

ATTORNEY GENERAL'S REPORT REGARDING THE MARCH 27–28, 2019, OFFICER INVOLVED SHOOTING AND STANDOFF AT THE QUALITY INN IN MANCHESTER, NEW HAMPSHIRE

I. INTRODUCTION

New Hampshire Attorney General Gordon J. MacDonald announces the completion of the report into the officer-involved shooting at the Quality Inn in Manchester, New Hampshire, on March 27, 2019, and the subsequent standoff of barricaded subjects at the hotel from March 27–28th, 2019. That incident concluded with the fatal shooting of Stephen Marshall (age 51), and the subsequent deaths of Christian St. Cyr (age 26) and Brandie (Tarantino) St. Cyr¹ (age 21). The purpose of this report is to summarize the Attorney General's findings and conclusions with regard to this incident. The findings and conclusions in this report are based on information gathered during the investigation, including photographs, videos, physical evidence, police reports, and witness interviews.

As provided in RSA 7:6 and RSA 21-M:3-b, the Attorney General is the State's Chief Law Enforcement Officer. The Attorney General has the responsibility to ensure that whenever a law enforcement officer uses deadly force, it is done in conformity with the law. The Attorney General also has the responsibility to ensure that whenever a law enforcement officer uses non-deadly force and a death occurs, it is also done in conformity with the law. The Attorney General does not investigate or opine on the particular procedures or tactics used by law enforcement officers. Instead, the Attorney General's review of officer-involved use of deadly force incidents consists of a criminal investigation, which is limited to determining whether

¹ Mr. St. Cyr and Mrs. Tarantino were married on December 22, 2017. Investigators were not aware of this at the time of previous news releases by the Office of the Attorney General.

officers complied with the applicable law. Thus, the Attorney General's review focuses on whether, under New Hampshire law, the use of force was justified because the officer reasonably believed that such force was necessary to defend himself or herself or a third party from what the officer reasonably believes is the imminent use of deadly force.

Based on the investigation of this deadly force incident, the Attorney General finds that the use of deadly force by Manchester Police Detective Cliff Ellston and Drug Enforcement Administration Special Agent Jean Drouin resulting in the death of Mr. Marshall on March 27, 2019, was legally justified. The Attorney General also finds that use of less-lethal munitions by the Manchester Police Department and the Nashua Police Department against Mr. and Mrs. St. Cyr on March 27–28, 2019, was legally justified.

II. SUMMARY OF FACTS

On March 27, 2019, Manchester Police officers were informed by a then-anonymous caller that three wanted individuals, Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall, were staying at the Quality Inn on John E. Devine Drive in Manchester. The caller said Mr. St. Cyr was driving the caller's stolen, dark colored BMW SUV. The caller explained that all three individuals had active warrants for their arrest, and said they were in possession of multiple firearms, including handguns and long guns.

Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall were all persons of interest to investigators from the Drug Enforcement Administration's (DEA) New Hampshire field office for trafficking in fentanyl between Massachusetts and New Hampshire. Manchester Police Detective Cliff Ellston was assigned to the DEA's Task Force (Task Force). Det. Ellston was working with DEA Special Agents (S/A) Jean Drouin and Galen Doud. Due to his interstate drug trafficking and recent threats to shoot police officers if stopped, the Task Force had been interested in Mr.

St. Cyr in the weeks leading up to the this event. In response to the then-anonymous caller's tip to the Manchester Police Department, all three Task Force members responded to the hotel on the afternoon of March 27th in an attempt to locate Mr. St. Cyr.

Around 5:00 p.m., officers determined that Mr. St. Cyr and Mr. Marshall had checked into Room 100, which is located on the ground floor at the northwest corner of the building.



Diag. A (Satellite Image of the Northwest Corner of Quality Inn)

The Task Force officers were on the grounds of the hotel when Mr. St. Cyr and Mr. Marshall returned to the property driving the stolen BMW SUV. At 5:15 p.m., Mr. and Mrs. St. Cyr were seen smoking a cigarette outside the hotel, and then returning to the room together. Once the officers knew Mr. St. Cyr was present at the hotel, Detective Ellston radioed Manchester Police dispatch to send additional officers to arrest the three individuals as each had outstanding warrants.

Arriving Manchester Police officers inconspicuously evacuated other hotel guests from the area surrounding Room 100 for their safety and the safety of the public, while other uniformed officers positioned themselves down the hallway outside the room. Detective Ellston, S/A Drouin, and S/A Doud were asked to stay outside the northwest corner of the building until additional uniformed officers could arrive to secure that area. S/A Doud took a position slightly more north than the other two officers so he could better see the window to Room 100. Crisis negotiators were called to the scene to try talking the occupants of the room into surrendering peacefully.

At approximately 7:18 p.m., crisis negotiators called the landline telephone in Room 100. Mr. Marshall answered the phone. He stated that he was aware law enforcement was outside the room. Negotiators noted that he sounded agitated. Mr. Marshall said he did not have any firearms, was alone in the room, and would come out in ten minutes. The conversation continued for approximately five minutes until Mr. Marshall hung up on the negotiators.

A few moments after hanging up the phone, Mr. Marshall was seen at the window of Room 100 by members of the Task Force. The window was opened, and then a gunshot was heard along with the sound of breaking glass. Members of the Task Force took cover and monitored the open window. Approximately one minute later, the officers saw and heard more glass breaking as the remaining portion of the window was smashed out. Mr. Marshall then jumped from the window to the ground. Officers could see he was holding a semiautomatic handgun in his right hand.

Detective Ellston and S/A Doud began yelling to Mr. Marshall: "Police! Don't move!" Mr. Marshall did not run, but scanned across his field of vision and then turned his head toward the officers to look at them. Instead of complying with the officers' commands, Mr. Marshall

turned the rest of his body toward the officers while bringing his right arm out so that the barrel of his gun was pointing out as he turned. At this point, Detective Ellston, S/A Drouin, and S/A Doud believed Mr. Marshall was placing their lives and the lives of people around them in imminent threat of deadly force. As Mr. Marshall swung his right arm up with the gun to face the officers, both Detective Ellston and S/A Drouin fired their department-issued firearms at Mr. Marshall. S/A Doud did not fire given his position. Mr. Marshall fell sideways to the ground. After this, no other shots were fired at Mr. Marshall.

Later investigation revealed that Detective Ellston had fired six shots from his department-issued handgun. Simultaneously, S/A Drouin had fired seven shots from his DEA-issued rifle. In total, Mr. Marshall was struck by seven bullets. Five bullets struck his right arm, flank, hip, thigh, and leg, respectively, one bullet struck his left chest, and one bullet struck his left forearm. He was also grazed by three additional bullets on his right knee, right trapezius muscle, and upper left arm.

After being struck by gunfire, Mr. Marshall fell to the ground on his left side with the gun still clenched in his right hand.



Diag. B (Photograph of Mr. Marshall Holding Handgun)

Mr. Marshall then rolled slightly and the gun fell behind his back. At this time, Mr. St. Cyr looked out of the window of Room 100 down at Mr. Marshall.



Diag. C (Photograph of Mr. St. Cyr Looking out of the Window at Mr. Marshall)

Mr. St. Cyr then disappeared behind the window curtain and later barricaded the window with a mattress.

Officers immediately radioed that shots had been fired. After falling, Mr. Marshall was lying directly in front of the window to Room 100. Officers could not safely reach Mr. Marshall without exposing themselves to possible gunfire from inside the room, as they believed more people were still inside and armed. This belief was confirmed a few seconds later when police officers inside the hallway saw the door to Room 100 open and then quickly close again before they heard the door's lock slide into place.

The Manchester Police Department's armored vehicle was called to the hotel to provide protective cover for officers to physically reach Mr. Marshall and get him to a waiting ambulance. After the armored vehicle was positioned so officers could safely extract him, Mr. Marshall was immediately brought to Elliott Hospital where he was later pronounced deceased. Negotiators repeatedly called into the hotel room to make contact with the occupants of Room 100, but no one answered the phone. Then, at approximately 8:29 p.m., after Mr. Christian texted a friend that he had decided to shoot it out with police and not surrender, one or more of the occupants of Room 100 began shooting.

For more than thirteen hours, Mr. and Mrs. St. Cyr engaged in an armed standoff with police as officers attempted to negotiate a peaceful surrender. The occupants fired at police over the first eight hours of this standoff. Some of those gunshots were aimed in the direction of officers outside the window, while others were aimed in the direction of the officers in the hotel hallway or just outside the north end of the building. While an accurate account of every shot fired by the occupants is impossible due to the state of the scene when the standoff ended, at least thirty-two shots were fired from inside the room. At one point during the night, an

occupant's gunshot pierced a water supply pipe that then sprayed water into the bathroom room area of Room 100. This continued for eight hours as the shut-off valve was inaccessible while the occupants were firing.

Once the occupants began shooting, the remaining private citizens inside the hotel were evacuated. Manchester police officers, and later Nashua police officers, tried a variety of communication methods and less-lethal munitions to persuade the occupants to surrender. This included phone calls, public address announcements, verbal commands, text messages, chemical munitions, bean bag rounds, and noise-flash devices. At one point, officers used a fire hose to take down a section of drywall while the occupants tried to hide from view while shooting at police officers. When officers did this, Mr. St. Cyr turned and started shooting at the Manchester police officers handling the hose. Manchester Police Officer Thomas Florenzo returned fire, discharging two shots from his department-issued rifle at Mr. St. Cyr. Officer Florenzo's two rounds did not hit anyone and embedded themselves into the wall of a room across the hallway.²

The standoff ended at approximately 10:12 a.m. on March 28, 2019, when police officers were able to safely enter the room. Mr. St. Cyr was removed from the room and was pronounced deceased at a nearby ambulance. Mrs. St. Cyr was found deceased inside the hotel room. Neither suffered any gunshot wounds.

Despite the number of bullets fired by the St. Cyrs, no law enforcement officers or private citizens were physically injured during the incident.

² The room across the hallway, Room 101, had been one of the first rooms evacuated prior to crisis negotiators calling in to Room 100 at 7:18 p.m.

III. THE INVESTIGATION

Since the initial police response on March 27, 2019, the Attorney General's Office and the New Hampshire State Police Major Crime Unit have been investigating the circumstances that led to the events at the Quality Inn on March 27-28, 2019. That investigation has involved numerous witness interviews, an examination of physical evidence recovered from the scene, and the review of available digital evidence to include video recordings and photographs of the incident captured by a private citizen, body-worn video footage from a Manchester Police officer, and surveillance footage from the Quality Inn's security system. All of the police officers involved in the incident have been fully cooperative with the investigation as has the management of the hotel and several private citizens. All of the officers who used deadly force agreed to be interviewed, and both the Manchester and Nashua Police Departments were fully cooperative with preparing and submitting timely reports, and answering all follow-up questions asked by New Hampshire State Police Major Crime detectives.

The following recitation of facts is compiled from information obtained during the investigation.

A. Events Leading up to Law Enforcement's Uses of Force

Drug Enforcement Administration Special Agent Jean Drouin, Special Agent Galen Doud, and Manchester Police Detective Cliff Ellston were assigned to the Drug Enforcement Administration–Manchester Task Force. The Task Force was comprised of approximately a dozen law enforcement officers, including both federal agents and local law enforcement officers for the purpose of investigating violations of federal drug trafficking laws. In March 2019, the Task Force was investigating interstate drug trafficking taking place between Massachusetts and

New Hampshire.³ At one point during the investigation, the Task Force learned that an unidentified purchaser intended to buy over 60 fingers (600 grams) of fentanyl from Massachusetts and transport the drugs back to New Hampshire for sale.

On March 17, 2019, the day of the purchase, Task Force investigators discovered that a woman referred to only as “Brandie” was with the purchasers. The purchasers arrived to buy the drugs in a silver or gray Nissan sedan that was registered to Nicholas Messier. After meeting with the drug supply source, investigators surveilled the sedan as it traveled back to New Hampshire. Prior to reaching New Hampshire, the sedan’s occupants indicated that they had discovered they were being surveilled, and began using counter-surveillance techniques. At that moment, investigators were informed that the car’s occupants had their “guns out” and at least one occupant communicated, “I think we’re gonna have to shoot a cop.” Due to the dangerousness of the situation, the Task Force discontinued surveillance and elected not to stop the Nissan sedan. Investigators issued a law enforcement safety bulletin to all law enforcement state-wide, encouraging officers to use caution if they encountered the vehicle or its occupants. Following this incident, the Task Force began investigating the unidentified drug purchasers.

The Task Force learned that an informant (IT) previously provided details about Mr. Messier to the Manchester Police Department. The informant said that Mr. St. Cyr was a drug dealer and Mr. Messier was his “runner.”⁴ IT reported that Mr. Messier drove Mr. St. Cyr in a gray Nissan sedan out of state once a week to purchase large quantities of fentanyl/heroin. The Task Force learned from IT that Mr. St. Cyr lived at 24 Plimpton Road in Goffstown.

Shortly after learning this information, the Task Force deconflicted the address and learned that a separate drug investigation by the Nashua Police Department was connected to 24

³ The full details of this Task Force investigation are not discussed further in this report.

⁴ The term “runner” often refers the person transporting drugs between the seller and buyer.

Plimpton Road residence as well.⁵ Street officers in the Nashua investigation had followed someone whom they knew had left Nashua to go purchase fentanyl to the 24 Plimpton Road address. After the person left 24 Plimpton Road, Nashua Police stopped the car and seized fentanyl from it. Mr. Marshall was in the car when it was stopped and he was arrested for possession of fentanyl. Mr. Marshall admitted to Nashua investigators that he had purchased the fentanyl from a man named “C” at the 24 Plimpton Road address.

Upon learning of Nashua’s investigation, Detective Ellston drove to 24 Plimpton Road. As he arrived, he observed the gray Nissan sedan that had been surveilled during the earlier Massachusetts drug purchase. Detective Ellston saw the sedan driving away from the 24 Plimpton Road address. Later investigation confirmed that Mr. Marshall had met with Mr. St. Cyr at the address several days before the shooting, and that “C” was, in fact, Mr. St. Cyr. The Task Force reviewed the backgrounds of Mr. St. Cyr and Mr. Marshall, and learned that both of them, as well as Mrs. St. Cyr, had active warrants for their arrest on March 27, 2019.

Independent from the Task Force investigation, the Manchester Police Department received an anonymous phone call at approximately 1:56 a.m. on Wednesday, March 27, 2019.⁶ The caller – who was later identified as Mr. Messier’s girlfriend, Alyza Anzalone – told dispatchers that she would, “like to report the whereabouts on three wanted people who are heavily armed and are selling drugs.” She told the dispatcher that the trio was at the Quality Inn on John E. Devine Drive in Manchester. She identified the three wanted subjects as Mrs. and Mr. St. Cyr, and Mr. Marshall, but believed they were staying in a room under the name of

⁵ Deconfliction refers to the process of determining whether multiple law enforcement agencies may be conducting an investigation into a single inquiry or target. Deconfliction aims to ensure investigative efforts are not jeopardized and opportunities to improve investigative outcomes by sharing information are identified.

⁶ Unless otherwise specified, all times listed in this report are approximate.

“Sandy.”⁷ Regarding their weapons, she reported, “[T]hey’re heavily armed. They got like an AR15 [rifle], they got a couple pistols, shotguns.” Ms. Anzalone said she was “100 percent positive” they had the weapons, as she had seen them with the weapons. She also said that the three wanted people were selling heroin, crack cocaine, and methamphetamine. Ms. Anzalone advised the dispatcher that Mr. Marshall was wanted out of “Nashua” and the St. Cyr were wanted out of “Manchester.” She reported that they had stolen and were driving her BMW X5 SUV bearing temporary license plates. Ms. Anzalone said that the BMW was at the hotel, and that the three wanted persons had her keys to the car.

During a follow-up phone call, Ms. Anzalone told police that she saw Mr. Marshall and Mr. St. Cyr carrying handguns in their waistbands the day before, and they had made comments about hating police and that they would “go down with a bang.” Ms. Anzalone said that she knew they owned a shotgun and an AR15, but she was not sure if they had those two guns with them. Manchester police began investigating the matter, but were unable to locate Mr. Marshall, Mr. St. Cyr, or Mrs. St. Cyr before the afternoon of March 27, 2019.

The Task Force members were informed in the pre-dawn hours of March 27th about the phone call from Ms. Anzalone. Later that morning, while driving into work, Detective Ellston checked the Quality Inn parking lot for the BMW, and located the reported stolen SUV in the rear parking lot. That afternoon, Detective Ellston, S/A Drouin, and S/A Doud returned to the hotel to determine whether the wanted individuals were still at the hotel and the location of the stolen BMW. When they arrived, they saw that the BMW was no longer in the parking lot. The

⁷ This led to confusion later on: the dispatcher misheard this name as “Stanley”, and by chance there was another guest with the last name of Stanley staying on the same floor of the hotel. This was quickly remedied once Mr. St. Cyr and Mr. Marshall were recognized by Task Force officers after arriving at the hotel.

investigators interviewed management and reviewed surveillance footage to confirm it was indeed Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall who had been at the hotel.

