

**ATTORNEY GENERAL'S REPORT REGARDING THE APRIL 4, 2023
SHOOTING DEATH OF RODNEY YANCEY IN MANCHESTER,
NEW HAMPSHIRE**

I. INTRODUCTION

The Office of the Attorney General and the Manchester Police Department have concluded an investigation into the April 4, 2023 fatal shooting of Rodney Yancey (age 43) at 213 Bell Street in Manchester, New Hampshire. During that incident, Roy Nagle (age 23), shot Mr. Yancey three times while they both were outside a residential apartment building. Mr. Nagle claimed that he acted in self-defense. The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding Mr. Nagle's use of deadly force against Mr. Yancey. The findings and conclusions set forth in this report are based upon information gathered during the investigation, including witness interviews, 911 calls, police reports, photographs, and physical evidence.

As provided in RSA 626:7, I(a), when there is some evidence of self-defense, the State must disprove such defense beyond a reasonable doubt. Based on the investigation of the shooting incident, the Attorney General finds that Mr. Nagle was justified in using deadly force for self-defense. As such, no charges will be filed against Mr. Nagle in the shooting death of Mr. Yancy.

II. SUMMARY OF THE FACTS

On the evening of April 4, 2023, Roy Nagle was visiting his girlfriend, Syncere Mitchell, at her residence, an apartment at a multi-unit building at 213 Bell Street in Manchester. Mr. Nagle and Ms. Mitchell were in her bedroom, which is connected to the apartment's kitchen. Dennis Carlsen, another resident of the apartment, was sitting at the

kitchen table. At that time, Rodney Yancey, who was unknown to any of the people present, entered the apartment through an unlocked door that led into the kitchen, sat down at the table with Mr. Carlsen, and began to drink a beer that he brought with him. Mr. Carlson asked Ms. Mitchell whether she knew Mr. Yancey, and she answered that she did not. When Mr. Yancey was asked to leave the residence, he seemed confused and inebriated.

Mr. Yancey eventually followed repeated directives from Mr. Carlsen and Mr. Nagle to leave and went onto the front porch. Mr. Nagle followed Mr. Yancey outside and saw him lingering on the porch, refusing to leave. Mr. Nagle then pushed Mr. Yancey, who fell down the porch steps. Mr. Yancey stood up and walked onto the porch towards Mr. Nagle while brandishing a knife that he had taken from his pocket. At that point, Mr. Nagle, who was lawfully armed with a pistol that he had legally purchased, pulled out his weapon, pointed it at Mr. Yancey, and repeatedly yelled at him to get back and to leave. Instead, Mr. Yancey continued to advance on Mr. Nagle while armed with a knife. Mr. Nagle backed up while Mr. Yancey neared him, continuing to point his gun at Mr. Yancey while telling him to stop. As Mr. Yancey approached the door to the apartment building, and Mr. Nagle could not retreat any farther, Mr. Nagle fired three shots in quick succession, stopping when he saw Mr. Yancey fall on the porch. Mr. Nagle called 911 and reported in substance that he had just shot someone. Police arrived within minutes, and although first responders attempted life-saving measures, Mr. Yancey died at the scene.

III. THE INVESTIGATION

At the time of Rodney Yancey's death, he was living in Manchester.

Investigation did not reveal any connection between Mr. Yancey and Roy Nagle, Mr. Yancey and any of the residents living at 213 Bell Street, or Mr. Yancey and that address generally.

A. Statement by Roy Nagle

On April 19, 2023, Mr. Nagle spoke with members of the Manchester Police Department and the Attorney General's Office in a recorded interview and answered questions about his encounter with Mr. Yancey.¹ The following summarizes his recorded statement.

On April 4, Mr. Nagle went to work and then visited his girlfriend Syncere Mitchell at her apartment at 213 Bell Street. Mr. Nagle was not very familiar with the area since he had only started visiting Ms. Mitchell there in March. Mr. Nagle carried with him, secured in a pocket holster, a semiautomatic pistol that he had legally purchased and that was lawful for him to possess.

