

**ATTORNEY GENERAL'S REPORT REGARDING THE  
APRIL 9, 2022 FATAL SHOOTING  
INCIDENT IN DERRY, NEW HAMPSHIRE**

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**I. INTRODUCTION**

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a fatal shooting incident that occurred in Derry, New Hampshire, on April 9, 2022, in which Christopher Coppola (age 43) was shot and killed. During that incident, a private citizen who was outside his house and on his property unexpectedly encountered Mr. Coppola, who was armed with a loaded shotgun. When Mr. Coppola fired the shotgun at the private citizen, the citizen in response fired his legally owned pistol at Mr. Coppola. Upon subsequent police response to the citizen's home, officers encountered Mr. Coppola, who was alive and still armed with a shotgun, outside the house and on the property. During that armed confrontation, despite efforts by the police to convince Mr. Coppola to disarm, he fired his shotgun at nearby officers, and in response three officers from the Derry Police Department each fired once on Mr. Coppola. Two of those gunshots struck Mr. Coppola, and one fatally wounded him.

The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force against Mr. Coppola, both by the private citizen who initially fired at him as well as the three police officers who subsequently fired at him.<sup>1</sup> The findings and conclusions in this report are based upon

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<sup>1</sup> As is discussed in more detail later in this report, from available forensic evidence it appears that the private citizen inflicted a nonfatal gunshot wound on Mr. Coppola. Mr. Coppola sustained two additional gunshot wounds from bullets later fired by police officers, only one of which was fatal. It is unknown which of the three police officers who fired at Mr. Coppola actually struck him, and who fired the fatal shot. That being said, the private citizen and the three police officers who discharged their firearms at Mr. Coppola all used deadly force against him, and thus they are all subjects of this report:

information gathered during the course of the investigation, including review of photographs of the scene of the incident, available video recordings and audio recordings of events, witness interviews, and numerous reports generated during the investigation.

As provided in RSA 7:6, RSA 21-M:3-b, and RSA 21-M:8, II(a), the Attorney General is the State's Chief Law Enforcement Officer. The Attorney General has the authority to investigate and prosecute major crimes, including instances where a crime punishable by up to life imprisonment is committed. In addition, the Attorney General has the responsibility to ensure that whenever law enforcement officers use deadly force, it is done in conformity with the law.

When reviewing the use of deadly force by law enforcement officers, the Attorney General does not investigate or opine on the particular procedures or tactics used by the officers. Instead, the Attorney General's review of an officer-involved use of deadly force incident consists of a criminal investigation, which is limited to determining whether officers complied with the applicable law. Similarly, the Attorney General's review of deadly force by a private citizen also is a criminal investigation limited to determining whether the private citizen complied with the legal provisions on justifiable use of force that apply with respect to private citizen conduct.

Based on the investigation of this deadly force incident, Attorney General John M. Formella finds that the initial use of deadly force against Christopher Coppola by

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

RSA 627:9, II.

private citizen Thomas Watson was legally justified. Attorney General Formella also finds that the subsequent law enforcement use of deadly force against Mr. Coppola by Lieutenant Michael Muncey and Officers Victoria Kidd and Timothy Underhill of the Derry Police Department was legally justified.

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

Shortly after 2:00 p.m. on April 9, 2022, Thomas Watson (age 31) returned to his house on Driftwood Road in Derry, from driving to pick up food for his toddler daughter's upcoming birthday party. While Mr. Watson sat in his pickup truck, which was parked in his driveway and facing the street, he noticed walking down the street towards his home a man who Mr. Watson did not recognize. That man was Christopher Coppola, who unbeknownst to Mr. Watson lived nearby. As Mr. Coppola neared Mr. Watson's house, Mr. Watson saw that Mr. Coppola was holding a shotgun. In response, Mr. Watson called 911 to report in substance that an armed man was walking down his street. Mr. Watson also retrieved his legally-owned semiautomatic pistol, which he lawfully stored in the truck, but remained in the vehicle as he spoke to 911.

From inside his parked truck, Mr. Watson watched as Mr. Coppola from a distance of about sixteen yards away raised the shotgun that he held, aimed it towards the truck, and fired once. In response, Mr. Watson left his vehicle and fired his pistol at Mr. Coppola, who was running towards him and on his property. Mr. Coppola fired his shotgun at Mr. Watson again, and Mr. Watson fired additional shots from his pistol at Mr. Coppola. Mr. Coppola, who Mr. Watson believed had been struck from his pistol fire, then went over and sat down against a tree on Mr. Watson's front lawn, still holding onto the shotgun. Mr. Watson repeatedly yelled at Mr. Coppola in substance to drop his

gun and show his hands, but Mr. Coppola did not comply. Mr. Watson also notified the 911 dispatcher that he had been fired upon, reported that his attacker was in his yard and armed with a shotgun, and pleaded for the police to respond quickly.

While Mr. Watson was still on the line with 911, several officers from the Derry Police Department arrived on Driftwood Road. Responding officers included Lieutenant Michael Muncey and Officers Victoria Kidd and Timothy Underhill. Lieutenant Muncey, the first officer on-scene, saw Mr. Watson in the driveway of his home and Mr. Coppola sitting against a tree on the residence's front lawn, holding a long gun in his lap. Lieutenant Muncey directed Mr. Watson to leave with his family, and he and other officers set up a defensive perimeter around Mr. Coppola.

For several minutes, the police spoke with Mr. Coppola. The police repeatedly tried to assure Mr. Coppola that they were there to help him and repeatedly directed him to disarm. Mr. Coppola did not drop his shotgun, expressed concern that he was going to go to jail, and repeatedly told the police to shoot him. While the police continued to speak to Mr. Coppola and convince him to disarm, he raised his shotgun up towards nearby officers and fired it once. In response, Lieutenant Muncey, Officer Kidd, and Officer Underhill nearly simultaneously each fired one shot at Mr. Coppola. Mr. Coppola was shot and killed during this exchange of gunfire. Nobody else was injured during Mr. Coppola's armed confrontations with Mr. Watson and then the police.

### III. THE INVESTIGATION

#### A. Background, Christopher Coppola

At the time of Christopher Coppola's death, he lived at 5 Driftwood Road in Derry with his mother. Driftwood Road is a residential neighborhood comprised of about two dozen adjacent homes.



*An overhead photo of Driftwood Road in Derry. 1 Driftwood Road, the location of the shooting incidents first between Christopher Coppola and Thomas Watson, and then between Mr. Coppola and the police, is circled in red. Mr. Coppola's residence is circled in yellow.*

Mr. Coppola had battled drug addiction in the past, and friends believed that he may have relapsed in the months before his death. Also, family members reported that in the days before the shooting Mr. Coppola had exhibited paranoid thinking. In particular, Mr. Coppola had expressed to his mother his belief that the federal Drug Enforcement Agency ["DEA"] was looking for him and that he was being followed, and he had expressed to his sister his concerns that he was being watched.

