

**ATTORNEY GENERAL’S REPORT REGARDING THE  
SEPTEMBER 29, 2018 OFFICER-INVOLVED SHOOTING  
INCIDENT IN EPPING, NEW HAMPSHIRE**

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**I. INTRODUCTION**

New Hampshire Attorney General Gordon J. MacDonald announces the completion of a report concerning the officer-involved shooting incident that occurred in Epping, New Hampshire, on September 29, 2018. During the incident, Walter Welch, Jr. (age 40) of Fremont, New Hampshire, shot himself in the right side of the head immediately prior to being shot in the back of the head by Trooper Kevin Dobson of the New Hampshire State Police. Mr. Welch died from these gunshot wounds. The purpose of this report is to summarize the Attorney General’s findings and conclusions with regard to this officer-involved shooting incident. The findings and conclusions set forth in this report are based on information gathered during the investigation, including photographs, physical evidence, and witness interviews.

As provided by RSA 7:6 and RSA 21-M:3-b, the Attorney General is New Hampshire’s chief law enforcement officer. As such, whenever a law enforcement officer uses deadly force in New Hampshire, the Attorney General must determine whether the use of such force comports with New Hampshire law. Based on the investigation of this deadly force incident, the Attorney General finds that the use of deadly force by New Hampshire State Police Trooper Kevin Dobson on September 29, 2018, was legally justified.

## **II. SUMMARY OF THE FACTS**

At approximately 6:45 p.m. on September 29, 2018, 911 dispatch received a call reporting a white pickup truck driving erratically near mile marker 122 on Route 101 westbound. Trooper Kevin Dobson was in the Exeter area at the time and responded to the call. A motorist following the pickup truck continued to provide information about the pickup truck to dispatch, which passed the information along to Trooper Dobson. The registration for the truck came back to Severino Construction, and the driver of the truck was ultimately identified as Walter Welch, Jr. As Trooper Dobson approached Epping, he received information from dispatch that the white pickup truck had pulled off of Route 101 at Exit 6. When Trooper Dobson arrived at Exit 6, he saw a white pickup truck parked on Depot Road just off the exit.

Trooper Dobson pulled his cruiser up behind Mr. Welch's truck and activated his spotlights. Trooper Dobson got out of his cruiser and walked up to the passenger side of Mr. Welch's truck. Trooper Dobson could see Mr. Welch reaching between his legs for something, and so he hesitated in making contact with Mr. Welch. Once he saw that Mr. Welch only had a wallet in his hand, Trooper Dobson knocked on the passenger-side window and made contact with Mr. Welch. Trooper Dobson observed that Mr. Welch appeared intoxicated and asked how many drinks he had had. Mr. Welch responded that he had had "a lot" of drinks. Without warning, Mr. Welch reached onto the passenger seat, out of the vision of Trooper Dobson, and came up with a gun in his hand. Trooper Dobson began to back up immediately and told Mr. Welch to drop the gun.

Mr. Welch fired the gun in the direction of Trooper Dobson. Trooper Dobson continued backing up and drew his own gun. Trooper Dobson repeatedly ordered Mr. Welch

to drop the gun. From the rear of the truck, Trooper Dobson could see that Mr. Welch was trying to get out of the truck. When Trooper Dobson saw the driver-side door open, fearing that Mr. Welch was getting out of the truck to continue shooting at him, he fired his gun at the rear of the cab of the truck, toward Mr. Welch. Trooper Dobson fired his gun four times. Trooper Dobson continued to order Mr. Welch to drop the gun and waited for backup to arrive. Trooper Dobson only heard the first shot that Mr. Welch fired out his window in the direction of the Trooper. When an Epping Police Officer arrived, both Trooper Dobson and the Epping Officer went to the truck to make sure that it was secure. The Officers observed that Mr. Welch was slumped over in the truck, with a gun in his hand, and appeared to be deceased.

Trooper Dobson's communications with dispatch were recorded, capturing the status updates—such as mile markers and exit numbers—that dispatch provided to Trooper Dobson as he was attempting to locate the truck. The recording also included Trooper Dobson's notification to dispatch that he would be off with that truck after locating it. About one minute and thirteen seconds after this notification, Trooper Dobson made a communication to dispatch. While the communication is difficult to understand, upon review, which included slowing the audio and reviewing it with the Trooper, Trooper Dobson stated "109, start me another car," quickly followed by "he's got a gun," wherein the Trooper's voice jumps several octaves, and then he stated "we have shots." About nineteen seconds after this statement, Trooper Dobson advised "shots fired," and asked to start a "27," referring to a request for an ambulance.

An autopsy revealed that Mr. Welch suffered three gunshot wounds to the head—one to the back, one graze wound to the top—and one self-inflicted gunshot wound to the right side of his head.

### **III. THE INVESTIGATION**

Since the incident on September 29, 2018, the Attorney General's Office and the New Hampshire State Police Major Crime Unit have been investigating the facts and circumstances that led to Trooper Dobson's use of deadly force against Mr. Welch.

Although Mr. Welch shot himself in the head before Trooper Dobson's bullet struck him in the back of the head, Chief Medical Examiner Jennie V. Duval was ultimately unable to determine whether the self-inflicted gunshot wound, or the gunshot wound to the back of the head inflicted by Trooper Dobson, was the cause of Mr. Welch's death. Despite the fact that Mr. Welch's self-inflicted gunshot would have been rapidly fatal, the Attorney General still must determine whether the deadly force used by Trooper Dobson was in conformity with the law. That investigation has entailed witness interviews, the examination of the pickup truck and physical evidence found at the scene, reviewing reports, photographs, and diagrams, and recordings of police dispatch radio transmissions and 911 calls. Trooper Dobson was fully cooperative with the investigation and agreed to be interviewed.

#### **A. Interview of Trooper Kevin Dobson**

Trooper Dobson was interviewed on October 3, 2018, and on December 20, 2018. Trooper Dobson has been a member of the New Hampshire State Police for about one-and-a-half years, and prior to joining the New Hampshire State Police was a member of the United States Air Force for seven-and-a-half years. Trooper Dobson is currently assigned to the Troop A State Police Barracks in Epping, New Hampshire. Trooper Dobson was up to date

on his firearms qualifications, and had never discharged his firearm in a non-training or non-wildlife situation prior to the September 29th incident.

