

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

I. INTRODUCTION

New Hampshire Attorney General Gordon J. MacDonald announces the completion of the investigation into the officer-involved shooting incident that occurred in Manchester, New Hampshire, on April 5, 2020, that resulted in the fatal shooting of Carl D. Manning (age 62). The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force. The findings and conclusions in this report are based upon information gathered during the investigation, including viewing the scene of the incident as well as photographs of the scene, viewing evidence from the shooting incident, interviewing witnesses, reviewing video footage, and reviewing court documents and records.

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

believed that such force was necessary to defend himself or herself or a third party from what the officer reasonably believes is the imminent use of deadly force.

Based on the investigation of this deadly force incident, the Attorney General finds that Sergeant Matthew Barter and Officer Erik Slocum's use of deadly force against Carl Manning on April 5, 2020, was legally justified.

II. SUMMARY OF THE FACTS

By the summer of 2019, Carl D. Manning and Janet Gelineau had been in a relationship for almost three years. That relationship ended and on July 15, 2019, Mr. Manning and Ms. Gelineau filed Domestic Violence Petitions in the Ninth Circuit Court - Family Division in Manchester against the other. Mr. Manning claimed in his petition that Ms. Gelineau had cheated on him, changed the locks on the house, hit him many times in the past, and threatened him. On July 15, 2019, the Court granted Mr. Manning's request for a Domestic Violence Temporary Order of Protection against Ms. Gelineau. That order essentially directed Ms. Gelineau to stay away from Mr. Manning and have no contact with him.

In her Domestic Violence Petition, Ms. Gelineau claimed that she was in fear of Mr. Manning and that he had threatened her and physically assaulted her in the past. She also said that Mr. Manning was abusing drugs and had mental health issues, which made him volatile. On July 15, 2019, the Court granted Ms. Gelineau's request for a Domestic Violence Temporary Order of Protection against Mr. Manning. That order essentially directed Mr. Manning to stay away from Ms. Gelineau and have no contact with her.

On July 22, 2019, the Court held a final hearing to determine the merits of the claims by and against Mr. Manning and Ms. Gelineau. Both Mr. Manning and Ms. Gelineau appeared at the hearing. After hearing from both of the parties, the Court issued an order dated July 22,

2019, and concluded that while Ms. Gelineau had assaulted Mr. Manning, he was the primary aggressor.¹ The Court stated in its order that “Defendant Carl Manning threatened Plaintiff Janet Gelineau when, with a purpose to terrorize her, he threatened to ‘burn down the house with her in it,’ and ‘to get even with her’ if his parole is violated.”² Accordingly, the Court issued a Domestic Violence Final Order of Protection effective July 22, 2019 through July 22, 2020, prohibiting, amongst other things, Mr. Manning from abusing Ms. Gelineau and having any contact with her. Both Ms. Gelineau and Mr. Manning filed additional claims/requests with the Court after the issuance of the July 22, 2019 order, including that the other was violating the order. In a February 6, 2020 document she filed with the Court, Ms. Gelineau acknowledged that a warrant had been issued for Mr. Manning’s arrest, but the Manchester Police Department was “having a hard time locating him for the arrest.”³ Ms. Gelineau also reported that Mr. Manning was supposedly living in a homeless shelter and had changed the registration on his truck.

On Sunday, April 5, 2020 at approximately 3:08 a.m., neighbors reported a fire at Janet Gelineau’s garage at 37 Dearborn Street in Manchester. When the police arrived, bystanders told them that Ms. Gelineau “had a volatile relationship with an ex-boyfriend,” who was identified as Carl D. Manning. A neighbor also provided the police with video surveillance footage from around the time of the fire, which showed a man leaving the scene of the fire and then an explosion occurring. The man did not pick up speed after the explosion and did not turn around or otherwise act surprised by the explosion.

¹ A copy of the Court’s order is attached as Exhibit 1.

² Mr. Manning had prior misdemeanor and felony criminal convictions, which likely accounted for his concern about going to prison.

³ The Manchester Police Department secured two warrants for Mr. Manning’s arrest on January 13, 2020, for Violation of a Protective Order and Stalking.

Ms. Gelineau was not home at the time of the fire and was reportedly in Vermont with her boyfriend. Police called her about the fire and she told them that she believed Mr. Manning was the one who had set the fire, but she did not know where Mr. Manning was living.⁴ Ms. Gelineau said that Mr. Manning was her ex-boyfriend who “constantly harassed her, as well as violated many protective orders.” She also said that Mr. Manning had texted her many times, “stating he wanted to burn her house down with her inside.” Mr. Manning had also texted Ms. Gelineau at 2:47 a.m. April 5, 2020, and told her, “I loved you Janet.” Based on all that information and the video of the fire, the police considered Mr. Manning a suspect in the garage fire. In addition, Mr. Manning had outstanding active arrest warrants for Violation of a Protective Order and Stalking.

After the fire, the Manchester police actively tried to locate Mr. Manning. Unmarked police cruisers were deployed to try to find the white Chevrolet pickup truck he was believed to be driving. In addition, the police surveilled places where Mr. Manning might be located.

At about 5:28 p.m. on April 5, 2020, Manchester police received a CrimeLine tip that Mr. Manning’s truck had been seen parked in the vicinity of 326 Lake Shore Road in Manchester.⁵ Unmarked police cruisers were sent to that area and confirmed that Mr. Manning’s truck was parked on the side of the road. Officers in that area spoke to the driver of an Audi that had been parked there off and on in the same area, within eyesight of the truck.⁶ The driver of the Audi told the police that Mr. Manning’s truck had been parked there since 7:00 a.m. that day, and that he had not seen anyone in or around the truck.

⁴ Later that morning the police received information that Mr. Manning had been living in a shelter in Massachusetts, but left a week ago saying he was moving to Pennsylvania.

⁵ CrimeLine offers rewards to people who provide information (“tips”) that lead to the arrest or indictment of criminals. People who contact CrimeLine are allowed to remain anonymous.

⁶ The driver of the Audi told police that he had been dealing with some personal issues and frequently parked by the water to have some privacy.

Three SWAT team officers were asked to go where Mr. Manning's truck was located and confirm if he was inside it. That team consisted of Manchester police Sergeant Matthew Barter, Detective Eric Pappalardo, and Officer Erik Slocum. Those officers used an unmarked Manchester police SUV and drove out to Lake Shore Road where Mr. Manning's truck had been spotted. According to another person in the area, Mr. Manning's truck had been parked on that road all day and appeared to be unoccupied.

Based on the SWAT team officers' knowledge about the Dearborn Street fire and explosion, the possibility that Mr. Manning might have explosives with him, and Mr. Manning's prior domestic violence history, the officers decided that they would have to move quickly to remove Mr. Manning from his truck to prevent him from potentially getting away and detonating another explosive device. In keeping with that plan, Detective Pappalardo, who was driving the police SUV, drove up to the front of Mr. Manning's parked truck, and stopped the SUV facing head-on to the truck. Sergeant Barter, Detective Pappalardo, and Officer Slocum then got out of the SUV and approached Mr. Manning's truck, which appeared unoccupied. However, as the officers got closer, they saw an apparently sleeping Mr. Manning laying down on the front seat of his truck.⁷ Sergeant Barter tried to open the truck's front door to pull Mr. Manning out, but the door appeared locked and would not open. Detective Pappalardo retrieved a tool called a Halligan bar and broke the glass in the driver's door window.⁸ The officers all started yelling at Mr. Manning to show his hands, and very loudly said, "Police, show us your hands!" At first, Mr. Manning did not respond. Then Mr. Manning sat up, looked at the officers, realized who

⁷ Mr. Manning's truck was an older-style single cab pickup truck with just two doors and a single front bench seat, versus the more common crew cab/double cab trucks that have four doors, with a front and back seat.

⁸ A Halligan bar is a tool used by law enforcement and fire departments to gain forced entry.

they were, and put out his left hand toward them and loudly said, “No, no, no!”⁹ As he did that, Mr. Manning slid over across the truck’s seat toward the passenger side of his truck and put his right hand behind him, “digging” for something unseen toward his waist level.

Because of Mr. Manning’s “digging” action, Detective Pappalardo backed away from Mr. Manning’s truck. Sergeant Barter was “very nervous” about what Mr. Manning would pull out from behind him. Mr. Manning ended up pulling out a small box or case from behind him, opened it, and then took out a .22 caliber derringer-type pistol from the box/case and put it to his own head.¹⁰ Sergeant Barter repeatedly told Mr. Manning to drop the gun.¹¹ Mr. Manning did not, and said many times in a determined fashion, “No, you’re going to have to shoot me.”