At about 2:20 p.m. on April 8, 2022—the day before the use of deadly force against Mr. Coppola—Derry police officers went to his residence in response to a report made by him over the phone claiming that suspicious vehicles were parked near his house. When officers encountered Mr. Coppola, he pointed out two vehicles parked on

the street and claimed that DEA agents were “watching” him. Mr. Coppola further said that he believed a “big operation” was going to happen and that he wanted to make a deal with the DEA. Although Mr. Coppola appeared paranoid and his complaint was odd, he was not acting or speaking threateningly, aggressively, or violently. Nor did Mr. Coppola appear impaired on drugs or alcohol. Responding officers ended their interaction with Mr. Coppola, which was cordial and lasted only a few minutes, without incident, and informed him how to contact the DEA.

At about 3:50 p.m. on April 8, Mr. Coppola sent his sister the following text messages, which she found unusual:

Hey I can't talk but I[] might be in some deep shit going away for [] some time take care of mom please I fucked up bad love you always

Do everything y[ou] can to help me in jail I did this, my way<sup>2</sup>

Mr. Coppola followed-up those messages with another at about 5:30 p.m.: “I think I’m good they got what they wanted for information.” Later, Mr. Coppola told his sister that he saw a “DEA car” located next door to his house. That same night, Mr. Coppola’s mother saw him retrieve from a closet what she described as a rifle, and place the gun on his bed. She asked him why he took out the gun, and he replied that he wanted it ready “just in case,” but would not elaborate further.

Early the next morning, April 9, Mr. Coppola sent a close friend a series of text messages, which the friend did not read until after Mr. Coppola’s death. In those messages, Mr. Coppola stated that oxycontin had ruined his life and asked his friend to take care of his (Mr. Coppola’s) mother. Mr. Coppola also informed his friend that “all

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<sup>2</sup> There were no known active criminal investigation, arrest warrants, or open criminal complaints against Mr. Coppola.

of mine is yours,” specifically directing that the friend take his snowmobile and boat.

Specifically, Mr. Coppola wrote the following:

Do me a fav[o]r I need y[ou] to be that 21 yr old chris for ma she never had she is going to need help with the [h]ouse[] please take all my clothes out everything [o]f mine is yours bro oc [oxycontin] ruined my life I[] will truly will [sic] miss the good of [sic] days with my best friend oh the title for sled is at littles house just please do this for me watch over her for me

Help her[] sell my sled [snowmobile] and trailer she will need the [money]

Th Boat that's yours [my father] would want [you] to have it [you] canttttt [sic] fukkk [sic] with the boat

Later that same morning, Mr. Coppola's mother saw him leave the house and walk down the street to 1 Driftwood Road, a residence several hundred feet away. Mr. Coppola stood in the roadway and stared at 1 Driftwood Road for several seconds, and then returned home. Mr. Coppola's mother asked him what he was doing, and he answered that he just went for a walk, an activity in which he typically did not engage. When Mr. Coppola's mother later left for errands at about 1:00 p.m., he was still at home.

## **B. The Deadly Force Incident**

### **1. Thomas Watson**

Thomas Watson lived at 1 Driftwood Road with his wife and two-year-old daughter. Shortly before 2:00 p.m. on April 9, Mr. Watson left his house in his pickup truck to get pizza for his daughter's birthday party, which was planned for later that afternoon. Mr. Watson's wife and daughter remained home while he picked up food. Mr. Watson stored in his truck's center console a semiautomatic pistol, a weapon that he had legally purchased and lawfully possessed in his vehicle. *See* RSA 159:6, III.

Mr. Watson returned home soon after 2:00 p.m. He parked his truck in his driveway, facing the street. While Mr. Watson was still in the vehicle, he noticed a man

walking down the street towards his house, holding what Mr. Watson initially believed was a cane. But as the man neared Mr. Watson's residence, Mr. Watson realized that the man was actually holding what Mr. Watson believed—accurately—to be a pump-action shotgun, barrel pointed towards the ground. Mr. Watson did not recognize the man, who turned out to be Mr. Coppola.<sup>3</sup>

When Mr. Watson saw that Mr. Coppola was armed, he called 911. Mr. Watson reported in substance that a man armed with a shotgun was walking in the street. As Mr. Coppola walked past Mr. Watson's driveway, Mr. Watson saw that Mr. Coppola was looking towards him and appeared distressed. As a result of Mr. Coppola's behavior, and while still in his truck and on the phone with 911, Mr. Watson retrieved his handgun from the center console and placed it on his lap.

From inside the truck, Mr. Watson watched as Mr. Coppola walked past his driveway. When Mr. Coppola was about ten feet away from the house's mailbox—about forty-five feet in front of where Mr. Watson sat—Mr. Watson saw Mr. Coppola turn towards him, raise and aim the shotgun at him, and fire the weapon once. In response, Mr. Watson got out of his truck, pistol in hand. Mr. Watson saw that Mr. Coppola was running towards him, still holding onto the shotgun that he had just fired. Mr. Watson aimed his pistol at Mr. Coppola and fired at him; Mr. Watson believed that he initially fired twice. Mr. Watson's wife's car was parked in between his position and Mr. Coppola when the two exchanged gunfire.

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<sup>3</sup> Although Mr. Coppola lived only two houses down from Mr. Watson's residence, Mr. Watson did not recall ever seeing Mr. Coppola before their armed encounter on April 9. According to Mr. Coppola's mother, he did not know many people in the neighborhood.





*An overhead photo representing the initial shooting encounter between Mr. Coppola and Mr. Watson outside 1 Driftwood Road. The yellow rectangle represents the approximate location of Mr. Watson's parked truck, and the parked car is about where Mr. Watson's wife's car was parked. The red line represents the general path walked by Mr. Coppola before the shooting. "CC" represents Mr. Coppola's approximate location when he first fired on Mr. Watson. "TW" represents Mr. Watson's approximate location when he first fired at Mr. Coppola.*

Mr. Coppola, who at that point was on Mr. Watson's property, then fired his shotgun again at Mr. Watson. Mr. Watson shot through the rear side windows of his wife's parked car at Mr. Coppola, who was on the other side of the car and had veered off towards the side of the house. Mr. Watson believed that he fired four or five additional shots and had injured Mr. Coppola, who went over to a tree on the front lawn and sat down, still holding onto the shotgun. Mr. Watson remained near his truck, and repeatedly yelled at Mr. Coppola in substance to drop his gun and to show his hands. Mr. Coppola did not obey either of those commands.



