

**ATTORNEY GENERAL OFFICE'S REPORT REGARDING THE APRIL 5, 2020 OFFICER-INVOLVED SHOOTING INCIDENT IN CONCORD, NEW HAMPSHIRE**

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**I. INTRODUCTION**

Deputy Attorney General Jane E. Young announces the issuance of the final report of the investigation into the officer-involved shooting that occurred in Concord, New Hampshire on April 5, 2020, that resulted in the non-fatal shooting of Dylan J. Stahley (age 22 at the time), by New Hampshire State Police Trooper Michael Petrillo. The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force. The findings and conclusions in this report are based upon information gathered during the investigation, including photographs and diagrams of the scene of the incident, photographs of evidence, witness interviews, recorded interviews of witnesses and transmissions made on the night of the shooting, witness statements, and official reports generated during the course of the investigation.

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 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 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 themselves or a third party from what the officer reasonably believed was the imminent use of deadly force.

Based on the investigation of this deadly force incident, Deputy Attorney General Jane Young confirms that New Hampshire State Police Trooper Michael Petrillo's use of deadly force against Mr. Stahley on April 5, 2020, was legally justified.

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

At about 11:19 p.m. on April 4, 2020, the Concord Police Department received a report of a burglar alarm that had been activated at the Skate House at White Park (3 White Street) in Concord. Upon their arrival, officers saw that a window at the Skate House was broken and inside there was a large rock on the counter near the cash register. Security video footage from the area captured images of the burglary suspect.

A short time later, officers observed a male on the nearby baseball field in White Park. That male, later identified as Dylan J. Stahley, matched the physical appearance and clothing of the Skate House burglary suspect. Mr. Stahley's sister, Crystal Stahley, arrived at White Park and began calling out to Mr. Stahley, telling him "Stop!" and "Don't do it!" Ms. Stahley told the officers at the scene that Mr. Stahley had a gun and was going to kill himself.

Additional officers responded to White Park to assist, including New Hampshire State Police Troopers. As the officers arrived and set up a perimeter around the baseball field, Mr. Stahley moved around in the center of the field with a drink container in one hand and a pistol in the other. Officers attempted to defuse the situation by repeatedly ordering Mr. Stahley to drop the pistol. He did not comply with those repeated orders and seemed to get more aggravated regardless of what was said to him. Mr. Stahley paced around the field and yelled at the officers, saying that he was going to shoot himself and asking the officers to shoot him. At times, he pointed his pistol in all directions including at himself, at multiple police officers, and in the direction of occupied homes surrounding White Park.

At approximately 12:15 a.m. on April 5, 2020, Mr. Stahley pointed his pistol at officers positioned on White Street, including New Hampshire State Police Trooper Michael Petrillo. Trooper Petrillo then fired one

shot at Mr. Stahley from his State Police-issued rifle. Mr. Stahley was hit in the left upper arm by the gunfire and dropped to the ground.

Officers approached Mr. Stahley and rendered medical aid. A loaded pistol was recovered next to Mr. Stahley. He was then transported to a local hospital for treatment of a non-life threatening gunshot wound to his upper left arm.<sup>1</sup> No one else was injured during the encounter, and nobody discharged a weapon other than Trooper Petrillo.

The entire incident lasted about one hour, from the time that the burglar alarm went off until Mr. Stahley was shot.

After the incident, the New Hampshire Attorney General's Office and the New Hampshire State Police were notified. The investigation into the incident began that night.

### **III. THE INVESTIGATION**

There were no police-issued video or audio recording devices that recorded the incident. None of the Concord police officers or New Hampshire State Police Troopers are issued body cameras and their cruisers are not equipped with cameras. There are also no known video or audio recordings of the incident taken by private citizens.

#### **A. The law enforcement officer who discharged his firearm**

Trooper Michael Petrillo was interviewed in the presence of counsel on April 13, 2020, by members of the Office of the Attorney General and investigators from the New Hampshire State Police Major Crime Unit.

Trooper Petrillo has been employed by the New Hampshire State Police since May 2014. Prior to that, he served as a Military Police Officer for three years in the National Guard Reserves. Trooper Petrillo has attended various police trainings during his law enforcement tenure. He was up to date on his use of force training and firearms certifications.

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<sup>1</sup> Mr. Stahley was treated at a hospital and eventually released.

Trooper Petrillo was on duty and in the area of the Hooksett Department of Transportation sheds on April 4, 2020, when he heard over the radio that the Concord Police Department was responding to a burglary at White Park. Trooper Petrillo later heard that the burglary suspect was in the field at the park with a gun. Concord police then asked for assistance to set up a perimeter around the field, and Trooper Petrillo responded.

When Trooper Petrillo arrived at White Park in Concord, he saw a male subject, Dylan J. Stahley, out on the field with police spotlights trained on him. Trooper Petrillo removed his State Police issued rifle from his cruiser and took up a position by another trooper's cruiser. Once positioned, Trooper Petrillo could see Mr. Stahley about fifty to one hundred yards away, walking around out on the field, holding a can in one hand and a handgun in the other. Mr. Stahley was screaming and yelling, making it difficult to understand what he was saying at times. His speech was also slurred and he was unsteady on his feet.