Mr. Nagle and Ms. Mitchell were in her bedroom when her roommate, Dennis Carlsen, knocked on her door and asked if either of them knew the man in the kitchen. Mr. Nagle and Ms. Mitchell looked in the kitchen and saw Mr. Yancey, who neither recognized.² Mr. Yancey was sitting at the table and drinking a beer. Mr. Nagle and Mr. Carlsen repeatedly asked Mr. Yancey whether he knew anyone in the apartment and told

¹ Investigators initially and briefly spoke with Mr. Nagle on April 4, 2023, first at 213 Bell Street and then at the Manchester Police Department. Mr. Nagle ultimately indicated that he wanted to speak to a lawyer before discussing the shooting. The April 19 interview occurred with counsel for Mr. Nagle present.

² Mr. Yancey will be referred to by his name for the remainder of the report even though the witnesses who encountered him on the night of the shooting did not know his identity at the time.

him that he needed to leave, but he just stared at them without responding. The only person who Mr. Yancey talked to was Ms. Mitchell, who he looked at and said "Reese," then "Rodney." When Mr. Nagle and Mr. Carlsen continued to tell Mr. Yancey that he needed to leave, he looked at Ms. Mitchell and asked her if he really had to go. When Ms. Mitchell said yes, Mr. Yancey got up from the table, took his can of beer, and left the apartment.

Mr. Nagle waited a couple of minutes and then checked outside and saw that Mr. Yancey was standing on the porch, holding his can of beer. Mr. Nagle did not know why Mr. Yancey was still at the apartment building, and thought that he may be intoxicated. Mr. Nagle went outside on the porch and asked Mr. Yancey to leave. Mr. Yancey responded in substance that he was instead "going to stand here" and "enjoy the view," as he looked past Mr. Nagle towards the apartment building.

Mr. Nagle then pushed Mr. Yancey, which caused Mr. Yancey to stumble off the porch, fall down, and spill his beer. Mr. Yancey seemed to "laugh a little bit" but not say anything. Mr. Yancey then got up, and Mr. Nagle could see that he was holding a knife. Mr. Yancey appeared to hide the knife behind his leg and was making "quick fake movements" with it as he came onto the porch towards Mr. Nagle.

At that point, Mr. Nagle drew his pistol, pointed it at Mr. Yancey, and yelled out in substance for him to "leave" and "get back." Mr. Nagle also backed away from Mr. Yancey as he approached with the knife. As Mr. Yancey neared the entrance of the apartment building, closer to Mr. Nagle,³ Mr. Nagle continued to back up with the gun

³ After the shooting, Mr. Nagle noticed that Ms. Mitchell had been standing in that entryway as Mr. Yancey approached.

pointed at Mr. Yancey, until he felt an obstruction behind him that prevented his further retreat.

Mr. Yancey then “lunge[d] forward” towards Mr. Nagle, with a “quick movement” that was “bigger” than the other movements he had been making. At that time, when Mr. Yancey was within feet of Mr. Nagle, Mr. Nagle shot at Mr. Yancey. Mr. Nagle fired three times, stopping when he saw Mr. Yancey fall down against the building. Mr. Nagle ran back to Ms. Mitchell’s apartment, where he told Mr. Carlsen that he had shot someone and called 911.

Mr. Nagle explained that he shot Mr. Yancey because, at the time when he fired he was afraid that Mr. Yancey was about to stab him.⁴

B. Mr. Nagle’s 911 Call

Mr. Nagle called 911 using his cellphone while inside Ms. Mitchell’s apartment. In the call, Mr. Nagle recounted that Mr. Yancey had “entered the house” and “we got him to leave,” but that Mr. Yancey had been “hanging out on the porch.” When Mr. Nagle tried “getting [Mr. Yancey] to leave,” Mr. Yancey started “getting confrontational” and was pushed off the porch. Mr. Yancey then “came running back up the steps” and “it looked like he had a knife.” Mr. Nagle pulled out his gun, pointed it at Mr. Yancey, and warned him to stop and not come any closer. At that point in the call, Mr. Nagle answered questions posed by the 911 operator about where he and the gun were, and noted that he could see arriving police vehicles. The call ended when Mr. Nagle explained that police officers on-scene were directing him to “put my hands up and come out.”

