

**ATTORNEY GENERAL'S REPORT REGARDING THE JUNE 29, 2014  
SHOOTING DEATH OF DAVID LANDSEADEL IN RUMNEY, NEW  
HAMPSHIRE**

**October 21, 2014**

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**I. INTRODUCTION**

The Office of the Attorney General and the New Hampshire State Police Major Crime Unit have concluded an investigation into a shooting incident that occurred in Rumney, New Hampshire on June 29, 2014. The incident resulted in the death of David Landseadel (age 48).

The purpose of this report is to summarize the investigation's findings and conclusions with regard to the incident. The findings and conclusions contained in this report are based on information gathered during the investigation, including autopsy reports, shooting scene reports, information provided by investigators, interview reports, photographs, police investigative reports, and recordings and transcripts of witness interviews. In addition, the grand jury heard witness testimony in this case. Since grand jury testimony is confidential, the details of that testimony cannot be disclosed or discussed in this report. However, the information obtained during the grand jury process was considered and played a role in reaching the conclusions detailed in this report.

The investigation has revealed that Edward Healey (age 61), used a handgun to shoot and kill David Landseadel during a confrontation at lakefront property in Rumney. After the shooting, Healey claimed that he killed Landseadel in self-defense. While there is evidence to support that self-defense claim, there are also some inconsistencies in the accounts given by Healey and his wife, the only two surviving witnesses to the shooting incident. In light of those inconsistencies, the Attorney General is unable to conclusively determine that Edward Healey's actions were justified under the law. However, despite these inconsistencies, the Attorney General has concluded that the State will be unable to disprove Healey's self-defense claim beyond a reasonable doubt. Therefore, for the reasons outlined in more detail in this report, no criminal charges will be brought against Edward Healey for causing David Landseadel's death.

**II. BRIEF SUMMARY OF THE FACTS**

Both Edward Healey and David Landseadel lived in the area of Stinson Lake Road and used the same shared community dock to access Stinson Lake. The two men had been friends for a number of years until an incident that occurred in the summer of 2013.

During the summer of 2013, David Landseadel and his wife, Karrie, had been out kayaking with their dogs on Stinson Lake. Edward Healey, his wife Christine, and two

friends were at the Healey's sailboat at the shared dock. The Landseadels returned from kayaking to the shared dock with their dogs running loose, getting people wet. A verbal dispute arose between Christine and Karrie over the dogs during which Christine called Karrie a "cunt." Edward and David then got into a heated verbal exchange. David went onto Edward's sailboat, attacked Edward, and began choking him. The men were eventually separated and the altercation ended. Although the two men had not spoken with one another since this incident, there was tension between the two over this incident and also over the Landseadels right to access and use the shared dock.

Approximately one year after the above incident, on June 29, 2014, David Landseadel was again kayaking on the lake with his wife Karrie and their dogs. Edward Healey and his wife Christine were in their sailboat at the shared dock. Both Edward and David had been drinking during the day. David and Karrie returned to the dock from kayaking in the late afternoon and pulled their kayaks out of the water. The Landseadels left the dock area almost immediately. A little over an hour later, David returned to the dock without his wife or dogs and with pepper-spray in his pocket. Edward and Christine were still seated in their sailboat at the dock. A confrontation then ensued between Edward and David. There is some question as to where the confrontation actually began; whether it began on Edward's boat or on the landing between two sets of stairs. Regardless, it seems clear that at least some part of the physical altercation occurred on the landing between Edward and David. During that altercation, David assaulted Edward causing injuries to Edward's mouth and possibly his ribs.<sup>1</sup> As the confrontation continued, Edward reached for a gun in his cooler and shot David in the head, killing him. The police arrived shortly thereafter.

The police discovered that the only people who were present for the shooting were David Landseadel, Edward Healey, and his wife Christine Healey. Edward Healey has maintained that he was in fear for his life and shot David Landseadel in self-defense, and Edward's wife has maintained the same. It is this self-defense claim that has been the focus of this investigation.

### **III. FACTS**

#### **A. Initial Report of the incident**

The shooting was first reported by Thurlow (Ted) Green, a resident in the area of Stinson Lake Road. Green called 911 at approximately 6:00 p.m., on June 29, 2014, to report that a man and his wife, later identified as Edward and Christine Healey, were standing in his driveway pleading for help. Edward was holding out a gun, offering it to Green stating, "He attacked me, take my gun," or words to that effect. The Healeys told Green that Edward had been attacked at the shared community dock located on Stinson Lake approximately 200 feet north of the Green's property. After Green called 911, the Healeys sat at the end of Green's driveway and waited for the police to arrive.

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<sup>1</sup> Edward's appearance after the police arrived was consistent with him being assaulted.

Officers from Rumney Police Department, Plymouth Police Department, the United States Forestry Service, and the New Hampshire State Police responded to the scene. Edward relinquished a soft black cooler bag containing a .38 revolver to the Rumney police. At the time, a Rumney officer noted that Edward had what appeared to be blood around his face and lower jaw area near his chin, as well as blood on his hands, right ankle, and on his shirt and shorts. Edward was clutching a cloth with what appeared to be blood stains on it. Both Edward and Christine were cooperative with police. Edward was detained for a period of time and then taken voluntarily to the Plymouth Police Department for questioning.

Responding officers located the body of a man, later identified as David Landseadel, across from 2349 Stinson Lake Road on the landing of a staircase that led from the road down a steep wooded embankment to a shared community dock on Stinson Lake. David had sustained a gunshot wound to the head. Emergency personnel responded to assist and determined that he was deceased. After securing the scene, an investigation began into the incident.

## **B. Interviews with Edward Healey**

### **(1) Edward Healey's Statements on the Day of the Shooting**

During the initial stages of the investigation, Edward Healey was detained in hand cuffs along-side Stinson Lake Road near the Green's driveway. Edward made numerous spontaneous remarks to the officers present, repeatedly denying that he did anything wrong. He also made the following statements before he was transported to the Plymouth Police Department:

“This guy attacked me.”

“I'm not a criminal.”

“I didn't do anything wrong.”

“He was a douche bag. He attacked me again, for the second time.”

“First time he choked me to within an inch of my life. I didn't do anything. I protect myself. I protect my wife.”

“What are you supposed to do? Someone is beating you. He came on my boat.”

Edward was at times emotional and displayed erratic behavior. For example, Edward said to a forest service officer, “Nobody likes you,” paused and then said, “Everybody likes you.” At one point, he also said to a trooper, “You're a handsome man,” paused, then said, “You have big ears.”

Emergency medical responders examined Edward for injury. Edward complained about discomfort from his hand cuffs and stomach muscle cramps. Edward appeared disoriented at times. When asked by the emergency responders what road he lived on, he said Stinson Lake Road. But then when asked about the number of the address, he responded that he lived on Community House Road. The attending paramedic noted that Edward appeared to be intoxicated.

While waiting to be transported to the Plymouth Police Department, Edward became agitated and said:

“Why am I the criminal, someone attacked me, why am I the fucking criminal, this is wrong, this is wrong.”

“I was attacked. It’s not right.”

“I would never have done anything like this, he attacked me. I was in fear of my life. I swear to god, no lie, you ask her (his wife Christine).”

“This happened before.”

“He’s nearly choked the life out of me a couple of times. I have witnesses, I have a police officer.”

“I’m not making excuses.”

Edward also called the victim a “prick” and said, “He was coming after me, he was going to hurt me and I know he was going to hurt me and I’m not going to put up with this shit.”

At first, Edward seemed to be unaware of any injury to his mouth and the fact that he appeared to have blood in his mouth. When asked by an officer what happened to his mouth, Edward said, “I definitely got punched.” A short time later, Edward stated:

“I didn’t do it the wrong way. I did not. I was being beat up, I’m a 62 year old man, and somebody was beating me up, and I shot him.”

“I told him I would shoot him.”

“I’m not trying to make excuses, this guy was bullying me.”