Mr. Manning then got out of the passenger side door of the truck and appeared, for a moment, to start to walk toward the nearby police SUV. However, when Detective Pappalardo noticed that movement, he moved and placed himself in between the SUV and Mr. Manning to prevent Mr. Manning from getting to the SUV. Once Mr. Manning realized his path to the SUV was blocked, Detective Pappalardo said Mr. Manning looked angry and frustrated and started walking backwards along the passenger side of his truck.

As Mr. Manning started to walk along the passenger side of his truck, Detective Pappalardo moved toward the front of Mr. Manning’s truck to rejoin Sergeant Barter and Officer Slocum, who were keeping step on the driver’s side of the truck with Mr. Manning. Both those officers had their rifles trained on Mr. Manning as they moved down along with him. Mr. Manning yelled at the officers, telling them multiple times that they were going to have to shoot

⁹ Sergeant Barter said he interpreted the “no, no, no” from Mr. Manning as a statement that Mr. Manning was not going to listen to them.

¹⁰ “Derringer” is a term used to describe a small, concealable handgun.

¹¹ Sergeant Barter described the risk Mr. Manning posed even though he initially had the gun pointed at his own head. Sergeant Barter has participated in action-reaction trainings. Those trainings confirm that a suspect’s action will usually beat the officer trying to react to that action, i.e., a suspect can turn the gun from their own head and shoot a confronting officer before that officer can react to the threat.

him. The officers responded and told Mr. Manning to drop the gun, but Mr. Manning did not comply with those orders. As the officers continued moving in step with Mr. Manning toward the back of his truck, Mr. Manning stayed very close to the side of his truck. At the rear of the truck, Mr. Manning's right arm started to move, causing his elbow to move back and his gun hand to move forward. Based on that action, Sergeant Barter and Officer Slocum believed that Mr. Manning was going to shoot at them. Sergeant Barter responded by firing one shot at Mr. Manning and Officer Slocum fired three shots at Mr. Manning using their department-issued .223 caliber rifles. Sergeant Barter could see that the officers' gunfire had hit Mr. Manning in the face, and then Mr. Manning fell to the ground. The loaded gun Mr. Manning had been holding landed on the ground above his head.

After the shots were fired, Officer Slocum retrieved his medical bag and checked Mr. Manning for any signs of life. Mr. Manning had no pulse and was deceased. The officers also checked Mr. Manning's clothing for any explosive devices and did not find any.

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

III. THE INVESTIGATION

A. Interviews with the officers who discharged their weapons

There were two Manchester police officers who discharged their weapons during the incident, Sergeant Matthew Barter and Officer Erik Slocum. Both were interviewed and have been fully cooperative with the investigation. Their interviews are summarized below.

1. Sergeant Matthew Barter

Sergeant Matthew Barter was interviewed in the presence of counsel by members of the Office of the Attorney General and investigators from the New Hampshire State Police Major Crime Unit and the Manchester Police Department on April 13, 2020.

Sergeant Barter has been employed by the Manchester Police Department for approximately twelve years. Prior to that, he was employed for two years as a part-time police officer by the Scarborough, Maine Police Department. As of April 5, 2020, Sergeant Barter was up to date with his use of force and firearms training. He is also a member of the SWAT Team and an EMT.

Sergeant Barter was working the 2:30 p.m. to 10:30 p.m. shift on April 5, 2020, and wearing his standard blue-colored Manchester police uniform. Earlier that day, he had received e-mails regarding Carl Manning, a suspect in a suspicious fire the night before. The emails included information about Mr. Manning's truck and that Manchester police were looking for him, but had not found him. Later in the day, Sergeant Barter received additional emails about Mr. Manning that included a photo of him and his truck. Sergeant Barter also viewed video footage of the fire Mr. Manning was believed to have set and learned that it was possible that an Improvised Explosive Device (IED) was used. Officers were also told that that there was a warrant for Mr. Manning's arrest for domestic violence stalking and advised to use caution with Mr. Manning, since he might have another IED.

After he arrived at the Manchester Police Department, Sergeant Barter learned more about Mr. Manning, including that there was a domestic violence history between him and his girlfriend. Sergeant Barter also learned that Mr. Manning had texted his girlfriend before setting the fire at her home and said, "I loved you," or words to that effect. Sergeant Barter believed

that Mr. Manning's statement was "very telling" of his state of mind and indicated that Mr. Manning might have suicidal ideations. There was further concern that Mr. Manning might have explosive devices in his truck and that could present a danger, since the truck was mobile.

Sergeant Barter met with the shift supervisors and discussed Mr. Manning and potential avenues for dealing with him in case he was located. They decided to assign a group of SWAT officers in an unmarked vehicle to assist in taking Mr. Manning into custody. The preparations included notifying officers who were coming into work about Mr. Manning. A threat assessment matrix was also completed regarding Mr. Manning, which resulted in a score of twenty-seven.¹² Sergeant Barter advised that whenever a suspect scored a twenty-six or more, the use of a SWAT Team was advisable in dealing with the suspect. While this was occurring, a caller reported that Mr. Manning's truck was spotted parked in the area of Island Pond Road. Officers in unmarked police cruisers were directed to respond to that area to confirm the sighting.

After receiving the report about the possible sighting of Mr. Manning's truck, Sergeant Barter, Detective Eric Pappalardo, and Officer Eric Slocum left the station and together, drove to the area where Mr. Manning's truck was spotted. Along the way, other Manchester officers confirmed that Mr. Manning's truck was parked on Lake Shore Road and appeared unoccupied. Another motorist who had been parked nearby told the police that Mr. Manning's truck had been there all day and appeared unoccupied. Sergeant Barter was asked to check the truck and see if it was, in fact empty. Sergeant Barter spoke with Detective Pappalardo and Officer Slocum about the best way to approach the situation. They decided to move as quickly as possible after they approached Mr. Manning's truck to try to gain an advantage and surprise him in case he was inside.

¹² A threat assessment matrix uses information about a suspect to guide law enforcement's response to the potential threats posed by that suspect. It helps ensure that SWAT Teams are used when necessary in order to ensure officer safety.

At approximately 5:52 p.m., Sergeant Barter, Detective Pappalardo and Officer Slocum arrived on Lake Shore Road, spotted Mr. Manning's parked truck, and parked head on, close to the front of Mr. Manning's truck. Sergeant Barter and Officer Slocum approached the driver's side of Mr. Manning's truck.¹³ Sergeant Barter said that the truck looked unoccupied at first. Then, as they got closer, he saw a man he recognized as Mr. Manning laying down inside, across the bench seat of the truck. Mr. Manning's head was toward the driver's side of the truck and he appeared to be sleeping. Sergeant Barter backed away from the truck and told dispatch that Mr. Manning was in his truck and they would be trying to get him out. Sergeant Barter was concerned about Mr. Manning "going mobile" given the possibility that Mr. Manning might have explosive devices in the truck.

Sergeant Barter then told Officer Slocum that he would open the door and then Officer Slocum would pull Mr. Manning out. However, when Sergeant Barter tried to open the door, it appeared locked and would not open. Detective Pappalardo retrieved a tool called a Halligan bar and broke the glass in the driver's door window. The officers all started yelling at Mr. Manning to show his hands, and very loudly said, "Police, show us your hands!" At first, Mr. Manning did not respond. Then Mr. Manning sat up, looked at the officers, realized who they were, and put out his left hand toward them and loudly said, "No, no, no!"¹⁴ As he did that, Mr. Manning slid over across the truck's seat toward the passenger side of his truck and put his right hand behind him, "digging" for something unseen toward his waist level. Because of Mr. Manning's "digging" action, Detective Pappalardo backed away from Mr. Manning's truck. Sergeant Barter said he was "very nervous" about what Mr. Manning would pull out from behind him. Mr.

¹³ Sergeant Barter, Officer Slocum, and Detective Pappalardo were wearing their department-issued handguns and carrying their department-issued .223 caliber rifles when they stepped out of the SUV.

¹⁴ Sergeant Barter said he interpreted the "no, no, no" from Mr. Manning as a statement that Mr. Manning was not going to listen to them.

Manning ended up pulling out a small box or case from behind him, and then took out a .22 caliber derringer-type pistol from the box/case and put it to his own head. Sergeant Barter had his rifle aimed at Mr. Manning and repeatedly told him to drop the gun.¹⁵ Mr. Manning did not, and said many times, “No, you’re going to have to shoot me.” Sergeant Barter said he was intently focused on Mr. Manning’s arm holding the gun. Sergeant Barter described Mr. Manning’s demeanor as “determined.”