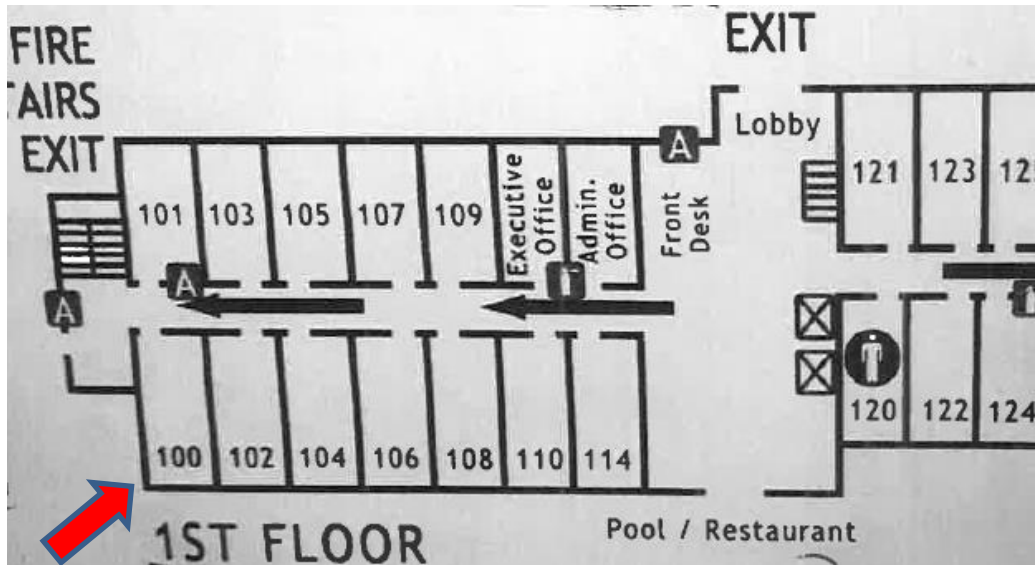
Investigators learned that Mr. Marshall initially tried to rent the hotel room but was unsuccessful.⁸ An unidentified female, later identified as Sandy Alicia, held herself out to be Mr. Marshall's daughter, and used her identification to check-in to the room. Despite the name on the registration, investigators identified Mr. Marshall and Mr. St. Cyr, and later Mrs. St. Cyr, as the occupants of Room 100 through video from the hotel's surveillance system.

Room 100, is a ground-floor hotel room located at the northwest corner of the hotel at the end of a central hallway. The room has one entry door from the hallway, and one window located on the western wall of the room, opposite the entry door. Room 100 has a dropped ceiling, but is isolated by concrete from the room next-door (Room 102) and the room above it (Room 200). There is no separate interior door allowing access to Room 102.



Diag. D (Satellite Image of West Side of Quality Inn)

⁸ One officer reported that Mr. Marshall's credit card was not accepted. Another officer reported that Mr. Marshall refused or was unable to provide his identification. The reason for the refusal is not relevant to the analysis presented herein.



Diag. E (Image of Quality Inn Evacuation Plan)

Room 100 is a standard hotel bedroom with two queen-sized beds, its own heating and cooling system, nightstands, wall-mounted television, and stand-alone wardrobe. Immediately to the left of the entry door is a small alcove and the interior door to the bathroom. The bathroom contains a shower/tub, toilet, and sink, with the tub parallel and adjacent to the interior common wall separating the sleeping area from the bathroom.



Diag. F



Diag. G



Diag. H

Diag. F–H (Images of undamaged Room Identical to Room 100)

After learning Mr. St. Cyr and Mr. Marshall were staying at the hotel, Detective Ellston, with S/As Drouin and Doud, began surveilling the hotel after 5:00 p.m. Shortly thereafter, S/A Doud saw the stolen BMW X5 SUV enter the parking lot and park near the southwest corner of the hotel. He observed Mr. St. Cyr driving with Mr. Marshall riding as a passenger. Hotel staff also texted Det. Ellston that the BMW they were looking for and the occupants of Room 100 had just returned to the hotel.

Around 5:27 p.m., Detective Ellston called supervisors at the Manchester Police Department and updated Sergeant Gregory DiTullio of the Special Enforcement Division-Street Crime Unit (“SCU”). Manchester Police then sent several SCU detectives and patrol officers to the Quality Inn to assist the Task Force officers. Sergeant DiTullio requested that the Task Force members remain at the hotel and secure the perimeter until the Manchester Police element arrived. Sergeant Patrick Houghton, the team leader of the Manchester Police Department SWAT Crisis Negotiation Team (“CNT”), and other members of the CNT responded to the hotel to attempt to make contact with the occupants of Room 100.

By approximately 7:00 p.m., Manchester police officers had arrived to form an entry team, and police negotiators arrived at the hotel as well. Among other things, detectives began

working with hotel staff to evacuate the hotel rooms in the vicinity of Room 100. At 7:18 p.m., Manchester police officers were set up in the hallway outside the entry door and outside on the hotel's northwest corner when negotiators began calling the room's landline phone to arrange for the occupants to come out peacefully. The goal at that time was to effect the arrest of Mr. St. Cyr and Mr. Marshall on their outstanding warrants, and identify anyone else in the room with them.

B. Actions Involving Stephen Marshall

Sergeant Houghton called the landline telephone in Room 100 at 7:20 p.m. and spoke with Mr. Marshall. Sergeant Houghton identified himself as a member of the Manchester Police Department. During the conversation, Mr. Marshall identified himself, and indicated that he knew law enforcement officers were outside of his hotel room. Sergeant Houghton confirmed that he was correct and said that he needed to come out to speak with them. Mr. Marshall said that he intended to exit the hotel room, but he wanted to shower first and he needed ten minutes to collect his thoughts before he would come out. Mr. Marshall told Sergeant Houghton that he was the only one in the hotel room, and specifically stated that there were no firearms in the room. Mr. Marshall hung up on Sergeant Houghton approximately five minutes later at 7:25 p.m. Sergeant Houghton characterized Mr. Marshall as agitated throughout the phone call.

A minute and a half later, Sergeant Houghton tried calling the room again. As it rang, the officers in the hallway heard someone inside manipulate the latch on the hotel room door. At that time, Detective Ellston, S/A Drouin, and S/A Doud were outside at the northwest corner of the hotel observing Room 100's window. Less than thirty seconds later, one of the officers saw the window open. Less than fifteen seconds later, the officers outside heard the sound of glass breaking and a gunshot rang out. The gunshot sounded to officers as though it was fired from

inside the hotel room out of the open window. Approximately fifty-four seconds after this first shot, Mr. Marshall poked his head out of the window for a second, and then the rest of the glass was smashed out.

The next events happened quickly, lasting less than ten seconds. S/A Doud shouted that someone was coming out and was holding a gun. Mr. Marshall jumped out the window and down the short distance to the ground while holding what appeared to be a semi-automatic handgun. Detective Ellston and S/A Doud yelled commands, including, "Police! Drop the gun!" Mr. Marshall did not comply with the commands. Instead, he began turning toward the officers while raising the gun, pointing it out in front of him. One special agent yelled, "Police! Don't Move!" but Mr. Marshall continued to turn and raise the gun. Detective Ellston and S/A Drouin then fired their weapons. Detective Ellston fired his department-issued handgun and S/A Drouin fired his department-issued rifle. Mr. Marshall was struck several times in the torso and fell to the ground in front of the hotel window. The shooting took place over approximately two seconds. The officers did not fire their weapons after Mr. Marshall fell sideways to the ground.

Detective Ellston radioed what happened while the officers began yelling commands to Mr. Marshall to drop the gun, which was still in his right hand. After a few seconds, the gun fell out of Mr. Marshall's hand behind his back. The officers remained in place as Mr. Marshall was just outside the hotel room window as they were concerned about exposing themselves to gunfire from inside any occupants inside the room. Less than thirty seconds later, Manchester police officers in the hallway radioed that they just saw someone in the room open and then close the front door as if they were trying to come out and then changed their mind.

Due to Mr. Marshall's position in front of the window, the officers determined it was too dangerous to approach Mr. Marshall to administer first aid. The officers were concerned that the

other occupants in Room 100 were also armed as reported, and that the officers would be ambushed if they approached Mr. Marshall. Within a minute, a request was made for Manchester Police Department's armored vehicle. One of the department's armored vehicles is a Lenco Industries Bearcat. Officers on scene asked for the Bearcat to be dispatched as soon as possible to provide officers protective cover so they could reach Mr. Marshall. At 7:31 p.m., a request was made to have an ambulance stage closer to the hotel at the TD Bank parking lot.⁹

At 7:42 p.m., the Manchester Police Department's Special Weapons and Tactics ("SWAT") unit was called out. Two minutes later, the Bearcat arrived on scene and a plan was made to safely extract Mr. Marshall to an ambulance. At 8:01 p.m., SWAT team members used the Bearcat as protection from any additional gunfire as a group of officers approached Mr. Marshall. Mr. Marshall was removed from the area in front of the window. SWAT team members quickly searched Mr. Marshall's person for weapons and rushed him to the ambulance staged on the opposite side of the hotel at the TD Bank parking lot. Mr. Marshall was transported to Elliot Hospital where he was ultimately pronounced dead.

C. Actions Involving Christian St. Cyr and Brandie St. Cyr

When Mr. Marshall jumped out of the window from Room 100 and aimed his gun toward police officers, Mr. St. Cyr and Mrs. St. Cyr remained inside the room. Both Mr. and Mrs. St. Cyr, like Mr. Marshall, had warrants for their arrest. Less than two seconds after the final gunshot was fired outside, Mr. St. Cyr pulled the window covering aside and looked out at Mr. Marshall lying on the ground. He then closed the curtain, and moved to the front door.

Officers inside the hallway saw an occupant open and then close the front door in what

⁹ The TD bank was on the opposite side of the hotel from Room 100, located between the east side of the hotel building and South Willow Street.

appeared to be an aborted attempt to leave the room while officers outside were distracted by Mr. Marshall. The officers then heard what sounded like the two occupants trying to barricade the door. This continued for five to six minutes. During that time, the St. Cyr's placed a mattress up against the smashed-out window, and moved furniture around the room.

Officers tried to call into Room 100 on the hotel phone, but no one answered. Over the next fifty minutes, officers repeatedly called the phone and made public announcements into the room to try to make contact with the occupants. There was no response. John E. Devine Drive was shut down as additional members of Manchester's SWAT unit responded to the scene. Detective Ellston, along with S/As Drouin and Doud, were just about to be relieved from their perimeter position on the northwest corner of the building when the occupants of Room 100 started firing gunshots at 8:29 p.m.

Over the next eight hours, the St. Cyr's fired on officers more than 30 times. Negotiators made ninety phone calls and sent 15 text messages to the occupants, and had several conversations. Neither occupant responded for the first few hours, but continued to fire at officers. Police first made contact with the occupants at 10:34 p.m. when Mrs. St. Cyr used a cellphone to call a Manchester Police dispatcher. Mrs. St. Cyr told the dispatcher, and the negotiator she was eventually put in touch with, that she and her husband wanted "more time" to be with each other, and Mrs. St. Cyr admitted that "we're the ones" who had been shooting at officers. Negotiators spoke with both her and Mr. St. Cyr over the next hour and a half. The negotiators could hear that Mrs. St. Cyr sounded lethargic and sluggish, while Mr. St. Cyr sounded anxious and impatient.

Officers gave the couple extra time and engaged them in a dialogue. Over an hour and a half later when the St. Cyr's still refused to surrender and stopped answering calls, officers again

deployed less lethal force by inserting chemical irritants into the St. Cyr's room to convince the St. Cyr's to come out and end the event peacefully. The St. Cyr's began shooting again. From her words and actions, it was evident to the officers that Mrs. St. Cyr was in the room willingly, and was not a hostage. Despite police's urging, there were several moments when Mrs. St. Cyr could have surrendered peacefully without putting herself in danger. Each time, she elected to stay in the room.

Throughout the standoff with the St. Cyr's, officers only used lethal force on one occasion. At 4:34 a.m., when Manchester officers were using a fire hose to take down a section of drywall blocking their view, Mr. St. Cyr fired at the officers. The round struck the Bearcat where the officers using the hose were located. Officer Thomas Florenzo of the Manchester Department returned fire, discharging two rounds from his department-issued rifle. These rounds did not strike anyone, and embedded themselves in a wall across the hallway from the room.

For more than fourteen hours, the St. Cyr's refused to surrender to police. As detailed below, officers used a variety of less-lethal force to try convincing them to end the event peacefully. This included inserting chemical agents, including oleoresin capsicum (OC or pepper spray) and CS (tear gas), bean-bag rounds, and blunt impact projectiles rounds (BIP). A fire hose was also used intermittently in the final hours of the event to knock down the bathroom drywall, which the couple used as cover and concealment while shooting.

Mr. St. Cyr and Mrs. St. Cyr used two separate semiautomatic guns to fire at police officers, and engaged in violent behavior throughout the event. They were in possession of a bag filled with shotgun shells, but had left their shotgun inside the stolen BMW. They attempted to punch through an interior wall to the adjoining room, and crawl above ceiling tiles to avoid being

arrested. They also shot through a water supply pipe that sent a constant stream of water spraying into the bathroom. At one point, at approximately 5:00 a.m. on the morning of March 28th, officers placed another canister of CS gas into the room. Mrs. St. Cyr began screaming, “Shoot me! Shoot me now!” No officers were firing any lethal or less-lethal munitions at that time. When officers later searched the room, they discovered that one handgun still had two live rounds left: one in the chamber and one in the magazine.

Mr. St. Cyr repeatedly tried to prevent officers from seeing into or entering the room. Throughout the event, officers saw him boarding up openings in doors or walls, and utilizing broken doors, shower curtains, and other objects as shields. Less-lethal munitions did not seem to have an effect or deter his actions. For example, at approximately 6:32 a.m., Mr. St. Cyr was holding up an interior door, trying to prevent the officers from seeing into the bathroom area. Officers used less-lethal force and struck him on his arms and legs with projectiles of CS powder called “ferret rounds”. Mr. St. Cyr did not drop the barricade, and responded by taunting the officers for “more.”

By 7:00 a.m. on the morning of March 28th, the Nashua Police Special Reaction Team (SRT) arrived to relieve Manchester SWAT officers who had been deployed throughout the night. After several more attempts to talk the occupants into coming out, and several more moves by the St. Cyrs to hide their positions, additional CS gas was deployed into the room. Eventually, at approximately 10:00 a.m., SRT members were able to view Mr. St. Cyr near a bed and Mrs. St. Cyr near the bathroom, and were able to make a safe entry into Room 100. Mr. St. Cyr was found unconscious and moaning. He was immediately taken to a waiting ambulance where he died minutes later. Mrs. St. Cyr was found deceased and sitting up against an interior corner of the room.

The investigation into the use of force against Mr. Marshall, Mr. St. Cyr, and Mrs. St. Cyr then began.

D. Interviews With Law Enforcement Officers

Approximately forty-two Manchester officers were involved with the standoff, not counting additional personnel who later provided assistance in processing the crime scene and in protecting the integrity of the scene until the processing was completed. Reports were written from officers who were involved in at least some aspect of the officer-involved shooting or the subsequent standoff. Reports were also gathered from Nashua Police officers who relieved Manchester's SWAT team on the morning of March 28, 2019. New Hampshire State Police Major Crime Unit detectives and members of the Attorney General's Office interviewed the two law enforcement officers who shot at Mr. Marshall and the other special agent who was positioned with them at the northwest corner of the hotel when Mr. Marshall jumped out the window. Major Crime detectives also interviewed the Manchester Police officer who returned fire when the Bearcat was shot at from the hotel room. Additionally, these detectives interviewed several other private citizens, hotel personnel, police officers who responded to the hotel, and individuals who captured portions of the incident on video/audio. These interviews, and information from the law enforcement officers with the most relevant observations, are summarized below.

1. Drug Enforcement Administration Special Agent Jean Drouin

Special Agent Jean Drouin¹⁰ was assigned to the DEA's Manchester District Office. At the time of this incident, he was a twenty-two year veteran of DEA and a former three-year

¹⁰ S/A Drouin was interviewed by members of the Office of the Attorney General and detectives from the Major Crime Unit of the New Hampshire State Police in the presence of his counsel on April 8, 2019.

veteran of the Dekalb County, Georgia Police Department. He was a field-training officer, a firearms instructor, and was a member of DEA's Special Response Team. S/A Drouin was assigned to a task force group comprised of federal, state, and local law enforcement officers who focused heavily on opioid trafficking. They investigated a wide variety of suspected drug traffickers, from street-level to international drug dealers.

S/A Drouin was investigating Mr. St. Cyr, Mr. Marshall, and Mr. Messier for interstate trafficking of fentanyl in the days leading up to this incident. S/A Drouin was aware of the background information described above concerning Mr. Marshall's involvement in Mr. St. Cyr's drug trafficking.

At 6:00 a.m. on March 27, 2019, S/A Drouin was notified that the Manchester Police Department received a tip that Mr. St. Cyr, Mr. Marshall, and an unidentified female were at the Quality Inn. It was S/A Drouin's understanding that Manchester police had surveilled the hotel, but were unable to identify what room the group was staying in or if they were still staying there. S/A Drouin reviewed the call log from Ms. Anzalone to the Manchester Police Department, and then he and Detective Ellston called Ms. Anzalone to see if either she or Mr. Messier could provide any more information. Neither individual was more cooperative at that time, prompting S/A Drouin, Detective Ellston, and S/A Doud to go to the Quality Inn to investigate whether the group was still at the hotel and if so, to identify what room they were staying in.