“There is a dead person here that shouldn’t be dead but he’s dead because he was a douche bag, not because I was.”

Edward also told the officer that, “This is going to haunt me.” He motioned his hand into the shape of a gun, put it to his head and then made a sound, simulating suicide.

At around 8:00 p.m., Edward was transported to the Plymouth Police Department. The transporting officer noted that the police cruiser smelled of alcohol after transporting Edward. Edward repeatedly said that he did not do it and he did not do anything wrong while on route to the police department. The officer escorted Edward into the department and remained with him in an interview room.

## (2) Edward Healey's Statements at the Plymouth Police Department

While waiting in an interview room at the Plymouth Police Department, Edward Healey made a number of spontaneous remarks. He said, "I'm not usually emotional. He knocked my front teeth out, almost" and "The guy is a bully. He beats up old people." He complained about his teeth hurting, wiggled his bottom tooth, and showed the trooper that it was loose. Edward said, "I was attacked. I was beat up for the second time. How many times do I have to put up with this?" He antagonized me." Edward continued stating, "I know a guy lost his life today, but he's the douche bag. Not me." He said, "I just didn't want to get beat up again. I know it was drastic. I'm sorry, kind of" and "The only way to stop him when I was being beaten was to stop him."

At around 10:00 p.m., investigators interviewed Edward and he made the following remarks:

"I got beat up by a bully...twice."

"I have the right to protect myself. I want to talk to you. I have nothing to hide."

"He came on my boat he came down and..."

Before allowing Edward to continue, investigators informed him of his *Miranda* rights. Edward then began the interview stating that David was a neighbor he had known for five to six years. When asked for more background on David, Edward explained that "David is a reformed alcoholic that had fallen off the wagon." Edward said that last summer (summer 2013), David tried to choke the life out of him. He said that Karrie and David had been drinking all day out on the kayaks and that when they came in the dogs were wet and splashing over everybody. He said he had to buy a new phone because there was so much water splashed. His wife, Christine got wet, got pissed, and called someone "the c-word." The next thing Edward knew, David had him by the throat. Edward explained that the encounter with the wet dogs and being choked occurred last year, separate to the shooting.

Edward said that the day of the shooting was completely different and that David was provoking him. He said that David "was sitting in a posturous [sic] manner...wanted to come down and do something." Edward responded "What the hell you looking at?" Edward explained that David was sitting up on the platform landing on the stairs to the dock provoking him. David then came down and he knocked his tooth out.

Edward said that David was sitting up on the platform provoking him and that Edward wasn't buying it. "But once he came down and..." When asked if Edward was on his boat at that time, Edward responded "yes."

Edward said "I knew what he did last year and I figured he was going to do the same thing this year and I wasn't having it. I'm not going to be murdered by some son of a bitch and bastard that...alright...I don't know...I should have a lawyer I think."

At that point, the interview stopped but Edward continued to make spontaneous remarks. He said: "I'm heart-broken over this"; "I'm just fragile and old"; "I had a stroke"; and "I'm pretty sure that I did everything right."

### **(3) July 10, 2014 Interview with Edward Healey**

Eleven days after the shooting, Edward Healey voluntarily gave another interview at the Plymouth Police Department, with his lawyer, investigators, and an attorney from the Attorney General's Office present.

During this recorded interview, Edward explained that he and David used to be friends. They were neighbors as their backyards abutted one another. They had known each other for approximately eight to ten years and used to watch football together. He said that both he and his wife got along with the Landseadels until last year.

Last summer (summer 2013), he and his wife were at the shared dock at Stinson Lake, sitting enjoying their sailboat, when an incident occurred with the Landseadels. Edward's friends Laurie Nutting and Angela Lyford were present on the dock as well. Lyford, a part-time police officer in Bridgewater, was off-duty at the time. David and Karrie Landseadel came into the dock from kayaking on the lake with their two dogs. When they reached the dock, their dogs were loose, running around and getting people wet. Christine Healey was on the dock and Edward was seated in his boat. Christine complained to Karrie about controlling her dogs and was told to "fuck off." In response, Christine called Karrie a "cunt."

Upon hearing the name calling, David moved toward Christine. Edward stood up in his boat and said, "That's enough." David then went after Edward in his boat, knocking him down on his backside. David put one hand on Edward's throat and began to "choke the life out of [him]." There was no hitting involved and Edward was unable to fight back, and struggled to get David's hand away. Lyford and Nutting stepped in and tried to pull David off Edward. Edward reported losing his wind before David finally was pulled off.

Edward admitted that he had consumed one or two alcoholic drinks that day last summer. But Christine had no alcohol because she does not drink. Edward believed that the Landseadels had consumed alcohol while kayaking, but never saw them drink. When asked if he had restricted the Landseadels from accessing his property following the incident,

Edward said that he had put up no trespass signs for all-terrain-vehicles (ATVs) in the area. He said that in early June someone on an ATV had been stealing gas from his property. He said that he put up cameras at that time as well. The Healeys and Landseadels had not spoken since the incident last summer.

On June 29, 2014, Edward and Christine Healey went down to the shared dock at around 3:00 p.m. They brought with them towels and a black cooler bag with rum and diet coke. Edward placed his Colt .38 revolver in the side pocket of his black cooler bag. He has had a valid gun permit for eight to ten years and generally carried his gun on his person.

When Edward and Christine arrived at the dock there were no kayaks present and they did not see the Landseadels. They spent time sitting in their sailboat relaxing at the dock and saw their new neighbors, the Papajohns, go out on their boat.

At around 4:30 p.m., the Landseadels came into the dock from kayaking with their two dogs. The dogs were not unruly. No words were exchanged between Edward and David, but David stared at Edward. Edward did not stare back and did not want anything to do with the Landseadels. David pulled his kayaks out of the water. Around the same time, the Papajohns had returned to the dock on their boat and were attempting to moor their boat in the water near the dock. Edward had given the Papajohns permission to use his mooring ball. At some point, Evan Papajohn left the area, and came back shortly thereafter.

Edward said that Karrie needed help getting onto the dock and that both Karrie and David left the area almost immediately, going up the dock stairs to Stinson Lake Road.

About an hour later, David returned to the dock alone, without Karrie or the dogs. Edward and Christine were still sitting in their sailboat at the dock. David sat cross legged on the landing about halfway up the staircase that led from the dock to Stinson Lake Road. He stared at the Healeys for about fifteen minutes, until Christine finally wanted to leave. The Healeys decided to head back their residence. The only way back to their residence was to take the stairs where David was seated.

Edward headed up the stairs with Christine trailing behind him. As he approached the platform landing, David popped up from his seated position and yelled, "I have every right to be here!" David then went after Edward, knocking him down on his back on the landing. At the time, Edward had weakness in his legs from a stroke he suffered in March 2014. David proceeded to "beat the living shit out of me (Edward)." David again yelled, "I have every right to be here!" David kneeled on Edward's arm and chest while punching him. Edward believed that he sustained a cracked rib and later sought treatment at Brockton Hospital Emergency. Edward was unable to return any punches during the attack. His left arm was pinned to the ground and his right hand was impaired from the stroke. Describing the weakness in his hand, Edward said that he was unable to close his right hand tightly to pick up a penny, but was able to pick up and hold a mug.

Edward's soft black cooler had fallen on the ground by his right side during the attack. David was punching him with one hand and had his other forearm at Edward's throat. Edward believed David "meant business." He did not understand why it was happening and he was sorry, but felt "there was no way out." He said he was experiencing pins and needles. He panicked, believing that he was going to die and his wife would be next. When asked where his wife was during the assault, Edward responded that she had frozen.

Edward said that he felt the cooler and knew the revolver was inside, so he reached for the gun, raised his arm, and fired it, without aiming. As soon as the gun went off, David "popped off like he was having a spasm" and David dropped over onto his back.

