporal Sampson heard Chris Seksinsky say some things, including words to the effect of: “I didn’t invite you in here.” Officer Ziegler responded by telling Seksinsky that they (the police) just wanted to talk to him. Seksinsky said something to the effect that if she wants him to leave he’ll leave. Officer Ziegler told Seksinsky that they were not there to make him leave but that they just wanted to talk to him. Seksinsky talked about it being his apartment and wanting them to leave. Corporal Sampson backed down the stairs and asked Denise Seksinsky if she lived there too and if they had her permission to enter the apartment and she said they did. Corporal Sampson went back up the stairs to the Seksinsky apartment. As he did that, he heard someone say, “Drop the knife,” more than once. He opened the door at the top of the stairs and heard Officer Prior yell “TASER shot.” Corporal Sampson heard the TASER shot go off but Seksinsky did not appear to be affected by the TASER. Corporal Sampson took out his TASER and he and Officer Cameron each shot their TASERS at Chris Seksinsky. After that, he saw blood on

² Officer Prior had checked his TASER earlier and got conflicting readings from it, which may have indicated that it was malfunctioning.

Seksinsky's arm. Corporal Sampson then realized that Officer Robert Blodgett had fired his handgun and shot Seksinsky. Seksinsky still had the knife in his hand as he fell to the floor.

Officer Prior and Corporal Blodgett each put gloves on, removed the knife from Seksinsky, and used a pillow to put direct pressure on the wound on Seksinsky's arm. Shortly afterwards, the officers confirmed that Seksinsky had died.

Winchester Police Officer Fred Ziegler

Officer Ziegler was on duty for the Winchester Police Department on June 27, 2011. He responded to an apartment building at 35 Keene Road in Winchester for a call regarding a suicidal person. When he arrived, he was told that Chris Seksinsky was in an upstairs apartment with a knife and had threatened suicide. His wife, Denise Seksinsky said that she and her husband Chris had had a fight, which is what had led to the suicide threat. She also asked the officers to check on Chris.

Officer Ziegler stood outside the Seksinsky apartment and yelled up to Chris Seksinsky, but got no answer. Then, he and Officer Cameron Prior, Officer Robert Blodgett and Corporal Joel Sampson went into the apartment building and up to the Seksinsky apartment on the second floor. Officer Ziegler opened the door to the apartment at the top of the second-floor stairs and heard Seksinsky say that he didn't want anybody in the apartment. Officer Ziegler responded by telling him that they just wanted to talk and Seksinsky replied, "I don't want to speak with you." The officers continued into the apartment to check on Seksinsky. Officer Ziegler went to the right at the top of the stairs. He did not see Seksinsky and then heard Officer Blodgett, who was behind him, announce that he had found Seksinsky.

Officer Ziegler saw Seksinsky lying down on the living room couch. Seksinsky started to get up and that's when Officer Ziegler could see that he had a large knife in his hand. Officers Blodgett and Prior told Seksinsky many times to drop the knife and to stay where he was. Seksinsky ignored those orders and started walking towards the police officers, holding the knife. Officer Prior warned Seksinsky that he would TASER him and then shot Seksinsky with his TASER. Officer Ziegler estimated that Seksinsky was about six to seven feet away from them at that point and did not appear affected by the TASER. Seksinsky stopped briefly and tried to wipe the TASER probes off him. Then, Seksinsky started walking towards the police officers again. Officer Prior got another TASER probe out and commands were again given to Seksinsky to stay back and to drop the knife. Officer Prior fired his TASER again, which appeared to have no effect. Then, when Seksinsky was about five feet away, Corporal Sampson fired his TASER at Seksinsky. Officer Ziegler heard a "pop," and Seksinsky said, "You shot me?" Officer Ziegler said that the last TASER shot and the gunshot were almost simultaneous.

After Seksinsky was shot and fell to the floor, he still had the knife. The officers told him to get rid of the knife, but he did not respond. Officer Prior went up to Seksinsky and reached under him and took the knife away. Then, the police officers tried to help Seksinsky

by applying pressure to his arm to stop the bleeding from his wound. An ambulance was called to lend assistance as well.

