

PRESS RELEASE

Released by: Michael A. Delaney, Attorney General

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Windham, New Hampshire

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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 Windham on October 28, 2012, of Grant Hebert of Pelham, New Hampshire, was a legally justified use of deadly force by the police officers who shot at Grant Hebert.

Grant Hebert's course of conduct in the early morning hours of October 28, 2012, created a situation where police officers reasonably believed that both they and the public were in danger of death or serious bodily injury in the moments when Hebert drove his car through a metal gate toward Windham Police Officers Shane Mirisola and Christopher Van Hirtum, when he then turned the car directly toward Officer Mirisola, and when he attempted to drive down Lowell Road to escape police after striking Officer Mirisola's cruiser. That course of conduct included the fact that Hebert had led police on a high-speed chase for four and a half minutes down residential streets; had driven his car at speeds estimated to be over 90 miles-per-hour on Lowell Road in Windham; had crashed his car through a wooden fence; had rammed a Pelham police cruiser; had driven across a front yard to re-enter the road; and had driven straight at uniformed police officers ordering him to stop. Given Hebert's observed conduct, it was reasonable for each officer to conclude that deadly force was necessary to defend Officer Mirisola, Officer Van Hirtum, and/or the public from what they reasonably believed was the imminent use of deadly force by Hebert.

This report summarizes the Attorney General's findings and conclusions with regard to this officer-involved shooting in Windham, New Hampshire. The findings and conclusions

contained in this report are based on information gathered during the investigation, including police cruiser video, medical observations of Grant Hebert's injuries, the shooting scene examination, witness interviews, and photographs. Based on that information, and for the reasons detailed below, New Hampshire Attorney General Michael A. Delaney has determined that the deadly force which injured Grant Hebert by Windham Police Officer Shane Mirisola, Windham Police Officer Christopher Van Hirtum, and Pelham Police Officer Eugene Stahl, was a justified use of deadly force under the law.

FACTUAL BACKGROUND

Just before 1:39 a.m. on October 28, 2012, Pelham Police Officer Eugene Stahl was on patrol on Edwards Drive in Pelham when he observed a silver 2-door Hyundai drive past him heading westbound on Tallant Road at what he estimated to be 40 miles per hour (MPH) in a 30 MPH zone. As Officer Stahl pulled onto Tallant Road to stop the car for the speeding violation, the silver car took a hard right turn onto Field Drive and accelerated away from his cruiser. The car was later determined to be a 2-door silver Hyundai Tiburon registered to Theresa Grant, of Pelham, and driven by her son, Grant Hebert, age 21, of Pelham. Grant Hebert was the sole occupant in the car. After seeing the silver car speed past him, Officer Stahl began to pursue the car. Following the car's taillights and intermitted clouds of kicked-up dust and fresh skid marks, Officer Stahl was able to close the distance between his black-and-white marked Pelham Police Department cruiser and the speeding Hyundai as they traveled down Field Drive and then turned onto Castle Hill Road. When Officer Stahl saw the car make a right turn onto Timberlane Road, he activated the blue lights on his marked cruiser and attempted to stop Hebert's car.¹ Hebert did not stop, but continued to speed away even faster to the point that the car almost left the roadway on several occasions.

Officer Stahl followed the car down Timberlane Road and then saw it turn left onto Heritage Hill Road in Windham. Shortly after turning onto Heritage Hill Road, Officer Stahl saw the driver throw a bottle or can out of the driver's side window which struck the pavement in a spray of liquid.² At this time, Officer Stahl believed that alcohol impairment may be a factor in the driver's decision making.

As the chase moved into Windham, Officer Stahl radioed his dispatch to alert Windham Police and to obtain their assistance. Windham Police Officers Shane Mirisola and Christopher Van Hirtum were both further north on Lowell Road in Windham finishing a motor vehicle call when they were dispatched to Heritage Hill Road to assist Officer Stahl's pursuit. Both Windham officers were operating separate marked police cruisers at that time. Within just a few

¹ It should be noted that all three officers, Stahl, Mirisola, and Van Hirtum, were wearing their full uniforms that night with department patches and name badges displayed, and driving marked police cruisers with exterior markings and blue lights clearly identifying themselves as police officers of their respective towns.