Concord officers tried to convince Mr. Stahley to surrender, telling him to put down his gun and asking him what he wanted. At one point, Mr. Stahley said he wanted a "helicopter." Then, Mr. Stahley said many times that he would shoot himself, putting his gun to his chin and temple multiple times. As time went on and the police continued trying to convince Mr. Stahley to surrender, he became more aggressive toward the officers. He pointed his gun toward the officers and asked, "Do I have to shoot you? Are you going to shoot me?" That caused Trooper Petrillo to take cover, since he thought Mr. Stahley might shoot at them. Mr. Stahley was emotional and screaming, saying things about being a pedophile and going to prison forever.

Despite their attempts to convince Mr. Stahley to surrender, Mr. Stahley refused to surrender and instead, behaved more aggressively. On at least two occasions, Mr. Stahley pointed his gun toward the officers, moving it across in front of him and counting aloud as if he was counting the officers he would

shoot. Mr. Stahley continued to say, “Do I have to shoot you? Are you going to shoot me?” Mr. Stahley eventually pointed his gun toward Trooper Petrillo. Trooper Petrillo perceived an imminent threat of deadly force to himself, the officers near him, and the people in the homes behind him. Mr. Stahley’s actions prompted Trooper Petrillo to fire one shot with his rifle at Mr. Stahley. Trooper Petrillo saw Mr. Stahley drop to the ground.

Trooper Petrillo has attended numerous trainings in the past, including action-reaction drills. According to Trooper Petrillo, during the action-reaction drills he has learned that a subject with a gun can fire on the officer confronting him before the officer has time to respond, i.e., any reaction from the officer is far slower than the action from the suspect.

**B. Other law enforcement officers’ accounts**

At least twenty police officers assisted with the incident at White Park on April 4-5, 2020. Instead of recounting every police officer’s statement, a representative set will be summarized here to avoid duplication.<sup>2</sup>

**1. Concord Police Officer Adam Bissonnette**

Officer Bissonnette was on duty on April 4, 2020, and was dispatched at about 11:25 p.m., to the Skate House at White Park for a report of an alarm. After arriving, he and other officers observed a broken window and some footprints in the area. A short time later, a vehicle arrived and a woman got out and ran to the nearby baseball field. The woman sounded distressed and was yelling the name, “Dylan.”

While some officers went to check on that woman, dispatch advised that they had security footage of the suspect in the burglary at the Skate House. Not long after, the officers were told that Mr.

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<sup>2</sup> For example, many police officers reported hearing Mr. Stahley make threatening statements and point his gun at police officers.

Stahley was in the middle of the baseball field, with a gun, and matched the description of the suspect in the Skate House burglary.

Officer Bissonnette could see Mr. Stahley yelling and stumbling around the baseball field, with metal objects in his hands. The woman who had run out into the field, Crystal Stahley, approached Officer Bissonnette and told him that Mr. Stahley was her brother, that he was intoxicated, and that he had a gun. Officer Bissonnette tried to deal with Mr. Stahley's other family members who had arrived at White Park. He then looked out onto the baseball field and saw that Mr. Stahley was holding a gun at his head and below his chin.

An officer attempted to speak with Mr. Stahley, but Mr. Stahley was unresponsive to that officer's commands. Another officer then used a bullhorn to tell Mr. Stahley to put his gun on the ground and his hands in the air. Mr. Stahley refused and pointed the gun at his head, and occasionally pointed it at police officers. Mr. Stahley yelled that he wanted to kill himself and asked what would happen if he shot at the officers. He also said to the officers, "Do you want to be shot?" Mr. Stahley continued to point his gun at the officers and swing it around in all directions, including at the homes surrounding White Park.

At approximately 12:15 a.m. on April 5, 2020, Mr. Stahley pointed his gun at officers positioned on White Street next to the park.<sup>3</sup> A shot was fired and Mr. Stahley stumbled backward, dropped the metallic object in his right hand, and started yelling in pain. Officer Bissonnette and other officers tried to approach Mr. Stahley, but had to withdraw for safety reasons because it was not clear whether the metallic objects close to him were firearms or cans. Eventually, Officer Bissonnette and the other officers were able to safely approach Mr. Stahley, secure him, and render medical assistance. In doing so, they secured Mr. Stahley's loaded handgun that was on the ground near him and conducted a pat-down search of his clothing. During that search of his clothing, Officer Bissonnette located a plastic bag

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<sup>3</sup> This occurred after the police had been trying for at least thirty minutes to convince Mr. Stahley to surrender.

full of ammunition that appeared to match the handgun that Mr. Stahley had been holding. Mr. Stahley also had a backpack that was searched and contained several cans of White Claw Hard Seltzers.<sup>4</sup>

## **2. Concord Police Officer Steven Carter**

On April 4, 2020, Officer Carter was dispatched to White Park in Concord for the report of an alarm at the White Park Skate House. After arriving at White Park, Officer Carter and other officers searched the area. As they were doing that, Officer Carter heard a female voice yelling the name “Dylan” several times. The female appeared to be out in the baseball field. The female then began to yell, “Stop!” and “Don’t do it!”

