

ATTORNEY GENERAL'S REPORT REGARDING THE MARCH 11, 2017 HOMICIDE IN DURHAM, NEW HAMPSHIRE

I. INTRODUCTION

The Office of the Attorney General, the New Hampshire State Police, and the Durham Police Department have concluded the investigation into the fatal stabbing incident that occurred in Durham, New Hampshire on March 11, 2017. As a result of that investigation, New Hampshire Attorney General Gordon J. MacDonald has determined that the death of Michael Barrett (age 22), caused by Bailey Manning (age 22), was a justified use of deadly force under the law.

The purpose of this report is to summarize the Attorney General's findings and conclusions with regards to the incident, which resulted in the death of Michael Barrett.

II. FACTS

A. Overview of the incident

On March 11, 2017 at approximately 12:59 a.m., 911 received a call regarding a disturbance at 18 Edgewood Road in Durham, NH. Dispatch relayed that there was a fight inside the residence. The caller believed someone was hurt, but did not have additional details. When Durham police officers arrived at the scene, they discovered Bailey Manning ("Manning") outside the residence, with his hands above his head. Manning complied with an officer's orders to go to the ground, and said, "He's hurt. He's hurt really bad." During his initial interactions with the police, Manning also said,

“He went crazy,” “I had a knife,” “It was self-defense,” “We were in the bedroom,” and “I think he’s on drugs or something.”

As officers approached the home’s entryway, they discovered Michael Barrett (“Barrett”) seated against the opened front door, covered in blood. Attempts to resuscitate him were unsuccessful, and he was pronounced dead at Wentworth-Douglass Hospital at approximately 1:54 a.m. An autopsy was subsequently performed. The manner of death was determined to be a homicide and the cause of death was a stab wound to the back.

Inside of the home, officers observed that the living room area was completely disheveled – there was broken glass, a broken window, a broken pedestal lamp, a broken “bong,” a broken light bulb, and a broken mirror littering the floor. Blood was smeared on the living room floor and on pieces of broken glass. Additionally, the bathroom mirror appeared to be ripped off the vanity, and broken shards were found in the bathroom sink and on the living room floor.

Officers encountered Edward Suraci (“Suraci”) inside of the apartment and identified him as the 911 caller and a resident of 18 Edgewood Road. He gave a brief statement, and then made a more detailed statement later that morning.

The New Hampshire State Police and the Attorney General’s Office were notified and joined the Durham Police Department in their investigation into the circumstances surrounding Barrett’s death. The investigation included documenting the area where the homicide occurred and collecting physical evidence at the scene. Over a dozen people were interviewed, including Manning, Suraci, and Carter Moore (“Moore”), who brought

Barrett to 18 Edgewood Road on March 10, 2017. The witness interviews and physical evidence collected all corroborate Manning's account of events.

B. Witness interviews

1. Bailey Manning

Investigators with the New Hampshire State Police and Durham Police Department interviewed Manning for several hours on March 11, 2017. Manning was cooperative during the interview, and agreed to have his interview recorded. He also provided his cellular phone passcode to provide authorities with access to his phone.

According to Manning, he lived at 18 Edgewood Road with his roommates Suraci and Robert Gray. Manning knew Barrett from playing baseball with him as a child and growing up in the same area. The two had recently reconnected when Barrett attended a party at Manning's home about two weeks prior to March 11, 2017.¹ On March 10, 2017, Moore reached out to Manning about getting two ounces of cocaine for Barrett.² Manning got the cocaine between 5 and 6 p.m. that evening, and Moore and Barrett came to his home around 10:30 p.m. Moore and Barrett went into Manning's bedroom to look at the cocaine, and Manning eventually joined them. Manning and Barrett discussed the price and the type of cocaine (rocks versus powder), and at Barrett's insistence, Manning snorted a line of cocaine with him. At some point, Barrett took Manning's Dakine backpack and started putting items into it. At the time, Manning did not see everything

¹ Based on conversations with Moore and Barrett, Manning believed that Barrett used ecstasy at that party and was regularly using ecstasy around the time of March 11, 2017. He was unsure if Barrett used ecstasy the evening of March 10th.