Edward said his recollection was unclear after that point. He did not remember what he said to his wife or walking past David up the stairs to Stinson Lake Road. He and his wife went to the Green residence for help. He asked Ted Green to call the police and told him that someone had been shot. He then waited with his wife for the police to arrive. He put the gun back into the black cooler bag. His wife ultimately gave the cooler and gun to the police when they arrived.

Edward said that he had no argument with David whatsoever. He said that David was arguing with the owners of the property where the shared dock was located and with the Nuttings, about use of the dock. Historically, the Nuttings have kept their boat moored in the same location at the shared dock every year for 12 to 13 years. This year, before the Nuttings were able to put their boat in the water for the season, David tied his kayak at the dock in the Nutting's spot. Laurie Nutting told Edward that she moved David's kayaks out of the water onto another dock. Upon discovering the kayak had been moved, David then moved Nuttings boat and tied it loosely on a mooring ball out on the water near the dock. Nutting then called Edward and asked him to retrieve her boat and re-tie it to the dock. She said someone had called her and told her that her boat was floating away. Edward went and re-tied the boat to the dock and said that the Landseadels' kayaks were not at the dock at that time.

### **C. Christine Healey's Statements on the Day of the Shooting**

#### **(1) Christine Healey's Communications with First Responding Officer**

First responding officers made contact with Christine Healey near the Green's driveway. Christine told one of the troopers that the blood on Edward was not his own. She said that her husband was being beaten up. She told the trooper that she and Edward were at the dock and David came down and started punching Edward for no reason. Christine said that Edward was on the ground, and David was beating him. Edward had the gun in his cooler, so he grabbed his gun and shot David. When asked how many times, Christine said once. Christine and Edward went to a neighbor's house and called the police. Christine also said that Edward had previously been beaten by David because Christine had called David's wife, Karrie, a "cunt."

Christine said that Edward had consumed approximately four rum and cokes the day of the shooting. She said that she had only water because she does not drink. Christine agreed to provide a written statement.

## **(2) Christine Healey's Written Statement**

In her written statement, Christine wrote that Edward and she were walking up the stairs from their boat to go home. David was on the landing waiting for Edward and started punching him in the face and pounding him, over and over again. Edward had a gun in his cooler by his side, pulled out the gun and shot David. She wrote that they then went to Ted's house (ThurLOW Green) and called the police.

Christine also wrote about an incident the previous year when David came onto the Healey's boat and choked Edward because Christine had called his wife names. She believed that the neighbors reported the incident to the police. She wrote that Angie Lyford, Laurie Nutting, and Mr. Whithour (Wytral) were present.

## **(3) Christine Healey's Interview at the Plymouth Police Department**

After the shooting, at around 10:48 p.m., Christine Healey was voluntarily interviewed by investigators.

During this recorded interview, Christine said she was on the boat at the shared dock with her husband that day. She had seen David and his wife come in from kayaking on the lake with their dogs. She said that David and Karrie left the area and she believed they went home. David came back to the dock and sat on the landing of the staircase to the dock. David sat and stared at her and Edward. Christine said she did not hear David say anything.

Christine said that she and Edward started up the dock stairs to leave and that they had to pass by David to exit the area. Christine was on the bottom stair when the attack occurred. She said that David jumped her husband and started pounding him in the head and the face. She did not hear any yelling when David lunged at Edward. David punched Edward at least a dozen times, causing a bloody nose and lip. She did not believe that David was going to stop on his own.

Christine said that her husband always carried a gun and that day his gun was in the cooler. She did not know why David was pounding her husband, but said they did not like each other. She said, "Eddy didn't like being beat up, so he pulled out a gun and shot him."

## **D. Information from Other Witnesses**

### **(1) The 911 Caller and his Wife**

The evening of the shooting, at around 6:00 p.m., Thurlow (Ted) Green called 911 to report that a man had been shot and that another man, later identified as Edward Healey, was in his yard with a gun in his hand. Edward's wife, later identified as Christine Healey, was also present. Christine told Ted that her husband was attacked. Edward said that he shot the man who attacked him. Edward wanted Ted to take the gun.

Ted told the 911 operator that the shooting had taken place north of his property at a shared dock on Stinson Lake. He also said that earlier he had heard what he believed was a firework while standing in his yard with his wife, Denise Green.

At around 8:15 p.m. Rumney police interviewed Ted Green in reference to the shooting. Ted said that earlier in the day, he and Denise had been on their dock at the lake, located south of the shared dock. They had seen Edward and Christine attempting to start the motor to their sailboat. The Greens returned to their residence for dinner that evening and were in their backyard when they heard a loud bang that Ted thought was a firework. A short time later, Edward and Christine appeared in their driveway. Edward had blood on his right side and was holding a gun in his right hand. Christine was holding a black cooler. Ted heard one of them say, "Can you help us?" Christine said, "He attacked him." Edward then offered Ted the gun, saying "Here, take it." Edward said, "The gun was in the cooler. He attacked me. I grabbed the gun out of the cooler." Christine then said, "He shot him." Ted asked if the man who was shot was okay and the response was "No. You need to call 911."

On June 30, 2014, investigators again interviewed Ted Green at his Rumney residence. Ted said that he had met Edward Healey when the Greens first bought their house in 2012 and described Edward as an acquaintance. Ted did not have any relationship with the Landseadels. The Green's dock was located approximately 300 feet south of the shared community dock on Stinson Lake Road. Ted's account during this second was consistent with what he told investigators previously.

The day of the shooting, the Greens went down to their dock at approximately 2:00 p.m. Ted recalled observing the Landseadels kayaking sometime around 3:30 or 4:00 p.m. The Greens were still on their dock when the Landseadels came in for the day from kayaking, landing at the shared dock. At the time, the Papajohns were visiting with the Healeys for quite a while and the Papajohns had tied their boat to a mooring near the shared dock. Ted did not observe any kind of disturbance.

Ted estimated that he and his wife left their dock and returned home for dinner at 5:30 p.m. About fifteen minutes later, he and his wife heard a loud bang that he believed was a firework. Following the sound, he and his wife had gone inside to change when

Edward and Christine walked up the driveway. He noticed that Edward had blood smeared on his pants and shirt. Edward held a gun, waffled, and looked shaken up. Edward said, "We need your help. He attacked me." Christine said "Yah, and he shot him." Edward held out the gun and said, "Take my gun. He attacked me. Take my gun." When asked if the man shot was okay, one of the two replied they thought he was dead and said to call 911. Ted ran into the house and used his landline to call 911. He stayed on the line until the police arrived. Approximately five minutes after Ted made the call to 911, the Healeys walked down the driveway, sat down and waited for the police to arrive.

On June 30, 2014, investigators also interviewed Ted's wife, Denise Green. Denise confirmed that she and her husband went down to their dock at 4:30 p.m. and had seen the Healeys trying to start the motor to their sailboat. She also observed the Landseadels come in from kayaking with their dogs at around 5:25 or 5:30 p.m. The Greens left their dock to return to the house for dinner at around 5:30. They heard what Denise believed was a firework, about fifteen to twenty minutes later. Denise then went inside to get changed while her husband remained outside. Next, she heard talking and looked out the window to see Edward and Christine. She noted that Edward had blood on the right side of his shorts and that Christine appeared agitated. Ted then came inside and called 911. He told Edward and Christine that the police were on their way, and Edward and Christine walked to the end of the driveway and sat down.

## **(2) Karrie Landseadel - David Landseadel's Wife**

On the night of the shooting, a Rumney police officer observed Karrie Landseadel, at the perimeter of the shooting scene at the shared dock. Karrie was distraught and intent on gaining access to the scene. She demanded to know where her husband was. The officer informed Karrie that her husband had been shot and killed down by the dock. Karrie ran behind the property toward the lake and jumped in the water in an attempt to swim to the dock where her husband lay. The officer retrieved Karrie, placed her in hand cuffs for safety, and brought her back to her residence. At the house, Karrie fell to the ground and said that she did not understand how this happened. She said, "David was here." She explained that they went out on the kayaks earlier then came home. She had passed out on the couch and David was making dinner. When she woke up he was gone. Karrie was unable to be interviewed that evening due to her emotional state and elevated level of intoxication. She was taken to Speare Memorial Hospital for observation.