Officer Carter and the other officers eventually learned that the female was yelling at Dylan Stahley. Officer Carter knew Mr. Stahley from prior dealings and also learned that Mr. Stahley was armed with a handgun that night. Officers could see Mr. Stahley out on the ballfield with what appeared to be a firearm in one hand and a can in the other. Other Concord police officers and New Hampshire State Police Troopers arrived and surrounded the baseball field to try to contain Mr. Stahley. Another Concord police officer tried to communicate with Mr. Stahley and repeatedly told him to put down the gun. Mr. Stahley did not and instead, made several comments about wanting to hurt himself and threatened the officers by telling them that he would shoot them if they approached him. Mr. Stahley also asked the officers to shoot him.

Mr. Stahley did not respond to any of the commands to drop his gun. He continued to threaten himself and the officers and point his gun in the direction of officers. Mr. Stahley’s condition appeared to deteriorate and he began frantically waving his gun around while screaming obscenities. Officer Carter said that there was a Concord police officer and several State Troopers positioned to the right of him, behind the White Park fence. As Mr. Stahley escalated his threatening behavior, he pointed his gun

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<sup>4</sup> White Claw Hard Seltzers are an alcoholic beverage containing seltzer water and 5% alcohol.

in the direction of those officers. Almost simultaneously Officer Carter heard a gunshot come from the area where those officers were located and saw Mr. Stahley fall to the ground.

**3. Concord Police Officer Richard Cobb**

On April 4, 2020, Officer Cobb was dispatched to White Park for the report of an alarm at the Skate House. Upon arriving and searching the area, Officer Cobb discovered that a large rock had been thrown through a Skate House window. While investigating that incident, Officer Cobb heard Crystal Stahley yelling from out on the baseball field. She said that her brother, Dylan Stahley, had a loaded gun and was out on the ballfield.

Other officers then responded to White Park, including Troopers Petrillo and Pratt. Those troopers positioned themselves nearby where Officer Cobb was located. In the meantime, Officer Cobb could see that Mr. Stahley had what appeared to be a gun in his hand. Mr. Stahley was pacing around and yelling at the officers, saying that he was going to shoot himself and asking the officers to shoot him. Officer Gorham tried to speak with Mr. Stahley, to no avail. Officer Cobb also tried using his cruiser's loudspeaker to communicate with Mr. Stahley. He told Mr. Stahley that they were there to help him and that he needed to put the gun down. Officer Cobb spoke to Mr. Stahley for about fifteen minutes, trying to de-escalate the situation. However, Mr. Stahley continued yelling that he wanted the officers to shoot him and asking them if they wanted him to shoot himself. Mr. Stahley seemed to get more aggravated regardless of what was said to him and on multiple occasions he pointed his gun in the officers' general direction. Officer Cobb told Mr. Stahley not to do that, but he continued anyway and pointed his gun at Officer Cobb and Trooper Petrillo. That made Officer Cobb concerned for their safety and the people in the homes behind them.



After speaking with Mr. Stahley for about fifteen minutes, Officer Cobb looked down for a moment and then heard a shot from Trooper Petrillo's rifle. After that, Officer Cobb saw Mr. Stahley down on the ground.

**4. New Hampshire State Police Trooper Michael Cedrone**

Trooper Cedrone was on duty on April 4, 2020, in the Manchester area when he learned about an armed subject at White Park. Trooper Cedrone drove to White Park and met up with State Police Sergeant Vincent Grieco. He and Sergeant Grieco then set out to locate two other troopers who were already on scene, Trooper Michael Petrillo and Trooper Anthony Pratt.

As Trooper Cedrone was on scene, he saw Mr. Stahley out on the field. Mr. Stahley was screaming profanities and saying things such as, "Fucking shoot me!" and "Do you want me to shoot you?" Mr. Stahley was about fifty yards from Trooper Cedrone, pacing around out in the field. Mr. Stahley had what appeared to be a pistol in his hand, which he was waving around in the air and pointing at his own head. A Concord police officer was speaking to Mr. Stahley, trying to de-escalate the situation. That officer told Mr. Stahley that they were there to help him and to drop the gun.

Trooper Cedrone became concerned about the location of a few Concord police officers and their safety given the possibility that they could be hit by gunfire. Trooper Cedrone began to take steps to address the situation, when he heard a gunshot. Trooper Cedrone looked out into the field and saw Mr. Stahley drop to the ground. Trooper Petrillo was located to the right of Trooper Cedrone, and confirmed that he had fired the shot.