*An overhead photo representing the shooting encounter between Mr. Coppola and Mr. Watson after their initial exchange of gunfire. Mr. Coppola's general path from the street to the tree on Mr. Watson's lawn where he was when the police arrived (red circle) is indicated by the red line. "TW" represents Mr. Watson's approximate location when he fired additional shots at Mr. Coppola through his wife's parked car.*

Mr. Watson, who was still on the line with 911, reported that he had been shot at and that the man who fired on him was in his yard and was armed with a shotgun. Mr. Watson repeatedly implored the police to "hurry up," and also noted that he thought he had shot and injured the gunman.

## **2. Derry Police Officers**

Several Derry police officers were already en route to Driftwood Road in response to Mr. Watson's 911 call, reporting in substance an armed man. On the way, officers were informed by police dispatch in substance that shots had been fired and that the suspect was armed with a long gun.

At about 2:18 p.m., while Mr. Watson was still on the phone with 911, Lieutenant Michael Muncey—the first officer on-scene—arrived at Mr. Watson's home, parking his

marked police vehicle in front of the driveway. Lieutenant Muncey saw both Mr. Watson in the driveway, and Mr. Coppola sitting under a tree nearby with a long gun in his lap. When Mr. Watson saw police arriving, he placed his pistol in his truck, raised his arms, and directed the police to Mr. Coppola's position. Lieutenant Muncey, using his parked police vehicle for cover, ordered Mr. Watson to the ground and ultimately directed him to get his family and leave. Mr. Watson took his wife and child from the house and fled to a neighbor's residence.

Beginning seconds after Lieutenant Muncey arrived at Driftwood Road, and within two minutes of his arrival, four additional officers were on-scene in their own marked police vehicles: Officers Sara Joyce, Blake Martineau, Timothy Underhill, and Victoria Kidd. Those officers, like Lieutenant Muncey, were dressed in full police uniforms, and took cover behind police vehicles facing Mr. Coppola's position against the tree in Mr. Watson's yard. Because of the separation between the responding police officers and Mr. Coppola—from about twenty-three yards between Lieutenant Muncey and Mr. Coppola, to about thirty-six yards between Officers Kidd and Underhill and Mr. Coppola—the officers all retrieved from their vehicles and armed themselves with department-issued .223 caliber semiautomatic rifles equipped with nonmagnifying red dot sights, which were better suited for the longer distance involved than the pistols that the officers were carrying.



*An overhead photo representing the relative and approximate locations of Mr. Coppola and the five Derry police officers involved and immediately present during the exchange of gunfire between Mr. Coppola and the police. The red circle represents Mr. Coppola's approximate location where he sat against a tree at 1 Driftwood Road. The blue rectangles represent the approximate locations of the five responding police vehicles, and the initials represent the approximate locations of the five Derry police officers. Lieutenant Michael Muncey and Police Officers Victoria Kidd and Timothy Underhill each fired one shot at Mr. Coppola.*

Soon after Lieutenant Muncey's arrival at Driftwood Road, he tried to open a dialogue with Mr. Coppola. Lieutenant Muncey called out to Mr. Coppola, saying that he wanted to help and directing Mr. Coppola to put down his gun. Lieutenant Muncey asked Mr. Coppola for his name, and when Mr. Coppola provided it the lieutenant addressed him as "Chris." Lieutenant Muncey continued to repeatedly tell Mr. Coppola that the police were there to help, and that he needed to disarm. Officer Martineau, who had met Mr. Coppola the previous day—when Mr. Coppola expressed his belief that he was the target of a DEA investigation—also yelled out to Mr. Coppola, reminding him of

their earlier cordial encounter and also imploring him to drop his weapon.<sup>4</sup> Although Mr. Coppola talked with the police, he did not put down his shotgun or indicate that he either was willing to do so or would do so. Mr. Coppola repeatedly expressed concern that he was going to jail, and also repeatedly called out for the police to shoot him.

The police began speaking with Mr. Coppola at about 2:18 p.m. At about 2:25 p.m., Mr. Coppola, who still sat against the tree where police initially encountered him, began manipulating the shotgun that he held, appearing to chamber a round. Mr. Coppola then raised his shotgun up to his shoulder, pointing it in the direction of Officers Martineau and Joyce, who were positioned near each other. Lieutenant Muncey yelled for officers to take cover just before Mr. Coppola fired his shotgun once at them. Within seconds of Mr. Coppola's discharge at the police, Lieutenant Muncey, Officer Kidd, and Officer Underhill each fired one shot at Mr. Coppola. Mr. Coppola appeared to have been hit by gunfire, dropped his shotgun, and sagged down to the ground from his seated position.

After the gunfire, Derry police officers approached Mr. Coppola, who appeared to be unconscious. The officers secured Mr. Coppola's shotgun, handcuffed him, and summoned medical personnel, who already were staged nearby. Mr. Coppola was transported to Parkland Hospital, where medical treatment continued until he was pronounced dead at about 3:35 p.m. Nobody other than Mr. Coppola sustained any physical injury during the incident.

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<sup>4</sup> None of the other four Derry police officers immediately present during the shooting recalled having any prior interactions with Mr. Coppola, and Officer Martineau did not recall having any encounters with Mr. Coppola before April 8.

### **C. Witness Accounts**

Numerous police officers and private citizens were interviewed as part of the investigation into the use of deadly force encounters initially between Christopher Coppola and Thomas Watson, and then between Mr. Coppola and the police. Those interviewed included people who knew Mr. Coppola, as well as several private citizens who were in the neighborhood at the time of the shooting.

Investigators also separately interviewed Thomas Watson, and the five Derry police officers immediately present when Mr. Coppola was shot and killed: Lieutenant Michael Muncey and Officers Victoria Kidd and Timothy Underhill, all of whom discharged firearms at Mr. Coppola, and Officers Blake Martineau and Sara Joyce, who were present when the shooting occurred.<sup>5</sup> The account of events provided by these private citizen and police officer witnesses were consistent in material respects, have been recounted above, and will not be repeated. Below are additional details provided by each, relevant to the legal issue of justification.

#### **1. Thomas Watson**

Before the deadly force encounter, Thomas Watson had received both formal firearms training as well as informal training through a relative who was an instructor. The formal training included general and hunter safety courses, as well as specialized firearms training, including courses at Sig Sauer Academy. The pistol that Mr. Watson

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<sup>5</sup>Mr. Watson was interviewed on April 11, 2022. Lieutenant Muncey and Officers Martineau and Joyce were interviewed on April 21, 2022. Officers Kidd and Underhill were interviewed on April 26, 2022.

None of the five Derry police officers had ever been involved in a prior officer-involved use of deadly force incident. All of those officers had received separate yearly qualifications on pistols and rifles, both in daylight and in low-light situations.

had used against Mr. Coppola had been legally purchased, and it was lawful for Mr. Watson to possess it and to store it in his truck.