A trooper was stationed to look after Karrie at Speare Memorial Hospital. Karrie was crying and asked the trooper whether she knew if anyone was in custody. Karrie then said did not know why anyone would not be in custody, because she knew who killed her husband, Edward Healey. She was released from the hospital at approximately noon the following day.

Investigators later interviewed Karrie at her residence with a victim witness advocate present. Karrie said she met David in 2009; they started dating in 2010 and were married in 2011. Karrie said that she and David did not generally socialize and spent most of their time

with each other. She was a certified technician and worked with David at his chiropractic practice.

Karrie described the day of the shooting as follows: She and David went kayaking with their dogs at approximately 11:30 a.m. They generally kept their kayaks either in the basement, at their friend Ron Vance's dock, or at the shared dock. This was their second time out on the water this season. They launched from Ron Vance's dock and brought snacks and wine with them. They both drank the wine. She stated that she had had more to drink than David. Late afternoon, they came in from the water at the shared dock, went home, and were preparing to have dinner. She said David had seasoned some steaks and he seemed fine. They showered, changed, and Karrie fell asleep on the couch. When she woke up, she noticed that David had set out a plate with tater tots, but he was nowhere to be found. Karrie heard police cars and went outside to see what was going on. She learned there had been a shooting. She immediately checked the rest of the house for her husband. She went outside again and was told by neighbors that Edward Healey had shot David and that David was dead. She ran down to the shared dock area.

Karrie said that there was no one at the dock earlier when they had landed the kayaks and that she did not know why David would have gone back. She said that they only left their kayaks at the shared dock if there was no one there and explained they had not gotten along with the Healeys or the Nuttings for over a year.

Karrie said that she and David, the Nuttings and the Healeys all had a right of way to the shared dock and that Edward and David got into a fight last summer. Last summer (summer 2013), she said that Edward was sitting in his sailboat, his wife Christine was on the shared dock, and Lori Nutting was in the water. She and her husband were coming in from kayaking with their dogs. The dogs were called to the end of the dock and then Christine was complaining about getting wet. Words were exchanged and Christine called Karrie the "c-word." Edward got out of his sailboat and pushed David, so David swung back. Prior to the incident, she said that she and David had gotten along with everyone. She and David had had no communications with the Healeys since the incident last summer. The Healeys did not want her and David in their yard and she and David did not want the Healeys in their yard.

On July 18, 2014, investigators re-interviewed Karrie at her residence with her attorney present. Karrie reiterated much of the same information. She added that when she and David returned to the dock from kayaking the day of the shooting, they did not lock up the kayaks and that she thought David had gone back to the dock to lock the kayaks before they had dinner.

Karrie also spoke about another incident that occurred just weeks before the shooting. She and David had docked their kayaks at the shared dock after kayaking. They left her kayak tied off at the dock where Laurie Nutting's boat was usually docked because Nutting's boat was not yet in the water. The next day, Karrie's kayak had been lifted out of the water onto the dock and Laurie Nutting's boat was in its place. Karrie believed the kayak was

moved “out of spite” because the Healeys and Nutting think they owned the dock space. She said that 12 to 15 families have a right of way to the shared dock. Upon discovering the kayak was moved, David called Laurie Nutting and told her that she had no right to move the kayak. Karrie said David was quite mad and could not sleep that night. At around 2:00 a.m. David went down to the dock and moved Nutting’s boat away from the dock onto a mooring ball on the water and brought Karrie’s kayak back home.

### **(3) Other Residents in the Area at the Time of the Shooting Incident**

#### **The Papajohns**

On July 1, 2014, investigators interviewed local residents Evan and Jackie Papajohn at the shared dock. The Papajohns had recently moved to the area and were just getting to know the Healeys, having seen them about three times. They were also on pleasant terms with the Landseadels.

On the day of the shooting, the Papajohns went down to the shared dock at around 2:00 p.m. to go out on their motor boat. The Healeys were at the dock in their sailboat. The Papajohns exchanged pleasantries and spoke with the Healeys for about ten minutes before heading out onto the lake. Jackie observed that Edward was in a great mood. He had a black cooler and was drinking something in a clear cup. Edward told the Papajohns that they could use his mooring ball located near the dock. The Papajohns did not recall seeing the Landseadels kayaks at the dock at that point.

At around 3:45 p.m., the Papajohns returned to the shared dock. The Landseadels had pulled into the dock just ahead of them with their kayaks and dogs. Edward and Christine were still docked on their sailboat, so the Papajohns chatted with the Healeys while waiting for the Landseadels to clear out. There were no communications between the Landseadels and Healeys. Evan observed Edward rolling his eyes at the Landseadels. Jackie believed it was because the Landseadels were taking their time unloading. She saw Karrie stumble and fall onto the dock when unloading off her kayak. After pulling the kayaks out of the water, Karrie, David and the dogs left the dock area almost immediately.

David returned briefly, without Karrie or the dogs, locked his kayaks, and then left the dock area again. Seeing David lock the kayaks, Edward whispered to Jackie, “He’s not supposed to leave his boats there.” Christine Healey then said, “We’re not going to get into that.” Again, there were no words exchanged between Edward and David.

Evan left the dock area to retrieve a rope from his residence to moor his boat, at the same time David was leaving after having locked his kayaks. As the two men walked back toward Stewart Drive, David was within three to four feet of Evan. Evan smelled alcohol and observed David to be visibly intoxicated, wobbling and slurring. David told Evan that he could save Evan \$2,500. David said that the Wytrals could not tell him where to put his boat. David offered to get Evan a letter his lawyer had drafted to that effect. Evan declined

and told David not to bother because he was not in a legal battle over the dock. David said, "I'm just warning you."

Evan continued on to his residence and then returned to the dock with a rope to secure his boat to Edward's mooring ball. Jackie believed Edward may have been drinking alcohol because of his behavior. She said he was very emotional, crying on two occasions during their conversation. Edward also called Evan "handsome" several times which she believed was odd. Edward was poking fun at Evan because Evan was always worried about his boat. Edward took something out of his black cooler and placed it on the seat, but Jackie did not notice what it was at that time.

Moments later, Edward told Evan not to worry about his boat because, if there were any problems, Edward would tie his boat onto the end of Evan's boat. Evan asked Edward to make sure to keep an eye on his boat. Edward responded, "Don't worry, I got you covered," and patted a gun that was on the seat next to him. At that point, both Jackie and Evan saw that Edward had retrieved a gun from his cooler. Evan noted that it was holstered. Edward tried to give Evan a closer look at the gun, but Evan said "No, no, I'm good. Thank you. I appreciate the fact you are going to watch my boat. I couldn't find a better guard." Jackie asked Edward if he was supposed to have a gun on a boat. Edward said that he always had his gun on him. Shortly thereafter, the Papajohns left the dock area and returned to their residence in the area.

While at his residence, at around 5:30 p.m., Evan heard what he thought was a firework. At around 6:00 p.m., the Papajohns left the area for Concord. They drove by the Green's residence and saw Edward and Christine sitting on the side of the road with a police officer holding Edward at gunpoint. They watched the officer take a black cooler bag from the Healeys. The officer then told the Papajohns to move along. The Papajohns drove away as about a half dozen police cruisers arrived.

### **Douglas Bruning**

On June 30, 2014, investigators interviewed local resident Douglas Bruning at his residence. On the day of the shooting, at around 4:00 p.m., Bruning went down to the shared dock for about ten minutes. While at the dock, Bruning saw David walk up and down the stairs a couple of times. He also saw Edward and Christine, and he went over to shake Edward's hand. Looking down, Bruning saw a small black gun in a holster beside Edward on his sailboat. Bruning asked Edward, "What the fuck is that?" Edward replied, "I have enemies around here." Bruning told Edward to put it away and watched Edward put the gun into a bag. Edward said, "I'm just afraid that guy is going to come back on my boat again." Christine responded mumbling something under her breath that Bruning believed was disapproval of the gun. Bruning said that Edward had a cup with clear liquid and that he had been drinking.