⁴ Mr. Nagle also expressed safety concerns for building residents if Mr. Yancey re-entered the building. As discussed *infra*, the focus of the analysis into the lawfulness of Mr. Nagle’s use of deadly force is his expressed concern for his own safety rather than the safety of others.

C. Other Eyewitness Accounts

Investigators interviewed everyone who was present in the apartment with Mr. Nagle when Mr. Yancey unexpectedly entered. Investigators also spoke with neighbors. Although many people heard gunshots, no one outside of the residence saw the shooting or the events immediately preceding it.

1. Sincere Mitchell

Ms. Mitchell began dating Mr. Nagle in March, 2023, and he frequently visited her at her apartment at 213 Bell Street. The building's entrance usually was locked, but sometimes residents would prop it open if expecting visitors. The door to Ms. Mitchell's apartment was not usually locked.

On the night of the shooting, Ms. Mitchell was with Mr. Nagle in her bedroom, which connected directly to the kitchen. At one point her roommate Mr. Carlsen knocked on her bedroom door and asked if either she or Mr. Nagle knew Mr. Yancey, who was in the kitchen. Mr. Carlsen reported that Mr. Yancey had entered the apartment and then had sat down at the kitchen table and was drinking a beer he had brought with him.

Neither Ms. Mitchell nor Mr. Nagle knew who Mr. Yancey was. At one point while in the kitchen, Mr. Yancey looked at Ms. Mitchell and said that his name was "Reese," then said it was "Rodney." When Ms. Mitchell told Mr. Yancey that he needed to leave, he repeated her directive back to her in a question, as if he was confused why he would need to go. It was Ms. Mitchell's perception that Mr. Yancey appeared to think that he lived there.

Eventually, Mr. Yancey stood up and left the apartment, repeatedly grabbing his right pants pocket while doing so. Mr. Yancey walked out onto the apartment building's

front porch and was still visible to Ms. Mitchell through a window. Ms. Mitchell felt “shaken up” by the encounter, went back into her bedroom, and realized that Mr. Nagle had not followed her. Ms. Mitchell then went out to the porch to find Mr. Nagle.

There, Ms. Mitchell saw Mr. Nagle on the porch with Mr. Yancey, asking him why he was still there and telling him that he needed to get off the porch and leave. At one point, Mr. Nagle “shoved” Mr. Yancey, who stepped backwards, fell off the porch steps, and dropped a beer that he was holding.

When Mr. Yancey got up from the ground, he was “wobbly” on his feet and was holding onto his pocket again. Mr. Yancey then went up the porch steps; he was holding something in his hand but Ms. Mitchell could not see what it was. After Mr. Yancey was back on the porch, he “charged” at Mr. Nagle and Ms. Mitchell, who were standing near one another by the building entrance.

Mr. Nagle pointed a handgun at Mr. Yancey and repeatedly yelled at him to stop and not come closer. Mr. Yancey continued to advance, and Mr. Nagle shot at Mr. Yancey three times. Mr. Yancey was still coming towards Mr. Nagle and Ms. Mitchell after the first and second shots, but after the third shot Mr. Yancey fell to the porch floor. Mr. Nagle and Ms. Mitchell then returned to her apartment. There, Mr. Nagle was on the phone with someone—Ms. Mitchell was not sure if it was the police or his mother—and she heard him provide her address.

Ms. Mitchell reported that she was in fear of Mr. Yancey, who appeared intoxicated to her. Based upon Ms. Mitchell’s knowledge of Mr. Nagle, she believed that he was also afraid, noting how he turned red and stuttered as he spoke to Mr. Yancey on the porch.