When they arrived at the hotel, Ms. Anzalone's stolen BMW was not there. Detective Ellston entered the hotel and spoke with hotel management. Shortly thereafter, Detective Ellston asked S/A Drouin to come inside. S/A Drouin learned that the manager had noticed something suspicious. The manager explained that an older gentleman tried to rent Room 100, but his credit card would not work or was stolen. A female then rented Room 100 for two nights for

him. Mr. Marshall told the manager that the female was his daughter. Detective Ellston showed the manager a picture of Mr. Marshall, and the manager identified the older gentleman as Mr. Marshall. Detective Ellston and S/A Drouin then watched hotel surveillance footage. S/A Drouin identified Mr. St. Cyr as an occupant of Room 100, and saw footage of Mr. St. Cyr walking into the hotel surreptitiously carrying what looked to be a large object wrapped with a towel.

After identifying Mr. St. Cyr and Mr. Marshall as the people renting Room 100, the officers surveilled the hotel to see if the two would return, or if they had left the hotel for good without checking out. After only a short time, the stolen BMW drove into the hotel parking lot, passing directly by S/A Doud who was then in the parking lot inside his vehicle. S/A Doud radioed to S/A Drouin and Detective Ellston that he just saw Mr. Marshall and Mr. St. Cyr enter the parking lot in the stolen BMW.

Knowing that Mr. St. Cyr and Mr. Marshall had returned to the hotel, S/A Drouin asked Detective Ellston to call his chain of command at the Manchester Police Department for additional officers to safely confront the men about their open warrants and the stolen car.

Regarding the decision to call the Manchester Police Department, S/A Drouin said:

Obviously, we weren't equipped. We knew these guys were very dangerous, that they had guns, and that they had between two different occasions, intentions on, you know, causing harm to the police. So, we weren't equipped, the three of us, to go get these guys. We weren't about to go knock on that door.

Detective Ellston placed the call and told S/A Drouin that Manchester Police was sending a "contingency of Manchester police officers and tactical officers." Manchester Police asked the Task Force members to secure the perimeter of the hotel, which S/A Drouin and Detective

Ellston then did.¹¹ S/A Drouin put on a black bulletproof vest with the word POLICE emblazoned across the chest.

When the Manchester officers arrived, S/A Drouin saw them begin evacuating rooms in the area of Room 100. When interviewed, S/A Drouin explained that, “[b]ecause of the level of potential violence with these people and the public safety risk, they wanted to clear out the rooms around Room 100.” After these hotel guests were away, S/A Drouin saw that Manchester officers were waiting for a negotiator to arrive. S/A Drouin understood that the plan at this time was to have the occupants of room 100 “come out peacefully, so [law enforcement] [did not] have to knock on the door and create another potentially violent and dangerous situation.”

S/A Drouin estimated that it took twenty minutes for the negotiator to arrive. In that time, S/A Drouin and the rest of the officers outside were concerned that the longer they waited, the more likely the occupants of the room would discover their presence. During this time, S/A Drouin, Detective Ellston, and S/A Doud, were in the Quality Inn parking lot, positioned in the area of the northwest corner of the hotel, along with Manchester Police Detective Christopher Horn. Specifically, Detective Horn and Detective Ellston covered the side door, while S/As Drouin and Doud were on the north side of the building so they could watch for any attempt by the occupants to flee through the room’s sole window. A car with young men drove by looking at the officers standing there. This caused S/A Drouin to believe that the officers may not remain undetected if they were left outside much longer.¹²

S/A Drouin knew Detective Ellston was operating a radio to stay connected with the Manchester officers on scene. Detective Ellston relayed the information from those communications orally to S/As Drouin and Doud. S/A Drouin recalled that after the negotiators

¹¹ This information was provided to S/A Drouin by Detective Ellston.

¹² S/A Doud also referenced this car during his interview and expressed his same concern.

arrived, Detective Ellston relayed that the negotiators made contact with a female in the room.¹³ S/A Drouin recalled Detective Ellston say that the female asked for ten more minutes. S/A Drouin told detectives that he did not know exactly what negotiators told the occupants, but he assumed they said, “we have warrants, please come out peacefully”

S/A Drouin told detectives that immediately after learning that negotiators had made contact with the occupants, he heard a violent smash and a glass window breaking. S/A Drouin said, “[a]t that point, I knew, like, it was about to get real bad.” Right after the window broke, he heard a gunshot. Based on how loud the gunshot was, S/A Drouin believed it came from the hotel room, “either in the window or out the window, because it was loud.” S/A Drouin told detectives that after that gunshot, he believed the officers were in “a very dangerous situation,” and the fact that someone was shooting meant that the officers’ “lives [were] at risk right now.”

After the gunshot, S/A Drouin noted there was a “little bit of a delay,” before the next event occurred. S/A Drouin heard another loud crashing noise. His view of the window was still blocked by the northwest corner of the building. S/A Doud, however, was located further north and west in the parking lot using parked cars as cover, and had a partial view of the window. S/A Drouin heard S/A Doud yell, “He’s coming out! He’s got a gun!” S/A Drouin, “could tell by the stress in [S/A Doud’s] voice that it was, it was bad.” Hearing S/A Doud’s warning, S/A Drouin dropped to one knee and saw the person he knew to be Mr. Marshall already on the ground in front of the window. S/A Drouin saw Mr. Marshall with his right hand out, holding a handgun.

S/A Drouin quickly became aware of Detective Ellston to his left, and recognized that the detective had moved from the north side exit door to the immediate corner of the building. This

¹³ As described above, when Sergeant Houghton called into the room, he initially spoke with a male, Mr. Marshall, who requested ten minutes. It wasn’t until 10:46 p.m. that officers first made contact with Mrs. St. Cyr.

placed S/A Drouin in the middle of the three officers, with Detective Ellston to his left and S/A Doud to farther out to his right. S/A Drouin saw that this put S/A Doud in the most exposed position. When interviewed, S/A Drouin stated he could not remember if he yelled "Police!", but that he could hear Detective Ellston and S/A Doud yelling commands, including, "Police!" and "Drop the gun!" S/A Drouin saw Mr. Marshall's hand holding the gun remained up and out as Mr. Marshall continued turning toward the officers. As Mr. Marshall kept turning, S/A Drouin discharged his rifle.

S/A Drouin told Major Crime detectives that just before firing his rifle, he thought that Mr. Marshall was about to shoot him or someone in his group of officers. S/A Drouin explained to the detectives that "[Marshall]'s got the gun. He's got the gun out and he hears the commands. He must hear the commands and he looks over . . . and as he's looking over, I could tell he's starting to turn his body and at that point I fired my weapon."

S/A Drouin told detectives that he never saw Mr. Marshall make any attempts to surrender or drop his gun. S/A Drouin estimated that he fired four or five rounds from his rifle. He explained that he fired until he no longer perceived an active threat of being shot by Mr. Marshall, that being when he saw Mr. Marshall drop to the ground and the gun was no longer in Mr. Marshall's hand.

When specifically asked why he discharged his weapon, S/A Drouin explained that he was in fear for his safety and the safety of the other officers around him as soon as he realized Mr. Marshall came out of the window at them. S/A Drouin stated:

So, after hearing the first shot come out the window, I knew that it was a very dangerous situation and potentially they were gonna encounter us with guns. So, I was already in fear of my life. When he came out that window and that gun was in aggressive position out here, I knew he was out there to engage us. So, I knew that I was in imminent danger of being shot or my partners being shot. Special Agent Doud was [to my right]. So, he was in a position, a little bit of a vulnerable

position where he was. So was I. I had no cover. He had cover from a car, but he was in a vulnerable position where he was. Even if [Mr. Marshall] continued to move forward even further with the gun, then ... Special Agent Doud was right there. So, I was in fear for the lives of myself, Special Agent Doud, Detective Ellston and everybody that was out there at the time.

When asked about the surrounding area at the time of the shooting, S/A Drouin recalled that it was a busy time of day. He recalled there being medium traffic up and down John E. Devine Drive, and pedestrians walking through the immediate area.

After the firing stopped, Mr. Marshall was still moving, and S/A Drouin heard Detective Ellston continued yelling commands at him. S/A Drouin maintained his position. He noticed that Mr. Marshall's handgun fell to the ground and ended up behind him. While he determined Mr. Marshall was no longer an "immediate threat" because he was on the ground and wounded, he wanted to ensure Mr. Marshall would not reach for the firearm. S/A Drouin cautioned S/A Doud to watch the hotel window for fear that Mr. St. Cyr would "come running out and engage us as well." All three officers maintained their positions until Manchester police officers took over responsibility for securing that corner of the building.

S/A Drouin explained that the task force officers were unable to help Mr. Marshall after he was shot because it would have put them in a position to be ambushed and shot at by the occupants of Room 100. He was present when the Bearcat arrived, and saw them use the armored vehicle to protect the officers who extracted Mr. Marshall to emergency medical personnel and the waiting ambulance.

Between the time that Mr. Marshall was shot and when S/A Drouin was later relieved from his position, S/A Drouin heard other gunshots in the hotel room. During his interview, he could not remember if the shots occurred before the Bearcat removed Mr. Marshall or after. However, he articulated that he heard four to five additional shots. He noted that these gunshots

sounded like they were clearly happening inside the room, whereas the first gunshot before Mr. Marshall jumped out sounded like it was either in the window or coming out of the window.

2. Manchester Police Department Detective Clifford Ellston

Detective Cliff Ellston¹⁴ was assigned to the DEA's Manchester District Office. At the time of this incident, Detective Ellston was an eleven-year veteran of the Manchester Police Department. Detective Ellston had participated in specialized drug investigation trainings, and had been actively working prospective drug investigations for more than four years. Detective Ellston was assigned to the Manchester Police Special Enforcement Unit's Special Investigations Unit as a member of the DEA's task force group.

Detective Ellston told Major Crime detectives that he received a call from a Manchester Police officer in the overnight hours leading into March 27, 2019, informing him about the anonymous 911 call made about Mr. St. Cyr and the stolen BMW. He was told that the caller reported Mr. St. Cyr had the stolen BMW, firearms, and drugs. This corroborated the officer safety bulletin Detective Ellston issued earlier in the month concerning: (1) Mr. Messier and Mr. St. Cyr's drug dealing, (2) Mr. St. Cyr's drug trafficking and association with Mr. Messier, (3) the drug activity at 24 Plimpton Road in Goffstown, and (4) St. Cyr's recent threat to shoot police. Detective Ellston was also aware that Mr. St. Cyr had outstanding warrants on two criminal charges, and that other people in his circle had active warrants for their arrest as well.

While driving to work that morning, Detective Ellston drove into the Quality Inn parking lot to try to find the stolen vehicle and confirm whether Mr. St. Cyr was at the hotel. He also sought to obtain the publicly displayed Vehicle Identification Number (VIN) off the stolen SUV

¹⁴ Detective Ellston was interviewed by members of the Office of the Attorney General and detectives from the Major Crime Unit of the New Hampshire State Police in the presence of his counsel on April 10, 2019.

and confirm whether the VIN was listed as stolen. He successfully located and identified the car in the hotel parking lot. Upon arrival at his office, he conferred with S/A Drouin and S/A Doud about how to safely go about finding and making contact with Mr. St. Cyr. At one point in the early afternoon, Detective Ellston tried to get in touch with Ms. Anzalone, and then with Mr. Messier. They were uncooperative, and did not provide any more information than they had already provided in their anonymous phone call.

Detective Ellston informed detectives about going to check the hotel in the afternoon to see if the SUV was there, and if not, confirm with the hotel management what room they may have come from and if they were expected back that night. Detective Ellston saw that the SUV was not there when they arrived, and went inside to make contact with the hotel manager. Detective Ellston described who he was looking for. The manager told Detective Ellston he believed he knew the individuals, and provided the information Detective Ellston later relayed to S/A Drouin (see above). After being shown booking photos by Detective Ellston, the manager confirmed that it had been Mr. Marshall who tried to rent the room, and that a person Marshall identified as his “son” was in fact, Mr. St. Cyr. Detective Ellston reviewed the hotel surveillance footage himself, and confirmed that the person the manager saw entering the hotel the night before was Mr. St. Cyr.

The manager told Detective Ellston that the room was booked for one more night into the following day (March 27th to March 28th). Fearing that they would be spotted by Mr. St. Cyr or Mr. Marshall when they came back to the hotel, Detective Ellston and S/A Drouin left the lobby and returned to their cars to tell Manchester Police detectives about their discovery. Detective Ellston received S/A Drouin’s radio transmission about the SUV pulling into the back parking lot, and Detective Ellston moved to see the same SUV he saw that morning pull into the rear

hotel parking lot near the rear entrance. Detective Ellston then heard S/A Doud radio that he positively identified Mr. St. Cyr driving the SUV with Mr. Marshall as a passenger.

A few moments after this, Detective Ellston received a text from the hotel manager at 5:02 p.m. The manager texted that the female Mr. Marshall identified as his daughter the night before was back in the hotel. A minute later, the manager texted, “BMW just came back in parking and he is here. Went to the room.” Detective Ellston understood from their previous conversation with the manager, that “he” referred to Mr. St. Cyr.

Detective Ellston contacted the Manchester Police Department for a group of officers to respond to the hotel to formulate a safety plan for arresting Mr. St. Cyr and Mr. Marshall on the open warrants. He spoke with Sergeants DiTullio and Barter who then began sending personnel to the hotel and planned how best to effect the arrests given the location. Detective Ellston confirmed that the warrants were still open, and communicated between Manchester Police and his fellow task force members.

Detective Ellston understood that the plan was to evacuate other hotel guests away from Room 100. While maintaining a perimeter around the outside of the room, Manchester crisis negotiators would call into the room to talk the occupants into coming out. Detective Ellston told detectives that the Task Force officers were asked to position themselves at the northwest corner of the building because the room’s window and hotel side door were the only other potential exit points. Detective Ellston saw that Detective Horn joined his task force officers at their position. Detective Horn monitored the side door, while Detective Ellston, S/A Drouin, and S/A Doud observed the window. At this point, Detective Ellston was wearing a long-sleeve sweatshirt, jeans, baseball cap, vest, and a black ballistic vest on top with the word “POLICE” in large letters on the front, and “MANCHESTER POLICE” in large letters on the back.

Detective Ellston learned over the police radio that Mr. Marshall had answered the room phone. He heard that Mr. Marshall said he was the only occupant inside, and wanted ten minutes before he came out. Detective Ellston relayed the information verbally to the officers around him. Detectives Ellston and Horn were armed with their department-issued handguns while S/A Drouin and S/A Doud were armed with rifles. Detective Ellston did not have his weapon drawn because the intent was for him or Detective Horn to be the officers who physically handcuffed the wanted individuals if they exited through either the door or window. The other officers would then provide cover should the situation escalate.

Detective Ellston estimated that just a few minutes went by until he heard one officer say that he could see someone in the window. Detective Ellston could not see the window from his position, so he turned to face the back grassy area just in front of the window to Room 100. He then heard breaking glass from that area, and radioed that the window was being broken. An officer called out that he saw someone in the window, and Detective Ellston heard a single gunshot. From his position, he believed the room's occupants would not be able to see where he and S/A Drouin were, but that S/A Doud could have been visible to them.

Detective Ellston believed the gunshot was fired from inside to outside based upon the sound it made. He described the sound as not a "muffled shot that was contained", but instead a sound that "permeated the entire outdoor area." He was concerned about why the occupants would have been shooting, and whether they were shooting at S/A Doud or the public nearby on either John E. Devine Drive or South Willow Street, who were watching the police activity at that point.

After the gunshot, Detective Ellston heard more glass breaking. An officer yelled that he saw someone's head coming out of the window. Upon hearing this, Detective Ellston yelled

“Police!” even though he could not see the emerging individual. He explained that he yelled it, “as loud as I possibly [could] just to try to suck that person back into the room because I don’t want that person leaving at all. I want them to stay in there because it’s just safer if they’re contained, and maybe we can talk them out in a peaceful manner.”

A few minutes later, Detective Ellston heard someone say that an individual was trying to exit the room. Then someone yelled out “Gun!” Detective Ellston saw a man on the grass area in front of Room 100’s window. He did not recognize him as Mr. Marshall at that point, and only did so after he later fired. Mr. Marshall’s body was facing west toward the rear parking lot with his back toward the hotel. Mr. Marshall did not run away from the hotel, but instead, Detective Ellston saw Mr. Marshall stand there “scanning” the area.

As Mr. Marshall’s head turned right toward John E. Devine Drive. Detective Ellston saw Mr. Marshall “lock eyes” in his and S/A Drouin’s direction. Detective Ellston clarified that he did not “see fear in [Mr. Marshall]’s eyes, it was almost like a look of determination, like he knew exactly what he was trying to look for.” Detective Ellston then saw that Mr. Marshall was holding a dark colored, semi-automatic handgun in his right hand with his elbow bent, raising that arm up to point the gun in the direction of the officers. Detective Ellston then fired his handgun at Mr. Marshall.

Detective Ellston told detectives that he never saw Mr. Marshall make any attempts to surrender or drop his gun, nor did he see Mr. Marshall respond to any of the verbal commands that had been given. Detective Ellston did not know how many times he fired, but stated that he fired until he saw Mr. Marshall fall to the ground and the gun come to rest behind Mr. Marshall’s back on the grass.