² Manning was not initially forthcoming about his drug activity that evening, but eventually provided that information during the interview following promises by law enforcement that any evidence of drug-related crimes derived from his statements would not be used against him.

that Barrett was putting in the bag, but he did see him put a tinfoil ball of cocaine and a marijuana blunt into it.³

Shortly before midnight, the three went into the living room, where Suraci was sitting and watching basketball. Barrett took two liter bottles of Sprite and Coca Cola out of the Dakine backpack, as well as some alcohol, and began making drinks. He also weighed out cocaine, and he put baggies of that cocaine in a wooden Truwood box, which he had taken from Manning's room. At some point, Barrett put that Truwood box into the backpack. Barrett talked about AR-15 guns. He showed Manning pictures of guns. He also discussed how he survived a serious car accident where he was left to die. Barrett said that as a result of the accident, he received a large monetary settlement. Barrett also told Manning that he smashed a bottle over the head of the person who left him in the burning car.

Around midnight, Moore decided to leave and go to a party. He offered to get Barrett an Uber home, but Manning agreed to drive him. Shortly after Moore left, Suraci went to his room. About ten minutes later, at approximately 12:45 a.m., Manning got his keys and jacket to take Barrett home. Barrett then said something to the effect of, "I didn't know we had limited time." Manning said that Barrett completely changed at this point and looked like "nobody [was] home."

Barrett then stood up and "chested" Manning into the living room's corner. Although the two men were the same height, Barrett was substantially larger, weighing about forty pounds more than Manning. Manning yelled for Suraci. When Suraci came

³ The NH State Laboratory tested the contents of the ball of tinfoil, which was identified as cocaine.

into the living room, Barrett said words to the effect of “y’all motherfuckers are trying to rob me,” and then he ran into the bathroom. At this point, Suraci and Manning ran to Suraci’s room and locked the door. They could hear Barrett repeatedly screaming, “I’m gonna kill these two motherfuckers,” and heard him smash the bathroom mirror. Manning tried calling Moore and told Suraci to call 911. Moore did not answer, and Manning ran through the hallway, past the bathroom, to his room to get his knife. He described the knife as having a white handle and a black blade with a serrated edge.

As Manning left his room to run back to Suraci’s room, Barrett was in the hallway with a piece of the shattered mirror over his head, running toward Manning. Manning ducked away from Barrett and using his knife, stabbed Barrett in his side. Barrett rubbed his side and then began packing his drugs into Manning’s backpack. Barrett then picked up a floor lamp and ran toward Manning, swinging it at Manning’s head. Manning ducked away from the lamp and then stabbed Barrett in his leg. Barrett continued swinging the lamp and Manning stabbed him again in the leg. Barrett then fell onto Manning. Manning applied pressure to the wound on Barrett’s side. As he did this, Barrett began reaching for pieces of glass on the floor, which Manning described as being “about as big as bananas.”⁴ At some point during the struggle, Barrett came toward Manning with a piece of glass in each hand, attempting to “bear hug” him. Manning ducked and Barrett fell on top of him again, rolling off onto the floor against the door where he was ultimately found.⁵ He continued saying “you motherfucker,” while

⁴ The physical evidence at the scene corroborated Manning’s story of a struggle, and larger pieces of glass were found around Barrett’s body.

⁵ Manning recalled opening the door at some point to get Barrett to leave.

swinging glass at Manning's shin. Manning then dropped a glass "bong" on Barrett's head and fled behind the rectangular folding table that was located in the kitchen. Once the police arrived, Manning went out the front door with his hands over his head.⁶

Manning stated that throughout this struggle, Barrett acted like there was "nobody home" and he believed that Barrett was on some kind of drugs. He reiterated throughout his interview that he was in fear for his and Suraci's lives, that Barrett repeatedly said that he was going to kill them, and that Barrett was actually trying to kill them.

2. Edward Suraci

Investigators with the New Hampshire State Police and Durham Police Department interviewed Suraci for several hours on March 11, 2017, independent of Manning, at a different location. Suraci was cooperative during the interview, and agreed to have his interview recorded.

According to Suraci, he had never met Barrett prior to March 10, 2017. That evening, Suraci went out to dinner with his parents and returned to his home around 9 p.m. He was not getting along with Manning at the time because the two had a group homework assignment due that evening and Manning was not contributing adequately. When Suraci returned home, he sat on the living room couch and watched basketball for a few hours. While on the couch, he saw a "black kid" come into the house and go to

⁶ Manning also stated that prior to the police arriving, he hid a "Yeti" mug filled with the cash from the drug transaction as well as other cash in the couch located in his bedroom. This mug was found during the execution of the search warrant on his home.