2. Dennis Carlsen

Mr. Carlson was one of Ms. Mitchell's roommates, knew that she and Mr. Nagle were dating, and regularly saw Mr. Nagle in the apartment visiting Ms. Mitchell. Mr. Carlsen was unaware that Mr. Nagle had a firearm and described him as mild mannered and "polite."

On the night of the shooting, Mr. Carlsen was sitting at the kitchen table having a cup of coffee. While there, and unexpectedly, Mr. Yancey, who Mr. Carlson had never seen before, opened the apartment door, entered the kitchen, and closed and locked the door behind him. To Mr. Carlson, Mr. Yancey did this as if it was habit—"like he lived there."

Mr. Yancey then sat down at the kitchen table with Mr. Carlsen. Mr. Yancey "mumbled" but Mr. Carlsen could not understand anything he was saying.⁵ Mr. Yancey picked up a quilt that was on the floor, folded it up, and put it behind him, again "like he lived there." At first Mr. Carlsen was apprehensive because Mr. Yancey was gripping an item with both hands up tightly against his body, but the object turned out to be a can of beer that Mr. Yancey opened and started to drink.

Mr. Carlsen was confused by Mr. Yancey's behavior and asked if he knew anyone who lived in the apartment. When Mr. Carlsen was unable to get a "coherent" response, he went to ask Ms. Mitchell and Mr. Nagle if they knew Mr. Yancey. Neither Ms. Mitchell nor Mr. Nagle knew Mr. Yancey, and Mr. Nagle also asked Mr. Yancey if he knew anyone in the apartment but Mr. Yancey was not responding. At that point, Mr. Carlsen and Mr. Nagle both told Mr. Yancey that if he was not visiting anyone in the

⁵ Mr. Carlsen described himself as hard of hearing.

apartment then he needed to leave. Mr. Yancey looked “very confused,” stood up clutching his beer, and walked out of the apartment.

Mr. Carlsen saw Mr. Nagle follow Mr. Yancey out of the apartment, but did not see what happened after that. After “a minute or a few seconds,” Mr. Carlson heard three gunshots, and then saw Mr. Nagle run back into the apartment. Mr. Nagle was shaking and said, “I shot him.” When Mr. Carlsen asked why, Mr. Nagle answered, “Because he came at me.”⁶

Mr. Nagle insisted that he needed to call the police. While Mr. Nagle was on the phone, Mr. Carlsen went outside to look. Mr. Yancey was lying motionless on the porch, next to the building entrance. A beer can, similar to what Mr. Yancey had been drinking in the kitchen, was in the walkway next to the porch steps. The police arrived soon after Mr. Carlson went outside.

3. Brian Rosario

Eighteen-year-old Brian Rosario was another apartment resident who was home when Mr. Yancey, who he did not know, unexpectedly entered. Mr. Yancey was in the kitchen with Mr. Carlson, Mr. Nagle, and Ms. Mitchell.⁷ Mr. Carlson and Mr. Nagle were telling Mr. Yancey in substance to leave. Mr. Rosario went to his room because he wanted “to avoid confrontation.” Shortly thereafter, Mr. Rosario heard gunshots, which he believed came from outside the building.

⁶ When Mr. Carlsen initially spoke with police at the scene, he repeatedly stated that Mr. Nagle said Mr. Yancey “charged” at him.

⁷ Mr. Rosario only knew Mr. Carlsen’s name, but recognized Ms. Mitchell and Mr. Nagle.

D. Law Enforcement Response

At approximately 7:30 p.m., the Manchester Police Department was notified of shots fired in the area near 213 Bell Street. Officers arrived within minutes, saw Mr. Carlsen standing on the porch, and saw Mr. Yancey lying on the porch nearby the building's entrance. Mr. Yancey was alive but unconscious and not breathing. Police officers, later assisted by responding medical personnel, administered aid to Mr. Yancey, but he died on-scene.