Mr. Manning then got out of the passenger side door of the truck and started to walk toward the rear of the truck, facing Sergeant Barter and Officer Slocum. Detective Pappalardo moved toward the front of Mr. Manning’s truck. Mr. Manning yelled at the officers, telling them multiple times that they were going to have to shoot him. The officers responded and told Mr. Manning to drop the gun, but Mr. Manning did not comply with those orders. Sergeant Barter was watching Mr. Manning’s arm with the gun for any indication that Mr. Manning was going to turn the gun on them. As the officers continued moving in step with Mr. Manning toward the back of his truck, Mr. Manning was very close to the side of his truck and Sergeant Barter was about five to ten feet from the side of the truck. Mr. Manning’s right arm started to move, causing his elbow to move back and his gun hand to move forward. Based on that action, Sergeant Barter believed that Mr. Manning was going to shoot him, Officer Slocum, or both of them. Sergeant Barter reacted by firing one shot at Mr. Manning and Officer Slocum fired what Sergeant Barter believed was two shots at Mr. Manning. Sergeant Barter could see that the gunfire had hit Mr. Manning in the face, and then Mr. Manning fell to the ground. The gun Mr. Manning had been holding landed on the ground above his head. Officer Slocum retrieved his

¹⁵ Sergeant Barter described the risk Mr. Manning posed even though he initially had the gun pointed at his own head. Sergeant Barter has participated in action-reaction trainings. Those trainings confirm that a suspect’s action will usually beat the officer trying to react to that action, including that a suspect can turn a gun from his or her own head and shoot a confronting officer before that officer can react to the threat.

medical bag and checked Mr. Manning any signs of life. Mr. Manning had no pulse and was deceased. The officers also checked Mr. Manning's clothing for any explosive devices and did not find any.

Sergeant Barter estimated that the officers' encounter with Mr. Manning took about one to one and a half minutes from the time they arrived to the time the officers fired their shots.

2. Officer Erik Slocum

Officer Erik Slocum was interviewed in the presence of counsel by members of the Office of the Attorney General and investigators from the New Hampshire State Police Major Crime Unit and the Manchester Police Department on April 13, 2020.

Officer Slocum has been employed by the Manchester Police Department for approximately four and one half years. Prior to that, he was employed as a part-time police officer by the Hampton and Mason Police Departments. As of April 5, 2020, Officer Slocum was up to date with his use of force and firearms training. He is also a member of the SWAT Team and an Advanced Emergency Medical Technician.

Officer Slocum was working the 3:00 p.m. to 11:00 p.m. shift on April 5, 2020, and wearing his standard blue-colored Manchester police uniform. Earlier that day, he had received e-mails regarding Carl Manning, a suspect in a suspicious fire the night before. The emails included information about Mr. Manning's truck, that he might be armed and dangerous, and that there was a warrant for Mr. Manning's arrest for stalking.

Officer Slocum was assigned to be part of a team of SWAT officers that included Sergeant Matthew Barter and Officer Eric Pappalardo. He was told that unmarked police cruisers were being assigned to each sector so that if Mr. Manning was located a coordinated effort could be made to take him into custody. Then, the police received a CrimeLine tip that

Mr. Manning's truck had been spotted on Lake Shore Road. The reporting party said that the truck was unoccupied and was last seen at 5:30 p.m. Officer Slocum put on a protective vest over his uniform shirt and together with Sergeant Barter and Detective Pappalardo, drove out to where Mr. Manning's truck had been seen. Along the way, the officers discussed how to handle the situation and the possible location of Mr. Manning. They also discussed that there might be explosives in the truck and that the bomb disposal unit would be needed to clear the truck and ensure there were no explosives in it.

When the officers arrived at Lake Shore Road, they spotted Mr. Manning's parked truck. They went up to the driver's side of the truck, and saw Mr. Manning laying down, sleeping. Detective Pappalardo retrieved the Halligan bar and broke open the truck's driver window. Mr. Manning did not react at first. Officer Slocum then told Mr. Manning several times, "Manchester Police show us your hands!" After that, Mr. Manning "popped up." Detective Pappalardo tried to get the truck's door open, but was unsuccessful and backed away. Officer Slocum and Sergeant Barter continued to tell Mr. Manning they were the police and to show them his hands. Mr. Manning said, "What's going on, what's happening?" Then he reached back to the right side of his waistband and pulled out something that could have been an eyeglass case. Officer Slocum told Mr. Manning to stop and to show them his hands. Mr. Manning did not comply with those orders. At that point, Officer Slocum lost sight of the eyeglass case. Then Mr. Manning turned toward the officers, holding a small silver revolver to his head. Mr. Manning started saying, "Shoot me, shoot me." Officer Slocum had his rifle trained on Mr. Manning as he and the other officers loudly told him to drop the gun. Mr. Manning did not drop his gun and got out of the passenger side of the truck with his own gun pointed at his head. The officers told Mr. Manning to drop the gun, but he did not comply with those orders. Instead, Mr.

Manning walked slowly toward the back of his truck, and in an angry and frustrated fashion said, “Shoot me, shoot me.” Officer Slocum believed that Mr. Manning was about to shoot one of the officers.

When Mr. Manning got to the rear of his truck, he made a “motion” with his right arm holding his gun that indicated to Officer Slocum that Mr. Manning was preparing to point the gun at one of the officers and shoot them.¹⁶ At that point, Officer Slocum feared for his life and the other officers who were present and fired what he believed were two shots at Mr. Manning with his rifle. Mr. Manning fell to the ground with his handgun landing about an inch or two away from his right hand. Officer Slocum moved the handgun away from Mr. Manning’s body and retrieved his medical kit and confirmed that Mr. Manning was deceased. The officers also checked Mr. Manning’s body for any explosive devices, and did not find any.

Officer Slocum estimated that the officers’ encounter with Mr. Manning took about one minute from the time they arrived to the time the officers fired their shots.

B. Interview with the other officer who was present during the incident

Detective Eric Pappalardo

Detective Eric Pappalardo was interviewed by members of the Office of the Attorney General and investigators from the New Hampshire State Police Major Crime Unit and the Manchester Police Department on April 13, 2020.

Detective Pappalardo has been employed by the Manchester Police Department for approximately three years. Prior to that, he was employed as a police officer by the Salem, Plaistow, and Hampton Police Departments. As of April 5, 2020, Detective Pappalardo was up to date with his use of force and firearms training. He is also a member of the SWAT Team.

¹⁶ Based on his training in action-reaction drills, Officer Slocum was aware that a suspect with a gun could fire on an officer before that officer has time to react.

Detective Pappalardo was working the 3:00 p.m. to 11:30 p.m. shift on April 5, 2020, and wearing his standard blue-colored Manchester police uniform. Earlier that day, he had received e-mails regarding a suspect in a suspicious fire the night before. When he arrived at the Manchester Police Department for his shift, Detective Pappalardo viewed a video of the explosion at the fire the night before. He learned that Mr. Manning had made threats to his girlfriend in the past and made suicidal statements as well. The potential that Mr. Manning had explosives was also discussed, based on what was seen on the video of the fire it was believed he had set. That information made Mr. Manning a “high risk” suspect.

Detective Pappalardo was told that unmarked police cruisers had been sent out to look for the suspect in the fire, Carl Manning. He was designated as part of a “response team” that consisted of him, Sergeant Barter, and Officer Slocum, who would respond if Mr. Manning was located. That team discussed various scenarios they might encounter with Mr. Manning and how to respond to them.

The team decided that Detective Pappalardo would drive an unmarked police SUV they would use to respond in the event Mr. Manning was located. Detective Pappalardo loaded the SUV with the equipment they might need that night. While Detective Pappalardo was at the police department, a CrimeLine tip came in that Mr. Manning’s truck had been spotted. Unmarked police cruisers were dispatched to confirm the sighting. Detective Pappalardo, Sergeant Barter, and Officer Slocum all got into the SUV and drove out to where Mr. Manning’s truck was reportedly sighted. Along the way, the officers in the SUV were told that Mr. Manning’s truck was parked on the side of the road and reportedly was unoccupied and had been there all day. The officers discussed that maybe Mr. Manning had gone out into the woods and

killed himself or was dead in the truck. Others called for a drone to respond to the area where Mr. Manning's truck was parked in case the woods needed to be searched.

As Detective Pappalardo, Sergeant Barter, and Detective Slocum got closer to where Mr. Manning's truck was located, they were asked to clear Mr. Manning's truck, i.e., check and ensure he was not in the truck. The three officers then discussed how they would approach Mr. Manning's truck when they arrived, and decided to use a fast approach.