When specifically asked why he discharged his weapon, Detective Ellston clarified that his life and the lives of the other officers around him were “in jeopardy” as soon as Mr. Marshall began bending his elbow up and his hand holding the gun came out toward the direction of the officers. He stated, “I thought he was gonna try to shoot at one or all of us.” He was also concerned about the safety of citizens across the street at the back of a local Starbucks café, driving down John E. Devine Drive at that time, and the safety of other citizens who were outside the front of the hotel. Detective Ellston believed Mr. Marshall knew that the officers were police because he identified himself with commands, because he was wearing his vest marked POLICE on the front, and because Mr. Marshall had just spoken with law enforcement on the phone as they told him that they were waiting for him to surrender.

After firing, Detective Ellston yelled commands to Mr. Marshall, telling him not to move or reach for the gun. He could not hear Mr. Marshall say anything, but did see him make some minimal movements. Detective Ellston radioed that shots were fired and a suspect was struck. Additional Manchester officers then began responding to the corner with Detective Ellston and the DEA agents. Eventually, Mr. Marshall stopped moving.

Detective Ellston explained that no officers moved up to Mr. Marshall’s position because it was “completely exposed” to the view from Room 100’s broken window. He believed Mr. St. Cyr would likely try to come out of the window as well, or would fire on any officers he saw even if they were going to help Mr. Marshall. Detective Ellston’s belief was based upon Mr. St. Cyr’s history, Mr. St. Cyr’s earlier comments that he was willing to “shoot a cop”, and the detective’s knowledge of the in-fighting between members of Mr. St. Cyr’s immediate drug circle.

Throughout this event, Detective Ellston did not hear Mr. Marshall say anything. He also did not hear anyone from inside the hotel room say anything. Detective Ellston did not see Mr. Marshall raise his hands in surrender, and only saw him drop the gun after Mr. Marshall fell and the shooting stopped. Between the time that Mr. Marshall was shot and Detective Ellston was relieved from his position to report to the on-site command post, the Bearcat was not yet on scene. Detective Ellston did not hear any other gunshots.

3. Drug Enforcement Administration Special Agent Galen Doud

Special Agent Galen Doud¹⁵ was assigned to the DEA's Manchester District Office. At the time of this incident, he had served as a special agent for approximately two years. Before working with DEA, S/A Doud was a four-year veteran of the Nashua Police Department. He had been a field-training officer, a firearms instructor, and was a member of DEA's Clandestine Lab Team. S/A Doud focused primarily on opioid-related cases as part of the same task force as Detective Ellston and S/A Drouin.

S/A Doud confirmed S/A Drouin and Detective Ellston's accounts of what occurred leading up to this incident: that the Task Force was investigating Mr. St. Cyr, Mr. Marshall, and Mr. Messier for interstate trafficking of fentanyl/heroin on the day of this incident, and the previous threat to shoot police believed to be from Mr. St. Cyr. S/A Doud was also aware of the content of the anonymous phone call to the Manchester Police Department disclosing Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall's sighting at the Quality Inn. It was S/A Doud's understanding that these three individuals were: (1) reported to be in possession of fentanyl, cocaine/crack, and methamphetamine, as well as several firearms including pistols, a shotgun,

¹⁵ S/A Doud was interviewed by members of the Office of the Attorney General and detectives from the Major Crime Unit of the New Hampshire State Police in the presence of his counsel on April 10, 2019.

and a rifle; (2) wanted for open arrest warrants and stated that they would “go out with a bang” if confronted by police; and (3) seen carrying pistols in their waistbands (Mr. St. Cyr and Mr. Marshall) the previous day.

S/A Doud went with S/A Drouin and Detective Ellston to the Quality Inn on the afternoon of March 27th. While Detective Ellston and S/A Drouin were inside the hotel speaking with hotel management, S/A Doud was sitting in his DEA vehicle in the back parking lot on the west side of the property. S/A Doud could see the window to Room 100 from his position in the parking lot, although he did not yet know this was the room Mr. St. Cyr and Mr. Marshall were staying in.

After confirming that the individuals they were looking for had rented Room 100, S/As Drouin and Detective Ellston came outside and the three officers surveilled the hotel from their cars for a short while. Each car was positioned at a different area of the parking lot, affording each officer different views of the entrances to the property. After a short while, S/A Doud saw the stolen BMW come east on John E. Devine Drive, pull into the driveway closest, and drive around the west side of the building to park near the rear entrance. S/A Drouin used his radio to inform the other officers that he could see the dark colored BMW pulling into the parking lot. S/A Doud was familiar with photographs of Mr. St. Cyr and Mr. Marshall, and as the SUV drove by his position, he identified Mr. St. Cyr as the driver and Mr. Marshall as the passenger. A few minutes later, S/A Doud saw Mr. St. Cyr and a female having a cigarette outside the hotel together. Shortly thereafter, Detective Ellston radioed that he had received confirmation from someone else that both Mr. St. Cyr and Mr. Marshall had just arrived back at the hotel.

While Detective Ellston called Manchester Police to respond to the hotel, S/A Doud went into the lobby to confirm the location of Room 100 within the building. He then returned to his vehicle to continue surveillance on the window to the room.

As Manchester police officers worked to evacuate guests out of the rooms surrounding Room 100 and the negotiators were arriving, S/A Doud positioned himself with S/A Drouin and Detective Ellston outside the northwest corner of the building. At this time, S/A Doud was wearing a black bulletproof vest with the word POLICE on the chest, was displaying his DEA badge around his neck, and was carrying his DEA-issued rifle. After a short while, a car came into the north parking lot from the front of the hotel and past S/A Doud's position. As it drove by, the passengers in the car took an immediate interest in the officers. The car then abruptly left the lot through the northwest exit. Based upon this behavior, S/A Doud was concerned that the occupants of the car were possibly there to meet up with the occupants of Room 100 and engage in criminal activity. This caused S/A Doud to believe that the officers may not remain undetected for much longer if the car's occupants called the people staying in Room 100 and divulged the officers' positions.¹⁶

S/A Doud moved away from the corner of the building to a line of cars parked alongside a white SUV facing the north side of the building. The white SUV was backed into the space facing south, allowing S/A Doud to stay on the passenger side near the front A-pillar and engine block. This location allowed him to view a portion of the window to Room 100 while providing concealment; affording him a "shallow angle" view of the window that enabled him to use the area of the engine block as cover should the occupants begin shooting out from the hotel. At this time, S/A Doud estimated he was approximately 30-40 yards away from the window.

¹⁶ S/A Drouin also referenced this car during his interview and expressed his same concern.

Sometime after the crisis negotiators arrived, Detective Ellston told S/A Doud that contact had been made with an occupant in the room who said he/she would come out in ten minutes.¹⁷ S/A Doud saw that the window to the room opened by sliding up. A short time later he heard the window locking mechanism click, and saw the window open. He could not see the person manipulating/opening the window from his position. He then heard a single gunshot.

S/A Doud described the gunshot as loud, and said he did not see or hear the shot strike anything. S/A Doud and the other officers outside simultaneously relayed, "Shot fired!" to each other, and then Detective Ellston transmitted the information over the radio. S/A Doud believed the shot might have been aimed at him from the window of Room 100, so he moved back to the rear C-pillar of the white SUV for additional cover.

A short while later, S/A Doud heard the sound of a small amount of glass breaking from the window, but he could not see who or what was breaking the glass. This information was shared over the radio. In a moment, he heard a larger amount of glass breaking. S/A Doud saw the person later identified as Mr. Marshall "shouldering through" the glass. As Mr. Marshall jumped down from the window, S/A Doud saw him holding a silver handgun in his right hand in the area of his right shoulder with the gun pointed upward.

S/A Doud called out, "Gun!" and "He's got a gun." He yelled to Mr. Marshall, "Police! Drop the gun!" S/A Doud heard similar strong commands come from the other officers to his immediate left at the northwest corner of the building. Despite these commands, S/A Doud saw Mr. Marshall turn toward the officers' positions while his right hand came down from his shoulder area with the gun. He saw Mr. Marshall's gun beginning to point out and in front of Mr. Marshall's body as he turned. S/A Doud told detectives that he did not feel he had a safe

¹⁷ S/A Doud told Major Crime Unit detectives that Detective Ellston did not tell him who the negotiators had spoken with.

angle to make an effective shot as Mr. Marshall started pointing his gun toward S/A Doud because he was still back near the C-pillar of the white SUV. S/A Doud began to move when he heard an exchange of gunfire. S/A Doud was unsure how many rounds were fired, or who fired, only that there were multiple rounds fired. He did not see any rounds being fired out of the window, he only saw Mr. Marshall with the gun out in front of him.

S/A Doud was moving up and away from the SUV at the time the shooting began so as to position himself to safely engage Mr. Marshall. S/A Doud was still moving and was about to fire when he saw Mr. Marshall fall to the ground. He removed his finger from the rifle's trigger, and did not fire during the incident. He did not hear any gunshots from any officers after Mr. Marshall fell to the ground.

S/A Doud continued to yell commands to Mr. Marshall while he was on the ground, saying words to the effect of: Police, drop the gun. He then heard Detective Ellston yell that the gun was behind Mr. Marshall's waist.

S/A Doud's attention shifted back to the window and a moment later he saw another male, later identified as Mr. St. Cyr, leaning on the windowsill. S/A Doud yelled, "Police! Show us your hands!" but Mr. St. Cyr quickly retreated behind the curtains.

After a while, S/A Doud heard a series of gunshots being fired while he was still maintaining cover on the now broken window. He described the sound of these shots as muffled, as if they were fired fully within the room as opposed to the first shot that had been fired before the window was shouldered through.

S/A Doud told Major Crime detectives that he never saw Mr. Marshall make any attempts to surrender or drop his gun, or respond to any commands. S/A Doud did not hear Mr. Marshall say anything during the entire event.

S/A Doud explained to detectives that based on the totality of the threat he was presented with, S/A Doud would have shot Mr. Marshall if he had a safer angle and opportunity when Mr. Marshall was turning toward them, not responding to their commands, and pointing the silver handgun in front of him. S/A Doud said he believed Mr. Marshall was about to use unlawful deadly force and fire at either S/A Doud, the officers near him, passersby in the parking lot, traffic on John E. Devine Drive, or other private citizens in the public.

S/A Doud stayed at the northwest corner until relieved by other officers. Before that occurred, he heard gunshots coming from inside the room on two occasions. First, he heard the muffled gunshots coming from inside the room before the Bearcat arrived. Second, S/A Doud heard additional gunshots after the Bearcat had safely extracted Mr. Marshall.

4. Manchester Police Department Officer Thomas Florenzo

Officer Thomas Florenzo¹⁸ is a Manchester Police Officer. At the time of this incident, he was a twelve-year veteran of the Manchester Police Department. He had been a SWAT team member for eight years, a former Detective within the investigations unit for five years, a firearms instructor for three years, and was a newly certified Field Training Officer.

On March 27th, Officer Florenzo was on-duty working in the center of Manchester. He knew from roll call that day about a report of persons who had been staying at the Quality Inn with open warrants who were allegedly armed and had threatened to shoot police if confronted. After the initial shooting began at the hotel, Officer Florenzo was activated as a SWAT member, and he responded to the hotel. Once he arrived, he was part of the team of officers assigned to extract Mr. Marshall for medical treatment by using the Bearcat as cover.

¹⁸ Officer Florenzo was interviewed by members of the Office of the Attorney General and detectives from the Major Crime Unit of the New Hampshire State Police in the presence of his counsel on April 4, 2019.

The Bearcat drove onto the grass in front of the room, using the side of the armored vehicle to block any rounds fired from inside the room at the rescuing officers. Officer Florenzo helped move Mr. Marshall back to emergency medical services at the waiting ambulance. He then went with the Bearcat back to the broken window to begin the process of trying to safely call out the occupants into surrendering.

Officer Florenzo was inside the Bearcat when he tried to dislodge the mattress blocking the officers' vision into the room. First, four BIP rounds were fired at the mattress to test how it was supported, and then Officer Florenzo pushed the mattress in and over with a pole. When he did this, the occupants began shooting out at him and he took cover away from the opening. After taking cover, Officer Florenzo then pushed the mattress down from the opening, and opened the shades enough for officers to see into the room. Throughout this time, Officer Florenzo heard and saw the occupants of the room shooting at his position.

When ordered to do so over the next ten hours, Officer Florenzo periodically deployed CS gas canisters into the room via the broken window. He explained to detectives that the less-lethal munitions SWAT members used included CS and OC powder, CS gas, noise flash diversion devices (NFDs), and bean-bag rounds. He also explained that less-lethal munitions were used to convince the occupants to surrender by making the environment uncomfortable to stay in. Officer Florenzo felt the CS gas "really didn't have much if any effect" on Mr. St. Cyr based upon how he continued to shoot at officers. He described that almost every time an officer placed gas or other less-lethal rounds into the room, the occupants responded with gunfire.

In the Bearcat, officers could not see where the occupants were for the first part of the evening, and assumed that they were hiding in the bathroom. Command staff decided to make holes in the bathroom wall so that CS gas could move into that part of Room 100 where the

occupants were hiding. From the Bearcat, Officer Florenzo used a 40mm single-shot launcher to shoot less-lethal ferret rounds containing CS or OC powders through the drywall into the bathroom. This was done to place the powders in the bathroom and to create openings into the room for the CS gas to flow through when deployed. To ensure that the less-lethal rounds did not strike anyone, the launcher was fired at a high upward angle over where anyone's head would be if they were standing in the room. Officer Florenzo was aware that more ferret rounds were fired to continue opening up the bathroom wall from several other positions later on during the standoff.

Officer Florenzo explained that none of their efforts seemed to have any effect on the room's occupants, and they continued to shoot at the officers. He explained, "Any time we would do something, we would get met with gunfire. So, every time gas was put in the room or less-lethal rounds were fired, he would fire back with bullets at us. [...] The purpose of it was to try to vent that [bath]room so the gas could get in there and hopefully move them out of the room. It didn't have any effect at all." Officer Florenzo could see bullet holes in the interior walls of Room 100 indicating where the occupants had been shooting. Once the mattress had been moved, he could also see bullet holes in the mattress itself, showing that the occupants had also fired at the window and the Bearcat's position before he was able to fully dislodge the mattress.

Based upon the position of the Bearcat and the size and location of the hotel window, only one port on the Bearcat could be used to see and/or fire less-lethal munitions into the room. Officers were then forced to switch back and forth when utilizing the port: one team of officers would use it to deploy less-lethal munitions, and then another officer was tasked with providing cover for the team while they reloaded or replaced those munitions. During this back and forth,

Officer Florenzo heard at least one round fired by the room's occupants strike the side of the Bearcat, making a noticeable metallic ping noise as it hit.

Around 4:00 a.m. on March 28th, command staff decided to use a fire hose to take down the drywall between the bedroom and the bathroom to enable CS gas to get into the bathroom and to prevent the occupants from continuing to conceal their positions. The hose was run through the open back end of Bearcat into the open port. A three person team of officers was needed to operate the hose, while another officer was in the vehicle's turret. While those officers prepared to use the hose, Officer Florenzo and other officers with him yelled verbal commands and used the Bearcat's public address system (PA) to tell the occupants to come out peacefully.

The occupants did not respond to those commands. At one point while the hose was operating, Officer Florenzo was assigned to provide lethal cover with his department-issued rifle to the three-officer team using the hose. The officers saw Mr. St. Cyr in the middle of the opening to the bathroom pop up and shoot at the officers operating the hose. The hose crew quickly withdrew from the port, and Officer Florenzo replaced them to fire two rounds from his rifle.

Officer Florenzo saw Mr. St. Cyr drop down, and initially thought one of his rounds had struck Mr. St. Cyr. However, after a short lull, Mr. St. Cyr reappeared with Mrs. St. Cyr next to him. Officer Florenzo described Mr. St. Cyr as suddenly lethargic and "almost like a zombie," but that he was also not suffering from any gunshot wound. He also saw that Mr. St. Cyr still looked to be holding the firearm in his hand. Officer Florenzo yelled more verbal commands to, "[j]ust open the door and go outside the room! No one is going to hurt you! Just [go/step] outside." Officer Florenzo could see that neither occupant responded verbally or physically to his commands.

Officer Florenzo did not fire his rifle again during the rest of the incident. At one point after the hose had been used, his team of officers saw both Mr. and Mrs. St. Cyr come out from behind the bathroom wall. The officers thought this may have signaled a change in their demeanor; however, they quickly dove together underneath an upturned mattress and continued to hide their movements from police.

Officer Florenzo's team was relieved by members of the Nashua Police SRT team approximately three hours after he fired his rifle. Officer Florenzo explained that he was at the hotel for approximately twelve hours before he was relieved, and that officers were taking fire from the occupants for the first ten of those hours.

E. Interviews With Private Citizens

1. Jeffrey Hastings – Photojournalist

On March 28, 2019 at 1:07 a.m., New Hampshire State Police detectives interviewed Jeffrey Hastings. Mr. Hastings works as an independent photojournalist and operates “Manchester Information” and “Info NH” on Facebook. He has been working in that profession for approximately twenty years. On March 27, 2019, he was in the Starbucks parking lot on South Willow Street for approximately four hours prior to the incident at the Quality Inn.¹⁹ While there, he received a direct message from a Facebook follower, who said there were law enforcement officers with “long guns surrounding the Quality Inn.”²⁰ In the moment, Mr. Hastings believed the Quality Inn was located at “Queen City [Avenue] and Second Street,” and

¹⁹ Mr. Hastings stated that it was just a coincidence that he was close by at the time. He indicated that he often worked out of that Starbucks parking lot, due in part to available wireless internet and its central location.