Mr. Watson explained that he fired at Christopher Coppola—someone who was unknown to him, and who he had never seen before—only after Mr. Coppola fired a shotgun at him as he sat in his pickup truck as it was parked in his driveway. Mr. Watson recounted that when he fired his initial shots—which he believed to be two—at Mr. Coppola, Mr. Coppola was running towards him, at that point on his property. Mr. Watson noted that when he initially fired, he was cognizant that nobody was in his line of fire behind Mr. Coppola.

Mr. Watson further explained that he fired additional shots at Mr. Coppola when Mr. Coppola shot at him again and then veered off to the side of his house while still armed, towards a sunroom where Mr. Watson believed his wife and daughter likely were. Mr. Watson recounted that when Mr. Coppola instead went and sat against a tree in his (Mr. Watson's) yard, although he trained his pistol on Mr. Coppola and threatened to shoot again if Mr. Coppola did not disarm, he did not fire his gun again. When Mr. Watson saw the police arrive, he immediately put down his weapon and placed his arms up for the police to see that he was unarmed.

## **2. Lieutenant Michael Muncey**

At the time of the shooting, Lieutenant Michael Muncey had been a police officer for about twenty-three years, twenty-two of which he spent with the Derry Police Department. In addition, Lieutenant Muncey had been a member of a regional tactical response team for about fifteen years, with his most recent assignment on that unit being training coordinator.

When Lieutenant Muncey arrived at 1 Driftwood Road, he initially saw a person—Mr. Watson—taking cover behind a pickup truck. Mr. Watson directed the lieutenant's attention to another man—Mr. Coppola—who was sitting against a tree, with a long gun—Lieutenant Muncey was uncertain at that time whether it was a rifle or a shotgun—across his lap. Lieutenant Muncey ordered Mr. Watson to the ground, and when he saw that Mr. Watson was unarmed directed him to leave and began speaking with Mr. Coppola.

The focus of Lieutenant Muncey's calls out to Mr. Coppola was trying to assure him that he and the other police officers were there to help, and that they needed him to disarm. Although Mr. Coppola did not appear openly hostile towards the police, neither did he disarm nor ever indicate that he would. Instead, Mr. Coppola repeatedly talked about how he believed that he was going to jail, and repeatedly said that he wanted the police to shoot and kill him.

During these discussions, Lieutenant Muncey armed himself with his rifle, which was preferable tactically given Mr. Coppola's distance from him. The lieutenant also assessed the general area, determined that he and other responding officers were properly positioned to avoid dangerous crossfire, and saw that there were no residences immediately behind Mr. Coppola in case officers had to fire at him. Lieutenant Muncey also called for a BearCat armored vehicle to be sent over. Lieutenant Muncey thought that officers using the BearCat for protection could approach Mr. Coppola within range of less-than-lethal means, such as a taser or beanbag shotgun, and safely disarm and subdue him through that means.



At one point while Lieutenant Muncey was talking with Mr. Coppola, Officer Martineau, who had the prior encounter with him from the day before, began speaking with him as well. While police continued to tell Mr. Coppola to disarm and let them help him, Lieutenant Muncey saw Mr. Coppola “cycle” a round in the gun that he held, raise the weapon to his shoulder, and aim it in the direction of Officer Martineau, who took cover. Lieutenant Muncey then saw and heard Mr. Coppola fire his weapon once. In response, Lieutenant Muncey fired his rifle, which was aimed at Mr. Coppola, once. Almost simultaneously, Lieutenant Muncey heard two additional gunshots.

Lieutenant Muncey explained that he fired at Mr. Coppola because he needed to stop the existing deadly threat Mr. Coppola posed to officers in his line of fire. Lieutenant Muncey noted that, in hindsight, he probably should have fired at Mr. Coppola before Mr. Coppola was able to discharge his weapon at nearby police officers. Lieutenant Muncey only fired once because after he fired and heard two additional shots, he saw that Mr. Coppola had been hit at least once and believed that he was incapacitated.

### **3. Officer Timothy Underhill**

At the time of the shooting, Officer Timothy Underhill had been a police officer with the Derry Police Department for about four years. For the entirety of that period, Officer Underhill worked as a patrol officer.

Among the details that Officer Underhill recalled hearing from the police dispatcher as he drove to the call for assistance on Driftwood Road, was that shots had been fired and that the suspect was armed with a long gun. When Officer Underhill arrived at Driftwood Road, he parked his police vehicle behind those of Lieutenant

Muncey and Officers Martineau and Joyce, who already were on-scene and armed with rifles. Officer Underhill took out his patrol rifle, set up behind his vehicle, and soon was joined there by Officer Kidd.

From Officer Underhill's vantage point, he initially could not see Mr. Coppola. But Officer Underhill knew Mr. Coppola's general position because of where other officers were directing their attention and from where he heard Mr. Coppola speaking to Lieutenant Muncey and Officer Martineau. When Officer Kidd notified Officer Underhill that she could see Mr. Coppola, he shifted his position closer to her. From that new vantage point, Officer Underhill saw Mr. Coppola from the torso up and through foliage. Officer Underhill saw that Mr. Coppola was holding something. Although Officer Underhill could not see what the object was, he surmised that it was a long gun based on the way that Mr. Coppola held it with both hands, the previous callout information indicating that a suspect was armed with a long gun, and the repeated directives he heard from Lieutenant Muncey and Officer Martineau for Mr. Coppola to drop his gun.

At one point, Officer Underhill heard another officer yell out, "No, don't," and saw Lieutenant Muncey and Officer Martineau both take further cover behind their vehicles. Officer Underhill then heard a gunshot, which he recognized as a shotgun blast, followed by a separate rifle shot from Lieutenant Muncey's position. Officer Underhill saw movement from Mr. Coppola, whose torso was in his line of sight, and fired his rifle once. Officer Underhill then heard someone yell out in substance, "He's down."

Officer Underhill explained that he fired at Mr. Coppola because, from all the information that he had at that point, he believed that Mr. Coppola had just fired a shotgun at Lieutenant Muncy and Officer Martineau.

**4. Officer Victoria Kidd**

At the time of the shooting, Officer Victoria Kidd had been a police officer with the Derry Police Department for about eleven years. During that tenure, Officer Kidd held many different positions within the department.

Officer Kidd arrived at Driftwood Road last, and positioned her vehicle behind those of the police who already had arrived. Officer Kidd saw that officers on-scene were armed with rifles, so obtained her rifle and joined Officer Underhill behind his parked police vehicle. Officer Kidd initially could not see Mr. Coppola, but heard Lieutenant Muncy, who she saw by the front of the driveway, and then Officer Martineau speaking with him. When Officer Kidd changed her position at Officer Underhill's vehicle for a better view, she saw Mr. Coppola, who was partially obscured by foliage, and also saw that he was holding some type of long gun.