One week prior to the shooting, Bruning spoke with Edward about the incident that took place last summer (summer 2013), between Edward and David. Edward said he regretted not reporting the incident to the police.

### **Ronald Fralick, Sr.**

On July 1, 2014, investigators interviewed local resident Ronald Fralick, Sr., at his residence. Fralick Senior said he had words with Edward about six to eight years ago, but that they had since patched things up and were on speaking terms. He told investigators about several instances of neighborly feuding with Edward. The Fralicks owned waterfront property, north of the shared dock, as well as on the opposite side of the lake. Years ago, Fralick Senior caught Edward and his wife trespassing on his waterfront property on the other side of the lake. In another dispute, the Healeys had a right of way on a shared driveway through the Fralick's property. Fralick Senior built a shed in close proximity to the driveway. During the winter, Edward plowed snow into the shed and Fralick Senior believed it was intentional. Fralick Senior and his son confronted Edward on Edward's property, ready for a fight. The Fralicks were charged with crimes stemming from the incident. Since that incident, however, Fralick Senior and Edward had made amends.

Fralick Senior owns waterfront property with a dock located four docks north of the shared community dock. The day of the shooting, at around 4:00 p.m., Fralick Senior, his wife, his son Fralick Junior, and Junior's girlfriend went out on their boat. They drove from their house down to their dock in Fralick Senior's pick-up truck. Fralick Junior and his girlfriend rode in the back, on the tailgate. At the dock, while loading the boat, Fralick Senior looked south and saw David at the top of the stairs of the shared dock. He said there were other people present at the shared dock as well. Specifically, he recalled a man, new to the area (Evan Papajohn), trying to attach his boat to a mooring.

Out on the water, Fralick Senior and his family met up with a family on another boat in the middle of the lake. At around 5:30 or 6:00 p.m., the Fralicks were about a half mile out from the shared dock, when they heard what they believed was a firework. Shortly thereafter, they returned to their dock for the evening. Fralick Senior scanned the shoreline with his binoculars when approaching, but nothing caught his eye. The Fralicks returned home in their truck. About two minutes after returning home, Fralick Senior heard numerous police cruisers going by. He and his son went back down to their dock to see what was going on.

### **Ronald Fralick, Jr.**

On July 1, 2014, investigators interviewed local resident Ronald Fralick, Jr., at his residence. Fralick Junior confirmed his father's description of past feuding between Edward and the Fralicks. He too said Edward and his father had since patched things up and begun speaking to each other again.

Fralick Junior said the day of the shooting, at around 4:00 p.m., he, his girlfriend, parents, grandfather, and grandfather's girlfriend went to the lake to go out on their boat. He and his girlfriend rode down to the dock in the back of his father's pick-up truck. On route to the dock, cresting the hill, north of Steward Drive, Fralick Junior saw a man in red shorts that he believed was David Landseadel. The man was walking north on Stinson Lake Road. He described David as "walking a little wider" and "with a little bit of a purpose." He said that David looked as if he had been drinking. He described David as "walking like a hard guy."

At the dock, while loading up the boat, Fralick Junior looked over at the shared dock and saw Edward in his sailboat and a person he believed was Evan Papajohn, mooring his boat. The Fralicks went out on the water for about an hour and a half, fishing in three to four different areas. They met up with another family on another boat in the middle of the lake. While tied off with the other family's boat they heard what he believed was a firework. He did not remember hearing any yelling or screaming at the time.

The Fralicks returned to their dock about thirty minutes later. On route back to their home, Fralick Junior again rode in the back of the pick-up truck. While driving past the Green's residence, Fralick Junior saw Ted Green standing behind his door, talking with his hands. Edward and Christine Healey were standing in the middle of the Green's driveway.

#### **(4) Other Local Residents and Persons with Information**

##### **George McQuillan**

On July 3, 2014, investigators interviewed local resident George McQuillan at his residence. McQuillan did not see or hear anything in relation to the shooting on June 29, 2014. He had left the area for his primary home in Salem. McQuillan was friendly with both Edward and David. He has known Edward since the 1980's and David since David moved to the area.

On July 2, 2014, Edward spoke to McQuillan on the telephone and told McQuillan what happened the day of the shooting. The following account details what Edward told McQuillan:

David was on the landing of the stairs to the shared dock. He was staring down at Edward and his wife in their sailboat. David had a look of fury like he was going to do something. The Healeys went to leave the dock and David continued to stare as they were walking up the stairs. When Edward reached the landing and tried to go past David, David threw Edward to the ground. Edward fell on his back and David was on top of him pounding on his face and chest. David put Edward in a choke hold and Edward felt his air supply cut off. Edward retrieved a pistol and shot David. Edward did not know that he shot David until David's body lay lifeless. Edward did not mention that any words were exchanged during the encounter. Edward admitted he had been drinking but said that he was not drunk. He believed David was drunk. Edward told McQuillan that David beat him pretty badly and that

he had sustained several injuries, including a broken nose, teeth went through his lower lip, his jaw moved, and he had broken a rib and dislocated another rib.

McQuillan recalled seeing a gun on Edward's boat previously, approximately 2-3 years ago. McQuillan said Edward was right handed and that Edward experienced weakness in his right side from having a stroke during late winter.

### **Laurie Nutting**

On June 30, 2014, investigators interviewed local resident Laurie Nutting at her residence. She did not see or hear anything in relation to the shooting on June 29, 2014 because she was not in the area. Nutting was friendly with both Edward and David. Nutting had known Edward for twenty years and considered him like an older brother. She had known David since he moved in next door in 2004 and considered him her "third son."

Nutting said her relationship with David had deteriorated in the last couple of years, since he had married. Approximately three weeks prior to the interview, Nutting had an incident with David. She explained that for the past 15 years she has docked her boat in the same spot at the shared dock. She was late getting her boat in the water this year. When she went to put her boat in, she discovered one of the Landseadel's kayaks was tied off in her spot. She moved the kayak onto a side dock and took her spot at the dock. She admitted that she probably should have contacted the Landseadels to get their permission to move the kayak, but explained that everyone knew that was where she docked her boat.

David called Nutting at 9:30 p.m., the same day she moved his kayak. She said he was "drunker than a hoot." David was yelling and screaming at her telling her that he was going to let her boat loose and that she had no right to touch his kayak. Nutting warned David not to touch her \$20,000 boat or he would have to deal with her husband. David then threatened her with his lawyer.

The next morning, Nutting discovered that David had moved her boat from the dock to a mooring out on the lake. Nutting called Edward and asked him to retrieve her boat because she was headed out of town. She said she had not spoken to David since that phone call.

Nutting told investigators that she was present in the emergency room with Edward when he had his stroke during the winter. She described Edward as being more emotional since the stroke.

### **The Wytrals**

James, John, and Mark Wytral co-own the waterfront property where the shooting took place. Investigators interviewed the three brothers separately on or between June 29, 2014 and July 2, 2014.

Investigators learned that the Wytral brothers owned the property where the shared dock was located, but that approximately 12 to 13 other home owners in the area had a right of way to access the lake through the Wytral property. Consequently, the Wytrals permitted local residents with rights to build their own dock on the property to access the lake. There are two docks located at the waterfront, a metal dock and a wooden dock. The metal dock was for the Wytral family's personal use and the wooden dock was for the local residents with the right of way. The Wytrals specifically allowed Edward to keep his sailboat attached to the dock.

