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Chesterfield, VA 23832  
May 23, 2019

Peter Hinckley,  
Senior Assist Attorney General  
John J. Kennedy,  
Assistant Attorney General  
Criminal Justice Bureau  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, NH 03301-6397

RE: ***REPORT OF FINDINGS-Crime Scene Review***  
**Officer Involved Shooting-Claremont Police Department**  
**NHSP #MC16-14746**  
**Victim: Cody Lafont**

Dear Mr. Hinckley and Mr. Kennedy:

I have examined the following list of materials in this investigation from January 18<sup>th</sup>, 2018 to the present date (all digital formats):

- Digital File labeled Media
  - Audio files of 911 calls & radio traffic
  - Audio file of Kibbe Interview
  - Audio file of Lt. Wilmot Interview
  - Disc 1-Photos at 53 Congress Street (300 images)
  - Disc 2-Photos at 53 Congress Street (274 images)
  - Photos-53 Congress Street ADME (31 images)
  - Photos SBS #5 Colt Revolver (5 images)
  - Photos of Ian Kibbe Interview (2 images)
  - Photos of Ian Kibbe on 9.25.16 (7:55-8:18am)
  - Autopsy Photos (167 images)
- Digital File labeled Discovery
  - Major Crime Squad, NHSP, Book One (Part 1). 177 pgs, Det. Sgt Matt Koehler
  - Major Crime Squad, NHSP, Book One (Part 2). 320 pgs
- Faro Laser Scanner Data Files
- Staged Re-enactment Photographs, taken on April 22, 2019.

### **Crime Scene Review**

I was asked to perform a crime scene review in the above matter. A fundamental use of physical evidence in the investigation of criminal activity is to support or refute statements of witness, suspects, or victims. In this death investigation I was provided with a large amount of scene investigative materials as previously listed. As a result I was able to extensively examine the scene and the scene investigation at 53 Congress Street, Claremont, New Hampshire, the evidence found at the scene (September 25, 2016), the autopsy of Cody Lafont, and the evidence from his body including descriptions of the gunshot wounds especially trajectory paths.

As part of my review of the scene, I examined and compared the sworn statements of the two police officers-Officer Ian Kibbe and Lt. Brent Wilmont to the evidence found at the scene, to the autopsy results, including the deceased's gunshot wounds, and to the scene documentation, specifically the dimensions or size of the scene and photographs.

**Conclusions**

For my examination and review of this death investigation, I found that the crime scene investigation was done in an effective manner. Furthermore, the evidence found at the scene, their locations, and scene conditions were *generally* consistent with the statements of Lt. Wilmont and Officer Kibbe. There are some specific aspects of the scene investigation that I used in an attempt to further determine specific actions of Officer Kibbe in relationship to his statement.

The autopsy of Cody Lafont identified three gunshot wounds (GSWs) to his body. Each GSW had three different trajectories in the body of the victim. In the front yard of the residence there were three spent cartridge casings (I presumed that these casings were found in their original positions and not moved prior to or subsequently to NHSP Major Crime Scene Unit's work at the scene). It was my purpose to examine those GSWs, their trajectories, and the casing locations in relationship to Officer Kibbe's statement of where he was when he fired at Lafont. See Photos #1 & #2 below that were marked by Officer Kibbe as to his movements and where he stood upon discharging his weapon at Lafont.



Photo #1: Location of Off. Kibbe's Vehicle at Scene



Photo #2: Marked location of officer's shooting position at scene.

In Officer Kibbe's statement, I found no references to the movements of Cody Lafont as he was being shot other than the victim's location in the doorway. Using the above case materials, I was able to recreate the three positions of the victim while being shot by Officer Kibbe as Kibbe stood in the front yard. See Photos #3-#5 below (see page 4). Photo #3 shows the first of the three GSWs in the victim. Photo#4 shows the second GSW and Photo#5 shows the third and final GSW. Based upon these trajectories, the victim was initially bent slightly forward for the first gunshot; he then turned slightly to the right while continued bending forward until the final gunshot where he is very bent over at the waist. These gunshots were represented by Officer Kibbe to have occurred in rapid succession. The victim ultimately ended up supine as he was falling after being shot. I am unable to determine the movement of the victim with regards specifically to the firearm represented to have been in his left hand while he was shot. The firearm was found on the ground to the left of the victim. This position on the left side of the victim is more likely than being found on the right side of his body.

The location of the spent casings and the casing ejection pattern for the firearm in this matter allows me to conclude that the officer could have fired from the general location in the front yard as indicated in his statement but with some corrections as shown by the evidence: 1) Officer Kibbe did not stand still while firing but had some slight lateral movement for as least one shot; and 2) he was 1-2 feet further from the stoop area than indicated in Photo #2. See Photo #6 on page 5 for location of casings found in the front yard.





Photo #3: GSW #1-Slightly bent forward.



Photo #4: GSW#2-Bent forward and turn to right.

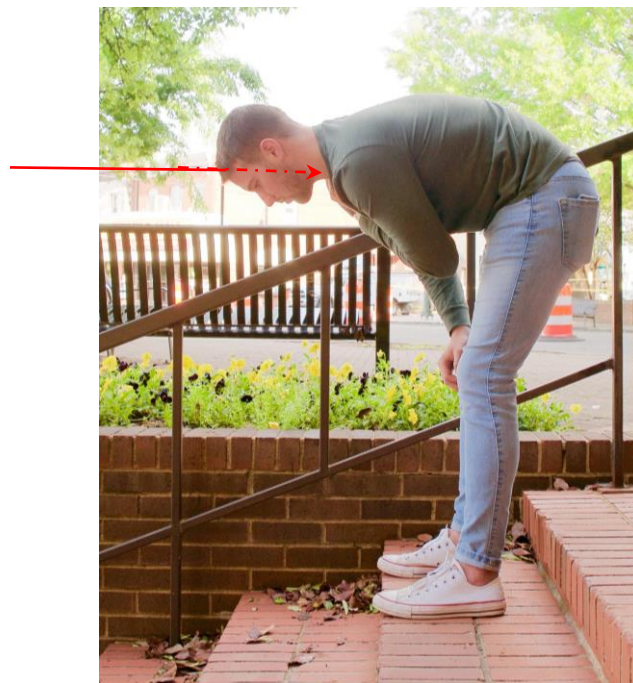


Photo #5: GSW #3-Bent forward



Photo #6. Spent cartridge casings in front yard.

In summary, I have found that there are no omissions in the scene processing in September 2016 and the scene search produced evidence to allow for some substantiation for Officer Kibbe's statement on his location while shooting Cody Lafont. The evidence at the scene and the autopsy additionally allows for a trajectory analysis and reconstruction of the nature of the victim's position while being shot.

Please do not hesitate to contact me should you have any questions.

Regards,

*Marilyn T. Miller*

Marilyn T. Miller, EdD  
Forensic Scientist and Crime Scene Investigation Expert