²⁰ Mr. Hastings explained to Major Crime Unit detectives that it was not uncommon for him to receive breaking news tips from Facebook followers through direct messaging.

did not remember that the hotel next door on John E. Devine Drive was the Quality Inn. Mr. Hastings completed the work he was doing, and intended to drive by the scene on his way home.

As he left the coffee shop, he turned right onto South Willow Street toward Interstate 293, but then took a quick right hand turn onto John E. Devine Drive where he saw law enforcement officers wearing vests and carrying “long guns.” Mr. Hastings did not see any uniformed police; however, he described the officers as wearing “vests” and that “most of them had the words ‘POLICE’ on the back.” Mr. Hastings explained how he pulled into the Starbucks drive-through, turned around, and parked. He anticipated that he was going to witness a “warrant takedown.”

While parked in this position, Mr. Hastings rolled down his window and took still photographs of the officers for approximately five to seven minutes. Then, he heard the officers yell, “Come out with your hands up!” Mr. Hastings said that at that point, he “fully expected that someone was going to come out [the fire exit] door.” He said that he heard glass break and immediately after the glass broke, he heard what he described as at least one gunshot.²¹ Mr. Hastings told detectives that he realized at that moment he was “not in the best position.” Due to his closeness to the scene, Mr. Hastings said he ducked, but continued taking photographs. Mr. Hastings described how he then heard multiple shots fired. He estimated he heard a total of eight or nine gunshots. After the shooting, he heard numerous police commands, “Show us your hands! Show us your hands!” and “Drop the gun! Drop the gun!”²² When Mr. Hastings came back up, he anticipated seeing someone with his or her hands up, but saw a man unresponsive on

²¹ Mr. Hastings said that he may have heard two gunshots but he was not sure. At one point, he said he believed he heard more than one shot.

²² Mr. Hastings also heard law enforcement yelling, “Police!” but stated he could not remember at what points he heard officers yelling it.

the ground. Shortly thereafter, there was a large police response and Mr. Hastings removed himself to a safe location.

In addition to taking still photographs of the incident, Mr. Hastings had a Garmin DriveAssist 51 GPS dashboard mounted video camera in his car. Mr. Hastings was cooperative as the investigation progressed, and voluntarily provided law enforcement with 246 still photographs and four video files from his dashboard camera.

2. Nicholas Messier

Nicholas Messier was interviewed by law enforcement on two occasions about the activity of the St. Cyrs and Mr. Marshall leading up to the events at the Quality Inn. The first was by members of the Task Force, and the second was by members of the New Hampshire State Police Major Crime Unit.

On April 2, 2019, Manchester Police Officer Christopher Day, a Task Force Officer with DEA, and DEA Special Agent Matthew Boc interviewed Nicholas Messier.²³ Mr. Messier said that from Friday, March 22, 2019 until Monday, March 25, 2019, he and his girlfriend, Alyza Anzalone, stayed at the Sonesta Hotel in Andover, Massachusetts, with both the St. Cyrs and Mr. Marshall. He explained that he had previously been living with them at an apartment in Goffstown, New Hampshire. On March 22, 2019, they moved out of the apartment and checked into the hotel.

Mr. Messier told the Task Force officers that he was acting as a “runner” or “grunt” for Mr. St. Cyr’s illegal drug operation. He said that he was paid \$500 per week for approximately three months. When explaining how he began working as a runner, he said, “[Mr. St. Cyr] and

²³ This interview followed Mr. Messier’s apprehension on an arrest warrant. This summary focuses on the portions of the interview that are relevant only to the scope of this investigation.

[Mrs. St. Cyr] both sat me down and they're like, 'We want you to work for me [Mr. St. Cyr]'" He said that he was hesitant and that he agreed to the role because he was scared. Mr. Messier said that Mr. St. Cyr usually purchased fentanyl from out-of-state and sometimes cocaine as well. Mr. Messier explained that Mr. St. Cyr and Mrs. St. Cyr would cook the cocaine to make crack cocaine. They also ordered Mr. Messier to rent a room in Goffstown with them, so he did. Mr. Messier told the investigators that at the time he had legitimate employment, but "they" told him to quit his job and were his primary drug supply source. Mr. Messier said, "I was more afraid of these people than anything . . . especially Christian."

During this first interview, Mr. Messier said he knew Mr. St. Cyr had two handguns that Mr. Messier described as a ".380," a "9 millimeter," and a shotgun.²⁴ Mr. St. Cyr also owned an assault rifle. He explained that there were other guns as well, and that he believed the St. Cyr's gave one of those guns to Mr. Marshall. Mr. Messier told investigators that Mr. St. Cyr had forced him to carry a gun as well when making drug runs. Mr. Messier believed that the guns were either stolen or purchased legally by someone else on the St. Cyr's behalf.

Mr. Messier said that Mr. St. Cyr thought he was "John Wayne." He said that he was glad "this" did not happen at the residence in Goffstown. Mr. Messier explained that the way "they" had the apartment setup in Goffstown, they planned to "just stand there and shoot everyone that came up the stairs," if confronted by police. He said, "They were just basically going to wait until somebody breached if they did, . . . and just continue to just pick people off." When asked, specifically, who was planning to do that, Mr. Messier said, "Christian and Brandie, and [Mr.] Marshall." He said they had told him, they were "not going back" and they were going to "kill whoever."

²⁴ Mr. Messier said he also thought Mr. St. Cyr had a Glock; however, he explained that they sold and purchased guns "all the time."

Mr. Messier said that Mr. St. Cyr and Mrs. St. Cyr distributed drugs from their apartment in Goffstown, including fentanyl and crack cocaine. He explained Mr. St. Cyr's operation: Mr. St. Cyr would pick up between 60–80 fingers of fentanyl and a couple of ounces of cocaine from Massachusetts up to three times a week totaling nearly 800 grams of fentanyl and 2 ounces of cocaine each time. Mr. St. Cyr sold the drugs throughout New Hampshire, including in Laconia and Manchester. He profited by selling the fentanyl between double and triple his purchase price. Mr. Messier estimated that Mr. St. Cyr made his last trip to purchase drugs somewhere between March 25th and March 26th.

In this interview, Mr. Messier said that when the group went to the Sonesta Hotel on Friday, March 22, 2019, Mr. St. Cyr forced Messier to sell his gray Nissan sedan and give the proceeds to Mr. St. Cyr toward the purchase of the BMW SUV. He explained that at one point while they were at the hotel, Mrs. St. Cyr came into the room and demanded the BMW key. The key was in his pocket, so he gave it to her. The St. Cyr's and Mr. Marshall then took the BMW and abandoned Mr. Messier and his girlfriend at the hotel.

Mr. Messier said that he repeatedly sent text messages to Mr. St. Cyr, demanding Mr. St. Cyr give the SUV back. Mr. Messier called one of the St. Cyr's drug purchasers, a Sandy Alicia, to ask where the St. Cyrs were so he could find the SUV. Mr. Messier explained that Ms. Alicia told him she purchased drugs from Mr. St. Cyr, and that she had just checked the St. Cyrs into either the Holiday Inn or the Quality Inn in Manchester under her name. Mr. Messier eventually found the SUV at the Quality Inn. He then went behind the Starbucks across the street and had his girlfriend call police to report the BMW as stolen.

Mr. Messier said that after they called police, he never had contact with Mr. St. Cyr again. However, he reported that Mr. St. Cyr had been in contact with a person he identified as

“Kerie”²⁵ throughout the standoff. When asked what Mr. St. Cyr told Kerie, Mr. Messier said, “I guess that he’s not going back. ‘I’m not going back. I’m not going back. I don’t care . . . I don’t care, I’m not going back,’ I guess.”

When asked about threats to law enforcement, Mr. Messier said, “Oh yeah, they hated law enforcement. They . . . said at any point that he was gunna to shoot [sic] . . . anyone in the face . . .” He explained that he “hated” when Mr. St. Cyr was in his car because Mr. St. Cyr always “packed his gun with him. He always had a gun on him, no matter where he went.”

When asked what Mr. St. Cyr’s plan was if he was stopped by police, Mr. Messier said, that if they were stopped and the false name Mr. St. Cyr gave police did not work, “his mindset, he was gunna pop off . . . he was gunna shoot the cop right in the face . . . right in the face. That’s exactly what he said to me . . . ‘I would shoot the cop in the face.’” He recalled the last time Mr. St. Cyr made such comments was Saturday, March 23, 2019. Mr. Messier believed that Mr. St. Cyr almost “wanted it to happen.”

Mr. Messier explained that Mr. Marshall had begun living at the Goffstown apartment a couple weeks prior to the Quality Inn incident, after Mr. Marshall had been arrested in Nashua. He said, “Christian just basically took him in you know, handed him a gun and that was it.” When he was asked whether Mr. Marshall had made any threats against law enforcement, Mr. Messier responded, “Oh yeah, Marshal. Yes. He basically said that he was facing enough time, where he probably would never get out of jail again and he wasn’t going back, that he would of, did what he did, he would have shot an officer, he would have shot anyone just to try to get out of the situation.”

²⁵ Investigators learned this spelling and identified this person as Kerie St. Jean at a later time. More detail on Ms. St. Jean’s involvement is provided below.

Mr. Messier explained that the Mr. St. Cyr used methamphetamine, crack cocaine, and fentanyl at the same time. He told investigators that Mr. St. Cyr would discharge weapons in his back yard when he was impaired, and was violent to other people and animals.

Mr. Messier confirmed that there was one occasion when Mr. St. Cyr felt he was being followed during his trips to purchase drugs. He explained that they were driving on the highway and the lights on the car behind them turned off and the car disappeared. Mr. Messier said that he was scared of Mr. St. Cyr and Mrs. St. Cyr, saying, “[t]hey even told me, like if you told on us or anything like that, we would kill you.” He said at one point, Mr. St. Cyr threatened to kidnap both him and a tenant from the Goffstown apartment, and that he would put a gun to their heads.

Mr. Messier’s second interview was with detectives from the New Hampshire State Police Major Crime Unit on April 17, 2019. Mr. Messier further explained several pieces of information, and revised part of his statement from before.

Mr. Messier’s explained that the purchase of the BMW was made at Mr. St. Cyr’s insistence because he thought the gray Nissan sedan was “being watched.” Mr. St. Cyr went to a dealership and purchased the BMW with cash, registering the car under Mr. Messier’s name because Mr. St. Cyr did not have a valid driver’s license. Mr. St. Cyr then forced Mr. Messier to sell his gray Nissan car to a third party and give the proceeds to Mr. St. Cyr to “pay back” for the purchase of the BMW.

Mr. Messier also elaborated on what led the St. Cyrs and Mr. Marshall to abandon him in Andover, Massachusetts. Mr. Messier had initially used his credit card to pay for the room. On Monday, March 25, 2019, Mr. Messier tried to purchase another night at the hotel, but his card was declined. Mr. Messier said that when he went back to the hotel room and explained what happened, Mr. St. Cyr and Mrs. St. Cyr “freaked out Scream[ed] at [him], [and] loaded guns,

cocking them back.” Mr. Messier went to Ms. Anzalone and said that they needed to leave, so they went back to their room. He said that they had a cat with them that had escaped from the room. Mr. Messier explained that when he and Ms. Anzalone went to search for the cat, Mr. St. Cyr took the keys to the BMW. The St. Cyrs packed quickly and put their belongings into the BMW. They would not let Mr. Messier or Ms. Anzalone load anything into the BMW, and Mr. Messier saw that at that point, both St. Cyrs and Mr. Marshall were “all carrying guns,” when they left Mr. Messier and Ms. Anzalone at the hotel. Mr. Messier described Mr. St. Cyr’s gun alternatively as a “Sig Sauer” and then a “Glock” with “a really long clip”. He further described Mrs. St. Cyr’s gun as a “cammo” designed pistol, and Mr. Marshall’s gun as a “silver Ruger” that he believed was “a .22”. Mr. Messier said knew that they were also carrying “a .320” and a shotgun with a “laser.”

Mr. Messier told detectives that the only response he received to his text messages to Mr. St. Cyr after being left at the hotel was between the evening of March 26th and the early morning hours of March 27th. Mr. St. Cyr texted him, “You keep running your mouth about the car I’m gunna come kidnap you [the former tenant from Goffstown] and I’m gunna put a gun to both your heads and I’m gunna blow you away [sic].”²⁶

When recounting how he found the stolen SUV at the Quality Inn, Mr. Messier said he first checked the parking lot at the Manchester Holiday Inn, and then proceeded to the Quality Inn. When he found the car and saw Mr. Marshall smoking a cigarette outside the hotel building in the early morning hours of March 27, 2019, he and Ms. Anzalone called the police.

²⁶ This is one of three text messages Mr. Messier said he recalled receiving from Mr. St. Cyr between the time they left the Sonesta hotel in Andover and the incident at the Quality Inn.

During this second interview, Mr. Messier said Mr. and Mrs. St. Cyr both sent messages to “Kerie” throughout the incident. He believed they also messaged Sandy and accused her of snitching on them. Mr. Messier said that the last text message Kerie received was from Mrs. St. Cyr and it was an image of a heart. Mr. Messier speculated, “[M]aybe at that point Christian might have died, or maybe they were about to do something that caused them to die.”

Mr. Messier explained that he lived in fear of Mr. St. Cyr. Mr. St. Cyr told him that he would be killed if he ever left their employment. Mr. Messier said that during his time with the St. Cyrs, he “felt like in fear for [his] life . . . because [Mr. St. Cyr] always had guns around . . . and [he was] quick tempered.” Regarding the relationship between Mr. St. Cyr and Mrs. St. Cyr, Mr. Messier explained that Mrs. St. Cyr was a drug user who loved Mr. St. Cyr. He said, “Whatever he said goes.” He explained, “They loved smoking crack. That was their thing. At any point, they could have been high on crystal [methamphetamine], crack, coke, heroin, all at the same time.” Mr. Messier believed, “they were unstable people, very unstable,” and that he was afraid just to leave because he was also using drugs and Mr. St. Cyr was someone he could rely on to supply him with the drugs he wanted.

Mr. Messier knew Mr. St. Cyr obtained his guns from multiple individuals. “[G]uns came from everywhere [sic]. You know what I mean, people that wanted drugs . . . , he’d give them drugs for guns, he just loved guns.” Mr. Messier said that Mr. St. Cyr had an AR-15 rifle that someone took from him a couple days before the incident at Quality Inn. Mr. Messier said, “I’m kinda glad he didn’t have that,” at the time of the standoff.

Mr. Messier believed that Mr. Marshall “idolized” the St. Cyrs, and was loyal to them because they took him in following his arrest and supplied him with both drugs and a gun. He theorized, “[that] is probably why [Marshall] went out first, to protect them in a way, because . . .

they were supplying him everything.” Mr. Marshall believed he was going to go back to prison and said that he would probably never get out again. However, Mr. Messier stated that Mr. Marshall, Mr. St. Cyr, and Mrs. St. Cyr had all commented that they would not go back to prison. When asked what they talked about, Mr. Messier said, “[T]hey talked about killing cops all the time. Like, the worst part was . . . let’s say we’re going to Massachusetts, right? And Christian and Brandie they’d both have guns on them in the back seat of my car.” Mr. Messier was concerned that if they had been pulled over, they may have shot at police.

Finally, Mr. Messier explained that Mr. St. Cyr always had his handgun on his person, “24/7, he slept with it, literally on him.” Mr. Messier said that the only holster he saw was for Mrs. St. Cyr’s gun. Mr. Messier believed both Mr. and Mrs. St. Cyr would have shot at police. While he theorized that the couple likely overdosed, he said he “know[s] they both would have fired . . . they were always ready . . . to go [to] that extent.”

3. Amanda Parent

Major Crime Unit detectives learned that Mr. Messier was familiar with Amanda Parent, and had borrowed Ms. Parent’s car to check hotels for the stolen SUV on March 27, 2019. Ms. Parent later filed a report with the Manchester Police Department that Mr. Messier subsequently broke into her home and threatened her with a handgun. While speaking with Manchester officers about Mr. Messier, Ms. Parent disclosed information relevant to the investigation into the standoff at the Quality Inn.

Detectives interviewed Ms. Parent on March 28, 2019.²⁷ Ms. Parent explained that she met Mr. Messier through her boyfriend who had met Mr. Messier when they were both incarcerated. Ms. Parent knew the St. Cyrs, and that they asked Mr. Messier to be their “runner”

²⁷ This summary of facts is limited to the portions relevant to the scope of this investigation.

since neither of them had a driver's license. Ms. Parent also knew that Mr. Messier used to live with Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall, that he was with them "24/7," that the group purchased "a lot" of drugs from Massachusetts, and that Mr. St. Cyr was the "leader" of the group. She estimated that Mr. St. Cyr purchased "50–100 fingers" (approximately 500 – 1000 grams) of fentanyl at a time, sometimes as often as every other day.²⁸

Ms. Parent reported that on March 26, 2019, Mr. Messier told Ms. Parent that he and his girlfriend²⁹ did not have a place to go and asked if they could stay at Ms. Parent's residence. Ms. Parent agreed. Between approximately 11:00 p.m.–12:00 a.m., Ms. Parent allowed Mr. Messier and his girlfriend to borrow her car. When they returned in the early morning hours of March 27th, they told Ms. Parent that they had "called the cops" and reported that their BMW was stolen and parked at the Quality Inn. Ms. Parent believed the BMW was "linked" to Mr. St. Cyr, Mrs. St. Cyr, and Mr. Marshall, but that Mr. Messier owned the SUV and the St. Cyrs, "wouldn't give it back."