Officers made verbal contact with Mr. Nagle, who was in the apartment and on the phone with 911. Mr. Nagle left the apartment with his hands in the air and advised the police that his pistol was in his pants pocket. Officers secured the weapon and detained Mr. Nagle.

The gun recovered from Mr. Nagle was a .380-caliber semiautomatic pistol. Mr. Nagle was carrying a holster for the weapon, as well as a second magazine. The magazine loaded in the pistol was three bullets short of fully loaded. Mr. Nagle had lawfully purchased the pistol about a year ago, and it was legal for him to carry that weapon concealed on his person.

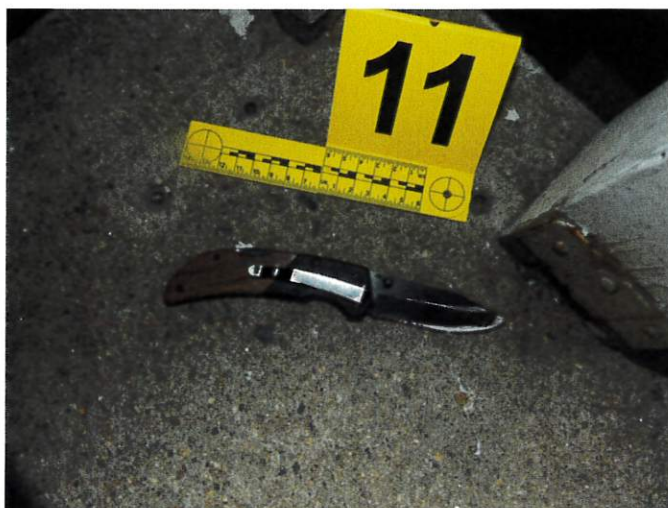
E. Video Evidence

There were no working surveillance cameras at 213 Bell Street, and although the police obtained surveillance footage from various nearby locations none of that footage captured any of the encounter between Mr. Nagle and Mr. Yancey outside 213 Bell Street. Responding police officers were equipped with body-worn cameras, which at 213 Bell Street recorded officers' initial interactions with Mr. Carlson and Mr. Nagle and the attempts to render medical assistance to Mr. Yancey.

F. Physical Evidence

The porch where the shooting happened is a small landing a couple of feet above the ground, located in the front of the apartment building. A set of steps is at one end of the porch, and the opposite end and the front of the porch are enclosed by a railing. The side of the porch abutting the front of the building also has a single entryway into the building.

Police found a folding knife with an extended blade on the porch directly in front of where Mr. Yancey had been lying, and three .380-caliber shell casings nearby.⁸ Police also found an open beer can, consistent with what people saw Mr. Yancey drinking and holding, on the ground by the steps of the porch.



Figures 1&2: Photos of the folding knife found on the porch of 213 Bell Street. The yellow numbered placards and scales seen in these and other photos were placed by investigators.

⁸ A semiautomatic pistol such as that fired by Mr. Nagle ejects a shell casing once a shot is fired.



Figures 3&4: The photo on the left shows where shell casings were found on the porch of 213 Bell Street. The yellow placards numbered 12-14 indicate the casings' locations, and the yellow box indicates approximately where Mr. Yancey was lying when police arrived. The doorway to the right is the entrance into the apartment building.

The photo on the right shows the steps leading to the porch. A beer can is circled in red. The yellow circle indicates the approximate location of the folding knife.

G. Autopsy Results

Chief Medical Examiner Jennie Duval conducted an autopsy on Mr. Yancey on April 5, 2023. Mr. Yancey sustained injuries from three separate gunshot wounds: (1) entering his left chest, (2) entering his right chest and traveling into his abdomen, and (3) entering his left arm and traveling into his chest. Mr. Yancey's death was determined to be a homicide, with his cause of death the gunshot wounds to his chest and abdomen. As used by the Office of the Chief Medical Examiner, the term "homicide" is defined as the killing of one person by another.