² Windham police reports indicate that Pelham police officers later located an alcoholic beverage container at the side of the road where Officer Stahl saw the container strike the pavement.

minutes, both units arrived together at the bottom of Heritage Hill Road. Just as they pulled onto Heritage Hill Road and as Officer Mirisola was about to radio Officer Van Hirtum for tire deflation devices (commonly referred to as "stop sticks"), the two officers saw Hebert's car come down the hill in front of them. Officer Mirisola estimated the car was travelling approximately 60 to 65 MPH, a minimum of 30 MPH over the posted speed limit. Despite the fact that both Windham officers had their blue lights on, the car did not stop, but went passed them into the intersection. Officers Mirisola and Van Hirtum heard the screech of Hebert's tires as he negotiated the left-hand turn north onto Lowell Road and head toward Route 111. Officer Stahl's cruiser, with lights and sirens still activated, followed in close pursuit, after which Officers Mirisola and Van Hirtum turned their cruisers around and immediately followed.

As he saw Hebert's speeding car turn north onto Lowell Road, Officer Stahl saw the car leave the roadway, but catch its spinning tires at the last minute as it swerved into the opposite lane of travel before it drove back to the center of the roadway and accelerated away. Officer Stahl accelerated as well, and sped up to 75 MPH. At that speed, Officer Stahl saw the silver car continue to pull away from him and estimated it was travelling in excess of 90 MPH. Officer Stahl did not accelerate further as he deemed it too dangerous to increase his speed on that stretch of road.

As Officer Stahl reached for his radio to alert both the Salem and Hudson Police Departments should the car reach Route 111, he saw Hebert's car spin-out and crash through a wooden fence on the right hand side of the road. The car crashed into the fence in front of 47 Lowell Road, Windham, and came to a rest with its front end facing the house. As Officer Stahl approached, he saw the front of the car start moving through the front yard toward the field just north of the house. As Officer Stahl went to turn into the driveway, Hebert's Hyundai made a sharp turn to its left and rammed directly into the passenger side of Officer Stahl's cruiser. Hebert's car stayed pointing north, and muscled between two large landscaping boulders on the opposite side of the driveway entrance. Hebert then continued to travel parallel to Lowell Road, while driving across the Lowell Road property. After being rammed by Hebert's car, Officer Stahl's cruiser remained stationary for the duration of this incident until it was towed.

Officer Mirisola never lost sight of the rear of Officer Stahl's cruiser as he attempted to catch up in the pursuit. Approximately 37 seconds after the turn onto Lowell Road, Officer Mirisola heard Stahl broadcast on the radio: "He's crashing, he's crashing." Driving through a cloud of dust and skid marks, Officers Mirisola saw Hebert's car parallel to the roadway in the driveway of 47 Lowell Road. Officer Mirisola saw the car attempt to return to the road by ramming Officer Stahl's cruiser. Officer Mirisola noted how the hit caused Officer Stahl's cruiser to jolt back, but it did not cause the cruiser to leave the driveway so as to provide Hebert a route to drive back on to the road. Officer Mirisola also saw Hebert's Hyundai muscle between two large landscaping boulders and continue north, parallel to the roadway across the Lowell Road property.

Officer Mirisola stayed on Lowell Road, passed Officer Stahl's damaged Pelham cruiser, and shadowed Hebert's car as it continued north. He saw Hebert drive across a second driveway on the property that provided egress from the private property on to Lowell Road. This dirt driveway furnished a second exit from the property. There was however a large, triangular,

metal stand-alone gate latched across this driveway. Hebert's car slowed down after he crossed the dirt driveway. The trees on the property ahead of him did not allow Hebert to continue going northbound without returning to the roadway. Believing that Hebert had no route of escape, Officer Mirisola stopped his cruiser just outside the gate. With the front of his cruiser pointing north, Officer Mirisola exited his cruiser and approached the gate on foot.