Trooper Dobson worked a regular day shift from 6:00 a.m. until 2:30 p.m. on September 29, 2018. Troop A was short staffed for the evening shift, so Trooper Dobson volunteered to work an eight-hour evening shift. Trooper Dobson was wearing his normal summer uniform which included a green shirt, pants, duty belt, and summer hat. He was wearing his badge with a name tag, had State Police patches on each sleeve, and had a badge on his hat. Trooper Dobson's duty belt consisted of his firearm, a Smith & Wesson M&P .45, his Taser, handcuffs, flashlight, and tourniquet. Trooper Dobson, like all New Hampshire State Troopers, was not wearing a body camera. Trooper Dobson was driving a 2014, fully marked, Dodge Charger, with a light bar on top. Trooper Dobson's cruiser was not equipped with a cruiser camera.

During Trooper Dobson's second shift, he was patrolling Route 101 from Hampton to Manchester. While on patrol, dispatch informed Trooper Dobson that there was a report of a hazardous operator in the area of mile marker 122, heading westbound on Route 101.<sup>1</sup> At the time of the report, Trooper Dobson was in Exeter, near the area where Routes 101 and 108 intersect. While Trooper Dobson was headed to the area of the hazardous operator, he heard, over his cruiser radio, that the vehicle was a white pickup truck, that it was traveling at erratic speeds, that it was swerving from side to side, and that the reporting party was following the pickup truck in a white Honda Pilot. Trooper Dobson was also told that the

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<sup>1</sup> Trooper Dobson estimated that this all took place between 7:00 or 8:00 p.m. State Police Dispatch notes indicate that the first call for a hazardous operator was at 6:45 p.m. and Trooper Dobson advised that shots were fired at 6:55 p.m.

white pickup truck had the word “Severino” on the side of it. Trooper Dobson was told that the pickup truck had taken Exit 6, and that the car that was following the pickup truck did as well. At the time of this update, Trooper Dobson was about a mile away, passing Exit 7 on Route 101 westbound. Trooper Dobson was then informed that the pickup truck took a left at the end of the Exit 6 ramp.

Trooper Dobson got off Exit 6, and when he stopped at the stop sign at the end of the ramp, he saw the reporting party’s Honda Pilot stopped on the westbound ramp, as if it was going to proceed back onto Route 101 westbound. Trooper Dobson also saw a white pickup truck stopped on the side of Depot Road. The occupant of the Honda Pilot looked at Trooper Dobson and pointed toward the white pickup truck. Trooper Dobson pulled forward and parked behind the white pickup truck.

Trooper Dobson put his spotlight on and aimed it at the driver-side mirror and put on his take down lights, which are lights on the center of his light bar, and aimed them directly at the back window of the truck. While parked behind the truck, Trooper Dobson noticed that the truck’s driver-side window was rolled up. He could tell this because there was glare from his headlights on the glass. Trooper Dobson notified dispatch that he would be off with the vehicle and proceeded to get out of his cruiser and walk around the back of his car. While walking around the back of his car, the occupant of the Honda Pilot told Trooper Dobson that the white pickup truck was the hazardous operator that had been reported to dispatch. Trooper Dobson waved the car on and indicated that he was all set.

Trooper Dobson approached the white pickup truck from the passenger side on the sidewalk. Trooper Dobson stopped at the “B pillar,” or the center post separating the single cab from the bed of the truck. Trooper Dobson said he was standing at an angle so that the

driver would have to turn in an uncomfortable position to look at him. Trooper Dobson said that he waited in this position watching the driver, later identified as Walter Welch, Jr., for approximately 20 seconds. Trooper Dobson said this was longer than he usually waits, but he saw that Mr. Welch had his hand between his legs and Trooper Dobson wanted to see what Mr. Welch was doing with his hand. Mr. Welch did not notice Trooper Dobson and was looking in his rearview mirror, out his driver-side window, and back at his rearview mirror. Trooper Dobson noticed a Billy club behind the driver's headrest. Eventually Mr. Welch pulled a wallet out from between his legs. Trooper Dobson looked around the rest of the cab quickly and did not see anything that caused him concern.

Feeling safer, Trooper Dobson knocked on the passenger window of the pickup truck. Mr. Welch looked at Trooper Dobson, and the Trooper noticed that Mr. Welch was wearing a winter hat. Mr. Welch rolled his window down and Trooper Dobson told him that he was with State Police and asked if everything was alright, because he had parked his truck in the middle of the road. Mr. Welch mumbled something back to Trooper Dobson, but the words were unintelligible. Trooper Dobson believed that Mr. Welch was intoxicated based upon how he was acting. Mr. Welch's eyes were shiny and red and he was slouched over when he was talking to the Trooper. Trooper Dobson asked Mr. Welch how much he had had to drink that night. Mr. Welch looked at Trooper Dobson and said, calmly, "a lot." Trooper Dobson tried to downplay the situation to Mr. Welch and told him that they would figure it out. At this point, Trooper Dobson believed that it was going to be a DUI stop and that he was going to ask Mr. Welch out of the vehicle to do a field sobriety test.

Mr. Welch then quickly reached over to the passenger's seat, into an area that was in the Trooper's blind spot, and came up with a handgun pointed in the direction of Trooper

Dobson. Trooper Dobson described the handgun as black with a silver barrel inside the gun. Trooper Dobson immediately began to yell at Mr. Welch to drop the gun and began backing away from the truck. Mr. Welch then fired the gun in Trooper Dobson's direction. Trooper Dobson continued backing away from the truck and drew his own firearm. Trooper Dobson believed he called shots fired on the radio, referring to the shot that Mr. Welch had fired in his direction, because he wanted another police cruiser on scene. Trooper Dobson moved to the rear of the truck. Trooper Dobson continued to yell for Mr. Welch to drop his gun. Trooper Dobson could see a lot of movement in the truck and could see Mr. Welch's silhouette through the rear window. He could see Mr. Welch moving back and forth in the truck and then saw the driver-side door open up. Trooper Dobson said it looked like Mr. Welch was rocking himself out of the car. Believing that Mr. Welch was "coming out of the car to . . . try to kill [him]," Trooper Dobson attempted to fire his weapon at where Mr. Welch was sitting in his truck. When Trooper Dobson fired his gun, he heard a click and the gun malfunctioned.<sup>2</sup> Trooper Dobson then racked his weapon to cycle a new round into the chamber of his gun. Trooper Dobson believes he then fired three or four shots into the area of the truck where Mr. Welch was trying to exit. Trooper Dobson remained behind the truck with his gun drawn and continued yelling at Mr. Welch to drop his weapon. Trooper Dobson noticed that there was no further movement in the truck. Trooper Dobson then called for an ambulance on the radio because while he did not know the status of Mr. Welch, he surmised that the lack of movement indicated that Mr. Welch had likely been hit. During