Ms. Parent confirmed several other portions of Mr. Messier's account, including how he said the SUV was purchased, and the text messages he exchanged with Mr. St. Cyr on the night of March 26–27th. Ms. Parent also confirmed that she was acquainted with the St. Cyrs and knew that Mr. St. Cyr always carried guns on his person. She estimated that he had at least five guns, and that he began collecting them once he purchased a Berretta handgun in 2018. She said that she knew he had been in possession of a shotgun, an "AR" rifle, and small handguns in the past.

²⁸ Ms. Parent suggested that Mr. St. Cyr was a major purchaser of drugs from his dealer in Massachusetts.

²⁹ Ms. Parent said that she did not know Mr. Messier's girlfriend, but recalled that her name was "Aliza."

4. Ian Clark

Major Crime Unit detectives learned that Christian and Brandie St. Cyr were staying at 24 Plimpton Road in Goffstown with Ian Clark, who was renting the home. Detectives interviewed Mr. Clark on August 23, 2019.³⁰ Mr. Clark explained that he was renting the house at 24 Plimpton Road in November of 2018 when he invited Mr. and Mrs. St. Cyr to live there as housemates. Mr. Clark explained that he needed plumbing work done in the home so he called Mr. St. Cyr to do the work, and ultimately invited the couple to stay on as tenants.

Mr. Clark knew that the St. Cyr's were using crack and fentanyl. He also knew that they rode to Massachusetts to purchase drugs, which they would then sell to others. Mr. Clark admitted that before Mr. Messier moved into the home and began driving for the St. Cyrs, he drove them for a few of their trips to Massachusetts for drugs. In February, approximately one month before the St. Cyrs moved out, Mr. Marshall began living at the home with the St. Cyrs. Mr. Clark heard them refer to Marshall as "Uncle Jigsaw".

Around St. Patrick's Day, Mr. Clark asked the St. Cyrs to move out of the Plimpton Road home. Mr. Clark explained that he came home from a basketball tournament to discover that the lock he had on his bedroom door had been cut and his room was "gone through." The St. Cyrs told him they went into his room to look for a guitar pick. He said that both the St. Cyrs and Mr. Marshall moved out that day.

After the St. Cyrs and Mr. Marshall moved out, Mr. Clark discovered that his birth certificate and social security card had been taken. Over the next two weeks, Mr. Clark texted the couple to try to get his property back. On the evening of March 27th, he received a text

³⁰ This summary of facts is limited to the portions relevant to the scope of this investigation.

message from Mr. St. Cyr that stated words to the effect of, “We are surrounded at a hotel and are dead.” Mr. Clark texted back a question mark, after which Mr. St. Cyr called Mr. Clark.

Mr. Clark told investigators that Mr. St. Cyr sounded distressed and panicked over the phone. Mr. Clark did not recall Mr. St. Cyr’s exact words, but relayed the substance of the conversation. Mr. St. Cyr immediately said that “they” shot and killed “Jigsaw” [Mr. Marshall]. He stated that they “just shot Jigsaw in cold blood. He went outside and they shot him.” Mr. St. Cyr also said, “They aren’t going to let us out of here alive.” Mr. St. Cyr explained that he looked outside and saw that Mr. Marshall was shot.

Mr. St. Cyr began crying and explained that he took Mr. Clark’s documents because he “just needed to become him.” Mr. Clark believed this meant that Mr. St. Cyr was going to try and pretend to be Mr. Clark. Both men were approximately the same height and weight, and both had reddish beards. Mr. St. Cyr kept repeating that he and Mrs. St. Cyr were “not going to come out” of the hotel alive. Mr. Clark did not understand if this meant that they were going to commit suicide or how they were going to die, but Mr. St. Cyr insinuated that they were not going to come out alive. Mr. Clark could hear Mrs. St. Cyr crying in the background, causing him to believe that the St. Cyrs had already discussed that they were not leaving the hotel room alive.

Mr. St. Cyr told Mr. Clark to turn on the news. Mr. Clark did, and learned they were at the Quality Inn. Mr. Clark believed Mr. St. Cyr was in a bathroom when he called due to the echo of his voice. Mr. St. Cyr told Mr. Clark that he would give him time to clean up the Plimpton Road address, which Mr. Clark interpreted to mean clean out any drug or drug paraphernalia from the house. Mr. Clark told investigators that he then went into the St. Cyrs old room and “destroyed evidence”, by cleaning bong and residue out of the room.

Mr. Clark believed that the St. Cyrs may have been paranoid due to the crack they were consuming around the time of this incident.

5. Kerie St. Jean

On August 26, 2019, Major Crime Unit detectives interviewed Kerie St. Jean.³¹ St. Jean told the investigators that she had known the St. Cyrs for approximately a year and a half before the interview. St. Jean explained that she had a close relationship with the St. Cyrs and said that the two referred to her as “Aunt Kerie.” She explained that she communicated with the pair every day. St. Jean said that the St. Cyrs had previously told her that there were warrants for their arrest. When asked about the St. Cyrs plans if they were ever confronted by law enforcement, St. Jean said the St. Cyrs never mentioned that they would try to shoot at law enforcement officers to escape. St. Jean was aware that both Mr. St. Cyr and Mrs. St. Cyr carried handguns.

St. Jean described the St. Cyrs’ drug addiction as severe. She said that they “wouldn’t sleep; they were up for days.” When asked what drugs they were doing, St. Jean said, “Everything . . . crystal meth, heroin, cocaine . . .” St. Jean said that they were selling drugs both to support their habit and for profit. St. Jean estimated that the St. Cyrs were purchasing “quite a bit” of drugs from Lawrence, Massachusetts. She said that at one point, Mr. St. Cyr made mention of purchasing 20–50 fingers of fentanyl. St. Jean stated that Mr. Messier was transporting the St. Cyrs back and forth to Massachusetts.³²

St. Jean communicated mainly with Mr. St. Cyr because Mrs. St. Cyr’s drug addiction had become so severe. St. Jean told investigators that approximately one week before the

³¹ This summary of facts is limited to the portions relevant to the scope of this investigation.

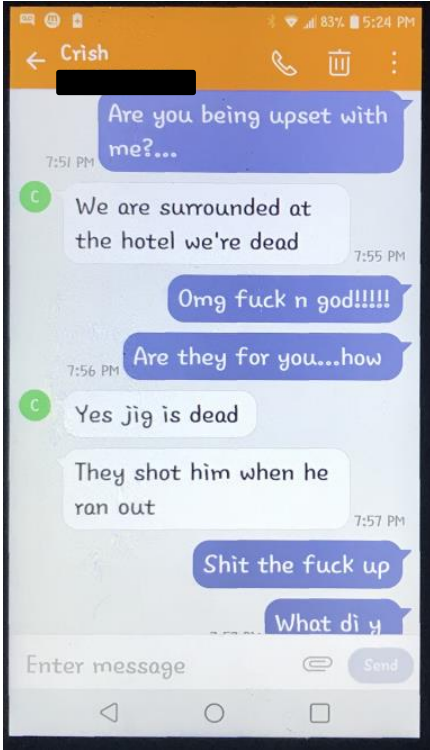
³² St. Jean told investigators that after the group purchased the BMW SUV that they registered to Messier, the St. Cyrs “threw him to the side.”

incident at Quality Inn, the St. Cyr's confronted "Ian" and accused him of stealing items from the bedroom of their Goffstown apartment. She said that after this confrontation, the St. Cyr's moved out. According to St. Jean:

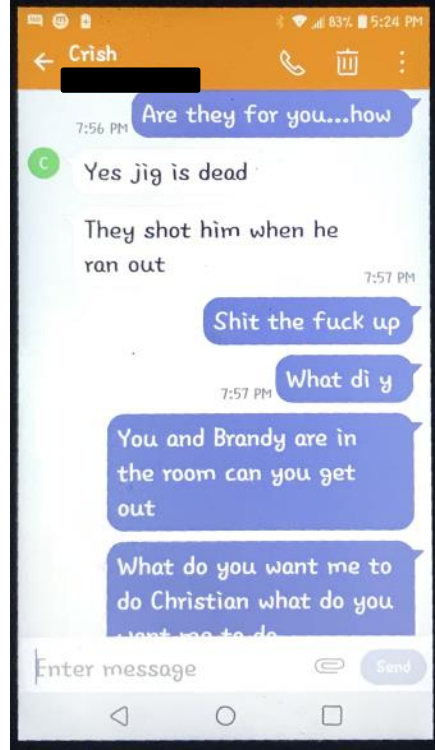
They were going around place to place and you could tell things are getting horrible, for mind's sake, with Christian. Like, he just was, you could --, I don't know, you could just tell it was almost coming to an end. You know, he was just so stressed out and worried.

St. Jean explained that earlier in the week, the St. Cyr's and Mr. Marshall³³ stopped at her house. While there, they asked if she would put a hotel room in her name, which she refused to do. St. Jean told investigators that the day prior to the incident at the hotel, she went to the hotel and saw Mr. St. Cyr and Mr. Marshall in the parking lot. St. Jean reported that the following day, she had minimal communication with the group until Mr. St. Cyr sent her a text message that the hotel was surrounded. St. Jean allowed investigators to review her text messages with the St. Cyr's during the incident. The images below are photographs from St. Jean's phone showing her text message communication with both Mr. and Mrs. St. Cyr.

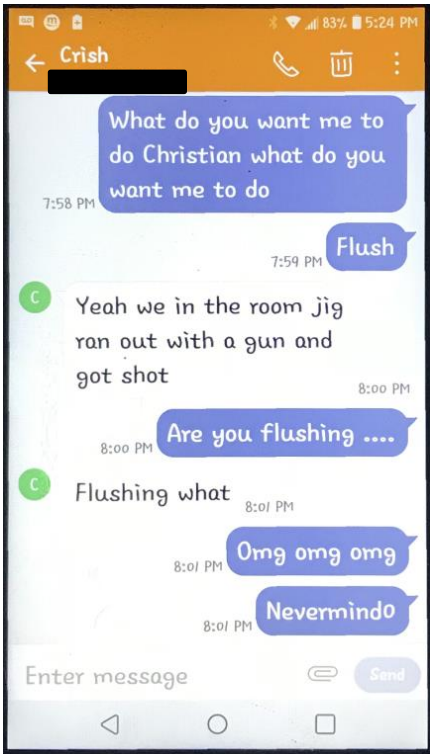
³³ St. Jean explained that Christian St. Cyr often called Stephen Marshall by the nickname "Jig" or "Jigsaw."



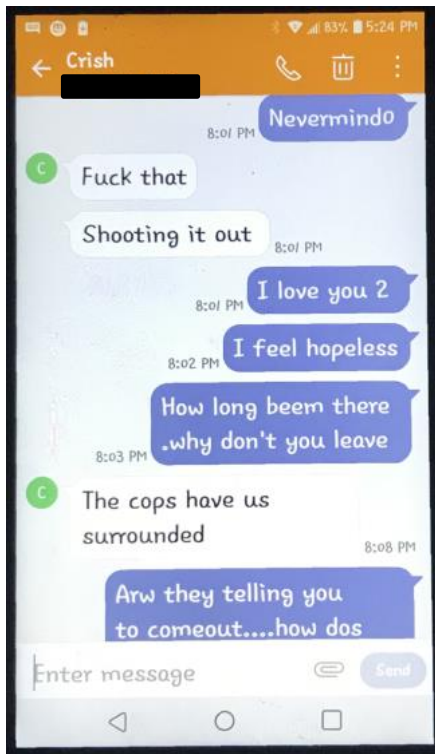
Diag. I



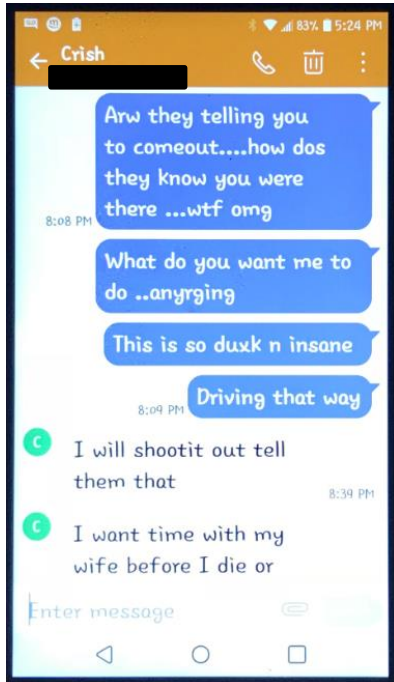
Diag. J



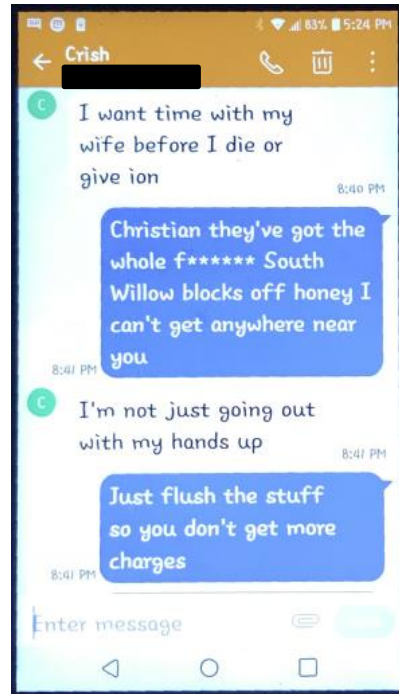
Diag. K



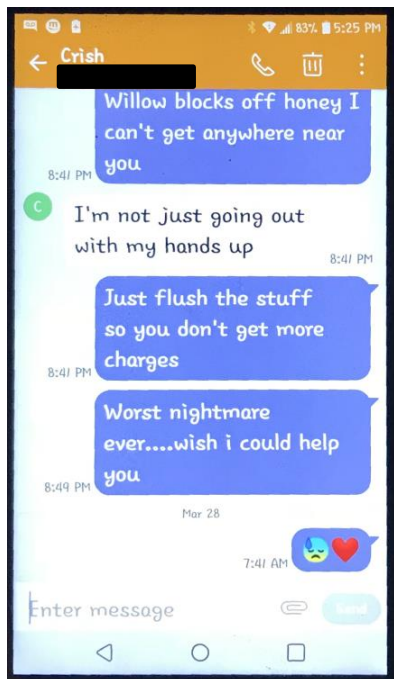
Diag. L



Diag. M



Diag. N



Diag. O



Diag. P³⁴

³⁴ St. Jean said that when she received the heart emoticon from Mrs. St. Cyr, she believed that the St. Cyrs were going to commit suicide.

In addition to the text message communication, St. Jean said that sometime after her last text message from Mr. St. Cyr at 8:41 p.m., she learned that Mr. St. Cyr was shooting at the police, so she called him. Mr. St. Cyr answered the phone. St. Jean said something to the effect of, “What the fuck are you doing? There’s no way of gettin’ out of this one now. I can’t believe you’re doing this.” Mr. St. Cyr replied, “I’m not going out,” and hung up the phone.

Investigators asked St. Jean what motivated the St. Cyr’s actions during the incident. St. Jean relayed that she knew they had recently traveled back from Massachusetts to pick up drugs, and she believed they did not want to surrender because of the quantity of drugs they may have had with them.

F. Video and Photo Evidence

1. Deadly Force Involving Stephen Marshall

There were no department-issued video recording devices that captured the incident involving Mr. Marshall. The law enforcement officers at the northwest corner of the Quality Inn did not have body cameras.