When they arrived where Mr. Manning's truck was located, Detective Pappalardo parked the police SUV in a head on position to the truck. All three officers got out of the SUV and moved up to Mr. Manning's truck. Detective Pappalardo was then able to see Mr. Manning sleeping the truck. Either Sergeant Barter or Detective Slocum tried to open the truck's door, but it was locked. Detective Pappalardo then returned to the SUV and got the Halligan bar to use to break open the truck's window and get inside. Detective Pappalardo said that the plan was to break the truck's window, open the truck's door, and get Mr. Manning out of the truck before he had time to react, including potentially setting off an explosive device. After he retrieved the Halligan, Detective Pappalardo went up to the truck, verified that the other officers were ready, and smashed open the truck's window. Detective Pappalardo tried to unlock the truck, as Mr. Manning woke up and started moving around. Detective Pappalardo was unable to open the door and became concerned with Mr. Manning's actions, so he backed away from the truck.

Detective Pappalardo and the other officers started telling Mr. Manning, "Manchester Police. Show us your hands!" Mr. Manning showed his left hand, but was "digging" around behind him with the other as if he was reaching for something. The officers kept telling Mr. Manning to show them his hands. Mr. Manning responded by pulling out an eyeglass case from behind him, opening that case, and taking out a small caliber pistol. Mr. Manning put the pistol

to his head with his finger on the trigger, and started saying, “Shoot me, shoot me, shoot me now!” Detective Pappalardo then radioed dispatch that the suspect just pulled a firearm.

Mr. Manning moved to the passenger side of the truck and got out of the truck saying, “Shoot me, shoot me now, shoot me!” in an authoritative manner.¹⁷ Detective Pappalardo then noticed Mr. Manning look over at and move toward the police SUV making Detective Pappalardo believe that Mr. Manning was going to try and take the SUV. Detective Pappalardo then moved and placed himself in between the SUV and Mr. Manning toward the front of Mr. Manning’s truck to prevent Mr. Manning from getting to the SUV. Once Mr. Manning realized his path was blocked he looked angry and frustrated and moved backwards along the passenger side of his truck. At that point, Detective Pappalardo thought Mr. Manning was going to shoot at one of the officers to make them shoot him or point his gun at one of the officers.¹⁸

As Mr. Manning moved back along the rear of his truck with his gun to his head and the finger on the trigger, Sergeant Barter and Officer Slocum were moving, following along with Mr. Manning. That caused Detective Pappalardo to realize he might be at risk of being hit by crossfire, so he looped around the front of Mr. Manning’s truck to join the other two officers. As Detective Pappalardo was making that move, Sergeant Barter and Officer Slocum fired at Mr. Manning and he fell to the ground. Detective Pappalardo did not see Mr. Manning just before he was shot because the cab of the truck blocked Detective Pappalardo’s view as he moved around the front of the truck to join Sergeant Barter and Officer Slocum on the other side of the truck.

Detective Pappalardo then approached Sergeant Barter, Officer Slocum and Mr. Manning, and watched over Mr. Manning while the other two officers put on protective gloves.

¹⁷ Detective Pappalardo said that Mr. Manning continuously told the officers to shoot him and the officers were continuously telling him to drop the gun.

¹⁸ Based on his training in action-reaction drills, Detective Pappalardo was aware that a suspect with a gun could shoot an officer before the officer had time to react.

Those two officers put on gloves and confirmed that Mr. Manning was dead. The gun Mr. Manning had been holding was on the ground above his head.

D. Interviews with people who knew Carl D. Manning

The State Police interviewed some people who knew Mr. Manning, including some of his relatives.

1. Janet Gelineau

Jane Gelineau started dating Carl D. Manning in October 2016. She told the police that at times, Mr. Manning was verbally abusive and threatening to her. Ms. Gelineau said that Mr. Manning suffered from Bipolar disorder and PTSD. Despite those diagnoses, Ms. Gelineau said that Mr. Manning did not take his medication. Ms. Gelineau also said that Mr. Manning struggled with addiction, and used alcohol, crack, and cocaine. Ms. Gelineau described the efforts she took to get Mr. Manning help, to no avail. She also talked about her frustration with law enforcement agencies and their response to her complaints about Mr. Manning.¹⁹

Ms. Gelineau said that she received a text message from Mr. Manning on April 4, 2020, telling her, “I loved you Janet.” She said she did not know where Mr. Manning was living at the time.

2. Carl D. Manning, Jr.

Mr. Manning’s son told the police that he last spoke with his father, Carl D. Manning, on April 3, 2020. During that call, Mr. Manning told his son that he “felt his time was coming to an

¹⁹ During her interview, Ms. Gelineau expressed her displeasure with the response from the Manchester Police Department and the “DA” regarding her complaints about Mr. Manning. By “DA,” Ms. Manning actually meant the New Hampshire Attorney General’s Office. She had contacted the Attorney General’s Office in August and December 2019 and in January 2020 about some of her issues with Mr. Manning. During those contacts, Ms. Gelineau was advised to notify the Court and the Manchester Police Department regarding her complaints about Mr. Manning. She was also given the number for the Domestic Violence Crisis Center as a potential resource.

end.” Carl, Jr., said that Mr. Manning had been suicidal in the past and that he had a substance abuse problem and that cocaine and crack “were his drugs of choice.”

Carl, Jr., said that his father appeared desperate when he spoke to him on April 3, 2020, and was frustrated with his ex-girlfriend Janet Gelineau. Carl, Jr., believed that his father’s death might have been a “suicide by cop.”

3. Frank Manning

Mr. Manning’s brother Frank told the police that he had seen his brother, Carl Manning, about a week prior to April 5, 2020. Frank Manning said that Carl looked “bad as hell,” was not taking his Bipolar disorder medications, and was depressed about his ex-girlfriend Janet Gelineau. Frank Manning also told the police that he received “goodbye” texts from Mr. Manning on April 5, 2020.

4. Randy Tremblay

Randy Tremblay said he knew Mr. Manning for a little over twenty years. Mr. Tremblay said that when Mr. Manning was not using drugs, he was the “nicest guy in the world.” He said that Mr. Manning had battled depression and addiction over the years and refused “most treatment.” Mr. Tremblay described Mr. Manning as being self-destructive when he used drugs and suicidal over the years. Mr. Manning often mentioned that he would just rather die and was never going back to jail.

Mr. Tremblay also told the investigators that in the years past, Mr. Manning said that he did not have the courage to take his own life, and “that the day that he can do it, he’d rather just point a gun at a cop and have a cop shoot him to end his life.” Mr. Manning said that he would put an officer in the position of having no choice, but for the officer to have to defend himself.

Mr. Manning “wanted to die and that was his method.” Mr. Manning made the statement about prompting a police officer to kill him a “good 6-10 times” in the past.

After Mr. Tremblay heard about the shooting incident, he contacted the Manchester Police Department because he knew that Mr. Manning wanted to die and wanted an officer to do it for him. Mr. Tremblay wanted the involved officer to know that the officer did not have a choice because Mr. Manning took that choice away from him since Mr. Manning had made the decision that it was his time “to go.” Mr. Tremblay also said that Mr. Manning was not stupid and could disappear if he wanted to avoid being found. Based on that, Mr. Tremblay said, “If Carl didn’t want to die, they [the police] never would have found him.”

E. Letters written by Carl D. Manning

During a search of Mr. Manning’s truck, the police also found a series of un-sent handwritten letters from Mr. Manning that were addressed to Ms. Gelineau and some of his relatives and friends.²⁰ Mr. Manning expressed consistent sentiments in all those letters; he was sad and no longer wanted to live and was saying goodbye.²¹ For example, in a letter to his brother Frank, the first part of the letter said, “Please understand I had no other choice. I’m not going back to jail. And I can’t and do not want to live without her.” In another letter to his brother Frank about Frank potentially collecting the money from Mr. Manning’s SSDI and paycheck, Mr. Manning told his brother that he was sorry, but he “went on a 4 day coke binge and spent it.” Finally, Mr. Manning admitted to setting the fire at Ms. Gelineau’s garage.

In addition to writing letters to Ms. Gelineau, his family and friends, Mr. Manning also wrote a letter to the judge who had been presiding over his case in the Manchester Circuit Court.

²⁰ Mr. Manning claimed in some letters that he had set fire to Ms. Gelineau’s garage at her request so she could collect insurance money.

²¹ Copies of those letters are attached as Exhibit 2.

The Court received a copy of this letter on April 7, 2020.²² In that letter, Mr. Manning expressed displeasure with the handling of two cases involving him that were pending in the Court. In the last paragraph of his letter, Mr. Manning told the Court: “Because of the lack of help that I have received from this court I am left with no other choice but to end my own life.” That stated intention to end his own life is consistent with the sentiment Mr. Manning expressed in his other letters that were found in his truck after the shooting incident.