South of the gate and behind Officer Mirisola, Officer Van Hirtum also stopped his cruiser. He too exited his cruiser and walked toward the metal gate. Officers Mirisola and Van Hirtum began yelling verbal commands to Hebert. They told him to turn off his engine and place his hands outside the vehicle. Instead of following those commands, Hebert accelerated his car while turning, twisting the car 270 degrees so that the front of the car turned from facing north to west in a position heading directly toward the metal gate and both officers. Officer Stahl told investigators how he heard the engine accelerate and never heard Hebert slow the car down as it spun toward the gate. The headlights of Hebert's car can be seen making this turn on the video footage from Officer Stahl's cruiser. When the car turned forward and headed directly for the gate, Officer Mirisola pointed his sidearm at the front of the car and repeated his commands to stop.

With Officer Mirisola within just a few feet of the other side of that gate, Hebert's car continued to accelerate straight at the gate and the roadway. Officers Mirisola and Van Hirtum both continued to yell commands but Hebert continued to accelerate his car. At this time, Officer Stahl had already exited his cruiser and was running up toward the other two officers. Officer Mirisola saw that the car was coming straight toward him and Officer Van Hirtum. Believing they were both about to be hit, and believing that further verbal commands to stop were not going to stop Hebert from driving at them, Officer Mirisola fired a volley of several rounds from his semi-automatic sidearm toward the car's front windshield. The volley had no effect on Hebert as the car did not stop, but continued to accelerate and crashed through the gate. As Hebert crashed his car through the gate, Officer Mirisola moved to his left and saw Hebert's car turn toward his direction. Officer Mirisola was then forced to dive out of the way to avoid being hit by Hebert's car.

Officer Van Hirtum recalled that he was at the southern side of the gate as Hebert's car accelerated toward him and Officer Mirisola. Van Hirtum moved slightly south as the car sped toward them. Officer Van Hirtum told investigators that at that moment, he believed both he and Officer Mirisola were about to be hit by Hebert's car. As such, Officer Van Hirtum fired a volley of several rounds from his semi-automatic sidearm at the oncoming car near simultaneously with Officer Mirisola's firing. Officer Van Hirtum described how he dashed to his right while Officer Mirisola had moved to his left. Officer Van Hirtum also saw the car turn slightly north after crashing through the gate directly at Officer Mirisola just before Officer Mirisola dove.

Officer Stahl heard one of the officers yelling, "No, no, no!" before he heard the loud bang he believed to be the car crashing through the gate. Officer Stahl was also at a point where he could see Hebert's car heading straight for Officer Mirisola after hearing Officer Mirisola and Officer Van Hirtum's initial volley of fire. During independent interviews, both Officer Stahl and Officer Van Hirtum said they believed that Hebert's car was going to hit Officer Mirisola as

Mirisola's body disappeared behind the front nose of the accelerating car. As Hebert's car drove toward Officer Mirisola's position and straight at the back of Officer Mirisola's cruiser, Officer Stahl fired his semi-automatic sidearm at Hebert's car along with Officer Van Hirtum. Hebert's car collided with the back of Officer Mirisola's cruiser. Officer Van Hirtum believed that Officer Mirisola was pinned between the two cars. Officer Stahl believed that Officer Mirisola was run over by Hebert's car and either killed or pinned underneath the car. Both officers said that despite this collision, the car continued to try to accelerate in an effort to drive away.

After he dove out of the way and after Hebert's car struck his cruiser, Officer Mirisola got up off the ground. Officer Mirisola went to the front of his cruiser, which was just north of the front-end of Hebert's car. He yelled out to signal his location to the other officers. Officer Van Hirtum did not realize Officer Mirisola was alive until he heard him yelling. At that point, officers heard Hebert's engine continue to race as he appeared to attempt flee north on Lowell Road. As such, Officer Mirisola fired a second volley of bullets at the car as it attempted to flee. It was only after this second volley that the car's engine stopped revving. Officer Mirisola stopped shooting when Hebert stopped accelerating.

Officer Van Hirtum explained that as Hebert's car continued to try to drive North on Lowell Road after striking Officer Mirisola's cruiser, he believed the Hebert was going to either kill someone else on the roadway if he got by the cruiser, or come back and drive at him or Officer Mirisola or Officer Stahl. With this belief, he also fired a second volley at the car. He stopped shooting when Hebert stopped accelerating.

