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THE STATE OF NEW HAMPSHIRE
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JUN 20 2023

Court Name: 9th Circuit - District Division - Manchester

Agency Case Number: 23-006142 Manchester District Division

ARREST WARRANT

To the sheriff of his deputies of any county in this state, or any police officer state or federal, within the state:

Detective Garrett Bombard has established under oath that probable cause exists and an arrest warrant shall issue against the defendant,

Keith Murphy, D.O.B. 06/11/1975

In the county of Hillsborough for one count of

Criminal Threatening and two counts of Simple Assault contrary to the New Hampshire

RSA: 631:2-a Descriptor: Simple Assault (2 counts)

RSA: 631:4 Descriptor: Criminal Threatening

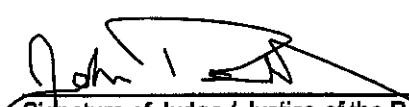
RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

We command you to take him/her, if found to be in your jurisdiction, and bring him/her before the 9th Circuit - District Division - Manchester Court.

Date



Signature of Judge / Justice of the Peace

6/13/23 - Judge John Pendleton 10th Circuit Portsmouth Ct.
Name of Judge / Justice of the Peace

RETURN

STATE OF NEW HAMPSHIRE

COUNTY OF

Hillsborough

I have arrested the Defendant and now have him/her before the court as commanded.

Date



Signature of Officer

Shields, K D36

Name of Officer/Department

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PROBABLE CAUSE STATEMENT FOR ARREST WARRANT

I, Detective Garrett Bombard declare under penalty of perjury:
(Name of officer)

1. I am employed by and my current assignment and experience is:

I am a Detective with the Manchester Police Department, and have been so employed as a sworn, full time police officer since July 2016. Since my hiring, I successfully completed the Law Package at the New Hampshire Police Standards and Training Council and the in-house Manchester Police Academy and have obtained my certification as a full time police officer. I have also attended additional training classes to include crime scene processing, homicide investigations, interview and interrogation and bloodstain pattern analysis. From January 2006 to July 2016, I was employed by the Arlington County Police Department in the state of Virginia. While employed, I served as a Police Officer in the patrol division.

My duties and responsibilities as a detective include the investigation of major crimes that occur in the City of Manchester. I have participated in several homicide, burglary, robbery, and theft related investigations both as a patrol officer and a detective.

(Describe position, assignment, office, etc.)

2. I have information, based upon (Describe source, facts indicating reliability and credibility of source and nature of information. If based on personal knowledge, so state).

my own investigation or through my communications with other Manchester Police Officers. Additionally, I reviewed police reports prepared by Manchester Police Officers detailing their involvement in this investigation. This affidavit does not contain every fact known to me or other investigators. Rather, it contains material information relevant to determining whether there is sufficient probable cause to issue an arrest warrant for Keith Murphy (06/11/1975).

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☐ See additional page(s) for more information

For these reasons I ask the Court to issue an arrest warrant for
Name Keith Murphy

Manchester District Division
DOB: 06/11/1975

For the following crimes:

RSA: 631:2-a Descriptor: Simple Assault (2 counts)

RSA: 631:4 Descriptor: Criminal Threatening

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

06/13/2023

Date


Signature of Officer

Detective Garrett Bombard
Name of Officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

PROBABLE CAUSE STATEMENT FOR ARREST WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

See Attachment A

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Manchester District Division

PROBABLE CAUSE STATEMENT FOR ARREST WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

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Attachment A

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On 4/30/23 at approximately 1600 hours, Officer Whiteman responded to the Manchester Police Department to contact a victim reporting an assault. He identified the victim as NS. NS reported that on 4/30/23 at approximately 1400 hours, he was employed as a server at Murphy's Diner located at 516 Elm St in Manchester. Murphy's Diner is also associated with Murphy's Taproom located at 494 Elm St. NS stated that he had a confrontation with his employer, Keith Murphy, about tip money that was owed to him. During this confrontation, NS reported that Murphy became irate and began screaming at him. Murphy then went "chest to chest" with him. NS reported that he had enough and quit. Prior to leaving the property, NS began to collect his belongings. While doing so, NS reported that Murphy followed him throughout the diner, patio area, and taproom continuing to scream at him. NS then went outside to the patio area to leave the property. Murphy continued to follow NS onto the patio at which point they were alone. NS reported that he then heard the sound of someone "hocking a loogie" behind him and then felt spit on the back of his neck. NS reported that he then was slapped on the back of the head.

NS went to his vehicle in the parking lot of the diner and contacted the police. However, he ultimately drove to the Manchester Police Department to report the incident. NS advised that he wished to press charges for assault.

I Detective Bombard was assigned to investigate this incident. Through the course of the investigation, I contacted Keith Murphy on 5/1/23 and received voluntary consent to collect the video footage from Murphy's Diner, Murphy's Taproom and the exterior patio area between the two businesses. Murphy also agreed to take part in a voluntary interview at the MPD on 5/1/23.

During the initial interview with Murphy, he confirmed that there was a verbal altercation between himself and NS who then quit. He reported that NS then "stormed" throughout the diner, patio, and taproom areas disrupting the businesses. Murphy reported that NS was aggressive during this time and went "chest to chest" with him on several occasions. NS was also reportedly screaming at Murphy and calling him vulgar names. Murphy said he followed NS while repeatedly telling him to leave the property. Murphy reported that he never spit on NS or slapped him at any point during the interaction. When asked, he stated that the only time there may have been any sort of physical contact with NS was on the patio area when NS stopped abruptly. Murphy reported that as this occurred, he stopped and raised his hands to prevent himself from continuing into NS. Murphy stated that he did not believe that he made contact with NS at this point but it is possible that there was incidental contact.