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<sup>2</sup> As mentioned in section III(D), the evidence suggests that Trooper Dobson did not have a bullet loaded into the chamber of his gun when he fired his first shot, rather than that the gun itself malfunctioned.

his interview, Trooper Dobson was asked whether Mr. Welch discharged his firearm a second time, and the Trooper stated, “[n]ot that I recall,” “[n]ot that I could hear.”

After the shooting, Trooper Dobson believes he saw at least one car drive by and he radioed to dispatch to shut the bridge down. Trooper Dobson estimated that from the time Mr. Welch started to reach for the gun to when Trooper Dobson fired his last shot was approximately 10 seconds.<sup>3</sup> Trooper Dobson turned on the flashlight on his gun and continued to observe the truck from a distance, back by his own cruiser. An Epping Police Officer, later determined to be Officer Donald Ross, was the first on the scene, and when he got out of his cruiser, the Officer pulled out his firearm as well. The Officer asked Trooper Dobson what happened, and Trooper Dobson said that a guy tried to shoot at him and that he shot him. The Epping Officer asked if Trooper Dobson wanted to clear the vehicle. Trooper Dobson responded that he wanted to wait for a few more Troopers to arrive before doing anything and that they should just observe the truck. After a few minutes, the Epping Officer again suggested clearing the vehicle, and Trooper Dobson agreed since there were other private citizens’ cars in the area.

Trooper Dobson walked up to the passenger side of the truck while the Epping Officer walked up to the driver’s side of the truck. Trooper Dobson shined the flashlight from his firearm into the truck and could tell that Mr. Welch was deceased. Trooper Dobson recalled seeing blood inside the cab of the truck. Trooper Dobson asked the Epping Officer if Mr. Welch had a gun in his hand. The Epping Officer responded that there was a gun in

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<sup>3</sup> Dispatch notes show that Trooper Dobson radioed that he would be on scene with the driver at 6:54:11 p.m. and that he advised shots fired at 6:55:45, a span of one minute and 34 seconds. The span of time between Trooper Dobson’s dispatch advising that Walter Welch had a gun and when he called for an ambulance was approximately nineteen seconds.

Mr. Welch's hand. While clearing the truck for any threats, Trooper Dobson noticed that there were several bullets in the cup holders inside the truck.

Several other State Police Troopers arrived on scene. Sergeant Joseph Ronchi proceeded to inspect the truck and Trooper Dobson walked along with him. This was the first time that Trooper Dobson had seen the driver's side of the truck. Trooper Dobson was then transported to Exeter Hospital where he was examined and released.

On December 20, 2018, Trooper Dobson participated in a subsequent interview. The purpose of the interview was to present Trooper Dobson with the recording of his communications with dispatch around the time of the shooting incident, and to ask if he could recall or decipher the contents of the statements he made to dispatch about a minute and ten seconds after he advised dispatch he would be off with the truck. After listening to the recording several times, Trooper Dobson stated that he believed his statements included: "109<sup>4</sup> start me another car"; and something about a "gun" and "shots fired." He stated that these statements were made after Mr. Welch had fired his gun at the trooper.

In addition to speaking with Trooper Dobson, the dispatch recording was independently analyzed, including slowing down the audio. Based upon this review, it appears that Trooper Dobson's communication with dispatch about one minute and thirteen seconds after advising he would be off with the truck stated: "109, start me another car," followed by an excited statement, "he's got a gun," where the Trooper's voice is significantly higher, followed finally by "we have shots." This determination is consistent with Trooper Dobson's review of the recording. While the Trooper believes that his dispatch occurred

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<sup>4</sup> The number "109" refers to the call signal assigned to Trooper Dobson.

immediately after Mr. Welch fired a shot in the Trooper's direction, based upon the facts and circumstances, including the excited nature of Trooper Dobson's voice when he announced "he's got a gun," it seems more likely that the dispatch was happening as Trooper Dobson was perceiving the gun and being shot at. The amount of time between when Trooper Dobson radioed that Walter Welch had a gun and when he radioed for an ambulance was approximately 19 seconds.

**B. Other Witness Interviews**

**1. Benjamin Wiggins**

On September 29, 2018, at approximately 6:13 p.m., Benjamin Wiggins called 911, reporting that he was traveling behind what he believed to be a "drunk driver" on Route 16 southbound, approaching the Dover tolls by mile marker 6.8. He described the vehicle as a white Chevy Silverado, with New Hampshire registration number 3990455. He reported that the vehicle was "white line bouncing like crazy," screeching the tires, driving erratically, hitting the rumble strip, crossing the fog line, and operating at 65 miles per hour. He also explained that as the truck went through tolls, it almost hit the toll booth. The truck then took Exit 6 in Dover and continued onto Dover Point Road.

Mr. Wiggins was interviewed on October 2, 2018. He explained that he had been traveling southbound on Route 16 around Exit 8 when he first noticed the white Chevy "Severino" pickup truck. The truck had been in the right-hand lane, drifting over the white fog line, and drifting from the right lane into the left lane. The truck was driving erratically as it drifted back and forth between lanes, and almost struck other vehicles.

When the truck took Exit 6 off of Route 16, Mr. Wiggins followed it, and observed the truck pull into the Severino work site located off of Dover Point Road in Dover. He further observed that there was a male driver and a male passenger inside the truck.

## **2. Kimberly Hill**

On September 29, 2018, at about 6:42 p.m., Kimberly Hill called 911, reporting that she was traveling behind a “very erratic” driver on Route 101 westbound near mile marker 127. She described the vehicle as a white pickup truck, with the name of a construction company on the side, and New Hampshire registration number 3990455. She explained that the truck was swerving, driving into other lanes, driving in the breakdown lane, traveling at erratic speeds, and had driven off the road when taking the ramp onto Route 101 westbound. Mrs. Hill further explained that she was driving in a white Honda Pilot, and was staying behind the truck because she was too afraid to pass it.