Shortly thereafter, Hebert put his hands out of the driver's side window. Both officers Mirisola and Van Hirtum heard Hebert say, "All right. I stopped. I'm done. I'm done." The officers instructed Hebert to come out of the car with his hands in the air, and Hebert complied. Once outside, Hebert was told to lie on the ground and he eventually complied after the command was repeated several times. He was then handcuffed.

Hebert asked several times to stand up, and then said that there was blood in his eyes. While Officer Mirisola called for an ambulance, Officer Van Hirtum ran for an emergency first aid package from his cruiser. Hebert began to squirm in an attempt to sit up while handcuffed. Officer Mirisola told him to stay down. Officer Mirisola said to Hebert, "You tried to hit me with your car." Hebert replied, "I'm sorry." Hebert told Officer Mirisola that he, "didn't want to get in trouble again," and that he was recently arrested for possession of marijuana.³ Officers Mirisola and Van Hirtum asked Hebert where he was hurt. They saw what appeared to be a bullet hole in the back of his sweatshirt. Officer Van Hirtum was bleeding from a cut on his thumb but was unsure how he was injured. Officer Mirisola was unhurt, as was Officer Stahl. As soon as emergency medical services personnel arrived, Hebert was taken out of handcuffs, but remained in custody while he received medical attention.

³ A later criminal record check showed that Hebert was charged with possession of marijuana just five months prior in Pelham, and he still had a one month of good behavior to complete before the charge would cease to be on file without a finding by the court.

Hebert was transported to Parkland Medical Center in Derry, New Hampshire. Hebert refused to give investigators access to his medical records, so the extent of his injuries is only known from what was observed and overheard by officers on scene and at the hospital. He was treated for what appeared to be the following injuries: (1) a small puncture wound to his lower calf, (2) a small puncture wound to his upper right back, (3) swelling around one of his eyes, and (4) fragments of a bullet found under his scalp in the rear of his head. Hebert was moving his arms while speaking with staff, and at one point became belligerent with some of the nursing staff, cursing loudly at them. During this time, he demonstrated some slight loss of motor control on his left arm, and refused to submit to a blood test for alcohol or drugs. However, an officer overheard Hebert telling hospital staff that he had been drinking beer and smoking "weed" that evening. When speaking with officers at the hospital, Hebert's responsiveness was markedly slower and different from when he was speaking with hospital staff during which he seemed more alert and attentive. His speech was observed to be slurred and "thick tongued" throughout that night, but he routinely gave articulate answers to hospital staff while he partially "grunted" his answers to officers. Although one officer at the hospital did not smell any odor of alcohol coming from Hebert, this same officer overheard one of the hospital nurses telling another staff member, "He [Hebert] is drunk."

THE INVESTIGATION

Detectives with the New Hampshire State Police Major Crime Unit investigated the officers' use of deadly force against Grant Hebert. They interviewed the three police officers who were involved in the incident, officers who arrived at the scene of the shooting just following the incident, and officers who traveled to the hospital to observe Hebert as he received treatment. The video footage from the Pelham police cruiser does not include any footage of the shooting itself, as the patrol car remained immobile after Hebert rammed it. However, the footage does show the entire motor vehicle pursuit, Hebert's repeated reckless driving, his ramming of the Pelham cruiser, and the lights of Hebert's car as it traveled forward into the field and then turned around in a 270 degree turn to head back toward the gated exit to Lowell Road where Officer Mirisola's cruiser was parked. The statements of the three officers who used deadly force are corroborated by the other evidence in the case, including: (1) accounts of Hebert's observed reckless operation, (2) the acceleration of Hebert's car at key moments during the incident, (3) the footage of the pursuit and initial ramming of Officer Stahl's cruiser as captured by Officer Stahl's cruiser video, (4) Hebert's driving directly at Officers Mirisola and Van Hirtum, (5) Hebert's subsequent attempts to re-enter the roadway and speed away, and (6) the accounts of other witnesses to the crash and shots fired at 47 Lowell Road.