John Wytral had known Edward for ten years. He also knew David, but they did not get along. The Wytrals hired a lawyer in the past to deal with the issue of establishing that the right of way was strictly a right to access the lake. John Wytral did not believe that this right should extend to the Landseadels because they were renters and not property owners. He said this was a "point of contention" between the Wytrals and the Landseadels. During the summer of 2012, the Wytrals confronted the Landseadels about leaving their boats tied to the dock. The Wytrals went to the Landseadel's residence to ask them to remove the boats from the beach front. The Landseadels responded by screaming and swearing and demanded the Wytrals get off their property. Mark Wytral said that their mother, Grace Wytral, had also had a run in with David about using the Wytral's private dock. David was apparently adamant with Grace about having a right to use the dock and swore at her.

### **Deborah Hills**

On July 26, 2014, investigators interviewed Deborah Hills, a former patient of David's who would barter cleaning services in exchange for chiropractic adjustments. She had known David for about 6 years. She and David were friendly and had previously chatted about problems with neighbors. In April of 2014, during an office visit, Hills asked David how things were going in "his realm of the woods?" David responded that things had not changed. Hills asked, "How bad has it gotten?" David said one of these days she "would read about it on the evening news - local man shot and killed by crazy neighbor," or words to that effect. Hills encouraged David to contact the police, but David shrugged his shoulders and said "What are you going to do? The guy is crazy." At the time, David did not specifically identify the neighbor he spoke about. However, David had complained to Hill about his neighbor "Ed," in the past and Hill understood this to be the same neighbor. She was never given a last name. Hills said that David had also previously complained about his kayaks being moved.

### **Kelly Chwojdak**

On August 1, 2014, investigators interviewed Kelly Chwojdak, a friend of David's from chiropractic school in New York. Chwojdak had known David for approximately 22 years and was married to another one of David's friends. Over the past few years, while David had been in New Hampshire, he told her that one of his neighbors on Stinson Lake had fired "random shots" at him. The neighbor was never identified other than being male and a "crazy lunatic."

**E. Incident Between Edward Healey and David Landseadel During the Summer of 2013**

Angela Lyford, Laurie Nutting, Douglas Bruning, the Healeys and the Landseadels were all present when an altercation occurred between Edward and David at the shared dock on Stinson Lake during the summer of 2013. Investigators interviewed witnesses separately to learn more about that incident and the role it may have played in what occurred during the June 2014 shooting incident.

**(1) Angela Lyford**

Angela Lyford said that last summer (summer 2013) she was sitting on the shared dock with Laurie Nutting having a couple of beers and enjoying the weather. The Landseadel's dogs went over to Nutting and Christine Healey. Christine became angry because the dogs were getting her wet and started yelling at Karrie. Christine and Karrie were yelling at one another. Edward and David then started yelling at one another. Lyford was unsure who started the physical altercation, but she remembered that David grabbed Edward by the neck and choked him. Lyford broke up the fight. As the Landseadels were leaving the dock area, Edward yelled that they were not allowed on his property anymore. Lyford commented that neither Edward nor David would back down from a fight. She also estimated that the two men were a fairly good match.

**(2) Laurie Nutting**

Laurie Nutting said that she, Edward, Christine, and Angela Lyford were hanging out at the shared dock last summer (summer 2013). David and Karrie were out on the lake on their kayaks with the dogs. She believed both David and Karrie appeared intoxicated. She said that Edward had been drinking cocktails, but that she and Lyford were not drinking. The Landseadels returned to the dock and their dogs were shaking and getting Christine wet. She said tempers rose and curse words were said including the "c-word." Edward and David had a heated verbal exchange using foul language. Then David went onto Edward's boat, punched Edward and started to strangle him. Karrie jumped on the boat as well. At first, Nutting and Lyford stayed out of it. But the two ladies stepped in and broke it up because David had Edward by the throat, hanging off the side of the boat. Before the Landseadels left the dock area, Edward told them that he did not want them to cross onto his property anymore. Edward said that he would post signs and put up cameras, whatever he had to do. Nutting had had no contact with the Landseadels since the incident last summer (summer 2013), until she received a phone call from David about moving his kayak. She did not believe that Edward and David had any contact since the incident until the shooting.

**(3) Douglas Bruning**

Douglas Bruning said that last summer (summer 2013), David and Karrie were out on their kayaks with their dogs. Edward, Christine, and Laurie Nutting were down at the dock.

The dogs soaked everyone on the dock and knocked over a pile of towels into the water. Words went back and forth. Karrie got nasty and Christine called her a “cunt.” Then David went wild and yelled at Edward. Edward responded, “I didn’t do it. I didn’t do it.” David jumped on Edward’s boat and grabbed Edward by the throat. The incident ended with the women separating David from Edward by punching and pulling David. Bruning said that everyone was drinking. He said that the Landseadels drank while they were out on their kayaks and that “David would get nasty.”

**F. Information From People Who Knew Edward Healey and David Landseadel**

Investigators learned about Edward Healey and David Landseadel’s personal history and background through interviewing local residents, family members and people with past and present relationships.

**(1) Information about Edward Healey**

Edward Healey was 61 years old, approximately 6 feet tall, and 185 pounds. He underwent stomach by-pass surgery in 2006 and lost a significant amount of weight. Edward has owned his camp at the lake since the late 1980’s. He recently retired, having formerly worked at the University of Massachusetts running the boilers. His primary residence was in Randolph, Massachusetts, until he retired and moved to Rumney full time.

Friends described Edward as “someone who would do anything for you.” He was not known to be aggressive and was described as jovial, flirtatious, and happy when he drank.

Edward Healey’s medical records showed that he was admitted to Catholic Medical Center on March 25, 2014, for chest pains, numbness in his face and weakness in his right side. No acute infarction was verified and his deficits were not significant enough to warrant rehabilitation. Over the next few months, Edward received follow-up treatment at Tufts Stroke Center. In early June, Edward reported continued weakness in his right side. Specifically, Edward had difficulty writing and supporting his motorcycle when riding.

**(2) Information about David Landseadel**

David Landseadel was 48 years old, approximately 5 feet, 9 inches tall, and 169 pounds. David was described as an “odd duck” and a “prankster.” He enjoyed running and working out. He graduated from New York Chiropractic College in the 1990’s and initially worked at his father’s chiropractic practice in Buffalo, New York. David was known to drink heavily during chiropractic school and frequently got into physical fights at the bar. Generally, he would argue verbally, but never throw the first punch. He was consistently on the receiving end when the dispute turned physical. He was said to be able to “get under people’s skin” and was known to have a temper. David’s friends from school said that David had a drinking problem.

David met Karrie while still living in New York. He moved to New Hampshire in 2005 and bought an established chiropractic practice in Plymouth from his friend and former classmate, Elliot Levy.

David quit drinking for approximately three years when he moved to New Hampshire.<sup>2</sup> He told local residents that he did not drink because he was a “bad drunk” and “it made him do things he wasn’t proud of.” He described himself as a “mean drunk.”

David started drinking again after he married Karrie. The Landseadels together were described as “big drinkers.” David was also described as a “closet drinker.” Once married, David spent all of his time with his new wife Karrie and became less social in community.

### **G. Physical Evidence**

Investigators collected a black soft cooler from the Healeys in the Green’s driveway. The cooler contained crackers, empty diet Coke cans, a nearly empty fifth of rum and a Colt .38 revolver. One round had been fired from the gun with five live rounds remaining in the cylinder. Edward has had a valid license to carry a concealed weapon in New Hampshire since 2007.

Investigators collected Edward’s fingerprints, DNA samples, clothing and other items. Property seized included brown sunglasses, a Harley Davidson baseball cap, a blue and white bathing suit a white t-shirt, sneakers and a cell phone. The shorts and t-shirt had visible blood on the left side. Cell phone coverage was not active in the area where the shooting took place.

At the shared dock, investigators photo documented the shooting scene area and collected samples of blood evidence. The staircase leading from the dock on Stinson Lake up to Stinson Lake road was located on a steep wooded terrain. David’s body was found on a 4 feet by 8 feet platform landing, partway up the staircase.