**5. Concord Police Officer Stephen Delman**

On April 5, 2020, Officer Delman responded to White Park to assist with an active burglary investigation. After arriving, he heard someone yelling loudly from the baseball field area. Officer Delman walked out to the area and encountered two people, Crystal Stahley and Dylan Stahley, yelling

at each other. Ms. Stahley immediately told Officer Delman to stay back because Mr. Stahley was armed with a handgun and was threatening to kill himself. Officer Delman drew his gun and Mr. Stahley screamed at him not come any closer and that he was going to kill Officer Delman and himself. Mr. Stahley then moved away from Officer Delman with what appeared to be a firearm in his hand.

As Mr. Stahley moved away, other Concord officers and New Hampshire State Police Troopers arrived at White Park. Officer Gorham began trying to talk to Mr. Stahley, telling him to put the gun down and to let them help him. Mr. Stahley refused and swore at the officers and pressed his handgun against his neck. Mr. Stahley would also point his gun at the officers, walk toward them, and then retreat with the gun pressed back against his neck. Other officers tried to communicate with Mr. Stahley, but to no avail. Mr. Stahley continued to scream profanity and that he was going to die that day. Then, Officer Delman saw Mr. Stahley point his gun at a New Hampshire State Police Trooper positioned on White Street and heard a gunshot. Officer Delman saw Mr. Stahley drop to the ground.

Afterward, Officer Delman was one of the officers who went out on the ballfield to render assistance to Mr. Stahley and take him into custody. During that process, Officer Delman seized a loaded silver handgun that was lying near Mr. Stahley's feet.

#### **6. Concord Police Officer Danika Gorham**

On April 4, 2020, Officer Gorham responded to White Park to assist with an active burglary investigation. Once there, she saw that the Skate House had a broken window. As she and other officers searched the area, Crystal Stahley arrived. Ms. Stahley got out of her car and ran out to the baseball field, yelling "Dylan," "Stop," "Dylan don't do it!" As Officer Gorham started to approach Ms. Stahley, Officer Gorham heard Dylan Stahley out on the baseball field yelling obscenities. Ms. Stahley told the officers that Mr. Stahley had a loaded firearm and was going to shoot himself.

Officer Gorham began telling Mr. Stahley to drop the gun and stop. Mr. Stahley did not do that. Other officers arrived to try and help contain Mr. Stahley out on the baseball field. Officer Gorham continued yelling at Mr. Stahley to drop the gun, telling him that this was not what he wanted. Mr. Stahley did not drop the gun. Instead, he pointed the gun at his own head and neck while stating that he wanted to die and that he was going to shoot himself.

Other police officers tried to convince Mr. Stahley to surrender, to no avail. Mr. Stahley responded to the officers with profanity and asking the officers to shoot him. Mr. Stahley also asked the officers if they wanted to be shot. Mr. Stahley behaved erratically and appeared intoxicated as he stumbled around and continuously pointed his gun at the officers and yelled obscenities. Shortly thereafter, Officer Gorham heard a single gunshot and saw Mr. Stahley fall to the ground.

**7. New Hampshire State Police Sergeant Vincent Grieco**

Sergeant Grieco was on duty on April 4, 2020, when he was asked by dispatch to assist the Concord Police Department with an incident involving a male subject (Mr. Stahley) who was reported to have a handgun and was in the area of the baseball field at White Park. Sergeant Grieco began driving to Concord. Along the way, Trooper Anthony Pratt notified him that Mr. Stahley had a gun and was holding it to his head. In a later update, Sergeant Grieco was told that Mr. Stahley was holding the gun under his chin.

Sergeant Grieco arrived at White Park at 12:01 a.m. on April 5, 2020. There were multiple Concord police officers at the scene as well as New Hampshire State Police Troopers. Sergeant Grieco could see that Troopers Petrillo and Pratt had their cruisers parked on White Street, in front of the baseball field. Mr. Stahley was out in the field, walking around, flailing his arms, and holding a handgun. Mr. Stahley made several motions with the gun he was holding, including pointing it up in the air and pointing it in the general direction of police officers on White Street. Police officers were giving

commands to Mr. Stahley, who responded and was unintelligible at times. However, Sergeant Grieco did hear Mr. Stahley say, “Who wants to die tonight?”

Sergeant Grieco conferred with other officers at the scene to make sure that they were safe and had what they needed. Mr. Stahley was still out in the field, becoming increasingly agitated and yelling, “Who wants to die?, and “Kill me.” At one point, Mr. Stahley yelled, “I’ll kill you.” Short time later, Sergeant Grieco heard a single gunshot and saw Mr. Stahley fall to the ground. Sergeant Grieco learned that Trooper Petrillo had fired the shot.

**8. Concord Police Officer Charles McCullough**

Officer McCullough was on duty on April 4, 2020, when he learned about an armed subject at White Park. Officer McCullough responded to White Park with several other officers. After he arrived, he saw a male in the middle of the baseball field yelling. Officer McCullough recognized the man as Dylan Stahley, based on prior dealings. Mr. Stahley was about one hundred feet away and had a shiny pistol in one hand and a white can in the other. Most of the time, Mr. Stahley pointed the gun at his head and yelled that he was going to shoot himself.