Manning's room around 10 p.m.⁷ He identified this person as a male, but he could not provide any other descriptors, other than that he was tall and muscular. He did not remember that male leaving, but knew that he left prior to the altercation between Manning and Barrett. Barrett and Moore arrived around 10:30 p.m. and went to Manning's room.⁸

At 11:45 p.m., Manning, Barrett, and Moore came out of Manning's room into the living room. While Suraci was in the living room, Barrett was drinking whiskey, smoking marijuana, and talking about almost dying in a car accident, while showing his scars from the accident. Although Suraci said "everything was cool," he did not really like Barrett or his stories, so he went to his room to watch Netflix after about 15 minutes.

Twenty minutes later, Suraci heard Manning yell, "Yo, Ed" in a "pretty stressed" tone. Suraci did not want to respond, but he could tell that something was wrong. Suraci went back into the living room and described Barrett as looking "messed up," like he had just done some kind of drug, and that he had changed in the past 20 minutes.⁹ Barrett then dropped his cup of whiskey, said "I'm done," and "start[ed] freaking out[,] like the scariest thing I've ever seen[,] like full rage mode[,] like I don't know[,] not normal anything."

Barrett ran to the bathroom, and Manning and Suraci ran to Suraci's room. Suraci could hear Barrett breaking everything in the bathroom, smashing the bathroom mirror,

⁷ Based on information learned during the investigation, the black individual was the person supplying cocaine to Manning, identified as Ricardo Taveras. Taveras was provided assurances from law enforcement that any evidence of drug-related crimes derived from his assistance in this investigation would not be used against him.

⁸ Suraci was not initially forthcoming about the drug activity that transpired that evening and omitted Moore's presence, but he eventually cooperated and provided the information.

⁹ Suraci said that his first thought was that Barrett was going to kill himself. Suraci thought that his return to the living room made Barrett "freak out."

and saying that he was going to kill both Suraci and Manning. Manning told Suraci to call 911, and Manning left Suraci's room. A few minutes later, Suraci heard Manning yelling his name. Suraci came back into the living room and saw Barrett swinging a floor lamp and pinning Manning against the wall. Suraci pulled Barrett off of Manning, and Barrett fell to the floor. While on the floor, Barrett continued swinging the lamp.

Suraci went back to his room and called the police at 12:59 a.m. Suraci continued to hear a commotion in the living room where Manning was repeatedly yelling for Suraci to call the police. When Suraci returned to the living room, Manning was near Barrett, telling him to leave and telling Suraci to get behind the folding table in the kitchen area. Barrett, however, continued screaming at Manning and Suraci. Suraci said that Manning "probably" used a defensive punch or kick at some point because Barrett was attacking him, but he could not specifically recount any of Manning's physical actions.¹⁰

3. Carter Moore

Investigators with the New Hampshire State Police and Durham Police Department interviewed Moore on March 11, 2017 and on March 17, 2017.¹¹ According to Moore, he had known Barrett since they were children, and the two remained friendly over the years. For about a month prior to Barrett's death, Moore was getting cocaine for him every other week. Moore was good friends with Manning, and would get the cocaine from him.

¹⁰ When Suraci initially spoke with the police at the scene in Manning's bedroom, he said that he saw Manning with a knife and pointed to the white knife sheath on Manning's desk. He then retracted that statement and said that he never actually saw Manning with a knife, but did see something white in Manning's hand.

¹¹ Moore was provided assurances by law enforcement that any evidence of drug-related crimes derived from his statements would not be used against him.

Two days prior to Barrett's death, Barrett reached out to Moore looking for about one ounce of cocaine and "lean."¹² Moore contacted Manning on March 9 or 10, 2017, to order the cocaine, and he picked it up from Manning either during the afternoon of the 9th or morning of the 10th. Moore obtained the "lean" from another source. On March 10, Moore went to Barrett's house with the drugs between 6 and 8 p.m. The two went to a friend's house, where Moore gave Barrett two bags of powder cocaine and an "eight ball" of pure cocaine. Barrett was unhappy with the bags of cocaine and wanted higher quality cocaine. Moore called Manning to let him know, but Manning did not want people to see that he was the person selling cocaine. Manning said that Barrett and Moore could come to his home to make an exchange. At this point, Barrett did not know that Manning was the cocaine supplier. Moore told Barrett that they would have to go return the cocaine themselves, and Barrett was concerned because he had a lot of cash with him.

