

**ATTORNEY GENERAL’S REPORT REGARDING THE
FEBRUARY 21, 2025 OFFICER-INVOLVED SHOOTING
IN DERRY, NEW HAMPSHIRE**

I. INTRODUCTION

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a police officer use of deadly force incident that occurred during a forcible motor vehicle stop along a public roadside in Derry, New Hampshire on February 21, 2025. During that incident, Derry Police Officer Andrew Noorigian fired a single shot at the driver of the stopped car, Levi Coltey (age 26), striking him in the shoulder; Mr. Coltey survived that gunshot wound. The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding that use of deadly force against Mr. Coltey.¹ The findings and conclusions in this report are based upon information gathered during the investigation, including recorded witness interviews, video recordings of pertinent events, and numerous official reports generated during the course of the investigation.

As provided in RSA 7:6, RSA 21-M:3-b, and RSA 21-M:8, II(a), the Attorney General is the State’s Chief Law Enforcement Officer. The Attorney General has the responsibility to ensure that whenever law enforcement officers use deadly force, it is done in conformity with the law. When the Attorney General reviews the use of deadly force by a law enforcement officer, he does not investigate or opine on the particular procedures or tactics used by the officer. Instead, the Attorney General’s review of an officer-involved use of deadly force

¹ Although Mr. Coltey did not die, under the law Officer Noorigian used deadly force against him because “deadly force” includes acts that “create a substantial risk of causing death or serious bodily injury” and “purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” RSA 627:9, II.

incident consists of a criminal investigation, which is limited to determining whether the involved officer complied with the applicable law.

Based on the investigation of this deadly force incident, Attorney General John M. Formella finds that the use of deadly force against Levi Coltey by Police Officer Andrew Noorigian on February 21, 2025, was legally justified.

II. SUMMARY OF THE FACTS

On the evening of February 21, 2025, an on-duty officer from the Derry Police Department, conducting routine motor patrol, attempted to stop a motor vehicle for a traffic infraction. The subject vehicle was driven by Levi Coltey, and contained no passengers. Ultimately, Mr. Coltey stopped his vehicle along the side of a public road. There, the police repeatedly directed Mr. Coltey to turn off his car. After Mr. Coltey remained, vehicle idling, for several minutes, he drove away.

Mr. Coltey continued along public roads for about two miles, pursued by several marked police vehicles with activated lights and sirens. During that pursuit Mr. Coltey drove erratically, at times speeding, weaving outside his travel lane into the oncoming lane, and abruptly stopping his car and attempting to change direction. While Mr. Coltey was driving slowly along a relatively remote stretch of the Route 28 Bypass in Derry, one of the marked police vehicles in pursuit forced Mr. Coltey's car to the roadside, where it became stuck in snow.

When Mr. Coltey's car was stuck, Police Officer Andrew Noorigian, who had been driving his marked patrol vehicle towards the car, left his vehicle and approached the driver's door, armed with a rifle. When Officer Noorigian was at the driver's window, Mr. Coltey quickly leaned over to the passenger area, and then pulled back to the driver's seat and faced the officer. Officer Noorigian, believing—incorrectly—that Mr. Coltey was pointing a handgun at

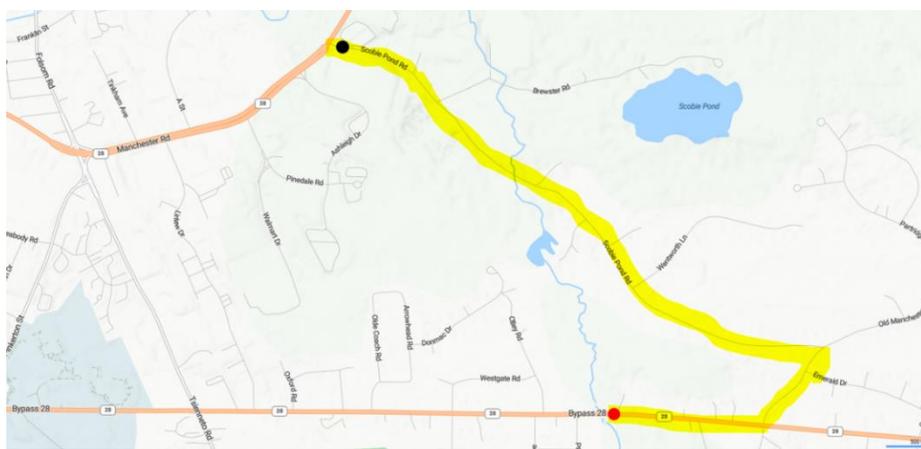
him, quickly backed up and fired a single shot from the rifle that he held, striking Mr. Coltey in the shoulder. The roadside encounter between Mr. Coltey and Officer Noorigian—from the time the officer reached the car to when he fired his weapon—lasted only about five seconds, and the entire encounter was captured on police vehicle cameras.