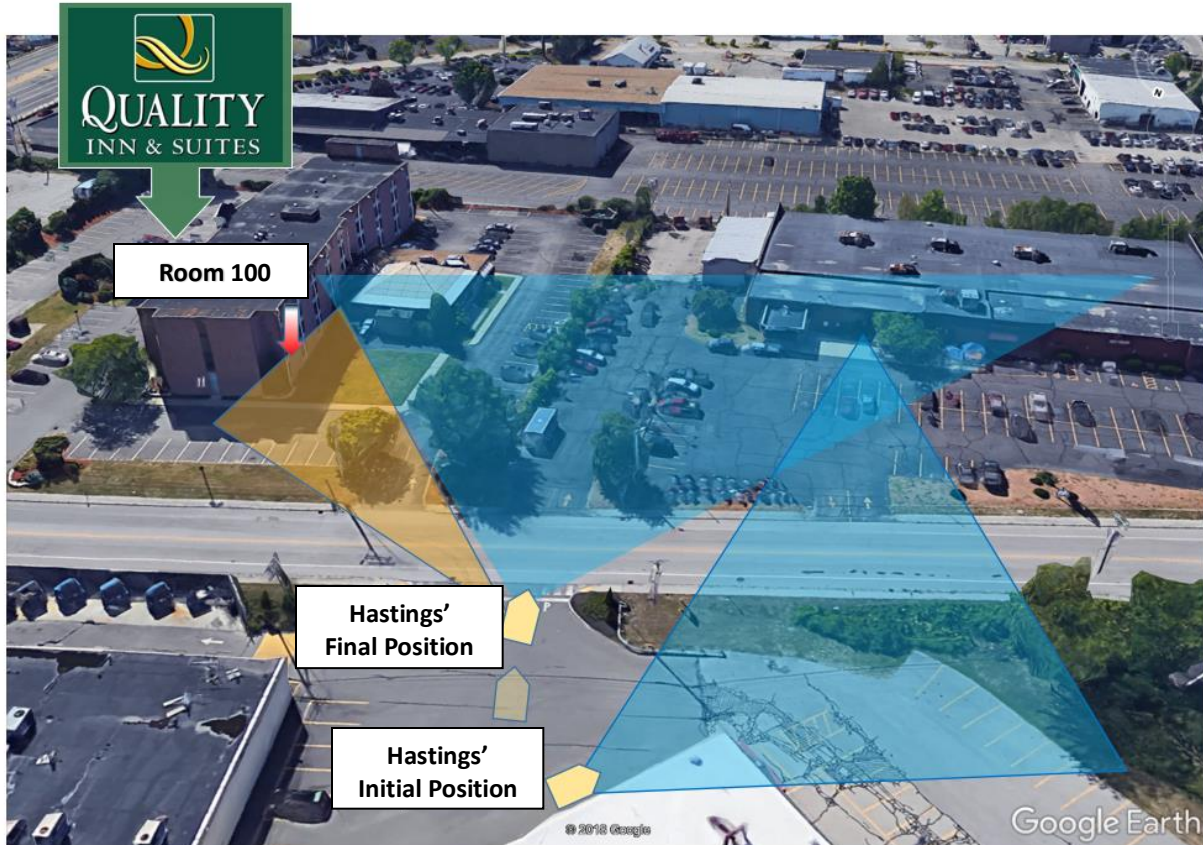
The Quality Inn did have a limited number of security cameras in the common area of the hotel, and the building’s main entrances. Detectives learned from the hotel owner that some of the cameras started failing within a month after they were installed.³⁵ The one hotel camera that would have covered the outside of Room 100 was the second camera to fail. The closest operating camera was located behind the pool house structure where deliveries are made. The area outside of Room 100 is not visible from that camera’s position. Detectives viewed the footage and confirmed that this camera did not capture any relevant activity. None of the hotel cameras recorded audio.

³⁵ These cameras were reportedly installed almost one year before the night of the event.

Manchester Police radio communications were recorded between Manchester officers at, and responding to, the Quality Inn throughout the event. This radio traffic included the radioed comments discussed in this report. The time/date stamp of each communication was helpful in determining the timing of events captured by other photographs or video footage. One of these radio transmissions captured the sound of the St. Cyr's' first volley of gunshots at approximately 8:29 p.m. on March 27, 2019.

Photojournalist Jeff Hastings had both a dashboard mounted camera as well as a traditional still camera that captured different portions of the events leading up to and immediately after the use of deadly force involving Mr. Marshall. The dashboard mounted camera recorded both video and audio of the event.

At the outset, Mr. Hastings was parked behind the South Willow Plaza at 1111 South Willow Street in a V-shaped parking lot. From this area, he could see a stretch of John E. Devine Drive starting from the Quality Inn to his left (East) down past a Harley Davidson dealership at 115 John E. Devine Drive to his right (West).



Diag. Q (Depicting Hastings' Approximate Fields of Vision)

Mr. Hastings took approximately fifteen photographs of the northwest corner of the hotel from this location. These photographs show three officers whose attention was focused on the back window of Room 100. The first officer is wearing a dark green hooded sweatshirt with a slung rifle, standing near the passenger-side B-pillar area of a white SUV. This is believed to be S/A Doud. The second officer is standing closer to the building wearing a gray two-toned baseball cap. This is believed to be S/A Drouin. The third officer is wearing a green hooded sweatshirt with a dark-colored ballistic vest. This is believed to be Detective Ellston. The photos include the partially open window to Room 100, based upon the narrow angle the photograph was taken from. None of the officers are pointing or aiming their weapons in these initial photos.

The video captured by Mr. Hastings' dashboard camera began approximately one hundred and five seconds before the officers' use of deadly force. Mr. Hastings was initially parked facing southwest. His dashboard camera captured the front of the Harley Davidson dealership on the left to the back of the South Willow Plaza on the right. After forty-four seconds, a voice is heard shouting, "Hey freeze! Don't move!" Simultaneously, Mr. Hastings put his car into drive, and slowly turned the car toward the parking lot's exit to John E. Devine Drive. Five seconds later, a single gunshot is heard. At that time, the northwest corner of the Quality Inn was outside the view of the dashboard camera. Ten seconds later, Mr. Hastings put his car in park. At this time, the dashboard camera's field of vision captured a portion of the rear parking lot of the Quality Inn on the left, to the easternmost point of the Harley Davidson dealership to the right. Mr. Hastings can be heard taking photographs from this position using his still camera.

Over the next thirteen seconds, Mr. Hastings took approximately nineteen photographs of the northwest corner of the hotel. These photographs also show three officers. The individual believed to be S/A Doud is now partially kneeling beside the rear passenger-side door of the white SUV, with his rifle partially up at the "low-ready" position. The individual believed to be Detective Ellston is now standing closer to the building. His hand appears to be at his hip, but his handgun is not yet drawn. S/A Drouin is not visible in the photos due to a dark colored pickup truck the right of S/A Doud. The third officer is close to side exit door, who is believed to be Detective Horn.

Mr. Hastings moved his car again, parking almost at the edge of John E. Devine Drive. Here, the dashboard camera captured a larger portion of the northwest corner of the Quality Inn, but neither the windows or area in front of rooms 100 or 102 are visible. Over the next twenty-

two seconds, Mr. Hastings took approximately fifteen photographs. These photographs initially show the individual believed to be S/A Doud partially kneeling beside the rear passenger-side door of the white SUV with his rifle still at the “low-ready” position. The photos then widened the field of view to include the open window to Room 100. Eventually, an unidentified police officer appears at a position behind Detective Ellston’s position and farther east along the north side of the building. The officer is wearing a dark-colored baseball cap and a ballistic vest with POLICE written across the chest over a light green t-shirt. The officer is also holding a rifle pointed down at the ground. Based upon this viewpoint, neither Detective Ellston nor S/A Drouin are visible in the photos.

At approximately 7:29 p.m., Mr. Hasting’s video, audio, and still photographs partially captured Mr. Marshall’s confrontation with police. Mr. Hastings began to edge his car forward for approximately five seconds, as if to leave the parking lot. At this location, the dashboard camera’s position put the officers at the northwest corner of the building and the grassy area outside of Room 100 completely out of view. During this five-second move, several audible events occurred. First, a male voice began shouting. A second later, there was the sound of breaking glass. More shouting followed, including a male voice yelling “Police! Don’t move!” A little over one second after that command, several gunshots rang out almost simultaneously. The sound of these gunshots occurred over the span of two seconds. The total time of the event, from the sound of the initial shouting and broken glass to the last gunshot, was approximately seven seconds.

Mr. Hastings began taking still photographs after these gunshots began. Mr. Hastings took approximately fifteen photographs in approximately four seconds. The first photo of this sequence shows Mr. Marshall standing on the grass outside of Room 100 with his right arm

down toward the ground. He has a light-colored object in his right hand by his side and his left arm is bent at the elbow, with his hand near his head. The individual believed to be S/A Doud can be seen at the same location next to the white SUV with his rifle up and pointed in Mr. Marshall's general direction. Detective Ellston and S/A Drouin's positions are still obscured by the dark colored pickup truck. A new officer is visible near the north exit door, whose attention is directed at the northwest corner. It is unclear whether this first photograph was taken before or after the last gunshot was fired. However, after cross-referencing the photographs to the audio component of Mr. Hasting's video, it is believed the first photos came after the shooting began.

The second photo shows Mr. Marshall bent over at the waist and the third shows him going to the ground. In the fourth photo, Mr. Marshall is lying on the ground with his left hand across his chest holding his right arm. Mr. Marshall's right hand is across his stomach clenching a silver and black handgun.

The fifth through fourteenth photographs of this sequence show Mr. Marshall lying on the ground with S/A Doud aiming his rifle at him from his position at the white SUV. Most notably, the photographs show Mr. St. Cyr coming to the window of Room 100. Mr. St. Cyr is seen holding back the curtain and looking out at Mr. Marshall lying on the ground in front of him. Mr. St. Cyr is wearing the same Nike shirt that he was wearing when he re-entered the hotel earlier. Detectives determined that Mr. St. Cyr looked out at Mr. Marshall less than three seconds after the shooting stopped, just before police gave additional commands of, "Drop the gun!" and "Don't move!"

During the shooting and immediately thereafter, Hastings' dashboard camera footage captured a pedestrian walking. Based upon his direction of travel, the pedestrian would have been within Mr. Marshall's line of sight when he exited the window, but not within the officers'

line of fire. At one point, Mr. Hastings' can be heard saying that shots were fired and that the person shot had jumped out the hotel window. He can also be heard estimating that police fired approximately seven times. Approximately three and half minutes after the shooting, Mr. Hastings says, "They're taking one more out at gunpoint right now," but it is unclear whether he saw Mr. St. Cyr in the window before or if that was who he was referring to. Mr. Hastings's dashboard camera did not capture any other relevant activity.

Mr. Hastings continued taking photographs, but he stopped before the Bearcat arrived and Mr. Marshall was evacuated to an ambulance. The photographs do not show Mr. Marshall moving during that time or any additional activity in the window.

2. Less-lethal force Involving Christian St. Cyr and Brandie St. Cyr

In addition to the Manchester Police radio communications, Officer Adam Beland captured a small portion of the events during the standoff with Mr. and Mrs. St. Cyr with a body worn camera. Officer Beland was a member of the Manchester Police SWAT team, and was equipped with a body worn camera as part of the department's recent test of the technology. Officer Beland was assigned to the team of SWAT officers inside the first floor hallway monitoring the door to Room 100. Officer Beland's camera was mounted on the lower section of his ballistic vest and recorded both audio and video. The video footage does not display a timestamp showing when the footage was recorded.³⁶

Officer Beland's camera captured video intermittently for approximately five to six hours during the early morning of Thursday, March 28, 2019. Officer Beland explained to Major Crime Unit detectives that the department's operating procedure during the test period provided

³⁶ The only static information displayed by the footage is the email address of the Manchester lieutenant who downloaded the footage from the camera.

him discretion when to activate either the audio or video features of the camera. He also explained that he intentionally muted and/or stopped recording events during lulls of inactivity as he was trying to preserve the camera's battery life. In total, the body camera recorded nearly three hours of footage.

Officer Beland's camera documented several noteworthy moments during the standoff:

- At 1:50 a.m.³⁷, a breach was created from the hallway wall into Room 100 in order to place a camera and be able to see into the room.
- At 2:06 a.m., the occupants of Room 100 fired a series of four gunshots at officers in the hallway, causing them to back away from the room.
- Gunshots fired by the occupants at 2:32, 2:33, 2:39, 2:54, and 3:07 a.m., as well as gunshots fired after the fire hose was first used to remove part of the drywall into the bathroom at 4:20 and 4:34 a.m.
- Audio and/or video of forty-three (43) less-lethal 40mm CS/OS powder rounds being deployed into the occupant's hotel room.³⁸
- Audio of the fire hose used to loosen and to remove sections of the drywall separating the bathroom from the bedroom area of the hotel room.
- Audio of some of the verbal commands given to Mr. St. Cyr and Mrs. St. Cyr to surrender.
- Audio and video of Officer Florenzo's missed gunshots at 4:34 a.m.
- Audio of Mrs. St. Cyr yelling to Mr. St. Cyr, including one moment after 5:00 a.m. when she yelled at him to shoot her.

The Quality Inn security cameras in the common areas of the hotel did not capture any additional relevant activity not already discussed above.

³⁷ All times regarding the body camera footage were determined after investigators corroborated events captured by the body camera with time-stamped radio dispatches, and are approximate.

³⁸ Several of these rounds were also fired into Room 102 as a deterrent when officers believed Mr. St. Cyr was trying to break through the wall into the adjoining room.

G. Autopsy and Toxicology Results

The New Hampshire Office of the Chief Medical Examiner conducted an autopsy on all three deceased individuals. Associate Medical Examiner Dr. Christine James conducted an autopsy on Mr. Marshall's body on March 28, 2019. Dr. James determined that Mr. Marshall's cause of death was multiple gunshot wounds to the trunk and extremities. The manner of death was ruled a homicide, which is defined as the killing of one person by another. A blood sample taken at autopsy showed the presence of high levels of several controlled drugs in Mr. Marshall's system at the time of the incident, including: fentanyl, acetyl fentanyl, methamphetamine, and cocaine.

Chief Medical Examiner Dr. Jennie V. Duval conducted autopsies on Mr. and Mrs. St. Cyr on March 29, 2019. Dr. Duval determined that their causes of death were the combined effects of environmental hypothermia, and acute intoxication by fentanyl, acetyl fentanyl, methamphetamine, and cocaine. For Mr. St. Cyr, she also determined that blunt penetrating injuries contributed to his cause of death, which appear to have been inflicted by several ferret rounds striking his arms and legs. The manner of death for both individuals was ruled as undetermined as it was not possible to assign a single manner of death as the causes resulted from a combination of incidental, self-imposed, an inflicted conditions. Testing revealed the presence of extremely high levels of several controlled drugs in the blood of both St. Cyr's at the time of the incident, including: fentanyl, acetyl fentanyl, methamphetamine, and cocaine.

H. Physical Evidence

1. Deadly Force Involving Stephen Marshall

Detective Ellston and S/A Drouin's firearms were secured shortly after they were relieved from their positions on the northwest corner of the Quality Inn. S/A Drouin was armed

with a .223 Rock River Arms LAR 15 rifle with a full 30-round magazine. Twenty-two live rounds were recovered from the rifle's magazine as well as one live round in the rifle's chamber. S/A Drouin's rifle was loaded with Federal Cartridge .223 Remington ammunition. Detective Ellston was armed with a 9mm Sig Sauer P320 with a full 15-round magazine and an additional live round in the handgun's chamber. Detective Ellston told detectives that he did not conduct a magazine change after the shooting, but did so prior to turning over his weapon. Ten live rounds were recovered from the magazine Detective Ellston had loaded when he fired his handgun. Detective Ellston's handgun was loaded with Speer Luger 9mm ammunition.

The relevant physical evidence collected at the northwest corner of the Quality Inn and outside of the window to Room 100 consisted of fourteen cartridge casings, and Mr. Marshall's semiautomatic handgun. The cartridge casings consisted of: one Sig Sauer .45 casing, seven Federal Cartridge 15 .223 Remington casings, and six Speer Luger 9mm casings. Additionally, four bullets were recovered from Mr. Marshall's body during the autopsy. The recovered cartridges were consistent with the inventory of both S/A Drouin's rifle and Detective Ellston's handgun, which demonstrated that Detective Ellston was missing six rounds of ammunition, and that S/A Drouin was missing seven rounds. This accounts for a single gunshot from Mr. Marshall somewhere in the vicinity of Room 100's window, six shots by Detective Ellston, and seven shots by S/A Drouin.

Mr. Marshall's black and silver .45 Ruger P345 semiautomatic handgun was recovered from where he was laying in the grass in front of Room 100. The handgun held seven Sig Sauer .45 caliber live rounds in the magazine. Nearby was the single spent Sig Sauer .45 casing. In addition, a holster for the weapon was located in the same area, as well as a folding knife and brass knuckles.

Measurements taken at the scene show that Mr. Marshall was approximately eight yards away from Detective Ellston and S/A Drouin when he turned toward them and extended his right arm holding his gun.

2. Less-lethal Force Involving Christian St. Cyr and Brandie St. Cyr

Major Crime Unit detectives spent three days documenting and processing the interior of the hotel. The vast majority of that time was spent on the interior of Room 100 and the first floor hallway. The room was badly damaged due to the shooting by the occupants, less-lethal force used by officers, and water. This water damage was extensive due to the combined effects of a ruptured water supply-pipe struck by one of the occupant's gunshots, and the hose used by police to break through the interior wall separating the bedroom from the bathroom. The contents of the room were scattered about the floor, as were the spent chemical munitions.

Mr. St. Cyr was found lodged between an upturned bed and a section of wall when officers were able to make entry and bring him to medical attention. Mrs. St. Cyr was found just outside the bathroom door parallel to the bathroom doorway. On the floor to her right was both a glass smoking device used to consume controlled drugs and a black 9mm Glock handgun within her arm's reach. The gun's chamber and magazine were empty. A few feet away was an empty Glock 9mm 15-round magazine. A second handgun, a black and gray 9mm Canik handgun, was also located on the bathroom floor behind the bathroom door. This handgun was loaded with one WIN Luger 9mm round in the chamber, and one more in the gun's magazine. Holsters were also found in the bathroom for both of these weapons, and two live Sig 9mm Luger rounds were found amidst the loose debris on the floor.

The chaotic nature of the room made it difficult to obtain an exact count of how many times the occupants shot at police. Thirty-two shots were reported via radio or captured on

audio/video recordings. A total of twenty-seven 9mm casings were found inside the room. Nineteen bullets were able to be recovered from the surrounding walls and furniture, as well as several bullet fragments. The damage to the walls of the room made it impossible to track each round fired. The few trajectories that could be tracked showed that the occupants were shooting at the exterior wall toward the location of the Bearcat, through the interior wall into the hallway/doorway area where other officers were located, or into the north wall of the building. Testing showed no latent fingerprints on either weapon or any of the magazines, likely due to their submersion in water.