Toxicology testing of a sample of Mr. Yancey's blood revealed an alcohol concentration of 0.258,⁹ as well as the presence of caffeine and cotinine (tobacco).

⁹ New Hampshire law prohibits operation of a motor vehicle with a blood alcohol concentration of 0.08 or higher for anyone over 21 years old.

IV. APPLICABLE LEGAL STANDARDS

New Hampshire's self-defense laws are codified in RSA Chapter 627. RSA 627:4, physical force in defense of a person, contains several variants that set forth when a private citizen may lawfully use deadly force to protect himself or others in certain circumstances. This review focuses on the following variant:

A person is justified in using deadly force upon another person when he reasonably believes that such other person ... [i]s about to use unlawful, deadly force against the actor . . .

RSA 627:4, II(a). The law defines "deadly force" as "any assault or confinement 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.

As to the requirement that lawful deadly force must be based upon a reasonable belief that another is about to use unlawful deadly force, 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 an incident are to be considered in determining whether a person had a reasonable belief that deadly force was necessary to defend from imminent deadly force.

When reviewing a deadly force incident, the subject'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 - 1985*, 3.10. In other words, when analyzing the reasonableness of the 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 to protect oneself also must be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

New Hampshire's self-defense laws also mandate that deadly force is not justified if the individual had a legal duty to retreat:

A person is not justified in using deadly force on another to defend himself or herself or a third person from deadly force by the other if he or she knows that he or she and the third person can, with complete safety . . . [r]etreat from the encounter, except that he or she is not required to retreat if he or she is within his or her dwelling, its curtilage, or anywhere he or she has a right to be, and was not the initial aggressor.

RSA 627:4, III(a).

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Roy Nagle was legally justified in his use of deadly force against Rodney Yancey under RSA 627:4, II(a).

First, proper review of Mr. Nagle's use of deadly force must take into account the unexpected and unusual circumstances that immediately preceded it. In that regard, Mr. Nagle was in a place where he was authorized to be—his girlfriend's apartment where he was granted access by the tenants and routinely spent time. While inside that residence, Mr. Nagle and the other people there were confronted with a situation that, objectively viewed, was strange. Mr. Yancey, neither a resident or a guest, nor someone with whom those who saw him inside the apartment had any familiarity, entered the apartment without permission and acted as if he lived there. Attempts to communicate with Mr. Yancey were met largely by stares and incomprehensible replies. Only after repeated requests to leave did Mr. Yancey finally do so. Although Mr. Yancey was neither

actively hostile nor acting dangerous during his uninvited entry and stay in the apartment, his actions were odd and likely constituted criminal trespass. *See* RSA 635:2, I (“A person is guilty of criminal trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place.”).

Outside the building, Mr. Yancey continued to linger despite Mr. Nagle telling him to leave. When Mr. Yancey remained on the porch and indicated that he had no intent to leave, Mr. Nagle responded with non-deadly force—a push—to remove him from the premises. Mr. Nagle’s use of physical force against Mr. Yancey at that time—the shove—likely was lawful, given that Mr. Nagle was an invited guest and Mr. Yancey remained on private property without permission. *See* RSA 627:7 (“A person . . . who is . . . privileged to be [on premises] is justified in using non-deadly force upon another when and to the extent he reasonably believes it necessary to prevent or terminate the commission of a criminal trespass by such other in or upon such premises . . .”). But regardless of whether Mr. Nagle was within his legal rights to exercise physical force against Mr. Yancey by pushing him, that conduct at most could justify Mr. Yancey’s own responsive use of non-deadly force. *See* RSA 627:4, II (setting forth limited circumstances under which deadly physical force may be justified).