F. Autopsy Results

Chief Medical Examiner Dr. Jennie V. Duval conducted an autopsy on Mr. Manning’s remains. She determined that his cause of death was a gunshot wound that traveled from his face into his neck, and that his manner of death is homicide. As used by the Office of the Chief Medical Examiner, homicide is defined as the killing of one person by another.

Mr. Manning also had a graze gunshot wound to his right wrist. It is unclear whether that wound was from the same or different bullet that caused the fatal neck wound.

The toxicology results from the autopsy are still pending.

G. Physical Evidence

Attached is a photograph of the shooting scene.²³ In that photo, Mr. Manning’s white truck can be seen parked on the side of the road. The passenger door is open. On the driver’s side of the truck are four white evidence markers, which designate the location of four discharged rifle cartridges consistent with the four shots fired by Sergeant Barter (1 shot) and Officer Slocum (3 shots). At the rear passenger side of the truck is a white evidence marker that designates the location where Mr. Manning’s gun was located when the photograph was taken.²⁴

²² A copy is attached as Exhibit 3.

²³ The photo is attached as Exhibit 4.

²⁴ Mr. Manning’s gun was moved away from him after he was shot and fell to the ground. The white evidence marker shows where the gun ended up after it was moved. Attached as Exhibit 5 is a photograph of Mr. Manning’s gun at the scene.

The gun was later examined and found to be a five-shot, .22 long-rifle caliber handgun, which was loaded with two live rounds of ammunition.²⁵ During a search of Mr. Manning's truck, the police located a plastic bag containing an unopened box of one hundred rounds of .22 caliber long rifle ammunition and a receipt from Wal-Mart dated April 3, 2020, for the purchase of that box of ammunition. That ammunition was capable of being fired by the handgun Mr. Manning had at the time of the incident.

The large black rectangle on the photo is a redaction that marks the location where Mr. Manning's body was located after he was shot and fell to the ground.

At the autopsy, Mr. Manning was found to be wearing three layers of clothing on his upper body. Each layer of that clothing had a round hole in it that lined up with the holes in the other clothing, and corresponded to the area of clothing that would have been located under Mr. Manning's right arm. Since Mr. Manning had no bullet wound to his body in that area, the presence of those holes and the lack of a wound are consistent with his right arm being away from his body. Since the officers reported that Mr. Manning had his gun in his right hand, the bullet holes in that area of Mr. Manning's clothing are consistent with the officers' accounts that he had his right arm raised up at the time he was shot.

H. Radio transmissions

Copies of the Manchester Police Department's radio transmissions from the incident were reviewed. The most relevant transmissions are as follows:

5:52:46 p.m. - Audio Clip 20-4284-67

(Sergeant Barter) "Z19, we have him in the truck. Stand by. Give me...give me a clear channel."²⁶

²⁵ Attached as Exhibit 6 is a picture of Mr. Manning's gun with the bullets visible in it.

²⁶ "Z19" is Sergeant Barter's Manchester Police Department radio call sign.

5:53:21 p.m. - Audio Clip 20-4284 68

(Detective Pappalardo) “Suspect has a gun to his head.”

**(Sergeant Barter or
Officer Slocum)** “Gun!”

5:54:03 p.m. - Audio Clip 20-4284-70

(Sergeant Barter) “Z19, we have shots fired. Suspect is down. Police officers are okay. We’re holding right now. We’ll be approaching him momentarily.”

I. Police-issued body cameras

Manchester police officers are equipped with department-issued body cameras. The cameras look like cell phones and are located in a special pocket in their shirts. There is a cutout in the uniform shirt pocket for the camera’s lens.

On April 5, 2020, Sergeant Matthew Barter and Detective Eric Pappalardo were wearing their cameras in the standard uniform shirt pocket location. Due to the nature of the incident they were responding to, each placed a plate carrier vest over their uniform shirt.²⁷ At the time, Sergeant Barter did not have the special mount that allowed his body camera to be worn and operated on the outside of his plate carrier vest.²⁸ Therefore, his body camera was not activated and did not capture any footage of the incident. Although Detective Pappalardo did have a special mount on the outside of his plate carrier vest, due to the urgency with which he and the other officers responded to the sighting of Mr. Manning’s truck, he did not transfer his body camera from his uniform shirt to the mount on his vest. Therefore, his body camera was not activated and did not capture any footage of the incident.

²⁷ The external protective vests that all three officers were wearing on April 5, 2020, are called “plate carriers.” Plate carriers are protective vests that are worn over an officer’s police uniform and existing soft body armor to provide enhanced ballistic protection to the wearer.

²⁸ Manchester PD had these mounts on order at the time of the incident.

Officer Erik Slocum was also wearing a protective vest on April 5, 2020. His protective vest was his personal one and was equipped with a radio pouch. Officer Slocum placed his body camera in the radio pouch. However, Officer Slocum did not activate his body camera before the shooting incident because he did not expect Mr. Manning to be in the truck. Regardless, his body camera is equipped with a feature that turns the camera on automatically when it has been in a horizontal position for ten seconds. This feature is intended to provide an alert in case an officer is down on the ground and possibly injured. When the camera activates in that fashion, footage is available from the thirty seconds prior to the time the camera activates. In this case, the camera activated after the shooting incident when Officer Slocum was bent over, checking on Mr. Manning after the shooting incident. Therefore, approximately two minutes and twenty-one seconds of footage was obtained from after the shooting, but no footage was captured of the shooting incident itself.

IV. APPLICABLE LAW AND LEGAL STANDARDS

New Hampshire's laws regarding self-defense, defense of others, and the use of physical force by law enforcement are set forth in RSA Chapter 627. Under RSA 627:5, II(a), a law enforcement officer, like a private citizen, is justified in using deadly force when he reasonably believes that such force is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force. Under RSA 627:9, II, "deadly force" is defined as "any assault . . . which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury." "Purposely firing a weapon capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force." RSA 627:9, II.

The phrase “reasonably believes” means that the actor “need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real.” *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term “reasonable” is “determined by an objective standard.” *State v. Leaf*, 137 N.H. 97, 99 (1993). As such, all of the circumstances surrounding the incident should be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another. When reviewing a deadly force incident, the actor’s conduct should be viewed considering “the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection.” *N.H. Criminal Jury Instructions*, 3.10. In other words, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight. The amount of deadly force used by the actor to protect himself or another must be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

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

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

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

The Eleventh Federal Circuit has noted that:

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

Garczynski v. Bradshaw, 573 F.3d 1158, 1166 (11th Cir. 2009) (citations omitted). That is because “the law does not require perfection – it requires objective reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV, 2013 WL 1296331, at *17 (S.D. Fl. Mar. 28, 2013). The law must account for the fact that dangerous situations often unfold quickly and law enforcement officers sometimes need to make quick decisions under less-than-ideal circumstances. *See Huff*, 565 U.S. at 477 (finding that appeals court panel “did not heed the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation”).

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

V. ANALYSIS AND CONCLUSION

Based upon all the facts and circumstances of this case, the Attorney General has concluded that Carl D. Manning created a dangerous situation when he exited his truck holding a loaded handgun, and that it was reasonable for Sergeant Matthew Barter and Officer Erik Slocum to conclude that they faced an imminent threat of deadly force from Mr. Manning, and to use deadly force against him in order to protect their own lives and the lives of their fellow officers.

Prior to encountering Mr. Manning on April 5, 2020, Sergeant Barter and Officer Slocum knew that Mr. Manning presented a potential danger to the public and themselves. Mr. Manning

was a suspect in an apparent fire and explosion at his ex-girlfriend's garage and there was a warrant for his arrest for stalking. The officers were also concerned about the potential of explosive devices in Mr. Manning's car and the danger he posed if he were to drive around in his truck with those devices. For all those reasons, Sergeant Barter, Detective Pappalardo, and Officer Slocum had determined that it was best to try to surprise Mr. Manning and get him out of his truck and into custody as quickly as possible.

The officers' plan was stymied when they arrived at Lake Shore Road, approached Mr. Manning's truck with him sleeping inside, but were unable to quickly remove Mr. Manning because the truck was locked. After Detective Pappalardo broke open the truck's window, Mr. Manning was faced with three uniformed and armed police officers. The officers verbally identified themselves as police officers and ordered Mr. Manning to show them his hands. Instead, Mr. Manning reached behind his back, took out a loaded handgun, and pointed it at his head. Mr. Manning's drawing of his gun transformed an already dangerous situation into a "tense, uncertain and rapidly evolving situation," exactly the type of scenario that the *Graham* Court stated can often require officers to make split-second decisions about the use of force. This was especially so in light of all the information the officers had learned about Mr. Manning's criminal activities that preceded their encounter with him that day.