C. Non-police witnesses

Denise Seksinsky (Chris Seksinsky's wife)

Denise Seksinsky met with the police on the evening of June 27, 2011. She said that her husband Chris Seksinsky had been taking four different medications for years to treat his schizophrenia and possibly a bi-polar disorder as well. Chris had not been taking one of the medications for quite a while because of the cost. She said that without the medications, Chris would become suicidal and could not sleep. Denise said that Chris had also been hospitalized in the past and had physically harmed himself as well. There had been numerous times in the past when Denise said that Chris would talk about killing himself.

The day before, on June 26, 2011, Chris's son visited with Denise and Chris. The next day on June 27, 2011, Denise and Chris had a disagreement about something Chris's son had done. Chris seemed different that day and was having a hard time dealing with the stress of the disagreement.³ Chris talked about throwing some things out the window and then told Denise that he would kill her as he held up a broken lamp.

Later on Denise saw Chris sitting on the living room couch holding a "good-sized" kitchen knife. She asked him if he wanted her to call 911 on him and he said, "No, not yet." Chris said that their marriage was over at one point. Denise picked up the phone to call a girlfriend and Chris said he would rip the phone away from her. Denise told him that she was not calling about him and then went downstairs and told her neighbor Jim (James Tetreault) what was happening with Chris. Jim called the police department and Officer Cameron Prior arrived. Denise gave Officer Prior some background about Chris and then other officers arrived. She gave the police officers her keys and her permission to go into her apartment.

The police officers left and went up into her apartment. Denise remained downstairs but heard Chris say words to the effect of not remembering inviting the officer in. The police officers responded by telling him that they just wanted to talk to him and that they had somebody downstairs who was concerned about him. Denise heard somebody say, "Chris, put the knife down," twice. Then she heard a noise and the word, "TASER." The next thing she heard was a loud "pop" and someone saying, "Shots fired, shots fired." She did not see what happened up in the apartment with the police and Chris.

³ Chris had seemed more stressed lately and seemed to be having a harder time dealing with stress. He had also been out of work the past two months.

James Tetreault (landlord/neighbor)

He lives at and owns the apartment building located at 35 Keene Road in Winchester where the incident occurred. He was at the apartment building on the night of June 27, 2011.

About 8:15 or 8:30 p.m. that night, Denise Seksinsky came down to his apartment. She said that she thought that her husband Chris Seksinsky was distressed and wasn't sure if she should call the police. James called dispatch and asked if the Winchester Police Department could call the house. Officer Cameron Prior called James and James asked him to come to the house.

Officer Prior arrived very "low key." He did not use any sirens and was invited into James's apartment to speak with him and Denise. Denise said that the incident that night began when she and Chris had a disagreement over disciplining his son. Denise told Officer Prior that her husband was in some type of distress and that he suffered from mental illness, specifically schizophrenia and depression.⁴ Denise listed off several medications that Chris was taking, including an antipsychotic drug. She also mentioned one medication that Chris had not been taking because he was unemployed and could not afford it. Denise indicated that she felt that Chris was suicidal and that in the past, he had been taken to the hospital for an examination when similar incidents had occurred. Officer Prior asked Denise if that was what she wanted to happen that night and she said that she did. Denise said that Chris had a knife and that he did not want to turn over the knife to her or have her call for assistance.

Other officers arrived and James stayed in his apartment. He heard the officers go up the stairs to the Seksinsky apartment but did not hear or see any of the events that followed.

Later on, Denise came into his apartment and said that she believed that the police had shot Chris. The next day, Denise told James that she thought the police "did everything right."

Brian Jordan (neighbor)

He lives at the apartment building at 35 Keene Road in Winchester where the incident occurred. He was at home on June 27, 2011, when the police arrived and then left briefly to go to the store. When he got back, he talked to his neighbor Jim and Denise and then heard a "pop." He did not see or hear anything else of significance that night.

D. Physical evidence and autopsy results

The evidence recovered from inside the Seksinsky apartment was consistent with the statements from the police and civilian witnesses.

⁴ Chris Seksinsky had previously told James that he (Chris) suffered from depression.