Barrett and Moore left to go to Manning's around 10 p.m. Upon arrival, they went into Manning's bedroom, where Barrett and Manning began discussing the price for the type of cocaine that Barrett wanted. Barrett gave Manning cash for two ounces of cocaine, and Barrett returned the two ounces of cocaine that he had received from Moore. Manning, Barrett, and Moore spent about two hours in Manning's room, during which time Manning and Barrett tested the cocaine and discussed doing large cocaine transactions together in the future. After that, they all "happ[ily]" left Manning's room and went into the living room.

¹² "Lean" is the street name for a codeine syrup type of drug.

Once in the living room, Moore had a shot of tequila and Barrett had a whiskey drink. Moore decided to leave and go to a friend's party at "the Cottages," and offered to drive Barrett home or get him an Uber. Barrett did not want to take an Uber with all of the drugs in his possession, so Manning was going to take Barrett home. Moore left Manning's and went to the party, where he arrived around 12:15 a.m.¹³ At 12:52 a.m., Moore received a call from Manning, which was documented on his phone. Moore said that he answered the phone and heard voices in the background but did not actually speak with anyone. He called Manning back twice and nobody answered.

Moore stayed at "the Cottages" that evening and woke up at 8 a.m. with a call from Barrett's brother, notifying him of Barrett's death.

4. Collateral Witness Interviews

Investigators interviewed a number of collateral witnesses, primarily people who knew Barrett and/or Manning and who had seen either of them in the 24 hours leading up to Barrett's death. The consistent information gathered from these sources was that there was no hostility between Barrett and Manning or other motive for one to attack the other. Some witnesses who were friends with Barrett hypothesized that his death was the result of an attempted robbery based on the cash that Barrett had on his person. However, the evidence found at the scene and the evidence relayed by Manning, Suraci, and Moore do not corroborate this claim. Rather, the money at the scene hidden in Manning's couch is consistent with the \$2,800 Barrett paid for the cocaine in his possession. Moreover,

¹³ This is corroborated by other witness interviews and a call received at 12:20 a.m. by a witness, who said that he was at the party and helped Moore with directions during that call.

when investigators searched Barrett's wallet following his death, it still contained \$817 in cash.

C. Autopsy results and physical evidence

1. Autopsy results/medical findings

An autopsy was conducted on Barrett's body on March 12, 2017. The autopsy showed that Barrett sustained a stab wound to his left back, left posterior thigh, and proximal right medial lower leg, as well as a superficial incised wound to his left elbow, left forearm, and right index finger. In addition, Barrett sustained some superficial abrasions/incised wounds to his right elbow and right palm area, superficial abrasions to his scalp vertex and chin, swelling to the right side of his face, and a compound fracture of his right leg. Chief Medical Examiner Dr. Jennie Duval determined that Barrett's death was caused by a stab wound to the left side of his back that perforated his left lung.¹⁴

Toxicological testing revealed that at the time of Barrett's death he had ecstasy, a high level of cocaine, marijuana, and alcohol in his blood. The cocaine level in his blood indicated recent use. Dr. Duval indicated that Barrett's drug use could have made him more likely to do something that would exceed the capacity of his bone structure, resulting in the fracture, but she could not specify how his leg was broken or rule out other alternatives, such as a fall or a stomping. Although Barrett's death was not attributed to excited delirium, Manning and Suraci's description of Barrett's behavior is

¹⁴ At the time of the autopsy, Dr. Duval was the Deputy Chief Medical Examiner, and has since been promoted.

consistent with the behavior of a person suffering from excited delirium. Excited delirium can be caused by a variety of factors, including drug intoxication from cocaine. It is marked by sudden bizarre and/or violent behavior, and may be accompanied by paranoia, combativeness, confusion, hyperactivity, incoherent shouting, hallucination, pain tolerance, agitation, lack of tiring, unusual strength, and mirror/glass attraction. *See* James R. Gill, The syndrome of excited delirium, 10 Forensic Science Medicine and Pathology 223, 223 (2014); ACEP Excited Delirium Task Force, American College of Emergency Physicians, White Paper Report on Excited Delirium Syndrome, September 10, 2009, at 7.

2. Physical evidence

Police recovered a Dakine backpack in the living room, which contained a tinfoil ball and a Truwood wooden box, both containing cocaine, a pack of cigarettes, two liter bottles of Sprite and Coca Cola, and a bottle of Promethazine Hydrochloride and Codeine Phosphate Syrup.¹⁵ The contents of the backpack were consistent with Manning and Moore's description of Barrett's belongings. A "Yeti" container was found between the couch cushions in Manning's room, containing \$2,800, as described by Manning during his interview.