I later reviewed the video footage collected on 5/1/23. The time stamp is 24 minutes ahead of actual time. The footage shows that the initial verbal altercation occurs in the diner at 1427 hours (camera time) (1403 hours actual time). I was able to view multiple cameras angles and determined that after the initial interaction, NS moves from the diner, across the patio, into the taproom, and then up a set of stairs at the rear of the taproom where offices are located. From there, NS walks back downstairs, through the taproom and back out to the patio area. Murphy follows NS the entire time and on numerous occasions they appear to make verbal contact and it is apparent that they are arguing. I did not observe any physical contact between NS and Murphy during this initial time frame or identify any times when either party aggressively goes "chest to chest" with the other. I did observe NS knock a

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chair over in the diner and kick it and I observed NS put up his middle finger within inches of Murphy's face while in the taproom. Manchester District Division

NS exits the taproom onto the patio at approximately 1408 hours (actual time). Murphy continues to follow directly behind NS. As NS walks away, he turns toward Murphy and it is apparent that they are arguing. NS turns away and continues walking at which point Murphy is observed picking up a patio chair. Murphy then raises the chair while continuing to advance aggressively toward NS from behind. Based on the video it appears that Murphy is about to strike NS with the chair. NS then turns and looks at Murphy who is now within feet of him. Murphy then throws the chair to the ground. Murphy then moves within inches of NS pushing his chest forward but it is unclear if there is physical contact at this time. Murphy then begins pointing in a northwest direction and it appears that he is telling NS to leave. NS turns away from Murphy and begins walking west while Murphy follows behind. At approximately 1409 hours (actual time), Murphy makes a lunging motion with his upper body in the direction of NS. The motion is further described as Murphy suddenly moving his head and chest forward while extending both arms rearward at his sides. This motion is consistent with the same motion someone would make if attempting to project spit forward. Immediately after this occurs, NS is observed turning and pointing toward Murphy. Murphy points back and it is apparent that there is some form of verbal communication between them. NS then turns and continues walking west, away from Murphy.

As NS again walks away, Murphy continues to follow him. Murphy is then observed on another camera angle quickly making a swiping motion very close to the rear of NS' head and neck area. It is unclear if physical contact is made with NS' head; however, it is clearly observed that the hood on the back of NS' sweatshirt is contacted as it moves from the rear position to NS' left shoulder. NS then again points at Murphy while continuing to walk away from him.

NS re-enters a door leading to the diner area briefly. A short time later he exits and approaches a vehicle parked in front of the diner while Murphy follows. It is apparent that a verbal argument continues but Murphy is observed walking away a short time later and entering the diner. NS is then observed talking on a cell phone and it is believed that he is contacting the police. There appears to be one additional verbal confrontation when Murphy exits the diner and appears to speak with NS from several feet away; however, no further physical contact is observed. Murphy then walks away and it appears that the altercation is over.

It should be noted that the video confirms that during the above described events, NS and Murphy are alone on the patio and there were no witnesses to what occurred.

Murphy agreed to a follow-up voluntary interview on 6/5/23 during which I showed him the video footage. Murphy continued to insist that he never spit on NS or slapped him. I asked him about the incident involving the patio chair and he insisted that he was only attempting to move the chair after NS moved it first. However, the video footage shows that NS never moved the chair.

NS took part in a voluntary interview on 6/6/23. During this interview he mimicked the sound he heard prior to feeling a concentrated amount of fluid on the back of his neck. The sound was consistent with gathering saliva in his mouth and then spitting. NS also continued to insist that he felt "skin to skin contact" at the time he alleged that he was slapped on the back of the head. He described that the slap was in the area of his upper neck or lower skull area which is consistent with what was observed on

video. I also asked NS about any incident involving a chair on the patio which was not initially reported. NS stated that he recalled Murphy picking up a chair at one point as if he (Murphy) wanted to hit him (NS) with it; but, Murphy did not hit him with the chair. During the interview, NS clarified that in order to leave the property he needed to get his car keys. The car keys were reportedly left in the upstairs office of the taproom. He further explained that while working he needs to check out a tablet. There was a policy in place that requires him to leave keys or a cellphone in the office when he checks out the tablet.

Based upon the statements provided by the victim, NS, and the video footage recovered in relation to this incident, there is probable cause to believe that Keith Murphy committed the crime of Criminal Threatening pursuant to NH RSA 631:4 in that by physical conduct he purposely placed or attempted to place another in fear of imminent bodily injury or physical contact when he picked up a chair, held it in a manner consistent with preparing to strike NS with the chair, and moved toward him. There is also probable cause to believe that Murphy committed the crime of Simple Assault pursuant to NH RSA 631:2-a in that he knowingly caused unprivileged physical contact to another when he spit on the victim, NS. Finally, there is probable cause to believe that Murphy committed a second offense of simple assault in that he knowingly caused unprivileged physical contact to another when he swiped his right hand at the rear neck and head area of the victim, NS, making contact with NS' hood and/or head.

I respectfully request that the court issues an arrest warrant for Keith Murphy (06/11/1975) for one count of Criminal Threatening (RSA 631:4) and two counts of Simple Assault (RSA 631:2-a).

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