Mrs. Hill continued to provide updated mile markers and exit numbers to the 911 operator as she followed the pickup truck. When she saw the truck take Exit 6, she informed the 911 operator of this action and that she had followed the truck off the highway. She told the operator that the truck had taken a left at the end of the exit ramp and pulled off to the side of the road. Mrs. Hill said she saw the truck drive onto the sidewalk before coming to a stop on the road. The 911 operator advised Mrs. Hill that a Trooper would be there soon; the 911 call ended shortly thereafter.

Mrs. Hill was interviewed on October 1, 2018. She explained that she, along with her husband and two young children, had been traveling southbound on Interstate 95. She was seated in the front passenger seat of the vehicle while her husband drove, and her two children were in the backseat. While on Interstate 95 southbound, she observed a white

pickup truck ahead of them swerving and jerking back and forth. As the truck took the ramp onto Route 101, it drove off of the road, causing dirt to fly up. As the truck passed through the toll booths, it narrowly missed hitting a booth before continuing onto Route 101 westbound. Mrs. Hill's vehicle also continued onto Route 101 westbound, staying behind the truck because the Hills were too afraid to attempt to pass the truck. Afraid that the truck was going to hit someone, Mrs. Hill explained that she called 911.

While traveling behind the truck on Route 101 westbound, Mrs. Hill observed the truck travel at speeds ranging from 75 to 43 miles per hour. The truck would hit the rumble strip and then drive back into the lanes of traffic, requiring other vehicles to brake in order to avoid collisions with the truck. The truck, as well as Mrs. Hill's vehicle, took Exit 6 off Route 101 westbound. At the end of the ramp, the truck turned left onto Depot Road, while Mrs. Hill's vehicle continued across Depot Road and stopped on the westbound ramp to Route 101. As the truck turned onto Depot Road, its right tires went up onto and then off of the sidewalk, and then the truck came to a stop.

Mrs. Hill observed the Trooper arrive, and as the Trooper approached the truck, the truck's left turn signal came on, but the truck did not move. She believes that the Trooper had a flashlight in his hand, as it was just getting dark. She observed the Trooper knock on the passenger-side window of the truck.

At some point, Mrs. Hill's husband told her that the truck was a construction truck and said "Severino" on the side. Mrs. Hill did not observe the incident between Trooper Dobson and Walter Welch.

### **3. Cory Chauvette**

On September 29, 2018, at about 6:46 p.m., Cory Chauvette called 911, reporting a “drunk driver” traveling westbound on Route 101 near mile marker 123. He described the vehicle as a white pickup truck with “Severino” printed on the side, and explained that it was “all over the road.” Mr. Chauvette told the 911 operator that he had passed the truck, and that the truck was taking Exit 8 off of Route 101.<sup>5</sup>

Mr. Chauvette was interviewed on October 1, 2018. Mr. Chauvette explained that he, along with his wife and two young children were traveling southbound on Interstate 95. He drove while his wife was seated in the front passenger seat and his children were in the backseat. While traveling on Interstate 95 southbound, Mr. Chauvette observed a white “Severino” truck with a tool box in the back “thread[] a needle” when it changed lanes between vehicles. Thereafter, the truck took the exit to Route 101, and “flew through the toll booth,” coming close to hitting the booth with the driver’s side of the truck.

Mr. Chauvette also continued onto Route 101. While on Route 101, the truck drove outside of the white fog line and had issues with lane control, swerving and overcorrecting. At one point, the truck was going slower than the speed limit. When Mr. Chauvette passed the truck, he saw that it had a male driver and no other passengers. As he passed the truck, he believed the truck got off the highway.

### **4. James Dow**

James Dow was interviewed on September 29, 2018. He explained that shortly after 7:00 p.m. that night, he was on the front steps of his residence located at 73 Depot Road in

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<sup>5</sup> While Mr. Chauvette reported that the truck had taken Exit 8, he was mistaken, as Mr. Welch took Exit 6 off Route 101 westbound.

Epping, which is on the west side of Depot Road, approximately 100 yards from the incident. While on the steps, Mr. Dow believes he heard a single gunshot, then a “command voice” say something to the effect of “drop it,” and then multiple gunshots. He heard all of this occur within seconds. Initially, he thought what he heard was coming from the area quarry, but then realized that it was closer than the quarry.

#### **5. Dennis Brown & Sharon Brown**

Dennis and Sharon Brown were each separately interviewed on October 3, 2018. Shortly before 7:00 p.m. on September 29, 2018, the Browns were driving southbound on Beede Road. As they approached the on-ramp to Route 101 westbound in Epping, they noticed a white pickup truck stopped by the police just beyond the entrance to the on-ramp. The driver-side door of the truck was open, and Mrs. Brown saw an Officer backing up toward the rear passenger side of the truck with his hands out like he had his gun out. After telling Mr. Brown what she saw, he backed their car up the ramp. The Officer was standing by the front, passenger side door of his cruiser, shaking and flexing his hands and stomping his feet. Mrs. Brown observed the Officer reach up to his shoulder as though to talk into his radio. Mr. Brown yelled to the Officer, asking him if he was alright, to which the Officer indicated he was. After indicating to the Officer that they were leaving, the Browns proceeded along their way. Mrs. Brown remembered seeing two other vehicles in the area during this time.

#### **6. Shawn Perry**

Shawn Perry was interviewed on October 3, 2018. Mr. Perry was good friends with Mr. Welch and had known him for about 20 years. They met each other through work and Mr. Welch helped get Mr. Perry a job with Severino. At one time, about two years ago, they

lived together as roommates for about two years in Dover. Mr. Perry described Mr. Welch as a “great guy, do anything for you,” and that Mr. Welch was usually happy, but Mr. Perry did know that Mr. Welch had been depressed in the past. Mr. Perry explained that while Mr. Welch had a couple more downs than the average person, he never knew Mr. Welch to use any drugs, make suicidal comments, or show animosity toward the police. Mr. Perry was unaware of any incident or event in Mr. Welch’s life that would lead to depression.

