

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
Northern Judicial District

SUPERIOR COURT

*****Expedited Processing Required per RSA 354-B:4, IV*****

Docket No. _____

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

CHRISTOPHER ROUNDS

**ATTORNEY GENERAL JOHN M. FORMELLA’S COMPLAINT
UNDER THE NEW HAMPSHIRE CIVIL RIGHTS ACT**

NOW COMES John M. Formella, Attorney General (“State”), with a complaint against Christopher Rounds (“Defendant”) for a violation of the New Hampshire Civil Rights Act, RSA 354-B:1. The State asks that this Court find that Defendant violated the New Hampshire Civil Rights Act when he: (1) threatened to kill one of the victims, J.C.; (2) used physical force against J.C. by banging on her car in which she had sought shelter; (3) renewed his threats against J.C. after he had left the scene and returned; (4) used physical force against the other victim, C.M.; and (5) threatened physical force against C.M. with the intent to coerce or terrorize. His unlawful conduct directed at J.C. was motivated by her race and/or national origin as well as her sex. His unlawful conduct directed at C.M. was motivated by his race. Throughout all his unlawful conduct, Defendant shouted racial and misogynistic slurs and epithets at both J.C. and C.M. He continued to do so even after police arrived. The evidence demonstrates that race and/or national origin as well as sex motivated Defendant’s conduct and his action interfered

with the lawful activities of his victims, specifically, J.C.’s effort to perform her job duties and C.M.’s effort to protect J.C. from suffering physical harm.

As detailed in this complaint, the State asks that this Court impose civil penalties upon Defendant, to permanently enjoin Defendant from committing future Civil Rights Act violations, and other remedies. Filed contemporaneously with this complaint are a motion and memorandum in support of a preliminary injunction to enjoin Defendant from future unlawful conduct and to protect the individuals and businesses targeted or affected by Defendant until the Court grants a permanent injunction. **As required by RSA 354-B:4, IV, this Court must prioritize this matter in its schedule.**

In support of this complaint, the State submits the following:

INTRODUCTION

1. The New Hampshire Civil Rights Act, RSA 354-B:1 (the “Civil Rights Act”), provides that all persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.

2. On June 9, 2023, Defendant violated the Civil Rights Act when he did the following: (1) aggressively approached J.C., who is Hispanic, while yelling racial slurs and misogynistic epithets at her, including calling her a “n****r”¹ and a “b***h”; (2)

¹ The State uses an abbreviated version of this word throughout.

after J.C. retreated to her car, continued to yell racial and misogynistic slurs, bang on the car, and threaten to kill J.C.; (3) later that morning, aggressively approached J.C. again while continuing to yell racial and misogynistic slurs and threats at her; (4) yelled racial slurs at C.M., who is Black, including calling him a “n****r”; and (5) initiated a physical fight with C.M.

3. The incidents began after at the apartment building Defendant had been residing in after J.C., the property manager, left a note on Defendant’s truck advising him that it was hanging into the road and asking him to move it. During these encounters, Defendant threatened to, among other things, go get his gun.

4. Defendant continued to yell racial and misogynistic slurs and threats at both victims even after police arrived and ordered him to stop.

5. In committing these acts, Defendant threatened physical force or violence directed at J.C. and C.M. Defendant repeatedly threatened to kill both J.C. and C.M., explicitly and implicitly. Defendant shouted slurs and threats, banged on J.C.’s car, and assaulted C.M. His threats had the intent to coerce or terrorize because they intended to put J.C. and C.M. in fear for their lives. The threats and uses of physical force or violence violated the Civil Rights Act because they were motivated by Defendant’s actual or perceived understanding of J.C. and C.M.’s races and/or national origins and J.C.’s sex. *See State v. Costella*, 166 N.H. 705, 711-12 (2014) (concluding that a defendant can be convicted of a hate-motivated crime based upon his perception of the victim’s protected characteristics, regardless of whether his perception is correct or not).