However, Mr. Yancey instead responded by producing a knife—a deadly weapon—and advancing on Mr. Nagle while brandishing that weapon in a manner that indicated to Mr. Nagle that he was about to use it. At that time, Mr. Yancey had no legal right to threaten the use of deadly force against Mr. Nagle, and he was the first of the two to do so. It was only then, when Mr. Nagle saw that Mr. Yancey was armed and approaching, that Mr. Nagle drew his pistol, which was a lawful act under the

circumstances. *See* RSA 627:4, II-a (“A person who responds to a threat which would be considered by a reasonable person as likely to cause serious bodily injury or death to the person . . . by displaying a firearm . . . with the intent to warn away the person making the threat shall not have committed a criminal act.”).

At the point when Mr. Nagle faced deadly force from Mr. Yancey, although Mr. Nagle may not have been legally required to retreat, *see* RSA 627:4, III(a), he did attempt to do so. Specifically, Mr. Nagle backed away from Mr. Yancey while, with his gun drawn, he repeatedly directed Mr. Yancey to get away. The area where these quickly-unfolding events occurred was a narrow porch enclosed by a railing, a confined area where backwards was Mr. Nagle’s only available egress. Despite Mr. Nagle’s repeated directives, Mr. Yancey continued to approach Mr. Nagle while brandishing a knife.

Only when Mr. Nagle could not back up farther, saw Mr. Yancey “lunge” at him, and believed that Mr. Yancey was about to stab him with the knife that he held, did Mr. Nagle fire at Mr. Yancey. At that time, and under those described circumstances, Mr. Nagle reasonably believed that he faced imminent deadly force from Mr. Yancey, justifying his own use of defensive deadly force. Moreover, Mr. Nagle’s use of deadly force was not excessive. He fired three shots, explaining that he stopped when he saw Mr. Yancey fall to the porch and believed that he no longer posed a threat.

To be sure, the legal determination of the lawfulness of Mr. Nagle’s use of deadly force relies largely upon his account of events. Here, all the other information gathered from the investigation corroborate that account, and nothing impugns either that account nor Mr. Nagle’s general credibility. What Mr. Nagle told investigators materially tracked what he recounted when he called 911 immediately after shooting Mr. Yancey and

reported what he had done. The only other eyewitness to the shooting, Syncere Mitchell, recounted events consistent in material aspects with that given by Mr. Nagle—including Mr. Yancey approaching Mr. Nagle with an object in his hand,¹⁰ Mr. Nagle repeatedly directing Mr. Yancey in substance to stop, and Mr. Yancey continuing to advance. Although Dennis Carlsen did not see what happened outside the apartment building, he corroborated Mr. Nagle's account of Mr. Yancey's strange behavior inside the apartment immediately preceding the shooting, including entry into the apartment without permission and not initially responding to directives to leave.

Evidence independent of Mr. Nagle's account corroborate it. Police found an open folding knife near where Mr. Yancey fell on the porch, and shell casings consistent with shots fired in that same area. Mr. Yancey had fallen by the building entrance, where Mr. Nagle and Ms. Mitchell saw him approaching just before the shooting. Police also found the beer that Mr. Yancey had been holding by the porch steps where he spilled it when pushed away by Mr. Nagle. Lastly as to the credibility of Mr. Nagle's account, investigation confirmed that he had no pre-existing relationship with Mr. Yancey, let alone any prior hostility or anger towards him, and that he also had no motive to use any force against Mr. Yancey other than in response to Mr. Yancey's actions.

Accordingly, based on all the facts and circumstances known to Mr. Nagle at the time he encountered Mr. Yancey, it was reasonable for Mr. Nagle to conclude that Mr. Yancey was about to use unlawful deadly force against him. Therefore, no criminal charges will be filed against Mr. Nagle in connection with the shooting of Mr. Yancey, because Mr. Nagle justifiably used deadly force to defend himself.

¹⁰ Although Ms. Mitchell admitted that she did not see what Mr. Yancey held in his hand, she saw him with something, and also saw his hand go into his pocket before approaching Mr. Nagle on the porch.