The knife carried by Chris Seksinsky during the incident were recovered and examined. It was found to be a silver-colored knife approximately thirteen and one half inches long. Spent TASER cartridges and a single spent cartridge case consistent with Officer Blodgett's gun were also found in the living room.

The State's Chief Medical Examiner, Dr. Thomas A. Andrew, conducted an autopsy on Chris Seksinsky and determined that the cause of his death was a single gunshot wound to the arm, which penetrated his chest. The manner of death was homicide.

III. THE APPLICABLE LAW AND LEGAL STANDARDS

New Hampshire's laws regarding self defense, defense of others and the use of physical force by law enforcement are set forth in RSA Chapter 627. Under RSA 627:5, II (a), a law enforcement officer is justified in using deadly force when he reasonably believes that such force is necessary to defend himself or a third person from what he reasonably believes is the imminent use of deadly force. The phrase "reasonably believes" means that the actor "need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." State v. Gorham, 120 N.H. 162, 163-64 (1980). The term "reasonable" "is determined by an objective standard." State v. Leaf, 137 N.H. 97, 99 (1993). All the circumstances surrounding the incident should be considered. See id. at 99; Aldrich v. Wright, 53 N.H. 398 (1873).

Finally, when the State analyzes a person's use of deadly force, the State bears the burden of disproving a claim of self defense or defense of another, beyond a reasonable doubt. See State v. McMinn, 141 N.H. 636, 645 (1997). The burden is not on the person who used deadly force to prove that their conduct met the requirements of the law or was reasonable.

IV. CONCLUSION

According to Chris Seksinsky's wife, Chris had a long history of mental health issues, including suicidal issues. He had also been medicated for a long time, but was not taking one of his medications due to financial issues.

On the evening of June 27, 2011, Chris Seksinsky had a disagreement with his wife, threatened to kill his wife, and then threatened to commit suicide with a knife. As a result, his wife went to a neighbor's apartment who called the police. The four responding police officers attempted to talk to Chris Seksinsky and when that failed, they went into his apartment to check on him. As the officers entered the apartment, they found Seksinsky lying down on the living room couch. They could see that he had a large knife in his hand, which prompted Swanzey Police Officer Robert Blodgett to tell Seksinsky not to move and to drop the knife. Instead, Seksinsky feigned stabbing himself with the knife. Then Seksinsky stood up and while still holding the knife, he started approaching the officers who were about ten to twelve feet away. Officer Cameron Prior fired his TASER at Seksinsky, but the TASER did not have any affect. Seksinsky kept approaching the police officers with

the knife in his hand and did not obey Officer Blodgett's commands to stop moving and to drop the knife. When Seksinsky got to within about five feet of Officers Blodgett and Prior, Officer Prior fired his TASER again at Seksinsky. That was quickly followed by Corporal Sampson firing his TASER at Seksinsky. Officer Blodgett almost simultaneously fired his gun one time at Seksinsky, hitting him in the left upper arm. Seksinsky dropped to the floor, where the officers disarmed him and tried to stop his bleeding. An ambulance was called to the scene, but Seksinsky died from his gunshot wound.

At the time Officer Blodgett fired his gun at Chris Seksinsky, Officer Blodgett knew that Seksinsky had threatened suicide that night, had armed himself with a large knife, had feigned stabbing himself with the knife, refused Officer Blodgett's orders to stop advancing on them in the living room, refused to drop the knife, and was undeterred by TASER fire. All of those facts confirmed Officer Blodgett's reasonable belief that Seksinsky presented an imminent threat of deadly force against him, Officer Prior, or one of the other two officers in the apartment, as Seksinsky continued advancing on the officers while holding a large knife.

Based on all the facts and circumstances known to Officer Robert Blodgett at the time, and examining the situation from the standpoint of an objective police officer in Officer Blodgett's position, it was reasonable for him to conclude that Chris Seksinsky was about to use deadly force against him or one of the other police officers who was present in the apartment. Accordingly, Officer Blodgett was legally justified in using deadly force against Chris Seksinsky to defend himself or the other officers who were present from what Officer Blodgett reasonably believed was the imminent use of deadly force by Seksinsky.

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