6. The repeated use of racial and misogynistic slurs from the outset of his interactions with J.C. and C.M. through his interactions with law enforcement, invoked

J.C. and C.M.'s race and/or national origin as well as J.C.'s sex. This invocation of race and sex supports only one conclusion: Defendant's conduct was motivated by animus toward J.C.'s and C.M.'s races and/or national origins as well as J.C.'s sex.

7. Defendant's conduct interfered with J.C. and C.M.'s lawful activities. J.C. before Defendant's conduct began had been performing her job as property manager and left a note asking Defendant to move his truck, so it did not block the driveway. C.M. attempting to help J.C., who had been threatened with violence, intervened to protect another from an unlawful use of force and to diffuse a tense situation.

8. In response to these violations, the Attorney General asks this Court to find that Defendant violated the Civil Rights Act, impose civil penalties against Defendant, and enjoin him from, among other things, further violating the Civil Rights Act.

PARTIES

9. John M. Formella is the Attorney General of New Hampshire. The Attorney General's Office is located at 1 Granite Place—South, Concord, NH 03301. Pursuant to RSA 354-B:2, whenever the Attorney General has probable cause to believe that any person has violated any provision of RSA chapter 354-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in the Superior Court in the county where the alleged violator resides or where the alleged conduct occurred.

10. Upon information and belief, Defendant Christopher Rounds resides at 374 Amory Street #4, Manchester, New Hampshire 03103.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to RSA 354-B:2, II.

12. Hillsborough County—Northern Judicial District is the proper venue for this action because the unlawful conduct occurred at 374 Armory Street, Manchester, New Hampshire, a city located within Hillsborough County's Northern Judicial District.

FACTS

13. On June 9, 2023, at approximately 10:00 A.M., J.C., who is of Hispanic descent, arrived at 374 Amory Street, an apartment building for which she is the property manager. She went to 374 Armory Street to oversee routine maintenance.

14. When she arrived, J.C. noticed an unfamiliar black pickup truck parked in the building's driveway. The truck had been parked so that its bed was in the road, which created a safety hazard.

15. J.C. did not know who owned the truck and left a note on the windshield asking the owner to move it.

16. After she left the note, Defendant approached J.C. and demanded to know who J.C. was and why she left a note on his truck. J.C. informed him that she was the property manager. Defendant then began shouting racial insults, including "n****r," at her and calling her a "b***h."

17. Afraid for her safety, J.C. retreated to her own car. Defendant followed her and continued to yell insults and threats at her, including telling her, "you're a dead b***h." Defendant repeatedly yelled "you're a dead b***h" after J.C. got into her car. Defendant banged on the hood of her car, the car's window, and the car's roof while screaming at her.

18. Other residents of the apartment building had heard this commotion and came outside to check on J.C. and ensure her safety.

19. After several minutes of this verbal and physical attack, Defendant entered his truck and drove away.

20. J.C. remained at 374 Amory Street to oversee the maintenance being performed. J.C., at times, saw Defendant's truck "driving around the premises."

21. Around 40 minutes later, at approximately 10:40 A.M., as J.C. was preparing to leave 374 Armory Street, Defendant returned. He resumed shouting racial and misogynistic slurs at J.C. J.C., as the property manager, told Defendant that he could not come inside because he was not a named resident on any of the leases.

22. Hearing the commotion, tenants again gathered outside.

23. Defendant approached J.C. and continued to shout threats and slurs. One of the other tenants who had come outside, C.M., a Black man, placed himself between J.C. and Defendant to protect J.C.

24. Defendant turned his attention to C.M. and began calling C.M. racial slurs and insults, including calling him a "n****r" and other offensive comments. Defendant also implied that C.M. and J.C. were romantically involved. While C.M. tried to calm Defendant down, J.C. escaped to her car.

25. Defendant did not calm down, and C.M. attempted to leave the area. When C.M. tried to leave, Defendant pushed C.M. as he walked away. A fight ensued.