Police also recovered many shards of glass, pieces of the broken bathroom mirror, a broken floor lamp, and a serrated knife with a white handle from the living room/kitchen area. The blood located throughout the living room and around the entryway was consistent with Manning and Suraci's statements. A crime scene analysis

¹⁵ The NH State Laboratory identified the contents of the Truwood box as cocaine.

was completed during the investigation; however, due to the dynamic scene, with first responders coming in and out of the residence and moving Barrett's body in order to perform lifesaving measures, no additional conclusions could be made.

Lastly, the police obtained cellular phone records from Manning, Suraci, Moore, and Barrett's phones.¹⁶ Police also physically reviewed Manning and Suraci's phones, and obtained text message screenshots from Moore's phone and other collateral witnesses' phones. Police also reviewed Barrett's Facebook page and Facebook messages. The phone calls and text messages were consistent with Manning, Suraci, and Moore's recitation of the evening's events. Barrett's Facebook messages corroborated Moore's account of Barrett's drug purchase history and corroborated other collateral witness accounts of Barrett's recent drug use.

Specifically, a review of those records showed that Barrett and Moore were communicating through Facebook about cocaine purchases beginning in the Fall of 2016 through March 2017. On March 10, 2017, Moore asked Barrett if he wanted "a ball of fire." Barrett responded that he did, unless he had "the pure." Moore said that his supplier did not at the moment, but he would put in a full order for him. Barrett then asked if he was getting all "rock," and Moore said that they would discuss it in person. They confirmed that they would meet at 6:00 p.m. They also discussed how the "rolls" they did the night before were the strongest they had ever done.¹⁷

¹⁶ Manning's phone was passcode protected, and he voluntarily provided his password to investigators.

¹⁷ "Rolling" is a term associated with the use of MDMA, commonly referred to as "ecstasy."

Moore was in continual contact with Manning during the evening of March 10, 2017, during which they discussed the sale of cocaine. At 6:53 p.m. Moore told Manning that the “E is fucking nuts bro.”¹⁸ Moore texted Manning at 9:49 p.m. letting him know that he arrived at 18 Edgewood Road, and Manning told him to come inside.

Manning’s phone reflected him adding Barrett as a contact on March 11, 2017 at 12:21 a.m. There are three outgoing calls to Moore from Manning’s phone between 12:53 a.m. and 12:54 p.m.

Suraci’s phone reflected text messages prior to 9:00 p.m. between himself and Manning regarding their school assignment that was due that night. The phone also showed his call to 911 at 12:58 a.m. A copy of the 911 call was obtained, where Suraci told the 911 operator that someone was hurt, but he did not know the individual’s identity or the extent of any injuries. He said that he could not provide any details, and asked for the police.

III. THE APPLICABLE LAW AND ANALYSIS

A. The applicable law

New Hampshire’s laws regarding self-defense are contained in RSA Chapter 627.

In this case, RSA 627:4, II(a), is the most applicable section and states that:

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

¹⁸ “E” is also a term associated with the use of “ecstasy.”

“Deadly force” includes any assault which the actor “commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury.” RSA 627:9, II.

Where deadly force is involved, what is “reasonable” under the circumstances “is determined by an objective standard.” State v. Leaf, 137 N.H. 97, 99 (1993); see also State v. Cunningham, 159 N.H. 103, 107 (2009). All the circumstances surrounding the incident should be considered in reaching the decision as to what was reasonable. See Leaf, 137 N.H. at 99. In addition, the actor’s conduct should be viewed “under the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection.” N.H. Criminal Jury Instructions, 3.10 (1985). In other words, the inquiry must focus on the situation from the standpoint of a person facing the same situation, with the same knowledge as the person who used the deadly force. That examination cannot be made with the benefit of hindsight, which is afforded by one viewing the circumstances after the fact. That is because “the law does not require perfection – it requires objective reasonableness.” Phillips v. Bradshaw, 2013 U.S. Dist. LEXIS 44646 *55-56 (S.D. Fla. Mar. 28, 2013). Thus, even a mistaken belief that deadly force was necessary could still be justified under the law if that belief was reasonable, since the law does not require the person using deadly force to “have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real.” State v. Gorham, 120 N.H. 162, 163-64 (1980).