At approximately 2:47 a.m. on the morning of March 28, 2019, officers reported hearing a gunshot, and a few seconds later, radioed that the occupants “set off the sprinkler system” inside the room when they saw water coming out through the hallway breach and heard what they thought was “a shower line running.” Crime scene investigators discovered that the sprinkler system had not been set off by the occupants, but that the occupant’s gunshot out into the hallway had ruptured the water supply pipe to the bathroom sink.³⁹ From that moment on, water began to spray out and up through broken drywall into the bathroom. Radio transmissions captured officers’ communications on trying to shut off the sprinkler system to prevent more water from entering the room and negating the chemical munitions in place at the time. That could not be done due to the location of the sprinkler cut-off valve to which officers felt they did not have safe access. Even if that had been done, it would not have prevented the ruptured water pipe from continuing to spray water into Room 100’s bathroom. This water flowed for the rest of the event.

³⁹ The two rifle rounds fired almost two hours later by Officer Florenzo were both recovered. Neither of these rounds struck the water supply pipe.

Throughout this standoff, officers used a variety of less-lethal force to try to convince the occupants to end the event peacefully. They inserted chemical agents into the room in the form of CS gas canisters, and ferret rounds of OC/CS liquids and powders. This also included firing a limited number of BIP rounds, and later on, bean-bag rounds to dislodge furniture used to barricade the room, or to force Mr. St. Cyr to drop objects he was using to deny the officers access to, or visibility into, the room.

There were thirty-seven separate uses of less-lethal force spread out over the time span of approximately ten hours. This included fifteen volleys of OC/CS liquids/powders, fifteen CS gas canisters, and the use of BIP rounds and bean bag rounds. The majority of ferret rounds were fired into the room at high angles to minimize the chance of striking either occupant and to better disperse the chemical agent within the room. Only in the last few hours of the event were ferret rounds fired at Mr. Cyr's arms or legs to force him to drop the items he held up to deny officers the ability to see the occupants, or make entry into the room. All of these ferret rounds were fired by Manchester personnel.⁴⁰

The use of the fire hose to remove obstructing dry wall can also be considered a use of less-lethal force. Approximately ninety minutes after the occupants shot the water supply line that began spraying into the bathroom, the occupants were still inside the bathroom. Manchester Police SWAT officers used a firehouse to take down the drywall separating the bedroom from the bathroom, and then to force Mr. St. Cyr to drop the portions of wall, curtains, and other furniture he tried to use as a barricade and/or to conceal himself from officers. In total, there were eight separate uses of the hose spread out over approximately two hours and forty minutes.

⁴⁰ The only less-lethal munitions used by the relieving Nashua Police officers were two CS gas canisters inserted into the room at 7:18 and 7:56 a.m.

Evidence of the occupants' drug dealing and drug usage littered the room. Five plastic bags of fentanyl mixed with acetyl fentanyl were recovered from the bathroom. The drugs in these bags collectively weighed 43.48 grams. This quantity indicates that the occupants were engaged in the business and sale of controlled drugs, and the drugs were not there simply for their personal use. In addition, a large amount of drug paraphernalia and numerous items indicating drug trafficking were discovered, including: over \$1,300 in cash, multiple smoking devices, spoons, and lighters, as well as six cell phones, several laptop computers, and multiple scales. In addition to the occupants' handguns and live ammunition, investigators recovered a green drawstring bag containing twenty-one shells of Winchester 20-gauge shotgun ammunition from inside one of the luggage bags used by Mrs. St. Cyr.⁴¹

Mr. St. Cyr was struck by several less-lethal ferret rounds, while Mrs. St. Cyr was not injured by any of them. Seven of these punctured the skin on his arms and legs, and one punctured the skin on his left chest. However, only one of these puncture wounds caused any internal damage by creating a tertiary arterial bleed in Mr. St. Cyr's right upper arm.

3. Car Search

On April 2, 2019, Manchester Police obtained consent from the owner of the stolen BMW to search the vehicle. While executing that consent search, additional relevant items belonging to the occupants of Room 100 were discovered. These items included a loaded 20-gauge single-barrel shotgun with a mounted tactical light and additional shells of 20-gauge ammunition, a firearm case for a .45 caliber Ruger P345 handgun with a fully loaded magazine inside, loose 9mm caliber ammunition, scales to measure quantities of drugs, drug smoking

⁴¹ It is believed Mrs. St. Cyr was using this bag based upon a review of its contents.

paraphernalia, a quantity of marijuana, and a sandwich bag with sixteen rounds of .223 caliber rifle ammunition. No rifle was discovered during the course of this investigation.

I. Relevant Criminal Histories

Both Mr. St. Cyr and Mr. Marshall were convicted felons, making their anonymously reported possessions of a firearm an ongoing criminal offense of being a Felon in Possession in violation of New Hampshire RSA 159:3.

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 is 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 firearm capable of causing serious bodily injury or death in the direction of another person constitutes deadly force.

Under RSA 627:5, I, a law enforcement officer is justified in using non-deadly force when he reasonably believes that such force is necessary to effect an arrest or detention. Under RSA 627:9, IV, "non-deadly force" is defined as any assault which does not constitute deadly force.

The phrase "reasonably believes" means that the actor "need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." State v. Gorham, 120 N.H. 162, 163-64 (1980). The term "reasonable" "is determined by an objective standard." State v. Leaf, 137 N.H. 97, 99 (1993). Further, all 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, which is afforded by one viewing the circumstances after the fact.

The reasonableness standard also applies in a situation where a person who uses deadly force is mistaken about the situation or the necessity of using deadly force. Thus, either a private citizen or a police officer may still be justified in using deadly force if he reasonably believed that he was in imminent danger from the use of deadly force by another even if, in fact, he was not, so long as the actor's belief was objectively reasonable.

In Graham v. Connor, 490 U.S. 386 (1989), the United States Supreme Court discussed the standards by which a police officer's conduct would be judged when excessive force claims were brought against him. The Court confirmed 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 went on to explain how to determine what is reasonable in situations where police officers use force:

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 Circuit Court of Appeals 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, 2013 U.S. Dist. LEXIS 44646 *55-56 (S. Dist. Fl. 2013). Specifically, the law accounts for the often fast moving nature of dangerous situations and the necessity of making decisions in less than ideal circumstances. See Ryburn v. Huff, 565 U.S. at 477 (chastising the lower circuit court for not “heed[ing] 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 review of an officer-involved use of deadly force.

V. ANALYSIS AND CONCLUSION

A. The Deadly Force Used Against Stephen Marshall was Legally Justified

Based on all the facts and circumstances of this case, the Attorney General has concluded that in the early evening of March 27, 2019, Mr. Marshall demonstrated no intention of complying with officers’ commands to drop his weapon after he exited the hotel room through the smashed out window. After Mr. Marshall fired one round that night, he scrambled out the window, and turned his loaded gun toward the officers who were telling him, “Police! Don’t move!” Instead of following their commands or even running away, Mr. Marshall brought his loaded weapon around to bear at the officers, which prompted officers to fire at him.

Prior to the standoff, Detective Ellston, S/A Drouin, and S/A Doud were informed that Mr. St. Cyr and Mr. Marshall were believed to be inside the hotel room. They were informed that the occupants of the room were armed with multiple weapons including handguns and long guns. The officers saw Mr. Marshall and Mr. St. Cyr drive in to the hotel parking lot in the stolen BMW. Further, the officers were aware of Mr. St. Cyr's recent threat to "shoot a cop" if he was confronted by law enforcement about his interstate drug trafficking. The officers were positioned outside the hotel to cover the only other exit from the room: the window of the hotel room. Each officer was wearing a bulletproof vest emblazoned with the word POLICE across the chest. Their assignment was only temporary until additional Manchester officers could arrive and relieve them. As they stood there, they were informed that Mr. Marshall said he knew police were outside the room and that he intended to surrender on the active warrant in ten minutes.

With this knowledge in mind, the officers were quickly confronted by Mr. Marshall's desire to engage police rather than be arrested. After they heard the first gunshot, the officers encountered Mr. Marshall a minute later when he smashed out the rest of the window and jumped to the ground with a semiautomatic pistol in his right hand. Mr. Marshall did not run away from the hotel, but instead scanned his field of vision, and saw the officers. Mr. Marshall did not turn to jump back inside the building, but turned to face the officers while extending his gun outward toward them. It was at this point that all three officers observed the weapon, and each officer believed that Mr. Marshall was readying himself to fire in their direction. Mr. Marshall's actions, combined with his refusal to obey police commands to stop moving, led all three officers to believe that Mr. Marshall was placing the lives of the officers, nearby private citizens on foot, and other private citizens driving down John E. Devine Drive in imminent threat of deadly force. Both Detective Ellston and S/A Drouin fired their weapons at Mr. Marshall, and

S/A Doud explained to Major Crime Unit detectives that he too would have shot Mr. Marshall if he was in an opportune position.

The officers' beliefs that Mr. Marshall was about to use deadly force were objectively reasonable under the circumstances, considering all of Mr. Marshall's words and actions that day, and considering the basis of knowledge held by Detective Ellston and S/A Drouin. Mr. Marshall's actions serve as evidence of his state of mind: that he had no intention of being apprehended, but intended to confront the law enforcement officers he saw outside the hotel room with a loaded gun.

Therefore, based on all the facts and circumstances known to Detective Ellston and S/A Drouin at the time they encountered Mr. Marshall, it was reasonable for both Detective Ellston and S/A Drouin to conclude that Mr. Marshall was about to use deadly force against either them or private citizens in the immediate vicinity of the hotel and the commercial area surrounding them. Accordingly, Detective Ellston and S/A Drouin were both legally justified in using deadly force against Mr. Marshall. Therefore, no criminal charges will be filed against Detective Ellston or S/A Drouin related to the incident that resulted in the death of Mr. Marshall.

B. The use of Non-deadly and Deadly Force Against Christian St. Cyr and Brandie St. Cyr was Legally Justified

Based on all the facts and circumstances of this case, the Attorney General has also concluded that law enforcement officers tried every option to persuade Mr. St. Cyr and Mrs. St. Cyr to surrender peacefully. Instead, both those individuals chose to continue shooting at police and stay barricaded in the dangerous environment that they created for fourteen and a half hours. Their own choices and actions served as the primary reason for their deaths.

For over eight hours, Mr. St. Cyr and Mrs. St. Cyr, fired at officers more than thirty times. Despite the efforts of crisis negotiators they continued to shoot, and refused to come out

of Room 100. From their words and actions, it was evident that both individuals were in the room willingly: neither forced the other to remain. Negotiators made over one hundred phone calls and texts to the occupants and had several conversations. They used a public address system, and yelled through the window and doorway to explain that nobody would be hurt and they just had to walk out into the hallway. The occupants responded by using multiple countermeasures when chemical agents were introduced as Mr. St. Cyr erected new barricades when officers knocked them down. Despite being told that they only had to put their hands up and walk out, the two refused time and time again.

The only gunshots fired by police after the initial confrontation with Mr. Marshall were at 4:34 a.m. by Officer Florenzo. Mr. St. Cyr was shooting at the officers in the Bearcat who were using the hose to remove the drywall between the bedroom and bathroom. Officer Florenzo had the objectively reasonable belief that Mr. St. Cyr was placing the lives of the three officers operating the hose in jeopardy through the use of deadly force, and fired two rounds from his department-issued rifle. Although these two bullets did not strike anybody, Officer Florenzo was legally justified in using deadly force to defend himself and the officers using the hose from Mr. St. Cyr.

Mr. St. Cyr and Mrs. St. Cyr's actions that day serve as evidence of a shared state of mind that they were not going to comply with police commands, and had no intention of being apprehended. The number of rounds fired indicate that they reloaded each handgun at least once by changing magazines. The countermeasures they used indicate that they intended to mitigate the effect of the chemical munitions, to deny police access to the room, and to conceal their movements. Their intent to elude officers was evident as they attempted to break through drywall into an adjoining room, and to crawl through ceiling tiles. Late into the event, their

intent to not surrender peacefully was profoundly evident when Mrs. St. Cyr was recorded yelling “Shoot me! Shoot me now!” There were no officers using any less-lethal munitions at that time, let alone displaying a firearm to her. This fact, combined with the presence of two live rounds in the black and gray 9mm Canik handgun located in the room, strongly suggest that she was suicidal, and was yelling at Mr. St. Cyr to shoot her. Their text messages to Kerie St. Jean confirm the couple’s intention; notably, when St. Jean texts if they are “flushing” their drugs and she receives the replies “Fuck that. Shooting it out,” the heart emoticon, and “I’m not just going out with my hands up.” Kerie St. Jean’s phone call to Christian St. Cyr in the midst of the standoff also confirmed his intention when he told her, “I’m not going out,” and then hung up the phone.

The causes of death for Mr. and Mrs. St. Cyr were the combined effects of environmental hypothermia, and acute intoxication by fentanyl, acetyl fentanyl, methamphetamine, and cocaine. Dr. Duval also determined that blunt penetrating injuries also contributed to Mr. St. Cyr’s cause of death. The manner of death for both individuals was ruled as undetermined as it was not possible to assign a single manner of death as the causes resulted from a combination of incidental, self-imposed, an inflicted conditions.

Testing revealed the presence of especially high levels of several controlled drugs in the blood of both St. Cyrs at the time of the incident, including: fentanyl, acetyl fentanyl, methamphetamine, and cocaine. Their methamphetamine levels were both in excess 600 ng/mL, a level capable of causing exhibitions of violent and irrational behavior. Their fentanyl levels alone were well within the range of fatal concentrations at (53ng/mL and 76ng/mL, respectively).⁴² Regardless of the further complication from fentanyl’s interaction with the other

⁴² In fatalities from fentanyl, blood concentrations are variable and have been reported lower than 3ng/mL.

controlled substances in their bloodstream, these fentanyl levels alone could have been sufficient to cause Mr. St. Cyr and Mrs. St. Cyr's death.

The environmental hypothermia endured by the St. Cyrs was mostly of their own accord. The environmental change in the room began when the window was smashed out by Mr. Marshall at 7:29 p.m. on March 27, 2019. The introduction of water to the room then began at 2:47 a.m. after the occupants shot through the water supply pipe in the bathroom wall. Officers in the hallway saw this water, and misinterpreted the source as the sprinkler system within the room. It is common knowledge that exposure to or immersion in water accelerates the loss of body heat. The perforated supply pipe continuously pumped water into the wall and the bathroom for the next eight to nine hours, accelerating body heat loss by both occupants.

The heat loss caused by the introduction of water increased once the fire hose was used to remove the drywall separating the bedroom from the bathroom. This then began a cycle of Mr. St. Cyr attempting to barricade the newly opened wall with various objects, and the use of the hose or other less-lethal munitions to remove them again. This had no effect on Mr. St. Cyr and contributed to cooling the environment. For example, at approximately 6:30 a.m., Mr. St. Cyr was holding up a door as a barricade. Several less-lethal ferret rounds were fired with chemical munitions at the door. Mr. St. Cyr continued to hold the door. Officers radioed how he then taunted the officers "asking for more", and how the ferret rounds seemed to have no effect. Officers then used the hose again to dislodge the barricade from him.

The use of ferret rounds to introduce chemical agents into the room did not initially constitute a use of deadly force as used by the officers during in this standoff. When first deployed, these ferret rounds were fired at high angle to minimize the risk of striking anyone and to increase their distribution of chemical agents inside the room. However, the later use of ferret

rounds fired at Mr. St. Cyr's arms and legs while he was holding doors and drywall to barricade himself did constitute deadly force, despite the fact that the munitions were less-lethal and the placement of those rounds were not made with the purpose of causing death or serious bodily injury. When officers fired these later ferret rounds, they then had the objectively reasonable belief that Mr. St. Cyr was continuing to place the lives of the officers in jeopardy through the use of deadly force as evinced by the additional live rounds loaded in the occupants' firearms. In addition, officers also had the objectively reasonable belief that the use of less-lethal ferret rounds at that time was necessary to effect the arrest warrants for Mr. St. Cyr and Mrs. St. Cyr, whom they reasonably believed were committing felonies involving the use of force or violence.

Based on the entire exchange of events that came beforehand, these officers also had the objectively reasonable belief that the occupants indicated that they were likely to seriously endanger the lives of the officers or inflict serious bodily injury unless apprehended without delay.

It was with these beliefs that officers fired the ferret rounds at the barricade, and the arms of legs of Mr. St. Cyr to get him to drop the material. Even though he was struck, he did not drop the barricade, but instead taunted officers for "more." It is believed Mr. St. Cyr suffered the puncture wound to his right upper arm resulting in a tertiary arterial bleed at that time. There is no evidence that the officers who fired the ferret rounds were doing so with a purpose to cause death or serious bodily injury. Indeed, while lethal force may have been justified, they were attempting to use less-lethal force to resolve the situation without additional violence and an increased risk of serious bodily injury.

Therefore, based on all the facts and circumstances known to members of the Manchester and Nashua Police Department, it was reasonable for the officers to conclude that the occupants

of the hotel room were using deadly force against either them or private citizens in the immediate vicinity of the hotel and the commercial area surrounding John E. Devine Drive and South Willow Street. Accordingly, the members of the Manchester Police Department and the Nashua Police Department were legally justified in using less-lethal munitions against Mr. St. Cyr and Mrs. St. Cyr, when that force constituted either non-deadly or deadly force. Therefore, no criminal charges will be filed against any members of the Manchester or Nashua Police Departments related to the incident that resulted in the death of Mr. St. Cyr or Mrs. St. Cyr.

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