Detectives interviewed Hebert's mother, Theresa Grant, at Parkland Medical Center in Derry. Theresa Grant confirmed that Hebert was a student at University of Massachusetts at Lowell living in an off-campus apartment. Grant explained that while Hebert typically worked on Saturday nights delivering pizza, she did not know what Hebert had done that Saturday night or whom he may have been with. When asked what Hebert told her concerning the incident, Grant said Hebert told her at the hospital that he "couldn't stop the car, couldn't get out of the car, and that police then shot at him." She told investigators that Hebert did not elaborate on why he couldn't stop the car, why he couldn't get out of the car, and said nothing about why he

was running from police. She told investigators that he complained to her that he couldn't see with a wound near his eye due to swelling, and that he wondered aloud how that would affect his studying.

When investigators searched the scene, they found twenty spent cartridges on the ground outside from the rounds fired by the three officers. Hebert's car was shot on three sides; the front, the driver's side, and the rear. While several rounds penetrated the interior of the car, many of those were found embedded in various parts of the interior, including the driver's seatback, car frame, and car door. One bullet in particular was discovered lodged just sticking out from the back of the driver's seat, and based on its location, it accounts for the puncture wound in the skin of Hebert's back. Officer reports, a check of the weapons immediately taken from the officers at the scene, and the physical evidence at the shooting itself show that Officer Mirisola fired ten times, Officer Van Hirtum fired nine times, and Officer Stahl fired six times.

Inside Hebert's car, investigators found a pill which appeared consistent with a prescription pain medication and a burnt marijuana roach. Both items were taken into evidence. In addition, officers returned to the area of Heritage Hill Road where Officer Stahl saw Hebert throw something out of the driver's side window that struck the pavement and created a spray of liquid. They collected an alcoholic beverage container that due to its location and appearance in that sparsely residential neighborhood appeared to be the one thrown by Hebert as seen on the video footage.

This entire incident unfolded in a markedly short period of time. From the beginning of the observed traffic violation to the request for an ambulance, the incident lasted approximately five and half minutes. This included a four and half minutes of high speed pursuit until Hebert crashed his car through the fence at 47 Lowell Road in which both cars traveled over a total distance of 3.83 miles. To cover that distance in four and a half minutes requires a car to go an average speed of greater than 53.4 miles per hour up and down numerous rises in the roadway, over hills, through multiple curves, and in several tight turns on a series of unlit streets. The officers' firing at Hebert's car lasted for less than 20 seconds.

LEGAL ANALYSIS

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. Under RSA 627:9, II, "deadly force" means any assault which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person constitutes 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).

When analyzing the reasonableness of an actor’s use of deadly force, the State must consider that it would bear the burden at trial to disprove a claim of self-defense or defense of another beyond a reasonable doubt. See State v. McMinn, 141 N.H. 636, 645 (1997). The person who uses deadly force has no obligation to show that his conduct was reasonable or met the requirements of the law, the burden to disprove remains with the State. Applying the self-defense law and the applicable legal standards to the facts of this incident, this office concludes that Officers Mirisola, Van Hirtum, and Stahl were justified in using deadly force against Grant Hebert when they shot at his vehicle on October 28, 2012.

Looking at the totality of the circumstances, the evidence demonstrates that Hebert posed a threat of death or serious bodily injury to motorists when he first sped away from Officer Stahl and fled. Hebert led officers on a four and half minute high speed pursuit through residential roads in the middle of the night. Even early in this pursuit, Hebert’s speeds were so high that officers were hard pressed to gain ground on Hebert’s car, and were later unable to safely catch up to him on Lowell Road when they themselves were exceeding 75 miles per hour. Footage from Officer Stahl’s cruiser shows Hebert repeatedly traveled outside his lane of travel into the oncoming lane, kicking up multiple clouds of dust and debris, and endangering the public. Hebert improperly cut through circle intersections, and at times drove back and forth across the width of the roadway. At one point coming down Heritage Hill road, he swung his car from left to right across the roadway as he turned out of the way of an oncoming car in the opposite lane.