David’s body was positioned on his back with his upper body facing east toward the lake and his legs facing west toward the upper staircase. His arms were straight out, perpendicular to his sides and his head was facing toward the sky. A black gun holster was found underneath David’s right thigh. David was barefoot and had on a red t-shirt and gray shorts. He also had a small lipstick sized canister of pepper spray in his left pocket. His sandals were found within a few feet of his body on the south side of the landing.

There was a significant amount of blood on the landing underneath David’s head. There were drops of blood on the front of David’s t-shirt, and in the area surrounding his body. Blood was found on a low lying tree branch on the north side of the landing, approximately 2 feet from the ground, which is potentially consistent with blood from the

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<sup>2</sup> One witness reported that during his early years living in New Hampshire, David allowed himself to drink alcohol when he was on vacation, out of state.

firing of the gun that caused David's head wound. The blood's location was also consistent with the gun being fired during the struggle on the ground on the landing. Blood drops were also found on stairs below the landing.

#### **H. Other Records**

After the incident, on July 1, 2014, Edward Healey was treated at the Brockton Hospital Emergency room in Massachusetts. He presented complaining of rib pain. Edward's medical records revealed the chest soft tissue was normal. His x-rays suggested that bone density and architecture was unremarkable and there were no fractures, dislocations or other bony abnormalities detected. He was instructed to follow-up with his primary doctor within three days, not to work for two days, and was prescribed pain medication.

#### **I. Autopsy Results**

An autopsy was conducted on David Landseadel's body on June 30, 2014. The deputy chief medical examiner determined that David died as a result of a single gunshot wound to the head. The manner of death was homicide, meaning that the death was caused by another person.

The entrance wound to David's head was located just below his left ear; the exit wound was similarly located on the right side of his head just below the right ear. The location of the wound was consistent with Edward Healey's account that he fired the gun with his right hand while on his back on the landing with David on top of him. Also consistent was the finding of a dense pattern of stippling surrounding the entry wound indicating that the shot was fired from within 6 inches to two feet.

David had abrasions on his chest and mid back, left and right elbow, and left knee, consistent with a physical altercation. He also had contusions on the back of his right wrist, mid right thigh, lower left leg and left ankle. An external and internal examination of David's hands revealed no evidence of soft tissue hemorrhage. Although tissue hemorrhage is sometimes present in a person's hands after they have delivered repeated punches, the lack of hemorrhaging does not mean that the punches were not delivered since hemorrhaging is not always present. There were no apparent injuries to the back of David's head that would indicate a fall from a standing position, which is consistent with Edward's description of David being close to the ground when he was shot.

Toxicology revealed the presence of alcohol in David's blood; he had a blood alcohol concentration of .20.<sup>3</sup>

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<sup>3</sup> This is almost 2 ½ times the legal limit (.08), to drive.

## **J. Prior Criminal History**

Investigators ran a criminal record check on both men. No criminal record was found for either Edward Healey or David Landseadel.

## **IV. THE APPLICABLE LAW, LEGAL STANDARDS AND ANALYSIS**

### **A. Applicable Law**

New Hampshire's laws regarding self-defense are contained in RSA Chapter 627. In this case, RSA 627:4, II(a), is the most applicable section and states that:

A person is justified in using deadly force upon another person when he reasonably believes that such other person is about to use unlawful, deadly force against the actor or a third person.

"Deadly force" includes 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." RSA 627:9, II.

Where deadly force is involved, what is "reasonable" under the circumstances "is determined by an objective standard." *State v. Leaf*, 137 N.H. 97, 99 (1993); *see also State v. Cunningham*, 159 N.H. 103, 107 (2009). All the circumstances surrounding the incident should be considered in reaching the decision as to what was reasonable. *See Leaf*, 137 N.H. at 99. In addition, the actor's conduct should be viewed "under the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection." N.H. Criminal Jury Instructions, 3.10. In other words, the inquiry must focus on the situation from the standpoint of a person facing the same situation, with the same knowledge as the person who used the deadly force. That examination cannot be made with the benefit of hindsight, which is afforded by one viewing the circumstances after the fact. Thus, even a mistaken belief that deadly force was necessary could still be justified under the law if that belief was reasonable, since the law does not require the person using deadly force to "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).

In a situation where deadly force is used, the amount of force used by the actor to protect himself or others must also be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

The law also provides that people in their dwellings, or people who are anywhere they have a right to be, have no duty to retreat from the encounter before resorting to deadly force to protect themselves or others, if they were not the initial aggressor. *See RSA 627:4, III (a)*. In addition, even if the duty to retreat applied because the actor was not where they should

have been or they were the initial aggressor, the duty would still only apply if the actor could retreat with “complete safety.” RSA 627:4, III.

Finally, in any case where a person has used deadly force and later claims self-defense, the State would have the burden to disprove that self-defense claim beyond a reasonable doubt in order to secure a conviction. *See State v. McMinn*, 141 N.H. 636, 644-45 (1997). There is no burden on the actor to prove that his/her actions were lawful.

## **B. Analysis**

Edward Healey and David Landseadel had a contentious history prior to the June 2014 shooting incident. While they had been friendly in the past, that changed in the summer of 2013 after a dispute between the two turned physical. Witnesses confirmed that during the 2013 incident, David became enraged and attacked and choked Edward. Over the next year, the tension between the two men apparently increased. In addition to the animosity that lingered after the 2013 incident, there were contentious issues surrounding the right to access the lake using the shared dock. The day of the shooting, the tension between the two men was simmering and likely exacerbated by the fact that both men were intoxicated. David’s blood alcohol content was two and a half times the legal limit to drive and Edward displayed significant signs of intoxication as well. This was the history between the two men and their condition when they encountered each other before the shooting incident on June 29, 2014.

In the late afternoon on the 29<sup>th</sup> when the Landseadels first returned from kayaking, no words were exchanged between Edward Healey and David Landseadel, but the animosity between the two men was apparent. The interviews with the Papajohns and Douglas Bruning suggested Edward may have been anticipating an encounter with David. Earlier in the day before the shooting, Edward had his gun out on the seat of his sailboat and said, “I have enemies out here” and that he was “afraid that guy is going to come back on my boat again.” In addition, while David was locking his kayaks before the incident that day, Edward whispered under his breath to Jackie Papajohn that David was not supposed to leave his boat at the dock. Edward also told Evan Papajohn not to worry about his boat because he had him “covered,” and then patted a gun on the seat next to him.

As for David Landseadel, he was clearly focused on issues of contention with his neighbors that day as well. While David was leaving the dock area and after having seen the Healeys there, he spoke to Evan Papajohn and offered him a letter that was drafted by his attorney and declared that the Wytrals could not tell him where to put his boat. Shortly afterward, David arrived back at this home and started making dinner. Having just seen the Healeys on the dock a short time earlier, he may have been thinking about his disputes with them and the dock access issues. Those thoughts that may have played a role in his decision

to stop part-way through making dinner and head back to the dock area with pepper spray in his pocket, leaving his wife behind asleep on the couch.<sup>4</sup>

David had no apparent reason to return to the dock. The fact that he decided to go back there and then did not leave when he saw the Healeys were there is consistent with reports about David's alcohol issues and his temper. David was apparently looking for a confrontation when he returned to the dock.

At the same time, given Edward's feelings toward David and David's attack on Edward in the summer of 2013, it was also unlikely that Edward would back down if confronted or attacked by David again. That would have been especially so since Edward was intoxicated and had a gun with him on the dock that day when David returned. Based on all this, it is clear that neither David nor Edward made efforts to avoid a confrontation on the dock that day. What is less clear is who was the initial aggressor that day and where exactly all the events that led to the shooting occurred.

The only people present at the dock during the shooting were Edward Healey, Christine Healey, and David Landseadel. Before being transported to the police station and then during an interview on the night of the shooting, Edward said, "He (David) came on my boat," and "He was coming after me, he was going to hurt me and I know he was going to hurt me and I'm not going to put up with this shit." Edward said that he warned David claiming, "I told him I would shoot him." He said that David antagonized him and "I just didn't want to get beat up again. I know it was drastic." Together, these remarks do not line up with Edward's second version of events in his subsequent July interview. In that July interview, he made no mention of David coming on his boat or of a warning to David. Nor did Edward recall stating that he "knew it was drastic."