Mr. Perry stated that Mr. Welch liked guns, carried firearms in his truck, and that the two would sometimes go to the Severino pit on Mast Road in Dover to shoot guns. Recently, Mr. Perry talked to Mr. Welch less frequently because Mr. Welch was working six days a week, and the two were assigned to different job sites. He saw and talked to Mr. Welch about once a month. Prior to September 29, 2018, Mr. Perry had not spoken to Mr. Welch in approximately two weeks.

On September 29, 2018, at 4:58 p.m., Mr. Welch sent Mr. Perry a text message, and a message exchange occurred where the two discussed having beers together. At 6:03 p.m., Mr. Welch arrived at Mr. Perry’s house. Mr. Perry got into Mr. Welch’s truck and said “Hey, what’s up Wall Dawg?,” to which Mr. Welch did not respond. Mr. Perry had believed that Mr. Welch was going to stay at his house, but instead Mr. Welch turned up the music, an Eminem song he liked to listen to, and drove off with Mr. Perry. Mr. Perry noticed that Mr. Welch had an open container of beer in the console of the truck and a handgun in a little pocket in the center console. This handgun was the only firearm Mr. Perry saw in Mr. Welch’s truck that day.

Mr. Perry explained that while driving on Route 16, they almost crashed twice and Mr. Perry had to grab the wheel on one occasion. During this time, Mr. Welch did not say

anything. Mr. Welch appeared intoxicated to Mr. Perry, and once Mr. Welch almost hit a guardrail Mr. Perry knew for sure that Mr. Welch was intoxicated. Mr. Perry did not remember whether he told Mr. Welch to pull over, but explained that it would have been unlikely that Mr. Welch would have heard him say anything over the volume of the music.

Mr. Welch drove to the “cone yard” located off of Dover Point Road in Dover, which is a Severino job site. There, both Mr. Welch and Mr. Perry got out of the truck. Not wanting Mr. Welch to continue driving drunk, Mr. Perry walked around the truck and got into the driver’s seat and turned down the music. Mr. Welch then grabbed Mr. Perry’s left arm and pulled him out of the truck. When he was pulled from the truck, Mr. Perry explained that he probably said something to the effect of “What the fuck are you doing?” Mr. Welch did not say anything during the encounter. After Mr. Perry was out of the truck, Mr. Welch got back in the driver’s seat and drove off, leaving Mr. Perry at the job site. When Mr. Welch left the job site, he headed west on Dover Point Road toward Route 16. That was the last time Mr. Perry saw or heard from Mr. Welch. Mr. Perry could not recall anything specific that Mr. Welch said to him while they were together that day.

Mr. Perry believed that Mr. Welch was going home after he left Mr. Perry in Dover. Mr. Perry believed it was about 15 minutes from the time Mr. Welch picked him up at his house until the time Mr. Welch left him at the job site in Dover. Mr. Perry described Mr. Welch as seeming “off” during their time together on September 29, 2018.

## **7. Thomas DeFreese**

Thomas DeFreese was interviewed on October 2, 2018. Mr. DeFreese worked with Mr. Welch at Severino, and the two worked together on September 29, 2018. Mr. DeFreese told investigators that when he and Mr. Welch got off their shift at approximately 2:00 p.m.

on September 29, he was speaking with Mr. Welch and Mr. Welch was not acting like himself. Mr. DeFreese explained that Mr. Welch was usually upbeat and “chipper” but that he was not so on this day. Mr. DeFreese said that after work, he and Mr. Welch hung out at the job site and drank some beers together. Mr. DeFreese said that he drank three beers, but that Mr. Welch was “sucking them down.” Mr. DeFreese said that he was with Mr. Welch until approximately 4:30 or 4:45 p.m. Mr. DeFreese was unsure how much alcohol Mr. Welch had consumed but was sure that Mr. Welch had been drinking.

### **8. Jessica Sweeney**

Jessica Sweeney was interviewed by investigators on October 9, 2018. Ms. Sweeney was working at the Fremont House of Pizza on the evening of September 29, 2018. Ms. Sweeney explained that she knew Mr. Welch and that he would order food from the restaurant between three and four times a week. Ms. Sweeney explained that on September 29, 2018, Mr. Welch called to order food and initially spoke with Ms. Sweeney’s niece. After several attempts to complete a credit card transaction, Ms. Sweeney got on the phone with Mr. Welch. Ms. Sweeney explained that she could hear wind and a rumble strip while speaking with Mr. Welch and speculated that he might have been driving. Ms. Sweeney told investigators that she believed Mr. Welch was drunk. After several attempts to get the correct credit card number, Mr. Welch asked if he could try one more time. Ms. Sweeney noticed that the wind stopped, and she believed she could hear passing cars, so she believed that Mr. Welch must have pulled over his car. Mr. Welch provided a valid credit card number and the transaction was completed. Later, the delivery driver called the restaurant to say that Mr. Welch was not coming to the door to get his food. Ms. Sweeney said she sent

Mr. Welch a message on Facebook and told him she hoped everything was okay. Ms. Sweeney later learned that Mr. Welch has been shot and killed.

### **9. Officer Donald Ross**

On September 29, 2018, Officer Donald Ross, of the Epping Police Department, was on patrol when dispatch advised that a New Hampshire State Police Trooper was with a vehicle on the off ramp of Exit 6 of Route 101 where gunshots had been fired. Driving southbound on Depot Road, Officer Ross observed a State Police cruiser, which was facing southbound and parked behind a white pickup truck. Trooper Dobson was on the sidewalk to the right of his cruiser, with his firearm drawn and aimed toward the pickup truck.

Officer Ross recalled Trooper Dobson telling him that the male occupant of the pickup truck had reached for a handgun located on the passenger seat when Trooper Dobson had been speaking with him. Trooper Dobson explained that he had backed away, drew his firearm, and after hearing a gunshot from inside the pickup truck fired, four rounds into the rear of the cab of the truck. Trooper Dobson stated that he then backed up to where he was currently standing. Officer Ross asked Trooper Dobson if the Trooper had “cleared” the vehicle, referring to confirming there were no other threats to safety within the vehicle, and the Trooper stated he had not and was waiting for another unit.