At one point, Officer Kidd heard Lieutenant Muncy, with an urgent tone to his voice, yell out for Mr. Coppola to "put it down." Officer Kidd then heard a gunshot from the area where she saw Lieutenant Muncy and Mr. Coppola, but was initially uncertain which of those two had fired. Officer Kidd immediately heard another gunshot, more clearly from Lieutenant Muncy's position, and saw the barrel of the gun held by Mr. Coppola rise towards that area. Officer Kidd then fired a single shot from her rifle at Mr. Coppola. Just after Officer Kidd fired, she heard a gunshot from Officer Underhill, who

was next to her. Officer Kidd saw no movement from Mr. Coppola after she fired her single shot.

Officer Kidd explained that after hearing the second shot, which was nearer to Lieutenant Muncey's position, she had surmised that the first shot she heard had been fired by Mr. Coppola. When Officer Kidd quickly thereafter saw Mr. Coppola point his weapon towards Lieutenant Muncey, she believed that Mr. Coppola was about to fire at him again. Officer Kidd then fired a single shot at Mr. Coppola, to stop him from continuing to shoot at the police.

#### **5. Officers Blake Martineau and Sara Joyce**

At the time of the shooting, Officer Blake Martineau had been a police officer for about three years, and Officer Sara Joyce had been a police officer for about a year. Both have been assigned to patrol in their tenures with the Derry Police Department.

Officers Martineau and Joyce arrived on Driftwood Road soon after Lieutenant Muncey. They both saw Mr. Coppola sitting against a tree facing them and Lieutenant Muncey, holding a long gun in his lap. Officer Martineau had been one of the police officers who had spoken with Mr. Coppola the previous day, when Mr. Coppola reported suspicious vehicles, and recognized him from that previous encounter.

Officers Martineau and Joyce heard Lieutenant Muncey calling out to Mr. Coppola to disarm. From behind his police vehicle, Officer Martineau also began trying to talk to Mr. Coppola, addressing him by his first name and reminding him that they had met the day before. While Officer Martineau was speaking to Mr. Coppola, he saw Mr. Coppola raise the gun that he held towards him. In response, Officer Martineau stepped back further behind his police vehicle for additional cover, and briefly lost sight of Mr.

Coppola. Officer Martineau then heard what he believed to be a shotgun discharge, followed by several shots in quick succession. When Officer Martineau was able to see Mr. Coppola again, Mr. Coppola was laying on the ground.

Officer Joyce was standing by Officer Martineau when she saw Mr. Coppola point his gun towards them. Officer Joyce also heard what sounded like Mr. Coppola chambering a round into the weapon, followed by Lieutenant Muncey yelling out to take cover. In response, Officer Joyce moved further behind her vehicle, and from there heard one gunshot followed by three more. When Officer Joyce looked over from her cover, she saw Mr. Coppola laying on the ground.

#### **6. Other Private Citizen Interviews**

Many neighbors reported hearing gunshots but did not see any of the exchange between either Mr. Coppola and Mr. Watson, or Mr. Coppola and the police. Some people saw some of those events. Those eyewitness accounts are summarized below.

Mr. Coppola's mother saw some of the encounter between her son—who at the time she did not recognize—and Mr. Watson as she drove by 1 Driftwood Road on her way home from errands. In particular, she recounted that as she passed the house she saw a man with a gun standing behind a car in the driveway, and a second man in the yard holding what she described as a rifle. She then heard a gunshot and breaking glass, and saw the man with the rifle slump over. She lost sight of both men as she sped home.<sup>6</sup>

Marc Benoit, a houseguest at a residence on a street across from Driftwood Road, heard multiple gunshots. When Mr. Benoit looked outside, he saw a man standing next to the garage of 1 Driftwood Road, holding what he described as a rifle up to his shoulder

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<sup>6</sup> Several days later, an apparent bullet hole was noticed in the car that Mr. Coppola's mother had been driving when she saw some of the armed encounter between her son and Mr. Watson.

and pointed towards vehicles parked in the driveway. Mr. Benoit saw the gunman fire his gun and then go over to a nearby tree and sit down, with the gun on his lap. The police arrived soon thereafter, and Mr. Benoit heard police yelling for “Chris” to put down his gun. At one point, Mr. Benoit looked away to speak with his brother on the phone, and while he was doing so he heard additional gunshots. When Mr. Benoit looked back outside, the man by the tree was laying on the ground and medical personnel began treating him.<sup>7</sup>

Two neighbors directly across the street from 1 Driftwood Road heard from inside their house multiple gunshots, and when they looked outside they saw Mr. Watson—who they recognized—standing by his parked truck. The two neighbors also saw a man who neither recognized sitting against a tree in Mr. Watson’s yard; one of the neighbors saw that the man had a long gun resting on his lap. Police arrived soon thereafter, and the neighbors heard the police calling out to the man that they were there to help and that he needed to put the gun down. Both of those neighbors had stopped watching when Mr. Coppola and the police subsequently exchanged gunfire. They heard additional gunshots, and when they looked outside they saw that the man who had been sitting against the tree was laying on the ground.<sup>8</sup>

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<sup>7</sup> Mr. Benoit recorded with his cellphone some of what he saw. One of the two videos that he took—a little over four minutes in length—recorded the initial police arrival, Mr. Watson informing the police that Mr. Coppola was armed and an officer repeatedly imploring Mr. Coppola to “put [his] gun down.” Mr. Benoit stopped recording before the exchange of gunfire between Mr. Coppola and the police, and began recording the second of his two videos afterwards.

<sup>8</sup> One of these neighbors took a brief (about five seconds in length) video with her cellphone, as well as several photos. The video and photos were taken after the police arrived, and did not capture any of the exchange of gunfire between Mr. Coppola and the police.

Cellphone video taken by another neighbor and obtained by investigators recorded events after Mr. Coppola’s gunfire exchange with the police.

Taylor Dezotell, a former officer with the Derry Police Department and an active officer with the Litchfield Police Department, was home at her residence across the street from 1 Driftwood Road when the Watson family fled there after the police arrived. As Ms. Dezotell watched from a window in her garage, she saw a man who she did not recognize sitting by a tree in the Watson's yard, holding a shotgun in his hands and numerous police officers positioned along the road. At one point, the man raised his shotgun up to his shoulder, pointed towards nearby police officers. Although Ms. Dezotell did not hear the shotgun fire, she saw what appeared to be the gun recoiling from discharge, then heard three gunshots and saw the man lying on the ground.

**D. Video Evidence**

Mr. Watson's home did not have any surveillance cameras. A house across the street did have a working surveillance camera, which was positioned directly towards 1 Driftwood Road. However, that camera was motion-activated, and captured only about a minute of the encounter between Mr. Coppola and the police before their gunfire exchange, as well as a brief portion of events after the shooting, while Mr. Coppola was being treated.<sup>9</sup>

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<sup>9</sup> That surveillance camera also did not record Mr. Coppola walking on the street before his encounter with Mr. Watson, or any of that encounter. Although people and vehicles were moving during all of these pertinent events, it appears that the surveillance camera's motion sensor did not trip on any of that movement. The homeowner who had the surveillance camera explained that the device's motion sensitivity had been turned down because in the past the camera had tripped too often for passing vehicles.