Two Concord police officers tried to communicate with Mr. Stahley, telling him to calm down and put down the gun. Mr. Stahley did not put down the gun and instead, started yelling that a lot of people who were going to die that night. He then extended his arm, pointed his gun toward several police officers, and counted off numbers as he moved the gun toward each officer. Mr. Stahley counted to eight, and then said, “Eight of you and one of me, someone better shoot me or I’m going to kill all of you tonight.” After that, Mr. Stahley mostly kept the gun pointed at himself, switching the gun from hand to hand. As Mr. Stahley was yelling and moving the gun in his hand, Officer McCullough heard a shot and saw Mr. Stahley fall to the ground. The shot came from where some New Hampshire State Police cruisers were parked.

**9. New Hampshire State Police Trooper Anthony Pratt**

Trooper Pratt was on duty on April 4, 2020. He heard a call come over the radio about a burglary in Concord, and heard that there was a disturbance in the ball field there. Trooper Pratt then heard that the subject had a gun or it was in backpack and it was loaded. After that, Trooper Pratt drove to White Park to assist.

After Trooper Pratt parked his cruiser on White Street, he heard an officer talking to Mr. Stahley on the ball field. Trooper Pratt could see Mr. Stahley pointing something at his head. A Concord police officer told Trooper Pratt that Mr. Stahley had a gun. Trooper Petrillo was also there, about fifteen to twenty feet away from Trooper Pratt.

A Concord police officer continued speaking to Mr. Stahley, telling him that he did not want to do this, and that it was not worth it. Mr. Stahley responded and said “Fucking kill me. I’ll kill you.” He made this statement a few times. At least two times, Mr. Stahley gestured with his gun toward the officers, pointed it up in the air, and counted as he did that. The police told Mr. Stahley to put the gun down, but he did not. Instead, Mr. Stahley moved the gun around, putting it under his chin and up to his head. Trooper Pratt heard Mr. Stahley ask for a helicopter at one point.

A short time later, Trooper Pratt heard a gunshot off to his right. He did not see the gunshot go off.

Trooper Pratt said that Mr. Stahley was “aggressive” the whole time he saw him at White Park. He considered Mr. Stahley to be a threat based on his actions, the fact he was noncompliant with the police, and had a gun. Trooper Pratt had also had training in action-reaction drills, and knew that a suspect could act faster than an officer could react to the suspect’s actions.

**C. Residents in homes surrounding White Park**

The State Police interviewed numerous residents in the homes surrounding White Park to see if any had information relevant to the incident. Some had no information, while others saw and heard some of the events in White Park on April 4-5, 2020. The residents who had significant information are summarized below.

**1. David Amaral**

David Amaral saw Mr. Stahley walking around out on the baseball field in White Park along with several police officers. The officers were telling Mr. Stahley to calm down. Mr. Amaral said Mr. Stahley appeared “agitated,” and made comments about killing himself. Mr. Stahley also said that he “wanted to die,” “wanted to die tonight,” and to just send somebody after me, it will just be over if you do that. In response, the officers pleaded with Mr. Stahley to put the gun down. Mr. Stahley did not and at one point said to the officers, “Do you want me to point it at you?” An officer told Mr. Stahley that was not a good idea and they did not want that to happen. Mr. Stahley also told the officers that he wanted to “die in a shootout.” A short time later, Mr. Amaral heard a single gunshot and saw Mr. Stahley fall to the ground.

Mr. Amaral is a retired police officer. He said that he believed Mr. Stahley was not going to kill himself and was trying to convince the officers to kill him instead. Mr. Amaral believed that the officers did everything they could to calm the situation down “and try to have a good outcome.”

**2. Michael Kenyon**

Michael Kenyon heard officers loudly telling Mr. Stahley to “put the gun down.” Mr. Stahley said, “Do you want me to aim it at my head?” The officer responded and said, “No, put the gun down, we are here to help.” Mr. Kenyon said that Mr. Stahley randomly yelled and seemed “very distraught.” The officer speaking to him “genuinely sounded” like he was there to help Mr. Stahley. Not long after,

Mr. Kenyon heard a shot fired. That prompted Mr. Kenyon and his wife to move and seek shelter in their home to avoid being hit by gunfire.

**3. Lori Forcillo**

Lori Forcillo said she saw Mr. Stahley out in the baseball field. Mr. Stahley was “wobbling” and spinning. Ms. Forcillo could see something shiny in Mr. Stahley’s hand; her husband saw a gun. Ms. Forcillo heard the police say “put the gun down,” and later heard a gunshot.

**4. Cliff Forcillo**

Cliff Forcillo saw Mr. Stahley out in the field with a gun raised and Concord police with their guns drawn. At some point, Mr. Forcillo said that Mr. Stahley had a gun to his face. The police yelled at Mr. Stahley to lower his gun. Mr. Forcillo moved his wife and son to another part of their house in case shots were fired. Eventually, Mr. Forcillo heard one gunshot.