After Mr. Manning pulled out a gun, the officers repeatedly told Mr. Manning to drop the gun. Mr. Manning did not comply with those orders and instead, slid across the seat of his truck and stepped outside. Mr. Manning did that despite all three officers shouting at him to drop his gun and having their guns trained on Mr. Manning. Mr. Manning's actions were especially concerning to the officers in light of their training, which showed that an armed suspect like Mr. Manning could shoot one of the officers before the officers would have time to react.

Despite the officers' loud and continued commands, Mr. Manning did not drop the gun, say, or do anything that indicated he was going to do that. Instead, Mr. Manning backed up toward the end of his truck with Sergeant Barter and Officer Slocum walking in lockstep with him on the opposite side of the truck. Despite the heightened imminent threat posed by Mr. Manning when he disobeyed the officers' repeated commands to drop his gun, the officers did not fire at him. Instead, they attempted to maintain control over the situation by loudly and repeatedly ordering Mr. Manning to drop the gun. Mr. Manning did nothing to diffuse the situation and never gave any indication that he would follow the officers' commands. Instead, Mr. Manning seemed angry, frustrated and determined and as he continued to tell the officers to shoot him and disobeyed their commands to drop his gun. As Mr. Manning got to the rear of his truck, he started to move his right arm and move his gun hand toward the officers. At that moment, Sergeant Barter and Officer Slocum believed that Mr. Manning was moving the gun to shoot them, and so they fired on Mr. Manning.

Sergeant Barter and Officer Slocum's belief that Mr. Manning posed an imminent risk of deadly force was objectively reasonable considering all the circumstances known to the officers at the time. Those facts and circumstances included that: Mr. Manning was a suspect in an apparent fire and explosion at his ex-girlfriend's garage; there was a warrant for his arrest for stalking and for violating a domestic violence petition; Mr. Manning defied the officers' orders to show them his hands and produced a handgun instead; Mr. Manning exited his vehicle with a handgun; Mr. Manning disregarded the officers' repeated commands to drop his gun upon exiting his vehicle; and Mr. Manning kept his gun pointed at his own head, a position that allowed him to quickly turn the gun on the officers; and Mr. Manning never dropped his gun and instead, started to move his gun hand toward Sergeant Barter and Officer Slocum. Based on

those facts and circumstances known to Sergeant Barter and Officer Slocum at the time Mr. Manning was outside his truck holding a gun and starting to move it toward them, it was reasonable for them to believe that Mr. Manning was about to use deadly force against one or all of them, prompting the officers to fire and fatally wound Mr. Manning.

The conclusions reached in this report are not solely dependent on the officers' accounts. Instead, there is corroborating evidence that Mr. Manning posed a threat to others and for the officers' accounts of Mr. Manning's behavior that lends to their credibility. For example, the dispatch records confirmed the timing of events as described by the officers, as well as the contemporaneous report from Detective Pappalardo that Mr. Manning had a gun; a gun that was found loaded at the scene after the shooting incident. Mr. Manning's conduct with his gun and his failure to obey the officers' commands to drop it is consistent with the sentiment Mr. Manning expressed in the letters he sent to the Court and in the letters he wrote to his friends and relatives; he was not going back to jail and intended to end his life.²⁹ Mr. Manning's conduct was also consistent with what he had told Robert Tremblay about wanting to die and forcing a police officer to kill him. Finally, the fact that two days before setting the fire at Ms. Gelineau's garage Mr. Manning purchased one hundred rounds of ammunition for his five-shot gun is evidence that he may have intended to hurt others besides himself.

The reasonableness of the officers' conduct is further supported by the fact that they did not immediately fire at Mr. Manning after he drew his gun while inside his truck, and then despite repeated commands refused to drop that gun. Neither did the officers fire at Mr. Manning when he stepped out of his truck with his gun still in his hand. Instead, the officers' attempted to convince Mr. Manning to surrender and diffuse the situation by loudly and

²⁹ In light of Mr. Manning's prior criminal record, he likely believed that he would go to jail or prison if he were convicted for violating the outstanding domestic violence order, stalking Ms. Gelineau, and setting fire to Ms. Gelineau's garage.

repeatedly ordering Mr. Manning to drop his gun. The officers still did not fire at Mr. Manning even as he moved backward down the side of his truck, still holding his gun and refusing to drop it. The officers only fired at Mr. Manning when he started to make a movement with his gun toward Sergeant Barter and Officer Slocum.

Therefore, based on all the facts and circumstances known to Sergeant Matthew Barter and Officer Erik Slocum on April 5, 2020, it was reasonable for them to conclude that they faced an imminent threat of deadly force from Carl D. Manning. Accordingly, Sergeant Barter and Officer Slocum were legally justified in using deadly force against Mr. Manning, and no criminal charges will be filed against those officers for shooting Mr. Manning.

[2701989]

The State of New Hampshire

HILLSBOROUGH, SS.

9th CIRCUIT COURT- MANCHESTER
FAMILY DIVISION

In the Matter of
Carl Manning v. Janet Gelineau
Case No. 656-2019-DV-00282

In the Matter of
Janet Gelineau v. Carl Manning
Case No. 656-2019-DV-00286

SUPPLEMENTAL FINAL HEARING ORDER

The parties appeared on July 22, 2019 for Final Hearings on their respective Domestic Violence Petitions, both filed against each other on July 15, 2019. In the first instance, the Court issued a Temporary Order of Protection, granting relief on a temporary basis to Carl Manning. Once served, Janet Gelineau requested an Expedited Hearing, while also filing a separate DV Petition against Carl Manning. Both parties appeared for the Expedited Final Hearings on both DV Petitions, and were self-represented.

At the conclusion of the evidence, as submitted by each party, the Court took both matters under advisement. Specifically, the Court wished to evaluate the allegations of abuse advanced by each party against the other and to interpret the applicable law, consistent with the legislative intent behind RSA ch. 173-B. After considering the totality of the circumstances as pled by Plaintiff Carl Manning in Case # 656-2019-DV-00282, the Court finds that Defendant Janet Gelineau committed assault against him, in that she did engage in unprivileged physical contact with him when she grabbed onto his arm and body, scratching him when she was attempting to get her cell phone from him. Further, after evaluating the facts, as alleged and described by Plaintiff Janet Gelineau in her DV Petition, the Court finds that Defendant Carl Manning threatened Plaintiff Janet Gelineau when, with a purpose to terrorize her, he threatened to "burn down the house with her in it", and "to get even with her" if his parole is violated. Consequently, the Undersigned has entered specific findings in each case that both parties had committed acts of "abuse" pursuant to RSA 173-B:1, I (a - h). Consequently, each is entitled to relief from such "abuse".

A court is prohibited, however, from issuing mutual orders of protection. *RSA 173-B:5, V.* Rather than mutual restraining orders, the New Hampshire Legislature contemplated that relief, in a situation like this, may only be granted in the form of cross orders. Per *RSA 173-B:5, V (b)*, "[c]ross orders for relief may be granted *only if*: (1) The court has made specific findings that each party has committed abuse against the other; and (2) The court cannot determine who is the primary physical aggressor." *RSA 173-B:V (b)(1, 2)(emphasis added)*. Because the Undersigned finds that Carl Manning and Janet Gelineau committed acts of "abuse" against each other, one of the criteria for cross orders for relief is met. *RSA 173-B:5, V (b)(1)*.

As to the second criteria, the Court notes that the term "primary physical aggressor" is not specifically defined in *RSA 173-B:1*, but guidance as to its interpretation is contained in *RSA 173-B:10, II*. "In determining who is the primary physical aggressor, [one] shall consider the intent of [RSA

EX. 1

chapter 173-B] to protect the victims of domestic violence, *the relative degree of injury or fear inflicted on the persons involved*, and any history of domestic abuse between these persons if that history can reasonably be obtained...." *Id. (emphasis added)*.

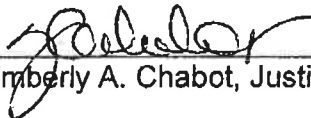
Having considered the history between these parties (as gleaned from the evidence presented) and the circumstances prompting the filing of both DV Petitions -- while also weighing the parties' credibility, potential biases and/or motives -- the Court concludes that Carl Manning has been and/or is the primary physical aggressor in this equation, given the repetitive nature of his threats toward Janet Gelineau and the lengths to which he has gone to manipulate a situation, to avoid accountability. The Court finds Ms. Gelineau's testimony to be credible, whereas that offered by Mr. Manning was less credible.

Because the Court determined Mr. Manning to be the primary physical aggressor, a DV Final Order of Protection is issued in Case # 656-2019-DV-00286 against him. See *attached Domestic Violence Final Order of Protection*. Though it found that Janet Gelineau committed an act of "abuse", namely assault, during the course of trying to regain/retain her cell phone, the Undersigned cannot find that she poses an ongoing, present and/or credible threat to Mr. Manning's safety. Consequently, his DV Petition is dismissed and the DV Temporary Order of Protection, issued on July 15, 2019, is vacated.