In some instances, an actor may have a duty to retreat before resorting to deadly force. See RSA 627:4, III. However, an actor who is in his dwelling, its curtilage, or

anywhere he has a right to be and is not the initial aggressor has no duty to retreat. See RSA 627:4, III(a). If the actor chooses to use deadly force, then the amount of force used to protect himself or others must also be reasonable, and not excessive. See State v. Etienne, 163 N.H. 57, 70 (2011).

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

B. Analysis

On March 11, 2017, Manning stabbed and killed Barrett inside of Manning's home in Durham. Moore, Suraci, and Manning all consistently recounted to police that Manning sold Barrett cocaine, and that when Moore left around 12:00 a.m., everyone was getting along and nothing was out of the ordinary. This is corroborated by Manning's addition of Barrett as a contact in his phone at 12:21 a.m. Manning stated that when he suggested bringing Barrett home around 12:45 a.m., Barrett's disposition completely changed. Suraci corroborated Manning's description. Both Suraci and Manning described Barrett's aggressiveness and his flight to the bathroom, where they each described him as being out of control. They further stated that Barrett was yelling that he was going to kill them. This was corroborated by the shattering of the bathroom mirror, which the police discovered in the bathroom sink as well as across the living room floor. Additionally, Dr. Duval believed that the superficial abrasion/superficial incised wound

to Barrett's right elbow and the incised wounds to his left elbow were consistent with his use of his elbows to shatter the bathroom mirror.

Manning and Suraci consistently described their interaction in Suraci's bedroom and Manning's obtaining a knife. Both stated that Manning told Suraci to call 911 while in Suraci's bedroom. Manning's call to Moore while in Suraci's bedroom is corroborated by phone records, denoting a call from Manning to Moore at 12:53 a.m., and two calls at 12:54 a.m. The longest call was 28 seconds, which corroborates Moore's statement that there was a call received from Manning, but that no actual conversation transpired.

Both Suraci and Manning similarly describe Barrett's continued aggression and his swinging of the floor lamp over his head.¹⁹ Both recounted instances where Barrett was on top of Manning, Manning's continued insistence that Suraci call 911, and Suraci's actual call to 911, which is reflected in his phone records at 12:58 a.m. and in the Dispatch log at 12:59 a.m.

Both Manning and Suraci described Barrett attacking Manning and Barrett continuously yelling that he was going to kill them. Manning repeated during his interview that he believed Barrett was going to kill him and Suraci. Suraci told the police that he and Manning repeatedly told Barrett to leave their home.

A person in Manning's position could have reasonably believed that Barrett was using unlawful, deadly force against him. The force used by Manning in response to Barrett's attack was reasonable and not excessive under the circumstances. Manning

¹⁹ Although at this point, Manning described already stabbing Barrett in his side, the stab wound to Barrett's lung would not have been immediately immobilizing; instead, it would have allowed for Barrett to continue fighting and speaking.

stabbed Barrett in response to Barrett's charge at him while armed with a piece of broken mirror after Barrett threatened to kill Manning and Suraci. The additional two stab wounds were inflicted after Barrett continued his attack on Manning, swinging a floor lamp at him. Manning repeatedly told Suraci to call the police, and when the police arrived he immediately surrendered with raised hands. Although Manning and Suraci were not initially forthcoming about drug activity occurring that evening, their individual accounts of how Barrett behaved prior to his death were consistent and corroborate Manning's self-defense claim. The timing of the 911 call and the police response time establish that Manning and Suraci, who were immediately separated upon the police officers' arrival at the scene, had no time to coordinate their statements.

As for what motivated Barrett to behave in the aggressive and potentially deadly manner that he did, no prior incident or encounter was uncovered. However, the combination of drugs and the high level of cocaine in his system was consistent with recent use and potentially aggressive and/or paranoid behavior. Thus, the toxicology report suggests that Barrett's behavior as described by Manning and Suraci could have been drug induced.

IV. CONCLUSION

Based on the applicable law and all the facts and circumstances of this case, the Attorney General has determined that it was reasonable for Bailey Manning to conclude that Michael Barrett was using unlawful, deadly force against him in his residence on March 11, 2017. Therefore, Manning's subsequent use of deadly force was legally

justified pursuant to RSA 627:4, II (a) as self-defense. Accordingly, no homicide charges will be brought against Manning in connection with the stabbing death of Barrett.