**5. Karen Carew**

Karen Carew heard yelling outside and saw Mr. Stahley in the field screaming and hollering. She described Mr. Stahley as “raging” and “screaming.” Ms. Carew heard an officer telling Mr. Stahley that he wanted everyone to go home and to put his gun down. Mr. Stahley was going back and forth between threatening to kill himself and based on what she heard believed he was waiving the gun around. At one point, Mr. Stahley said, “Is this what you want?” The officer responded to that and said no and to put the gun down. Ms. Carew said that Mr. Stahley waived the gun around and said come on, you want me. She believed that Mr. Stahley was trying to get the police to kill him.

Eventually Ms. Carew heard a shot and believed that Mr. Stahley had killed himself.

**6. Andrew Gallagher**

Andrew Gallagher said he received a call from the Concord Police Department telling him to stay away from the windows. Despite that, Mr. Gallagher went to close his garage door and looked out

to see what was going on. He saw Mr. Stahley moving around in the center of the field, yelling. The police were yelling at Mr. Stahley to raise his hands. Mr. Stahley raised one hand, but not the other. Mr. Gallagher said he heard one shot and saw Mr. Stahley fall to the ground.

**7. Brittany Price**

Brittany Price was home and heard a lot of screaming from Mr. Stahley in the park and heard the police on a PA system. She heard Mr. Stahley counting down, saying he was going to kill himself. Mr. Stahley also wanted the police to shoot him, but the police said, “We just want to help you.” Mr. Stahley responded with, “Then I’ll just shoot you,” and “Well, I’m going to go to jail anyway, I might as well die.”

**8. Mary Deal**

Mary Deal was home, saw lights flashing, and heard voices outside. She looked outside and heard Mr. Stahley upset, yelling and stumbling around in the park. Ms. Deal then heard a female voice trying to speak with Mr. Stahley. Ms. Deal could see something shiny in Mr. Stahley’s hand, possible a cell phone. She also saw and heard a police officer who was trying to de-escalate the situation.

Mr. Stahley continued to yell at the “top of his voice,” and said he wanted to kill himself. Ms. Deal could not see if Mr. Stahley had a gun since he was so far away and it was so dark. However, Ms. Deal did hear an officer tell Mr. Stahley to put the gun down. After that, Ms. Deal said she turned off the light in her house and moved to a different part of the house for her own safety. Ms. Deal said that she believed the officers were trying to de-escalate the situation to avoid anybody getting hurt. Later, she heard a loud gunshot.

**9. Madison Corcoran**

Ms. Corcoran said she heard yelling White Park and then screams. She could see a man in the field (Mr. Stahley) saying, “No, I’m not going to go.” The police were trying to calm Mr. Stahley down.



He was pacing around in the middle of the field with a gun in his hand. Ms. Corcoran heard Mr. Stahley say, "Just shoot me, I'm going to do it anyways." Mr. Stahley screamed at the police as they continued to try to calm him down. Eventually, she moved away from the window where she had been watching and when she was no longer looking out the window, heard a gunshot. Ms. Corcoran estimated that it was about 12:15 a.m. when she heard the gunshot.

**10. Rhianna Larkin**

Ms. Larkin was home on April 4-5, 2020, when she heard yelling outside. She heard a woman say, "Dylan, don't do it." The man (Mr. Stahley), responded and said, "I'm going to kill myself." The police tried to calm Mr. Stahley and told him that they could try to work things out and to put down the gun. Mr. Stahley moved around out in the field and said, "I don't care anymore, I need to end it all, I want everything to be over." Ms. Larkin heard Mr. Stahley talking about a woman named "Olivia" and saying he wanted Olivia to admit that she is lying and that he did not rape her. The police continued to ask Mr. Stahley to relax, calm down, and put down the gun.

As the incident went on, the police continued to speak to Mr. Stahley, who responded continuously with, "Fuck you, shut up." Mr. Stahley also said, "I'm going to jail forever for this, I might as well end it now," and "I just want to end it, I don't want to be in jail forever." At one point. Mr. Stahley asked for a helicopter.

Ms. Larkin was not looking outside the entire time, so she did not see and hear everything that went on. She said that while she could not tell what Mr. Stahley had in his hands, but she could see something. Ms. Larkin did hear Mr. Stahley say, "It's loaded." Eventually, Ms. Larkin heard a gunshot and then the police telling Mr. Stahley to put his hands on his head and to roll over.

**D. Mr. Stahley's relatives/friends**

**1. Crystal Stahley**

Crystal Stahley is Dylan Stahley's sister. Unbeknownst to Mr. Stahley, Crystal had activated a feature on his phone that allowed her to track his location. She did this because she was concerned about him because Mr. Stahley has mental health issues and has been in and out of the New Hampshire State Hospital. Mr. Stahley also mixes his medications with alcohol.