So Ordered.

Date:

7/22/2019



Kimberly A. Chabot, Justice

Frank,

Please understand I had no other choice. I'm not going to go back to jail. And I can't and do not want to live without her.

After seeing her on Jan 7th in court and then talking with her afterwards outside about how she can't really afford the house on her own. And when she told me if I burned the house down so she could get the insurance money, that way she could pay off the mortgage. We could get back together. She said we could start all over, we would get a new house with no mortgage. And we would be debt free. I gave it a lot of thought Frank. I love her with all of my heart. But because of the text I got from her boyfriend there is no way I would or could ever take her back, she has been with another man. She threw me away once, so why wouldn't she do it again?

Any way I will not burn the house down for her as she asked. I may just burn down the garage so she can get some money to help with the bills. I'm not sure about that yet. I just hope that she will understand and see that I really did love her.

My bank card is enclosed. I get payed on Wednesday or Thursday. My big check comes in on the 1st take out whatever is in the bank whatever is left over take it out it's not much but put it toward paying final expenses.

Get my stuff from Methuen. You can talk with Alberto Gonzales [REDACTED] or Rob Scott [REDACTED]. They will help you, also my Harley is at Alberto's house he I sold it to him for \$2500.00. He has made Two (2) payment of \$250.00, so he owes me eight (8) more payments of \$250.00. Give him the title to the bike if you find it.

It's been just over seven months since Janet attacked me and has you know I have tried and tried to get some help from the Court to no avail. There is a letter to the Family Court for the judge of our case. Please deliver it to the court ASAP.

Call my insurance company and cancel my insurance. You can talk with Angela [REDACTED] and tell her what has happened and she will help you.

EX.2

PLEASE

I do owe Loan Max like \$100.00 and something if you want **the truck pay them** off, if not just give them the truck. The truck is worth keeping **for the \$100.00** so get the title back from them. The paper work in in the **glovebox**. They are on South willow St over by Burger king see Debbie **She's the manager**. Again tell her what happen and she will help you. If you **want the truck** it is yours otherwise sell it to help pay my final expenses.

Again I'm sorry. But this is the **best thing** for me at this point. I want no wake, and no funeral. Just cremate **me and throw me away**. That's all that people did with me all my life anyway.

Tell Mom and George and the kids I love **them**. There is a letter for them be sure they get it as well as the letter to Olivia.

Love Me

PS. Remind Carol to tell Barbie I'm sorry for everything. I hope she is happy and I do wish her well.

Frank

Frank

This is my Debit Card Code

15

Also I wrote you account at the Bank of North. Our By Bourque King on the way to Mads. If the Government sends out money or that see if any money is in that account or the mail for recovery #. James writes on that account for her pay off the credit card. She owes me money.

LOVE

Paul

PS my SSDI check will be in on ~~Monday~~ Monday. and my pay check on Wednesday.

So I'll wait on a 4 day cake
Bride and spend it

FRANK

FRANK

Do NOT SHOW THIS ^{note} TO THE POLICE BUT
I WANT YOU TO SHOW THEM BOTH THE LETTER I
WROTE TO YOU AND THE ONE TO JANET. THIS IS
A MUST!!! ALSO GIVE A COPY OF THE LETTER TO
JANET TO MORIN INS. THE NAME AND PHONE NUMBER
ARE IN YOUR LETTER. SHE FUCKED ME OVER
BROAD NOW I'M GOING TO LET THE POLICE AND
INS COMPANY KNOW WHAT SHE WANTED ME TO
DO FOR HER AND YES I DID IT BECAUSE I LOVED
HER.

CALL JOHN CURRAN LAWYER IN CONCORD NH ^{Call it} [REDACTED]
OFFICE [REDACTED] ABOUT THE HOUSE. HE IS TRYING TO GET ME
MONEY FROM THE MORTGAGE COMPANY FOR TAKING
ADVANTAGE OF ME BY NOT PUTTING MY NAME ON
THE TITLE TO THE HOUSE.

GET IT. MAIL THE OTHER 2 LETTERS PLEASE

- 1/3/11
Alberto,

Thank you for all that you have done for me during this the darkest time in my life. I am very grateful to both you and VNOG for the help and opportunity you have given to me to try and get my life back on track. I was a little disappointed that I was not given the position of Case Manager but at this point it's really not important.

The problem is that I just can't get Janet out of my head no matter how much I try. And based on a text message that I received from her new boyfriend I feel that I have no other choice than to end it all. And it's OK. Sometimes we have to do what we have to do.

My brother Frank [REDACTED] will be in touch with you soon regarding my thing. He is also aware of what's going on with the bike and he will give you the title. Please keep making the payments to him as my family will need every penny for my final expenses. Speaking of that would you please pay me for the two (2) days that are being carried over, they really well have a need for the money now.

Again thank you.

Carl

Olivia 

Dear Olivia,

Let me start by saying I love you and I have missed you so much. It's been some time since I've heard from you or talked to you. I'm not sure why that is but I'm sorry if it because I'm so depressed and I make you sad. Try not understand that what I've done has nothing to do with you. I'm just tired of living in such pain.

When Janet has done to me has in the long run literally killed me. I know that you know nothing about a test that I got from her boyfriend because we have not talked in some time. But based on that text I had no other choice. She totally crushed my dream of ever being with her again. And she brings this guy to the house, to our bed, and she thinks nothing of it. I understand what everyone has told me, that she's no good but I loved her. And she did nothing but destroy me. I am so confused and I hurt so much. How can anyone do this to someone they said they loved???? Why would she do this to me????

I wish I knew why or what I did to make her treat me like this. All that I wanted was to love and be loved. I will say that she has shown me that I am unlovable so again this was just added to my decision to end it.

I have done nothing but make a mess of my whole life. Now listen what I'm saying about my grandmother (MIMI) left me, and never looked for love again. I knew inside I was unlovable. But stupid me thought I was better than what I am.

Whatever you do don't hate me just try and understand that what I've done is for me the best thing possible. There will be no more pain, no more tears, no more sleepless nights. My mind is the worst place in the world and I just need all of this to end. I have given it seven plus months and it only gets worse with each passing day.

I do love you and your brothers and your cousins. You don't know how much I hurt because I was not a part of your life's for so long. But again it's my fault cause I'm a bad guy. Isn't that a joke. I really do have so much love to give but no one wants it or they keep me from giving it I am sorry that I'm ranting like this but I hurt so much, I'm so tired and I'm so confused. I can't keep going anymore. I have cried my last tears I'm done.

Remember I will always be with you. Please make something of your life don't waste it like I did mine. Find a way to get in to some collage and make something of yourself. I know that you are very smart and you can do it.

Again I'm sorry for everything forgive me and know that I love you with all of my heart.

Papa

Dear Mom and George,

I am so sorry if what I've done hurts you. This has nothing to do with you but with what a mess I've made of my own life. I have spent a great deal of time reflecting these past seven plus months and what I came up with is as follows.

The teachers from my early childhood were right I am "stupid". Although I have tried to better myself by learning different things, history, places, people in history and such. All interesting things but of no value in most people's life. I learned these things just to try and fit in. So that I would be able to talk to others and make them think that I'm smarter than what I really am. I thought if I could just impress people that would be the answer to everything. I wanted people to like me. What a mistake that one was. In the end who really cares? No one!

What I should have worked on was how to be a better husband and father. How to have a healthy relationship with those who matter in your life. In the end those are the things that count when you look back on your life.

I look back over my lifetime and I see how selfish I was, the drinking, the drugs, the womanizing. It was always me and what did I want. What made me happy? That was what I always did, me and what made me happy was all that I cared about. I gave no thought to others and their feelings, or how my actions effected them. I only cared about me. What a selfish ass, right?

I wish that I would and could have seen all of this when Barbie left me. I don't know why I didn't. I also wish that I would have stayed true to myself and not gone out and tried to replace what I had. You can never replace emotions and feelings. Don't get me wrong, I loved Janet. In some ways more than Barbie. I truly thought she was the lite of my life. But I was wrong about that too.

What Janet did to me confirmed for me that I am unlovable. I did try my best, but like always I screwed it up with her. Or I think I did! In reality I'm not sure where the dream went wrong with her. I wish she would have talked to me to help me understand. But she shut me out and it hurts, it hurts so bad. Not a day has passed over these past seven plus months that I have not cried and prayed over and about her. I'm so sad and so hurt. There is a line from a song that I heard a long time ago that says "sitting in a crowded room feeling so alone, but these kinds of feeling just aren't shown". Every day I put on a mask and when people ask me I tell everyone around me that I'm OK or I'm doing well. But inside I'm dying. A little more each and every day.