Officer Ross observed that the driver-side door of the vehicle was wide open, and the male subject’s left foot was hanging slightly outside. With firearms drawn, Trooper Dobson approached on the passenger side, and Officer Ross approached on the driver side of the pickup truck. While at the vehicle, Officer Ross observed that the male subject appeared to be deceased with blood coming from his head area. A Glock or Glock-style handgun was in his right hand, pointed outside the driver-side door toward Officer Ross. Officer Ross told

Trooper Dobson that he was going to secure the firearm and the Trooper told the Officer not to touch it and to wait for the Trooper's supervisor to arrive. At that time, Officer Ross backed away from the truck toward the cruisers located behind the pickup truck.

Officer Ross recalled Trooper Dobson telling him the following: The pickup truck had been called in for reckless operation, and the Trooper had found the truck parked on the Depot Road overpass where it was currently located. The Trooper explained that he approached the passenger side of the pickup truck to speak with the male operator and in doing so, observed a handgun on the passenger seat. He stated that the male operator grabbed for the handgun and Trooper Dobson backed away from the truck, drawing his firearm. The Trooper stated that he then heard a gunshot from inside the cab and returned fire with four gunshots.

Several other Officers arrived at the scene to assist in securing the area, and at about 10:55 p.m., Officer Ross left the scene.

#### **10. Sergeant Joseph Ronchi**

At approximately 6:45 p.m., on September 29, 2018, Sergeant Joseph Ronchi of New Hampshire State Police was traveling northbound on Route 125 when dispatch advised that there was a hazardous operator traveling westbound on Route 101. As Sergeant Ronchi continued toward Route 4, he heard repeated dispatch transmissions about the hazardous operator. Dispatch continuously updated the location of the vehicle and repeatedly stated that the vehicle was exhibiting profound lane control issues. Trooper Dobson was acknowledging the updates, and it was apparent to the Sergeant that the Trooper was traveling westbound in an attempt to intercept the hazardous operator.

As Trooper Dobson closed the distance between himself and the hazardous operator, the 911 caller noted that the speeds of the suspect vehicle were beginning to fluctuate and that it had departed Route 101 at Exit 6, and that the 911 caller followed behind it. The 911 caller informed dispatch that the suspect vehicle turned left at the end of the exit ramp, drove onto a sidewalk, and then came to a stop. Moments later, Trooper Dobson announced that he was with the suspect vehicle.

Sergeant Ronchi then heard an excited transmission from Trooper Dobson. Although the Sergeant could not understand what the Trooper stated, it was clear to the Sergeant that Trooper Dobson was in a confrontation. Sergeant Ronchi accelerated toward the general direction of Trooper Dobson, and heard Trooper Dobson exclaim “shots fired.” As Sergeant Ronchi was responding to Trooper Dobson’s location, he heard the Trooper advise that he was not injured, but that he thought the operator was deceased and that, while not certain, believed that the only occupant of the vehicle was the driver. The Sergeant advised Trooper Dobson to remain where he was, and not approach the vehicle until he had additional personnel with him. He also called certain superiors to advise them of the situation and ensured that dispatch had sent emergency medical personnel to the area.

At about 7:10 p.m., Sergeant Ronchi arrived at the scene. He confirmed that the suspect vehicle had been cleared and then approached it. As he approached, Trooper Dobson stated “he’s still got the gun in his hand.” The Sergeant noticed that the top of the rear cab truck window had been broken. The driver-side door was wide open, and Mr. Welch’s leg was hanging out of the truck. Mr. Welch was slumped toward the right and his right hand rested in his lap. The Sergeant noticed a black pistol in Mr. Welch’s right hand, which was loosely gripped as someone who had been prepared to use it. The Sergeant checked for a

heaving chest or any other sign of life before determining that Mr. Welch was not going to move. He then told dispatch that medical personnel could proceed to the scene.

Sergeant Ronchi made sure Trooper Dobson was not injured and spoke to him about what had occurred. The Sergeant recalled Trooper Dobson telling him the following: The Trooper pulled behind the pickup truck and approached on the passenger side. As he walked up to the truck, he saw a Billy club wedged behind the headrest. Once at the passenger-side window, the Trooper saw that the Mr. Welch was “messed up.” Mr. Welch’s hands were between his legs and Trooper Dobson asked him what was going on. Mr. Welch pulled one hand out and it had a wallet in it. The Trooper asked him how much he had had to drink, to which Mr. Welch stated something to the effect of “a lot” while he pulled his other hand out from between his legs and kicked the driver-side door open. The Trooper heard a gunshot, moved to the back of the truck, and returned fire through the back window of the cab.

Thereafter, Trooper Dobson was taken to Exeter Hospital and medical personnel at the scene checked on Mr. Welch in the truck, and confirmed he was deceased.

### **C. Autopsy Results**

An autopsy was conducted by Chief Medical Examiner Jennie V. Duval on October 1, 2018. The autopsy determined that Mr. Welch suffered three gunshot wounds. One of the gunshot wounds was a graze wound to the top of his head, with a wound path of back to front and upwards, indicating that the bullet came from behind Mr. Welch at an upward angle. There was no gunshot residue seen in the wound and the range of fire was indeterminate. The wound was superficial and not life threatening.

A second gunshot wound was described as a penetrating wound of the right ear into the head. The bullet traveled into Mr. Welch’s skull, entered and then exited his brain, and

came to rest under his scalp, where it was recovered. During autopsy Dr. Duval also recovered bullet fragments that were analyzed by the New Hampshire State Police Forensic Lab and determined to be consistent with a 9mm class of bullet, the same caliber gun found in Mr. Welch's hand. The wound path was from right to left, slightly front to back, and upwards. This indicates that the bullet came from Mr. Welch's right side. There was soot found inside the wound which indicates that this was a contact wound. A contact wound occurs when the muzzle of a gun is fired while in contact with the skin. Dr. Duval determined this wound to be from a self-inflicted gunshot.

The third gunshot wound was described as a perforating gunshot wound to the base of the skull. The bullet traveled from the right side of the base of the skull, through the brain, and exited above the left eyebrow. The wound path was from back to front, upwards, and right to left. This indicates that the bullet came from behind Mr. Welch. There was no gunshot residue found in the wound, so the range of the shot was indeterminate.