On April 4, Mr. Stahley had been texting his mother saying that everyone hated him and that he was going to die. Crystal said that Mr. Stahley is often suicidal and has been so for a few years. She stated that he had tried to kill himself so many times; she could not remember all the instances. Mr. Stahley called Crystal on April 4, but she could not remember what he was saying. Crystal's mother called her and asked her to go to White Park because Mr. Stahley was texting her and her mother that he wanted to kill himself.

Crystal and her fiancé then drove to White Park to find Mr. Stahley. After she got there, she did not see him. Shortly thereafter, she saw Mr. Stahley out in the baseball field with a gun.<sup>5</sup> Crystal walked out into the field and told him he did not have to do this, it was not going to end well, and to put the gun down. Mr. Stahley told her that he did not care and that he would do it.

Crystal went up to the police and told them that Mr. Stahley had a gun and was going to kill himself. After that, the police would not let her or her mother, who had just arrived, get close to Mr. Stahley. She could not see what Mr. Stahley was doing, but she could hear him screaming that he was going to "do it" and did not care.<sup>6</sup> More police officers showed up after that.

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<sup>5</sup> Crystal said she was not sure if it was a real gun because he had a BB gun in the past.

<sup>6</sup> Crystal said that she has "bad eyesight."

Crystal said that she tried to get to Mr. Stahley after she heard a gunshot. At the time, she did not know if he had shot himself or if the police had shot him and was concerned with the amount of time it seemed to take the police to go out and help Mr. Stahley after he was shot.

## **2. Cole Geer**

Cole Geer is Crystal Stahley's fiancé. Crystal is Dylan Stahley's sister. Mr. Geer has known Mr. Stahley for about ten years.

Mr. Geer said that Mr. Stahley has "poor mental health" and has been in the New Hampshire State Hospital before. He said that Mr. Stahley has been suicidal and talked about hurting himself in the past.

Mr. Geer went to White Park with Crystal Stahley on April 4-5, 2020. He saw Mr. Stahley out in the ballpark, but could not see a gun in Mr. Stahley's hand. Mr. Geer was asked to move his car and was inside his car as events progressed. He could not see Mr. Stahley, but he could hear him yelling and acting out, saying, "I'll kill myself, I'll kill myself!" Later, he heard gunfire and found out Mr. Stahley had been shot.

## **E. Mr. Stahley's statements after the incident**

Concord Police Officer Sean Benoit provided security at the hospital where Mr. Stahley was taken for medical treatment for his gunshot wounds. While there, Mr. Stahley made several spontaneous statements, including that he deserved what happened and that he was lucky to be alive.

Concord Police Officer Danika Gorham was also at the hospital with Mr. Stahley. During that time, Mr. Stahley repeatedly said that he wanted to die, that he did not care if he died, and wished he had been shot in the head. Mr. Stahley also asked Officer Gorham twice if he had pointed the gun at her.

Trooper Brandon Rivard was another law enforcement officer who was at the hospital with Mr. Stahley for a period of time. Mr. Stahley made several spontaneous statements, some of which Trooper

Rivard wrote down in a notebook, word-for-word. Those statements from Mr. Stahley included multiple apologies, and the following:

“You know who’s [sic] fault this is? Mine. It’s all my fault.”

“I’m going to jail for this.”

“It’s going to be hard to get not guilty for this. I’m guilty.”

“I would never hurt anyone else. Just myself.”

“I would never want an innocent cop to die. Just myself.”

“I would have just shot myself if the cops charged me. I wouldn’t have shot the cop.”

**F. Physical evidence**

The police searched Mr. Stahley’s clothing and discovered a bag containing twenty-six live .38 caliber handgun rounds. Four loose live .38 caliber rounds were also found in Mr. Stahley’s pants pocket. There were three live .38 caliber rounds on the ground where Mr. Stahley was laying after he was shot. The caliber of all those live rounds were consistent with the .38 caliber revolver that the police found next to Mr. Stahley after he was shot.<sup>7</sup> That revolver was fully loaded with five rounds of live .38 caliber ammunition. A knapsack on the ground near Mr. Stahley was searched and contained five cans of an alcoholic beverage.

During a search of the park, police located a pair of shoes, an alcoholic beverage, and eight live .38 caliber rounds not far from where Mr. Stahley was shot.<sup>8</sup>

A discharged rifle cartridge casing was found on the pavement on White Street. That was consistent with the one shot Trooper Petrillo fired from his State Police-issued rifle.

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<sup>7</sup> A photograph of that revolver is attached to this report.

<sup>8</sup> Mr. Stahley was not wearing shoes when he was out in the middle of the baseball field.

#### **G. Radio transmissions**

The Concord police radio transmissions were reviewed. Those reflected the initial report of an alarm going off at the White Park Skate House and the police response when Mr. Stahley was discovered out on the baseball field with a handgun.

Of note was a radio transmission from a Concord police officer reporting that, “He is stating that, to cops, asking them if they want to get shot.” Approximately eight seconds later, an officer reported, “Shots fired. Shots fired.”