26. When the fight ended, Defendant again threatened and insulted J.C. and C.M. before J.C. heard him state that he "was going to get his gun." Defendant reentered the apartment building, and J.C. called the police. Officer Jake Sawtelle from the

Manchester Police Department initially responded along with Officers Joseph Benway, Stephen Irwin, Alexander Reagan, Jonathan Gould, Daniel Richmond Jr., and Chad Clark.

27. After the police arrived, Defendant came back outside and immediately resumed calling C.M. a “n*****r” and J.C. a “n*****r” and “b***h,” despite being ordered to stop. Several officers stayed near the property with Defendant while others, like Officers Sawtelle and Richmond Jr. interviewed other witnesses. In addition to the comments directed at C.M. and J.C., Defendant also made comments about J.C. hating white people and that the officers did not have any “white pride.”

28. Officer Sawtelle arrested Defendant that day on three counts of criminal threatening and one count of disorderly conduct.

29. Two officers attempted to interview C.M. C.M. was visibly upset and agitated. C.M. paced along the street and would not clearly answer the officers’ questions. C.M. made several comments that the incident was “racist” including that in “2023 [C.M. was] still a f*****g n*****r” to people like Defendant. C.M. explained that he intervened to protect J.C. because she was trying to do her job and did not deserve the treatment she received regardless of her skin color.

30. While traveling to the police department for booking, Defendant made repeated racial slurs and continued to refer to J.C. at a “b***h.” Defendant also stated that he was only being arrested because he “spoke and said some f*****g s**t.”

COUNT I
Violation of New Hampshire Civil Rights Act, RSA 354-B:1
(First Threatened Physical Force – J.C.)

31. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

32. Defendant threatened J.C. with physical force or violence when he yelled racial and misogynistic slurs and threats at her, including calling her a “n****r” and saying “you’re a dead b***h.” This act, communicating an intent to inflict harm to coerce or terrorize another, is a threat. The coercive or terrorizing effect is evidenced by the references to causing J.C.’s death in connection her race and/or national origin as well as her sex.

33. Defendant further threatened J.C. with physical force or violence when he said he was going to get his gun. This act, communicating an intent to inflict harm to coerce or terrorize another, was a threat. The coercive or terrorizing effect is evidenced by the Defendant’s repeated references on the morning of June 9, 2023 to causing injury or death to J.C. in connection with her race and/or national origin as well as her sex.

34. Race and/or national origin as well as J.C.’s sex motivated Defendant’s conduct. Defendant shouted racial and misogynistic slurs at J.C. as he pursued her to her car, where he continued to yell racial and misogynistic slurs at her and threaten her death. Later in the morning, he continued to direct racial slurs and threats while stating his intent to retrieve his gun.

35. Defendant’s conduct disrupted the lawful activities of J.C., who was merely trying to perform her job responsibilities to manage the property.

36. Defendant’s action constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT II
Violation of New Hampshire Civil Rights Act, RSA 354-B:1
(Actual Physical Force – J.C.)

37. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

38. Defendant subjected J.C. to actual physical force or violence when he repeatedly banged on the hood, window, and roof of J.C.'s car while she was inside it and while he yelled racial and misogynistic slurs and threats at her, including "you're a dead b***h."

39. Race and/or national origin as well as J.C.'s sex motivated Defendant's conduct. Defendant shouted racial and misogynistic slurs at J.C. as he pursued her to her car, and, once she was inside her car, continued to shout slurs and threats while physically banging on her car.

40. Defendant's conduct disrupted the lawful activities of J.C., who was merely trying to perform her job responsibilities to manage the property.

41. Defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT III
Violation of New Hampshire Civil Rights Act, RSA 354-B:1
(Second Threatened Physical Force – J.C.)

42. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

43. After departing the scene and having the opportunity to reflect and calm down, Defendant returned to the apartment. Upon encountering J.C., he again threatened her with physical force or violence when he said he was going to get his gun.