Additionally, Dr. Duval found aspirated blood in all of the lobes of the lungs. This indicates that Mr. Welch took at least one breath after suffering from a gunshot wound to the head. Dr. Duval determined that the self-inflicted wound to the right side of Mr. Welch's head occurred before the penetrating wound to the base of his skull, because the wound to the base of his skull would have rendered him unconscious, making it impossible to fire a self-inflicted gunshot after sustaining that wound.

The toxicology report determined that Mr. Welch had a blood alcohol concentration of .234, which is nearly three times the legal limit to operate a vehicle in New Hampshire.

Dr. Duval determined that Mr. Welch died as a result of multiple gunshot wounds to the head. Because Mr. Welch had aspirated blood in his lungs, Dr. Duval determined that he

was alive for at least some period of time after sustaining the self-inflicted gunshot wound to the head, likely just long enough to take a breath. Dr. Duval is unable to determine whether Mr. Welch died from the self-inflicted gunshot wound or whether he survived long enough to be killed by the gunshot wound to the base of his skull. Both gunshot wounds on their own would have been rapidly fatal and killed Mr. Welch. Because Dr. Duval cannot determine which of the gunshot wounds ultimately caused Mr. Welch's death, she concluded that the manner of death is undetermined.

**D. Physical Evidence**

The New Hampshire State Police Major Crime Unit examined the shooting scene for physical evidence. Trooper Dobson's police cruiser was parked behind the Chevy Silverado that Mr. Welch was driving; Mr. Welch's truck was parked southbound on Depot Road between the Exit 6 on-ramp to Route 101 westbound and the beginning of the Depot Road overpass. When investigators examined the truck, the driver-side door was open, and both the driver-side and passenger-side windows were all the way down. Mr. Welch's body was seated in the driver-side seat, with his head slumped forward and his left leg hanging out of the truck. Blood was inside the cab of the truck, on the ground by the driver-side door, and on the side step into the driver's side of the vehicle.

The investigators found a P365 Sig Sauer 9mm pistol with a twelve round capacity in Mr. Welch's lap, between his hands. Upon examination, a live round was found in the chamber and eight rounds were in the magazine. The weapon in Mr. Welch's right hand and his position slumping forward with the gun still in his hand, are consistent with him having fired a self-inflicted shot to the right side of his own head. Additionally, bullet fragments recovered from Mr. Welch's head during the autopsy were examined at the State Police

Forensic Laboratory and determined to be physically consistent with 9mm caliber class ammunition.<sup>6</sup>



On the ground, by the driver-side door investigators found a dark colored hat with holes on the top and side. The medical examiner has indicated that the locations of the holes are consistent with the locations of the bullet wounds by Mr. Welch's right ear and the top of his head.

The truck sustained apparent bullet damage. The tool box in the bed of the truck had a hole in the metal exterior, consistent with the entry of a bullet, and a bullet was recovered from inside the toolbox. There were also two ricochet marks in the metal on the top of the tool box, and the back window of the cab was shattered and cracked. The driver's side of the windshield had a hole surrounded by cracking and two other points of impact surrounded by

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<sup>6</sup> There was also a small fragment recovered from Mr. Welch's head during the autopsy that came from a different bullet.

cracking, all of which are consistent with bullet damage. These three defects in the windshield, and the bullet found in the toolbox, are consistent with Trooper Dobson having fired four shots from the rear of the pickup truck. Measurements from the truck indicate that the distance between where Mr. Welch was positioned when he was shot and where Trooper Dobson was standing when he fired was approximately 15 to 20 feet.

Searches of the truck found a Glock pistol with a magazine with fifteen rounds, as well as a magazine with fourteen rounds in a gun case in the bottom pocket of the driver-side door; a 300 Blackout BCM rifle with a 300 AAC Blackout round and a magazine with five rounds, as well as a magazine and twenty rounds of Sellier & Bellot tactical ammunition in a rifle bag carrier behind the center console; and a Billy club behind the driver's headrest.

The searches also found a 9mm shell casing on the driver-side floor; a 9mm shell casing and a bullet on the passenger seat;<sup>7</sup> three 9mm rounds and five .223 caliber rounds in a holder in the center console; a magazine with twelve 9mm rounds in a pocket on the front of the center console; a bullet fragment on the passenger-side floor; loose rounds and one 9mm casing in the armrest storage of the center console;<sup>8</sup> and an empty holster in the bottom pocket of the passenger-side door. The investigators also found unopened cans of beer behind the center console and in the bed of the truck.

The two 9mm shell casings are consistent with Mr. Welch having fired the 9mm that was found in his hand twice—once out the window of his truck in the direction of Trooper Dobson, and once into his own head.

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<sup>7</sup> Mr. Welch's gun had 8 rounds in the magazine and one in the chamber, and two spent 9mm casings were found inside the cab of the truck, accounting for a total of 11 rounds. While the magazine in Mr. Welch's gun had a 12 round capacity, there is no way to know how many rounds were loaded in Mr. Welch's gun prior to the shooting.

<sup>8</sup> This casing was located inside the closed storage area of the center console and would not have been a casing involved in the shooting.

On the ground, beyond the guardrail, investigators recovered four .45 caliber shell casings. Investigators seized and examined Trooper Dobson's duty weapon, a .45 caliber Smith & Wesson with a ten round magazine. The magazine contained five live rounds—five less than the magazine's full capacity—and there was a live round in the gun's chamber. This is consistent with Trooper Dobson having fired four rounds on September 29, 2018.<sup>9</sup> The bullets that Trooper Dobson fired were not recovered from the scene.

Trooper Dobson's cruiser did not sustain damage consistent with gunfire.

#### **IV. APPLICABLE LAW AND LEGAL STANDARDS**

New Hampshire's laws regarding self-defense, defense of others and the use of physical force by law enforcement are set forth in RSA Chapter 627. Under RSA 627:5, II (a), a law enforcement officer—like a private citizen—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 to be the imminent use of deadly force. Under RSA 627:9, II, “deadly force” is defined as “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 weapon capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” RSA 627:9, II.

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

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<sup>9</sup> With a full magazine and one round in the chamber, Trooper Dobson's gun was capable of holding eleven live rounds. No live .45 caliber bullets were recovered from the shooting scene. Thus, while Trooper Dobson stated that it is his general practice to carry his gun with a full magazine and one round in the chamber, it does not appear that he had a bullet in the chamber at the time of the shooting incident.

by an objective standard.” State v. Leaf, 137 N.H. 97, 99 (1993). As such, all of the circumstances surrounding the incident should be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another. When reviewing a deadly force incident, the actor’s conduct should be viewed considering “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, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight. The amount of deadly force used by the actor to protect himself or another must be reasonable, and not excessive. See State v. Etienne, 163 N.H. 57, 70 (2011).