*A still photo taken from surveillance footage from across 1 Driftwood Road, taken after police have arrived and Thomas Watson has left with his family. Christopher Coppola is seen sitting against a tree, circled in red. The truck in which Mr. Watson sat when he first saw and was fired upon by Mr. Coppola is circled in yellow. Responding police units are outlined in blue (Lieutenant Michael Muncey is positioned behind the police car on the far left, directly in front of 1 Driftwood Road).*

None of the police officers who responded to Driftwood Road were equipped with a body camera. All five police vehicles that responded to Driftwood Road had working video cameras that recorded events as well as some audio. However, none of those devices visually captured the exchange of gunfire between Mr. Coppola and the police, because vehicles had been parked at angles that, although providing cover for officers, positioned recording devices (through windshields, facing forwards) away from Mr. Coppola's position. Soon after the police began arriving on Driftwood Road it started to rain, and rain accumulating on the windshields of parked police vehicles at times obscured recorded events.





A still photo taken from camera footage from Lieutenant Muncey's vehicle, before the shooting. 1 Driftwood Road is to the right, out of camera view. The house where surveillance footage previously discussed was recovered is to the left.



A still photo taken from camera footage from Officer Martineau's vehicle, before the shooting. 1 Driftwood Road is to the right. Lieutenant Muncey is outlined in blue. The truck in which Mr. Watson sat when he first saw and was fired upon by Mr. Coppola is circled in yellow. Mr. Coppola is sitting against a tree to the right, and his legs are circled in red.



A still photo taken from camera footage from Officer Joyce's vehicle, before the shooting. 1 Driftwood Road is to the right, out of camera view. Mr. Watson is seen fleeing with his wife in child, circled in yellow. To their right, behind his police vehicle, is Lieutenant Muncey. Officer Martineau's vehicle is to the left.



*A still photo taken from camera footage from Officer Underhill's vehicle, before the shooting. Mr. Coppola's position, obscured by trees, is circled in red. On the left is Officer Martineau, using his police vehicle for cover, and to his right is Officer Joyce, using her police vehicle for cover. The blue-colored photo distortion by Officer Joyce is due to rainfall and refracted police lights.*



*A still photo taken from camera footage from Officer Kidd's vehicle, before the shooting. Ahead is Officer Underhill, using his police vehicle for cover.*

All of the police vehicle video camera footage is time-stamped, and some of the footage has accompanying contemporaneous audio as well. From this available digital information, an accurate timeline of events can be established, from the first arrival of the police onto Driftwood Road, to the exchange of gunfire between Mr. Coppola and the police.

That digital evidence establishes Lieutenant Muncey's arrival as first officer on-scene at about 2:16 p.m. The four other officers all joined Lieutenant Muncey on-scene by 2:18 p.m. Upon Lieutenant Muncey's arrival, he directed Mr. Watson to get down on ground. Lieutenant Muncey also repeatedly directed Mr. Coppola to show his hands.

Just before 2:18 p.m., Mr. Watson and his wife, carrying their daughter, ran to a neighbor's house.

Lieutenant Muncey, while behind his police vehicle, began speaking to Mr. Coppola at about 2:18 p.m. Several minutes after, Officer Martineau also began calling out to Mr. Coppola. Police attempts to speak with Mr. Coppola continued until about 2:25 p.m. During that time, in response to Lieutenant Muncey's questions, Mr. Coppola provided his full name, and the lieutenant at times called him "Chris." No less than eight separate times, the police directed Mr. Coppola to put down his gun. Mr. Coppola repeatedly voiced concern that he was going to jail, although Lieutenant Muncey in response told him, "Not necessarily," and otherwise tried to alleviate Mr. Coppola's concerns. Lieutenant Muncey also told Mr. Coppola over a dozen times in substance that he and the other police officers only wanted to help, and asked Mr. Coppola what they could do to help him. No police officers ever advanced on Mr. Coppola's position.

At about 2:25:14 p.m., Lieutenant Muncey called out, "Chris, don't do it." About eleven seconds later, Lieutenant Muncey yelled, "No," which was followed by a gunshot. About a second later, three other gunshots occurred within the span of about three seconds, and Lieutenant Muncey yelled out, "He's down."

**E. Physical Evidence**

Investigators recovered three .223 caliber shells casings: one nearby Lieutenant Muncey's position, and the other two nearby where Officers Kidd and Underhill were positioned. Investigators also recovered five nine millimeter shell casings, all from the vicinity of Mr. Watson's truck that was parked in his driveway. Mr. Watson's semiautomatic pistol was recovered from inside his truck, where he said he left it when

he saw police arriving on Driftwood Road. The pistol was still loaded, with ten unfired rounds remaining.

Mr. Coppola's shotgun was a twelve gauge pump-action model that had a five-shot capacity. The weapon was empty when recovered by investigators. Investigators also recovered two shotgun shells. One of the shells was fired, and the other was unfired. Both were found on Mr. Watson's lawn, several feet from the tree that Mr. Coppola was sitting against when he was fatally wounded. Each of those shells was a slug round, containing a single heavy metal projectile rather than many small pellets.<sup>10</sup>

A discrepancy exists as to the single recovered fired shotgun shell, and the amount of times that it was reported that Mr. Coppola fired the weapon. Specifically, although only a single discharged shotgun shell was recovered, eyewitness reports indicated that he had fired at least three shots. Two shots were reported by Mr. Watson: the first when he was sitting in his truck and Mr. Coppola was in the street by the mailbox, and the second when he left his truck and Mr. Coppola was on his property and approaching him.<sup>11</sup> A third, subsequent, shot was reported by police.

This incongruity between reported gunshots fired by Mr. Coppola and the single recovered shell does not call into question the accounts of either Mr. Watson or the police. First, it is not unusual for spent casings not to be recovered, despite diligent search efforts. Notably in that regard in this case, after investigators had completed crime

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<sup>10</sup> Unlike a semiautomatic firearm that discharges a shell casing once a shot is fired—which provides some information as to the gun's relative location to a found casing when the weapon was fired—a pump-action shotgun does not automatically discharge a shell when fired. Rather, the spent shell is discharged only when the pump-action is manipulated to chamber another round for firing. Consequently, the location of the one recovered fired shotgun shell does not necessarily indicate relative location of the shotgun when that fired shell had been discharged.