Hebert’s driving under these circumstances and in this manner constituted a reckless disregard for the lives and safety of passing motorists and residents. The footage from Officer Stahl’s cruiser shows that Hebert’s car came to a complete stop at after crashing through the fence at 47 Lowell Road. Hebert then kept driving, ramming his car into Officer Stahl’s cruiser, and then muscling through two large landscaping boulders in an attempt to evade police and re-enter the roadway. When the terrain presented him with nowhere else to go and with police yelling commands to come out of his car, Hebert spun the car 270 degrees and headed directly for the metal gate where Officers Mirisola and Van Hirtum stood. He refused to comply with police officers within his direct line of sight who repeatedly ordered him to stop the car.

The evidence further demonstrates that Hebert posed a threat of death or serious bodily injury specifically to Officer Mirisola and Officer Van Hirtum when he drove at them and crashed through the gate. At the point Officers Mirisola and Van Hirtum initially discharged their weapons, they had observed Hebert’s noncompliant and dangerous behavior, and were watching Hebert drive right toward them; this despite a four and a half minute high-speed pursuit and their repeated physical and verbal commands to stop. After he crashed through the gate, Hebert turned his car directly at Officer Mirisola’s location despite the fact that Officer Van Hirtum and Stahl were firing at him, and he continued to race his engine as his car barreled

toward the isolated officer. When Officer Mirisola dove out of the way, both Officers Van Hirtum and Stahl believed he had been hit and was underneath Hebert's car. Still, Hebert continued to try and accelerate his engine in an attempt to re-enter the roadway to flee. It was only after a second volley of fire by Officers Van Hirtum and Mirisola that Hebert finally stopped; his engine stopped revving, and the car came to a standstill. Once Hebert stopped, no officer fired. Video footage from Officer Stahl's cruiser contradicts Hebert's comment to his mother that his car was operating beyond his control. The footage shows the car accelerating, turning, and braking at key moments to maneuver around obstacles and make sharp turns. Hebert's first statements of: "All right. I'm done, I'm done," further evince his purposeful intent behind his driving.

If Hebert's car had escaped back onto the roadway, it would have placed other citizens upon the road in jeopardy of being hit. This is demonstrated by Hebert's disregard for his own safety, the safety of the driving public, and the safety of the officers who were trying to stop him. At the time officers fired, there reasonably appeared to be no other options available to stop Hebert based upon his continued noncompliant and criminal conduct. Up and to that point, Hebert failed to comply with any of law enforcement's repeated requests to stop his car; including multiple cruisers with illuminated blue lights and blaring sirens that physically blocked his car in and repeated verbal commands to Hebert to stop and get out of the car.

Officers Mirisola, Van Hirtum, and Stahl discharged their firearms at Hebert only after Hebert drove at Officers Mirisola and Van Hirtum. Officers Mirisola and Van Hirtum discharged their firearms again only after Hebert drove at them and was attempting to flee after a high speed chase and crashing into two cruisers as described above. Depending on the manner in which it is used, a motor vehicle can be a deadly weapon. See *State v. Hull*, 149 N.H. 706, 714-15 (2002). Hebert's conduct that night constituted an imminent deadly threat to Officers Mirisola, Van Hirtum, and the public. Thus the officers were justified in their use of deadly force.

CONCLUSIONS

The evidence collected by investigators supports the conclusion that Officer Mirisola reasonably believed deadly force was necessary to defend both himself, and/or a third person (the driving public) from what he reasonably believed was the imminent use of deadly force against himself or a member of the public on the road that night. Accordingly, Officer Mirisola's use of deadly force against Grant Hebert was justified under RSA 627:5, II(a).

This same evidence also supports the conclusion that Officer Van Hirtum reasonably believed deadly force was necessary to defend either himself, Officer Mirisola, and/or a third person (the driving public) from what he reasonably believed was the imminent use of deadly force against himself, Officer Mirisola, or a member of the public on the road that night. Accordingly, Officer Van Hirtum's use of deadly force against Grant Hebert was justified under RSA 627:5, II(a).

This same evidence also supports the conclusion that Officer Stahl reasonably believed deadly force was necessary to defend either Officer Mirisola and/or a third person (the driving

public) from what he reasonably believed was the imminent use of deadly force against Officer Mirisola or a member of the public on the road that night. Accordingly, Officer Stahl's use of deadly force against Grant Hebert was justified under RSA 627:5, II (a).

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