Federal cases, while largely addressing the civil standards that apply to federal civil rights lawsuits, provide some discussion of the “reasonableness” standard for the use of force by police officers that is useful in analyzing officer-involved use of force cases in this state. In Graham v. Connor, 490 U.S. 386 (1989), the United States Supreme stated that “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Id. at 396.

The Court continued:

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

Id. at 396-97; see also Ryburn v. Huff, 565 U.S. 469, 477 (2012).

The Eleventh Federal Circuit has noted that:

The Supreme Court has emphasized that there is no precise test or ‘magical on/off switch’ to determine when an officer is justified in using excessive or deadly force. Nor must every situation satisfy certain preconditions before deadly force can be used. Rather, the particular facts of each case must be analyzed to determine whether the force used was justified under the totality of the circumstances.

Garczynski v. Bradshaw, 573 F.3d 1158, 1166 (11th Cir. 2009) (citations omitted). That is because “the law does not require perfection – it requires objective reasonableness.” Phillips v. Bradshaw, No. 11-80002-CIV-MARRA, 2013 U.S. Dist. LEXIS 44646, at \*55-56 (S.D. Fl. Mar. 28, 2013). The law must account for the fact that dangerous situations often unfold quickly and law enforcement officers sometimes need to make quick decisions under less-than-ideal circumstances. See Huff, 565 U.S. at 477 (finding that appeals court panel “did not heed the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation”).

These are the legal standards that help guide the Attorney General’s review of the use of deadly force by a law enforcement officer in New Hampshire.

## **V. ANALYSIS AND CONCLUSION**

Based on all the facts and circumstances of this case, the Attorney General has concluded that Walter Welch, Jr., used deadly force against Trooper Kevin Dobson when he fired the P365 Sig Sauer 9mm handgun at Trooper Dobson, and that Trooper Dobson was justified in responding with deadly force against Mr. Welch.

Trooper Dobson responded to Depot Road just off of Exit 6 on Route 101 westbound to investigate reports of a hazardous operator driving a pickup truck. Based upon observations of the truck from a private citizen, the truck’s operator, Walter Welch, Jr., was

swerving on the road and driving at erratic speeds. Given the alcohol level found in Mr. Welch's blood, he was driving while impaired, and his actions while driving caused near-collisions and placed the lives of numerous motorists at risk. When Trooper Dobson came upon the truck on Depot Road, he reasonably believed that he was dealing with an impaired driver.

Trooper Dobson approached the passenger side of Mr. Welch's stopped truck, and observed the inside of the truck's cab before making contact. Trooper Dobson saw that Mr. Welch had a wallet in his hand and did not see anything of concern inside the cab of the truck. After making contact, it was immediately apparent to Trooper Dobson that Mr. Welch was intoxicated. Trooper Dobson asked Mr. Welch how much he had had to drink and he responded, "A lot." At this point, Trooper Dobson had no reason to believe that this stop was anything other than a DUI stop.

It was at this point that Mr. Welch suddenly leaned over to his passenger seat and came up with a handgun. Mr. Welch raised the handgun so that it was pointed in the direction of Trooper Dobson—who was wearing clothing that clearly identified himself as law enforcement and had verbally identified himself as such—and fired a shot. This was a clear use of deadly force by Mr. Welch against Trooper Dobson. This deadly physical force was not justified under the law.

Trooper Dobson drew his own gun, backed away from the truck, and ordered Mr. Welch to drop the gun. The Trooper did not fire his gun at this time, despite Mr. Welch having fired a shot in his direction. Instead, Trooper Dobson repeated his commands for Mr. Welch to drop the gun. Mr. Welch did not comply. Despite Trooper Dobson's repeated commands, Mr. Welch did not comply, but instead opened his door. Trooper Dobson also

stated that looking into the back of the cab of the truck it appeared that Mr. Welch was rocking himself out of the truck. This action appeared to Trooper Dobson to be Mr. Welch attempting to exit the truck. It was at this point that Trooper Dobson used deadly force and fired 4 shots into the back of the truck where Mr. Welch was seated, because Trooper Dobson believed Mr. Welch “was coming out of the car to . . . kill [him].” Trooper Dobson struck Mr. Welch twice, once in the base of his head and once grazing the top of Mr. Welch’s head. Unbeknownst to Trooper Dobson, at the same time that he started firing his weapon, Mr. Welch fired his handgun at his own head. According to the medical examiner, Mr. Welch sustained the self-inflicted gunshot wound prior to the gunshot wound Trooper Dobson inflicted to the back of Mr. Welch’s head. Both wounds would have been rapidly fatal.

Based upon the evidence and considering all of the circumstances as they were presented to Trooper Dobson, it was reasonable for Trooper Dobson to believe that he faced an imminent threat of deadly force from Walter Welch, Jr. Mr. Welch had been driving erratically on the highway. Mr. Welch had already fired a shot at Trooper Dobson through his truck window. Not only was this shot in the direction of Trooper Dobson, but was in the direction of a busy highway. Trooper Dobson had been giving commands for Mr. Welch to drop the gun from the moment Mr. Welch raised the gun up from the front passenger seat. Mr. Welch refused to comply with Trooper Dobson’s repeated commands to drop the gun. From Trooper Dobson’s vantage point at the rear of the truck, once the driver-side door opened, because Mr. Welch refused to comply with commands, it was reasonable of Trooper Dobson to believe that Mr. Welch was attempting to get out of his truck to continue his use of deadly force. Based on all the facts and circumstances known to him at the time, Trooper

Dobson's belief that Mr. Welch was getting out of his vehicle to shoot at him again was objectively reasonable. Therefore, considering all of the circumstances as they were presented to Trooper Dobson, his decision to use deadly force against Walter Welch, Jr. was objectively reasonable.

Accordingly, Trooper Kevin Dobson was legally justified in using deadly force against Walter Welch, Jr. Therefore, no criminal charges will be filed against Trooper Kevin Dobson in connection with Mr. Welch's death.