Contemporaneously with this act, Defendant made racial and misogynistic slurs directed at J.C. The act, communicating an intent to inflict harm to coerce or terrorize another, was a threat. The coercive or terrorizing effect is evidenced by the Defendant's references on the morning of June 9, 2023 to getting his gun and further causing injury or death to J.C. in connection with her race and/or national origin as well as her sex.

44. Race and/or national origin as well as J.C.'s sex motivated Defendant's conduct. Defendant shouted racial and misogynistic slurs at J.C. as he approached her and continued to yell racial and misogynistic slurs at her and threatened her death until C.M. intervened.

45. Defendant's conduct disrupted the lawful activities of J.C., who was merely trying to perform her job responsibilities to manage the property.

46. Defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT IV
Violation of New Hampshire Civil Rights Act, RSA 354-B:1
(Threatened Physical Force – C.M.)

47. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

48. Defendant threatened C.M. with physical force or violence when he said, among other things, that he was going to get his gun. This act, communicating an intent to inflict harm to coerce or terrorize another, was a threat. The coercive or terrorizing effect is evidenced by the references to causing harm to C.M.

49. While making this threat, Defendant shouted racial slurs, including "n****r" at C.M. and repeatedly referred to C.M. as a "n****r." These threats coupled

with the use of racial slurs evidence that Defendant's unlawful acts were motivated by animus toward C.M.'s race.

50. Defendant's conduct disrupted the lawful activities of C.M., who had intervened to diffuse the situation and to protect J.C. from Defendant's threatening and abusive conduct.

51. Defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

COUNT V
Violation of New Hampshire Civil Rights Act, RSA 354-B:1
(Actual Physical Force – C.M.)

52. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

53. Defendant subjected C.M to actual physical force or violence when he pushed C.M. as C.M. tried to move away from Defendant and continued to assault C.M.

54. Race motivated Defendant's conduct. Defendant shouted racial slurs at before, during, and after assaulting C.M.

55. Defendant's conduct disrupted the lawful activities of C.M., who had intervened to diffuse the situation and to protect J.C. from Defendant's threatening and abusive conduct.

56. Defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

REQUEST FOR RELIEF

WHEREFORE, the State respectfully requests that this Honorable Court:

A. Prioritize—as **required by RSA 354-B:4, IV**, the processing of this case consistent with Superior Court Rule 48(b)(2) and RSA 354-B:4, IV, which provides that

all actions brought under this statute shall have priority in the court scheduling;

B. Find that Defendant violated the New Hampshire Civil Rights Act, RSA 354-B:1, four times;

C. Order Defendant to pay a civil penalty of \$5,000, for each Civil Rights Act violation;

D. Enter a temporary restraining order and a preliminary/permanent injunction to remain in place for three years, which prohibits Defendant from:

1. engaging in or threatening physical force or violence, damage to property, or trespass on property against any person motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;
2. participating, directly or indirectly, in any unlawful² activities motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;
3. going within 350 feet of 374 Amory Street, Manchester, New Hampshire 03103, J.C., J.C.'s home, J.C.'s place of work, C.M., C.M.'s home, and C.M.'s place of work;
4. contacting directly or indirectly the victims, J.C and C.M., and any members of their immediate family; and
4. encouraging or causing any other persons to engage in conduct prohibited in paragraphs D.1-D.4 above, conspiring with any other persons to engage in such conduct, or assisting any person in engaging in such conduct.

² Unlawful in this context means: any act that could subject a person or legal entity to civil or criminal liability.

E. Order that any knowing violations of the Court's order could result in criminal and/or civil sanctions and additional fines as provided for in RSA chapter 354-B; and

F. Grant such other and further relief as justice may require.

Respectfully submitted,

JOHN M. FORMELLA,
ATTORNEY GENERAL

Date: May 14, 2024

By: /s/ Sean R. Locke
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