In Edward's initial statements the evening of the shooting, he told investigators that, "He (David) came on my boat he came down and..." He said David was sitting in a "postureous [sic] manner" and that David wanted to come down. Edward looked at David and said "What the hell you looking at?" David then came down and "he knocked my (Edward's) tooth out." Edward said that David was provoking him and that he was not buying it. "But once he came down and..." When asked if Edward was on his boat at this time, Edward responded "Yes." A reasonable conclusion from all these statements is that David went down to Edward's boat before the shooting and some part of the physical confrontation occurred there.

David's body, however, was not found on the boat; it was found on the landing at the top of the initial set of stairs leading up from the dock. The physical evidence at the scene supports the conclusion that David was shot while on the landing, not on or near the boat. This means that if David came down from the landing to confront Edward at his sailboat,

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<sup>4</sup> Karrie Landseadel owned a lipstick sized canister of pepper spray, but has been unable to account for its whereabouts since the night of the shooting. Therefore, it appears that David took her pepper spray with him when he left his house and went back to the dock area where the Healeys were located.

then at some point he had to leave the boat and walk up to the landing before he was shot. Given those circumstances, there are several possible scenarios for what occurred, some of which would support Edward's self-defense claim and some of which might not. For example, some of the scenarios are that:

David arrived at the dock area, sat down on the landing and assaulted Edward when Edward and his wife tried to leave; or

David arrived at the dock area, went down and assaulted Edward on or near the boat, went back up the stairs and assaulted Edward again on the landing when Edward and his wife tried to leave; or

David arrived at the dock area, was provoked by Edward, went down and assaulted Edward at the boat, went back up the stairs and assaulted Edward again on the landing when Edward and his wife tried to leave; or

David arrived at the dock area, went down and assaulted Edward at the boat, and then went back up the stairs followed by Edward who wanted to retaliate for the assault and confronted David on the landing; or

David arrived at the dock area, he never assaulted Edward on or near the boat, Edward walked up to the landing to confront David, and then a fight ensued.

The uncertainty over these conflicting potential scenarios cannot be resolved by the physical evidence, Edward Healey's statements, or the statements from the only other surviving witness to the incident, Christine Healey.

Careful examination of Christine's statements revealed inconsistencies in her accounts. Christine initially told a first responding trooper that she and Edward were at the dock and David came down and started punching Edward for no reason. She later wrote a statement that said she and her husband were on their boat and David was sitting on the landing looking at them. Then when they walked up the stairs to leave, David jumped her husband and started pounding him. Based on the inconsistencies in Christine's accounts, the credibility of some aspects of her version of the events was undermined.

On the night of the shooting, Edward made no mention to police that David yelled anything during the attack. Similarly, Christine told investigators that night that she was at the bottom stair when the altercation happened and that she did not hear David say anything to Edward. Again, Edward made no mention of David yelling anything when he described what happened to his friend George McQuillan. However, in his subsequent interview in July, Edward for the first time claimed that David twice yelled, "I have every right to be here!" when he attacked Edward on the stairs. Taken together, these are some of the inconsistencies that raise concerns as to the accuracy of Edward's account of the incident.

Edward also seemed to down play his role in any past quarrel with David. He said that he had no argument with David whatsoever. He said that David was arguing with the owners of the property and the Nuttings. When he described the incident from the summer of 2013, he denied restricting the Landseadels from accessing his property. But Laurie Nutting and Angela Lyford specifically recalled that Edward told the Landseadels he did not want them on his property after the 2013 summer incident. There were also accounts from Deborah Hills and Kelly Chwojdak that suggested a history of conflict between Edward and David.<sup>5</sup> Again, the interviews with the Papajohns and Douglas Bruning suggested Edward may have been anticipating an encounter with David. This is suggested by the fact that earlier in the day before the shooting, Edward had his gun out on the seat of his sailboat and said, “I have enemies out here” and that he was “afraid that guy [meaning David] is going to come back on my boat again.” In addition, while David was locking his kayaks before the incident that day, Edward whispered under his breath to Jackie Papajohn that David was not supposed to leave his boat at the dock. Edward also told Evan Papajohn not to worry about his boat because he had him “covered,” and then patted a gun on the seat next to him. Taken together, it is clear from all that information that Edward took the issues with David seriously and that those issues were on his mind in the hours before the shooting as he made comments to others about David and displayed a handgun to them.

Despite the uncertainty as to where the altercation may have initially begun, the physical evidence at the landing was consistent with the Edward’s description of the fatal altercation taking place on the landing. Specifically, the blood found in the low lying tree branch on the north side of the landing and the level trajectory of the bullet were consistent with Edward’s account that he was lying on his back on the landing with David on top of him when he fired the gun with his right hand.

Given the inconsistencies and the lack of any dispositive physical evidence, there is no way to confirm whether Edward’s first or second version of events is an accurate statement of what led to David’s death. Likewise, there is no way to definitively confirm who the initial aggressor was; David or Edward? If Edward was the initial aggressor, it is possible he may have had a duty to retreat before using deadly force against David. Edward’s self-defense claim would be diminished even if his first story was true and David attacked him on or near the boat if Edward pursued David to exact revenge after David left the area of the boat and went up the stairs. However, since it cannot be determined with any certainty who the initial aggressor was, where the incident began, and exactly what role Edward played in the incident before the shooting, Edward’s conduct cannot be definitively justified as self-defense.

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<sup>5</sup> Deborah Hills was one of David’s patients. She had conversations with David about problems with his neighbor “Ed.” David told her that she “would read about it on the evening news - local man shot and killed by crazy neighbor,” or words to that effect. Kelly Chwojdak, a friend of David’s from chiropractic school said David told her that one of his neighbors on Stinson Lake had fired “random shots” at him.

The fact that Edward's conduct cannot be definitively justified as self-defense does not end the inquiry into whether criminal charges can be brought against him. From the start, Edward has claimed that shooting David Landseadel was done in self-defense. Therefore, if the State were to bring a homicide charge against Edward, it would have to disprove his self-defense claim beyond a reasonable doubt. Based on the facts known in this case, that burden simply cannot be met.

While David Landseadel was not armed with a deadly weapon during his altercation with Edward Healey, his assault on Edward fits the definition of "deadly force." During the assault, Edward claims that David punched and choked him as David was on top of him on the landing. A reasonable person under those circumstances and in Edward's position could conclude that he was facing a substantial risk of death or serious bodily injury. David was a fit, 48 year old man with a prior history of choking Edward a year earlier. During that earlier incident, Edward was unable to fend off David and needed the assistance of others to stop the assault. In addition, Edward had suffered a stroke a few months earlier that left him with some physical limitations. Last, the area where the fatal altercation took place was a limited space with steep wooden stairs in a semi-wooded area, bolstering the argument that Edward would have been unable to easily escape once the conflict began.

In summary, given the differing physical condition between Edward and David, the prior incident where David choked Edward, the intoxication of both men, their history of animosity, the nature of the landing where the altercation occurred, and the fact that there are no independent witnesses or other evidence to refute Edward's self-defense claim, the State would be unable to disprove Edward's self-defense claim beyond a reasonable doubt at trial.

## **V. CONCLUSION**

While there is evidence to support Edward Healey's self-defense claim, there are also inconsistencies in the accounts given by Healey and his wife, which cannot be sufficiently resolved and thus cast some doubt on the validity of the self-defense claim. In light of those inconsistencies and uncertainties, the Attorney General is unable to conclusively determine that Edward Healey's actions were justified under the law. Regardless of any inconsistencies in how or where the altercation began, there is insufficient evidence to disprove Edward Healey's self-defense claim beyond a reasonable doubt. In light of all of the above, Edward Healey's conduct will not be ruled justified, but no criminal charges will be brought against him for causing David Landseadel's death.