#### **IV. MR. STAHLEY’S PRIOR CRIMINAL RECORD AND CHARGES STEMMING FROM THE INCIDENT**

Mr. Stahley had a criminal record before April 5, 2020. That record included a felony conviction that prohibited him from owning or possessing a firearm.

After the April 5, 2020 incident, Mr. Stahley was charged with several crimes stemming from his April 4 and 5, 2020 actions at White Park. Mr. Stahley was later found not guilty of one charge (burglary) and pled guilty to the rest in January 2021. He received a combination of concurrent, consecutive and suspended jail and prison sentences that resulted in two consecutive twelve month periods of incarceration. Those charges and sentences were as follows:

- **Reckless Conduct** (Class B Felony): Mr. Stahley waved a handgun around at White Park pointing it in the direction of Law Enforcement Officers and residences in the vicinity.

Sentenced to 12 months in the House of Corrections, stand committed and concurrent with other charges.

- **Felon in Possession of Dangerous Weapon** (Class B Felony): Mr. Stahley knowingly possessed or had under his control a firearm after previously been convicted of Reckless Conduct with a Deadly Weapon.

Sentenced to 12 months in the House of Corrections, stand committed and concurrent with other charges.

- **Criminal threatening** (Class B Felony): Mr. Stahley placed or attempted to place Officer Cobb in fear of imminent bodily injury by pointing a loaded gun at him.

Sentenced to 12 months in the House of Corrections, stand committed and consecutive with other charges.

- **Criminal threatening** (Class B Felony): Mr. Stahley placed or attempted to place Trooper Petrillo in fear of imminent bodily injury by pointing a loaded gun at him.

Sentenced to three to six years in prison, all suspended on condition of good behavior.

## V. 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. Pursuant to RSA 627:5, I, a “law enforcement officer is justified in using non-deadly force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or detention....”

Under RSA 627:5, II(a), a law enforcement officer, like a private citizen, is justified in using deadly force when he reasonably believes that such force is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force. Under RSA 627:9, II, “deadly force” is defined as “any assault . . . which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury.” “Purposely firing a weapon capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” RSA 627:9, II.

The phrase “reasonably believes” means that the actor “need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real.” *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term “reasonable” is “determined by an objective standard.” *State v. Leaf*, 137 N.H. 97, 99 (1993). Further, all of the circumstances surrounding the incident should be considered in determining whether the actor had a reasonable belief that deadly force was necessary to

defend himself or another. When reviewing a deadly force incident, the actor’s conduct should be viewed considering “the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection.” *N.H. Criminal Jury Instructions*, 3.10. In other words, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight. The amount of deadly force used by the actor to protect himself or another must be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

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

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

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

The Eleventh Federal Circuit has noted that:

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

*Garczynski v. Bradshaw*, 573 F.3d 1158, 1166 (11th Cir. 2009) (citations omitted). That is because “the law does not require perfection – it requires objective reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV, 2013 WL 1296331, at \*17 (S.D. Fl. Mar. 28, 2013). The law must account for the fact that

dangerous situations often unfold quickly and law enforcement officers sometimes need to make quick decisions under less-than-ideal circumstances. *See Huff*, 565 U.S. at 477 (finding that appeals court panel “did not heed the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation”).

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

## **VI. ANALYSIS AND CONCLUSION**

Based on all the facts and circumstances of this case, the Deputy Attorney General has concluded that Trooper Michael Petrillo was legally justified when he shot and wounded Dylan Stahley.

Over the course of approximately one hour, Mr. Stahley exhibited an intent to use deadly force against law enforcement officers at White Park by pointing a pistol at them and threatening to shoot them. That not only endangered those officers, but also the many residents inside the homes surrounding the park. Despite efforts to deescalate the situation and convince Mr. Stahley to surrender, he persisted in threatening the officers and pointing his pistol in their direction and in the direction of the surrounding homes.

There is no dispute that Mr. Stahley engaged in this threatening conduct despite attempts to gain his surrender. Multiple Concord Police Officers and New Hampshire State Police Troopers confirmed the efforts made to convince Mr. Stahley to surrender, as well as his threatening behavior. Likewise, private citizens who lived in the homes surrounding White Park confirmed the officers’ efforts to deescalate the situation, the fact that Mr. Stahley had a pistol, and Mr. Stahley’s threatening and erratic behavior. That behavior escalated when he pointed his pistol at Trooper Petrillo, thereby endangering Trooper Petrillo and the residents inside the homes that were also in Mr. Stahley’s line of fire.



Therefore, based on all the facts and circumstances known to Trooper Michael Petrillo on April 5, 2020, it was reasonable for him to conclude that he faced an imminent threat of deadly force from Mr. Stahley. Accordingly, Trooper Petrillo was legally justified in using deadly force against Mr. Stahley, and no criminal charges will be filed against Trooper Petrillo for shooting Mr. Stahley.

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