<sup>11</sup> Although Mr. Benoit reported that the man who he saw pointing a rifle at vehicles parked in the driveway of 1 Driftwood Road fired his gun several times, Mr. Benoit likely mistook Mr. Watson's gunshots for those of Mr. Coppola.

scene processing, Mr. Watson found in his driveway an additional shell casing that investigators had overlooked. Additionally, there had been significant rainfall prior to evidence documentation and collection, and concerns among investigators on-scene that any casings by the street drainage swale—near where Mr. Coppola first fired on Mr. Watson—may have been carried off into a nearby drainage grate

Moreover, objective evidence confirms that at least two shots were fired from Mr. Coppola's shotgun. One of those shots, fired at Mr. Watson, is established by the documented ballistics evidence to his wife's parked car, detailed below. A second shot is established by several police audio recordings, which document that shot just before the police fire three separate times at Mr. Coppola.

No apparent ballistics damage was found on 1 Driftwood Road, Mr. Watson's house, or any of the five police vehicles present when Mr. Coppola exchanged gunfire with the police. There was ballistics damage to Mr. Watson's wife's car, which was parked in the driveway next to his truck during his exchange of gunfire with Mr. Coppola. Among the documented damage were blown-out rear passenger windows and bullet damage to the roof area. All of this damage is consistent with being fired from left to right while looking at the front of the car, and also consistent with Mr. Watson's account that he shot out the windows while firing at Mr. Coppola as Mr. Coppola veered off towards the side of the house.

The other documented ballistics damage was a projectile defect to the car's hood, which penetrated underneath the hood into the vehicle's other side. That damage was caused by a shotgun slug rather than a pistol or rifle bullet. Directionality of the projectile that caused the damage was right to left while looking at the front of the car.

This trajectory was consistent with the shotgun shell being fired in the direction of Mr. Watson's parked truck, and also consistent with his account of where Mr. Coppola was when Mr. Coppola fired on Mr. Watson with a shotgun.



*Photos showing the damage sustained by Mr. Watson's wife's car from a shotgun round fired by Mr. Coppola. The damage is circled in red in the photo on the top left, and is enlarged in the photo on the top right. The shattered glass to the car's rear passenger window was caused when Mr. Watson shot out the window when firing at Mr. Coppola.*

*The bottom photo again depicts Mr. Coppola's approximate position when he first fired on Mr. Watson (shaded circle), his position against the tree when police arrived (red circle), and the path that he took (red line). The approximate location of the shotgun slug that penetrated Mr. Watson's wife car is indicated by the red "X."*

#### **F. Autopsy Results**

Deputy Chief Medical Examiner Mitchell Weinberg conducted an autopsy on Christopher Coppola on April 10, 2022. Mr. Coppola sustained three separate gunshot wounds: to his right forearm, left upper back, and left upper chest. The forearm and back

wounds were nonfatal. The nature of the forearm injury was consistent with being inflicted by a bullet fired by a pistol like that used by Mr. Watson, rather than a bullet fired from a high-velocity rifle like those fired by the Derry police officers. Both torso injuries had characteristics consistent with being inflicted by high-velocity rifle bullets.

Toxicology testing revealed the presence of fentanyl and a metabolite and contaminate of fentanyl. Even taking into account Mr. Coppola's obesity, the level of fentanyl was high, to an extent of being potentially lethal.

Christopher Coppola's death was determined to be a homicide, with his cause of death the gunshot wound to his chest. As used by the Office of the Chief Medical Examiner, the term "homicide" is defined as the killing of one person by another.

#### **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 all set forth in RSA Chapter 627. Different statutory provisions in this Chapter apply for use of deadly force by law enforcement officers and for use of deadly force by private citizens. That being said, in this particular case substantively similar legal guidelines apply in the assessment of the legality of deadly force against Christopher Coppola initially by private citizen Thomas Watson, and subsequently by law enforcement officers Michael Muncey, Victoria Kidd, and Timothy Underhill.

Specifically, the use of deadly force by an actor—whether law enforcement officer or private citizen—is justified under the law only when the actor reasonably believes that such force is necessary to defend the actor or a third person from what is reasonably believed to be the imminent use of deadly force against the actor or a third

person. See RSA 627:4, II(a) (pertaining to private citizens)<sup>12</sup> & RSA 627:5, II(a) (pertaining to law enforcement officers). Under RSA 627:9, II, “deadly force” is defined as “any assault . . . which the actor commits with the purpose of causing or which he<sup>13</sup> 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.” RSA 627:9, II.

The phrase “reasonably believes” means that the actor—again, whether private citizen or law enforcement officer—“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,

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<sup>12</sup> With respect to the use of deadly force against Mr. Coppola by Mr. Watson, additional provisions within RSA Chapter 627 are applicable. For example, the legality of Mr. Watson’s use of deadly force also could be assessed under the provision that allows for the use of deadly force if Mr. Watson “reasonably believe[d] that [Mr. Coppola was] likely to use any unlawful force in the commission of a felony against [Mr. Watson] within [his] dwelling or its curtilage.” RSA 627:4, II(d). That being said, because Mr. Watson’s use of deadly force was legally permissible under the separate provision discussed above, analysis of other applicable provisions is unnecessary.

Mr. Watson was on his own property when he used deadly force against Mr. Coppola and thus had no duty to retreat before using such force. See RSA 627:4, III(a). Thus, analysis of whether Mr. Watson could have safely retreated before using deadly force also is unnecessary.

<sup>13</sup> Although one of the actors who used deadly force in this case is female, in keeping with the use of male-only pronouns in the applicable statutes this report also will use such verbiage when discussing relevant legal principles.



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 use of force cases in this state, whether by members of law enforcement or by private citizens. 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 Supreme 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) (same).

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 that those using force within the possible ambit of Chapter 627 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 both private citizen and law enforcement deadly force in this case.

#### V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Thomas Watson, Lieutenant Michael Muncey, Officer Victoria Kidd, and Officer Timothy Underhill, each was legally justified when he/she used deadly force against Christopher Coppola.

Turning first to the private citizen use of deadly force. According to Mr. Watson, as he sat in his truck parked in his driveway, Mr. Coppola without warning fired on him with a shotgun that he was carrying while walking down a residential neighborhood. Mr. Watson was doing no more than watching Mr. Coppola from a place where Mr. Watson undeniably had a lawful right to be.

In response to that unprovoked and unjustified use of deadly force by Mr. Coppola against him, Mr. Watson fired his own gun in order to defend himself. Mr. Watson continued to do so as the gunfight initiated by Mr. Coppola continued directly onto Mr. Watson’s property, with Mr. Coppola running, shotgun in hand, towards Mr.

Watson, and also towards an area of Mr. Watson's house where Mr. Watson believed his wife and daughter to be.