I know you and a lot of others have told me let her go, forget her, she's no good. But I can't let go. I don't know how to. How do you just stop loving someone? Someone that told you they loved you, and you were the only one for them. I know now that she was lying all along but I fell in love with her because of those lies. Here again I'm just stupid because I know they were lies but I believed her.

After she threw me out I knew that she was with this other guy Steven but based on things that she had told me about him in the past I didn't think there was anything going on between them. I thought she was just leaning on him for friendship. But then I got that text from him and my whole world crumbled. It showed me everything she ever said to me was a lie. Why? Why would she want to hurt me like this? I just don't understand... Again I feel so stupid. What's wrong with me?

Any way please try and understand I just can't live with this pain any longer. I know what people say about someone else will come along, just move on. Forget her. But I can't do that. I can't just stop loving her. It took me ten years to get over Barbie. And I don't have that kind of time left. Plus, I have already lost the two women that I really loved and I am sure that I can't take another loss.

So please understand that this is the only way that I can see for me to end the pain. Maybe if she would have just talked to me and treated me like a human being instead of what she did to me thing may have worked out different. Who knows! I do hope that someday she comes to realize that I was the one. The only one that truly loved her, even though I had my faults and short comings or my hang ups. I did love her and the only thing that I wanted was I to spend the rest of my life with her.

A handwritten signature in blue ink, appearing to be 'Paul', written in a cursive style. The signature is located at the bottom of the page.

JANET

Like we talked about on Tuesday, I will do as you asked and help you on the insurance. But we can never be together again. You threw me away to go and be with another man. And that's something I can't forgive. The only reason I'm helping you with the insurance is I understand that you can't afford the house on your own. I should tell you to sell the house and not try to defraud the insurance company. But I understand what you said about getting way more money for an insurance job.

As for me ending my own life! No matter how much I want you back I would never be able to accept the fact that you went running back to Steven. Not to mention all the crap you put me through with both the police and the courts. I know that all you do is lie continuously and why that is I don't know. I e-mailed you and am enclosing some of our old e-mails to each other. What I wrote is all true but what you wrote were just lies. Read them and you can see all the lies.

I will say thank you for confirming what I've known for some time now. Even though you almost had me fooled. I can love someone completely but I am unlovable.

"Janet Theresa Beliveau I Love you" will be the last words I ever say.

I really did love!

Carl

Dear Carol & Carl,

Try and understand I really had no other options at this time. I don't know how to let go or to stop the pain. And for another thing I do not want to go back to jail. Ask uncle Frank about that.

Know this, I love you both and I am so sorry for the wasted years. I was very upset with the both of you because neither one of you stepped up and said to your mother "Mom don't do this" (put me in jail). It's sad that she could cheat on me and leave me for another man and I'm the bad guy.

I don't think you will ever understand just how much it all hurt and still hurts me. What I mean is her leaving me, and him (John) getting to be the grandfather to my grandkids. And you two kids never saying a word. You just excepted it like it was nothing. I do not think you have any idea of how much I cried over all of that over the years. The worst was when I was in jail. But it still hurts me now. Not because she left me, although that hurt like hell. But because John got to see the kids grow up and I didn't. Every Christmas, Thanksgiving, every birthday all without me, but he was there. I would be so depressed over that it was not funny. You can't fathom the depth of that pain and I hope neither of you ever have to experience it.

I don't blame your mother any longer for leaving me. I was not a good husband nor father for that matter. Chris I was a major drug addict at the time and maybe it was because I knew inside your mother was being unfaithful to me. I don't know, and at this point in time it really does not matter does it? No matter what, has I have told the both of you, your mother did a great job of raising you both. You have both turned out to be amazing people. And I am and have always been so proud of you and the people that you have become.

I would like the both of you to understand that I'm just tired. It seems that nothing that I do or any of the people that I want to be with ever works out. I really did love Janet with all of my heart. And I told myself that I would never make the same mistakes with her that I mad with your mother. You know what I mean, cheating the excessive drinking even the drugs. Well someone that I thought was my friend led me down that dark road of drugs again and I never should have let him take me there. You think I would have learned the first time. It's sad that Janet gave up on me so fast and easily. But I think now that that's because she never really loved me. She did however show me that even though I can love, I am unlovable. I don't know why that is but it is that way for me.

If you emptied out a full box of salt and counted each and every grain of salt it would not equal the number of tears that I have cried over this woman. I can't live without her and because of what she has done to me I could never take her back. Several weeks ago I received an e-mail from her boyfriend and it destroyed me. I can't get it out of my head. What it did is show me that all she ever did was lie to me. Ask uncle Frank to read some of the things that her and I wrote to each other when we first got together. Everything that she said was just a lie. Even though I knew inside at the time that I should not believe her she fooled me and I fell in love with her. What a mistake I made.

What really hurts is that she has continued to lie over and over to me to the police to the court to everyone and yet again I'm the bad guy. I do wonder what's wrong with the world? Why is it that everyone believes a woman over a man every time? I'm the one who was attacked and asked the

court for help. And who did they protect? Her! Look at all the bull shit and the lies that she filed with the court, and the false police reports she made. Yes, I did break the protective order and yell things in front of her house. But she brought another man into our bed. And I just couldn't take it.

Anyway uncle Frank has lots of things that I wrote when I first got to the homeless shelter. Read it and it may help you understand what was going on in my head. I did have to stop writing because I was focusing too much on her or so I thought. But even though I stopped writing my feelings down they didn't change or decrease for her. If anything they only got more intense. And that text pushed me over the edge.

Please reach out to your grandmother Bisson because I'm sure it will help all of you deal with what I've done. Forgive me for this, and know that I did and do love you both but the pain is more than I can handle.

All of my love Dad

Your Honorable Kimberly Chabot,

I wanted to tell this court how disappointed I am with the ruling it made in the matter of Gelineau V. Manning. Case number 656-2019-DV-00286 and 656-2019-DV-00282

I was the one that was physically attacked and filed for a protective order asking this court for help. But the court did not hear or believe me and the truth and granted the protective order for Miss Gelineau. I tried to show the court that she is nothing but a liar. But because she is a woman, this court said that I was a manipulator and the court gave her the protective order.

Over the last six plus month Miss Gelineau has filed a number of motions (5 or 6) with this court. And filed faults reports with two different police departments where she has accused me of all sorts of things that are not true. Each time she filed something with the court I filed an objection or a motion of my own and asked the court for some kind relief or help. But each time the court denied my request. Why the court could not see the harassment by Miss Gelineau in this case is beyond me. But please look over the history of the case and it should be clear to the court who the Manipulator really is in this case.

I understand that in some cases men are abusive to women. Why it is not clear that woman can be just as abusive to men, I don't understand. In this particular case it is so plain to see. Also I wonder why the court can't understand that without communication between two people nothing can ever be resolved. And that should be considered in the courts future rulings.

Because of the lack of help that I have received from this court I am left with no other choice but to end my own life. It's not all the courts fault but partly. I blame both the court and Miss Gelineau. One for the continuous lies and the other for not seeing them. Maybe and I hope that by ending my own life, this court and the laws can and will change their outlook on domestic issues. Not all men are bad.



Carl Manning

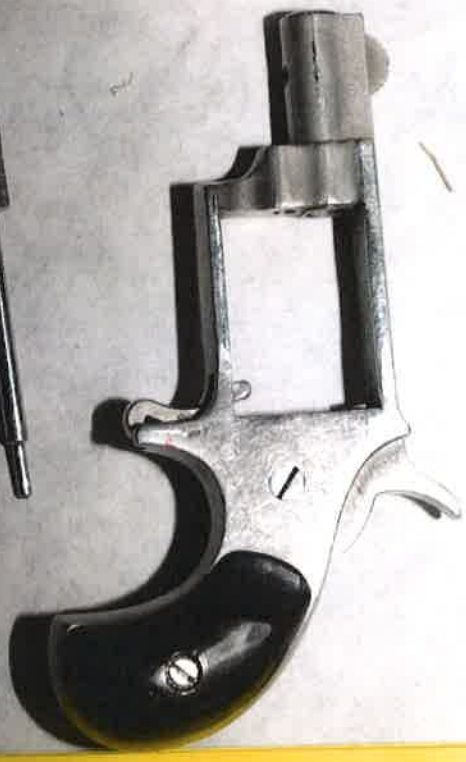
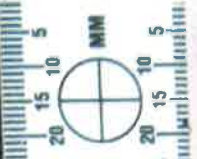
EX-3



Ex. 4



EX-5



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EX. 6