Nobody else reported seeing the entirety of the armed exchange between Mr. Watson and Mr. Coppola.<sup>14</sup> But there is no basis to discredit Mr. Watson's first-hand account. Mr. Watson had and has no known possible motive to lie about what happened, or to use any force against Mr. Coppola.<sup>15</sup> Additionally, Mr. Watson's account is entirely consistent with information learned about Mr. Coppola's paranoid and unusual behavior in the day and hours preceding the encounter, as well as Mr. Coppola's immediately-following dangerous conduct with the police. So too is Mr. Watson's account consistent with the contemporaneous calls that he made to 911, first when he initially saw Mr. Coppola carrying a shotgun, and shortly thereafter once gunfire had been exchanged. Lastly, Mr. Watson's account is corroborated by the documented ballistics damage to his wife's car, which shows a shotgun slug shot towards him, with a point of origin in the area of his mailbox, where he reported Mr. Coppola to have fired on him initially. That documented physical evidence also underscored the deadly threat posed to Mr. Watson, as well as his wife and child, by Mr. Coppola.

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<sup>14</sup> What limited parts of the encounter observed by Mr. Coppola's mother and Mr. Benoit from a nearby residence, which accounts have been already summarized previously in this report, were consistent with Mr. Watson's account of events.

<sup>15</sup> Although why Mr. Coppola acted so violently on April 9 cannot be rationally explained, he clearly exhibited paranoid and odd thoughts and behavior to both the police who encountered him the day before, as well as to family members and at least one friend even closer in time. And, the night before the shooting, Mr. Coppola elevated his paranoid behavior to a potentially dangerous level when he armed himself with a firearm.

Moreover, it appears that Mr. Watson may have unwittingly elevated Mr. Coppola's paranoia about being spied upon and arrested by watching him while on the phone in a parked vehicle.

From this credible and reliable information, when Mr. Watson used deadly force by shooting his pistol he “reasonably believe[d] that [Mr. Coppola was] about to use unlawful, deadly force upon” him. Indeed, at the point when Mr. Watson fired on Mr. Coppola, the deadly threat posed by Mr. Coppola was not just imminent—an immediacy sufficient to justify lawful use of defensive deadly force—it was active and ongoing. In the face of such actual deadly peril, Mr. Watson was entitled under the law to use deadly force to defend himself.

Lastly with respect to analysis of Mr. Watson’s use of deadly force, it was reasonable in its application. According to Mr. Watson—again, an account that is credible and reliable—he fired his own gun after Mr. Coppola had unlawfully fired at him, and while Mr. Coppola was advancing upon him with the very same shotgun that he had just discharged. Although Mr. Watson recounted that at one point Mr. Coppola veered direction from him, there was no indication that Mr. Coppola was disarming, retreating, or fleeing. In fact, as to the latter two, Mr. Coppola was heading closer to Mr. Watson’s home, and towards an area of the house where Mr. Watson believed his wife and daughter were. Finally, when Mr. Coppola actually went away from the house to a nearby tree, a position at which he remained until and after the police arrived, Mr. Watson did not continue firing on Mr. Coppola. Instead, Mr. Watson attempted to disarm Mr. Coppola at gunpoint, unsuccessful efforts that he transferred to responding police officers immediately when they arrived on-scene.

Turning next to law enforcement use of deadly force against Mr. Coppola. When the police arrived at 1 Driftwood Road, they were faced with an active shooter situation. En-route, officers had been notified that shots had been fired, and that the gunman was

armed with some type of long gun. Those reports were confirmed for Lieutenant Muncey, the first responding officer, as soon as he drove up to Mr. Watson's house. Mr. Watson was still present, pointed out Mr. Coppola, and informed the lieutenant in substance that Mr. Coppola had fired at him and was armed. In addition, Lieutenant Muncey, as well as three of the other four officers present, all saw Mr. Coppola holding a long gun as he sat against a tree, facing them while on Mr. Watson's property. Although the fifth officer, Officer Underhill, could not see what Mr. Coppola held in his hands, Officer Underhill reasonably—and correctly—surmised that it was a firearm based on surrounding circumstances, including the reports that he heard while responding to the call for assistance and the directives that he heard fellow officers giving to Mr. Coppola to drop his gun.

Upon the police's arrival at Driftwood Road, attempts immediately began to peacefully resolve the ongoing deadly force incident. Lieutenant Muncey began calling out to Mr. Coppola, attempting to reassure him that the police only wanted to help, and also attempting to get Mr. Coppola to drop the firearm that he still clung to as he sat against the tree. Lieutenant Muncey was joined in those efforts by Officer Martineau, who had spoken to Mr. Coppola just the previous day while responding to his report of suspicious behavior. Despite repeated directives to disarm that spanned the course of several minutes, Mr. Coppola did not do so. Nor did Mr. Coppola give any indication, verbal or otherwise, that he would drop his weapon. Instead, Mr. Coppola repeatedly expressed concern that he was going to jail, and repeatedly told the police to shoot and kill him.

The dangerous situation faced by responding police officers turned even more so when Mr. Coppola without warning raised up the shotgun that he held, pointed it at nearby police officers, and actually fired the weapon. Mr. Coppola's initial use of deadly force against the police, and their subsequent responsive deadly force, is established not only by the consistent account of events provided by the police officers present and the one neighbor who witnessed events from nearby, but also from the available police digital evidence. Although video footage did not visually capture the encounter between Mr. Coppola and the police, contemporaneous audio recordings did provide a full audible narrative of events. That available objective record included a gunshot followed in quick succession by three others, consistent with available eyewitness accounts that Mr. Coppola fired on the police and then the police in response fired on him.

Just like when Mr. Coppola fired his shotgun at Mr. Watson, when Mr. Coppola subsequently fired it at nearby police officers he was using deadly physical force that was not justified under the law. At that time, it was reasonable for the three officers who fired on Mr. Coppola—Lieutenant Muncey, and Officers Kidd and Underhill—to believe—as each expressed in later interviews—that Mr. Coppola was placing nearby officers in deadly peril. The situation created by Mr. Coppola required immediate response, in order to eliminate that active and ongoing threat to life.

Finally with respect to the law enforcement deadly force, it was reasonable in relation to the existing deadly force faced from Mr. Coppola. Each of the officers who shot at Mr. Coppola fired only once, stopping either upon no longer being able to see Mr. Coppola or movement from him (Officers Underhill and Kidd), or seeing him apparently incapacitated from gunfire (Lieutenant Muncey). The available audio evidence

establishes that police gunfire began and ended only in a matter of seconds of Mr. Coppola firing his own gun, and was limited.

For all of these reasons, Thomas Watson was legally justified in using deadly force against Christopher Coppola, under the applicable statutory provision for private citizen use of deadly force. Under the similar but separate statutory provision applicable to law enforcement officers, Lieutenant Michael Muncey, Officer Victoria Kidd, and Officer Timothy Underhill of the Derry Police Department each was legally justified in using deadly force against Mr. Coppola in their subsequent armed encounter with him. Accordingly, no criminal charges will be filed against any of these individuals as a result of Mr. Coppola's death.