Ultimately, police officers removed Mr. Coltey from his car, and he was given medical treatment on scene and hospitalized. Mr. Coltey survived his injury.

III. THE INVESTIGATION

A. Events Leading Up To the Forced Stop of Levi Coltey’s Car

At about 9:20 p.m. on February 21, 2025, Derry Police Officer Collin Kennedy was conducting routine patrol in a marked patrol vehicle in a frequently-trafficked retail area in Derry. There, Officer Kennedy saw a car speeding and attempted a traffic stop, activating his vehicle’s police lights and siren. The speeding car, driven by sole occupant Levi Coltey,² continued driving for about forty seconds, ultimately stopping in a residential area along the side of Scobie Pond Road.



A map showing the route of police pursuit of Levi Coltey on the evening of February 21, 2025. The black dot at the top of the map is the approximate location of the initial car stop on Scobie Pond Road. The red dot at the bottom of the map, about two miles away, is the approximate location on the Route 28 Bypass where police ultimately forcibly stopped Mr. Coltey’s car.

² None of the police officers knew Mr. Coltey at the time, or initially identified him as the driver. For ease of factual presentation, the driver is identified throughout this factual recitation as Mr. Coltey.

Mr. Coltey remained stopped along Scobie Pond Road for about four minutes. Officer Kennedy repeatedly directed Mr. Coltey to turn off his car and to show his hands. Mr. Coltey did not follow either of these directives, and kept his car idling while he remained inside it. At one point, Officer Kennedy, who was with a police canine, told Mr. Coltey that he was resisting arrest and was going to “get the dog.” Mr. Coltey then drove away. Officer Kennedy, joined by several other marked police vehicles, followed in pursuit, with police lights and sirens activated.

The active police pursuit of Mr. Coltey continued along Scobie Pond Road to the Route 28 Bypass, lasting about two miles over the course of about five minutes. Mr. Coltey committed several traffic infractions during the pursuit, including speeding, weaving into the oncoming lane and driving on the shoulder of the road, and disregarding a stop sign. Mr. Coltey also at times abruptly stopped but then continued driving, slowed well below the posted speed limit, and attempted to change his travel direction by illegal U-turn. Mr. Coltey repeatedly yelled at his pursuing officers that he “didn’t do anything” and demanded to be left alone.

B. The Forced Stop of Levi Coltey’s Car

The vehicle pursuit of Mr. Coltey continued along the Route 28 Bypass, towards downtown Derry. Several police vehicles trailed Mr. Coltey, while Police Officer Noorigian approached in the oncoming lane. At one point, while Mr. Coltey’s car was driving down the road slowly—less than ten miles per hour—one of the pursuing police vehicles passed him and cut off Mr. Coltey’s travel route. Mr. Coltey’s car then passed and struck the police cut-off vehicle, causing minor but visible damage to the front passenger-side corner of the police vehicle and the driver’s side of Mr. Coltey’s car. Mr. Coltey’s car became stuck in the snow on the roadside where he had driven it.



An overhead photo showing the positions of Levi Coltey's car and police vehicles at the time of the forcible car stop along the Route 28 Bypass. Mr. Coltey's vehicle is the dark-colored car in the snowbank on the roadside. Items on the road near the driver's door are various medical supplies used during Mr. Coltey's treatment. Officer Noorigian's vehicle is marked "1." The police vehicle that Mr. Coltey's car struck before getting stuck in the snow is marked "2." That vehicle, and the police vehicle marked "3," recorded video from which the various stills seen later in the report were taken.

When Mr. Coltey's car was forcibly pulled over, Officer Noorigian parked his vehicle near Mr. Coltey's car and left the vehicle. Officer Noorigian was armed with a rifle, which he pointed at Mr. Coltey, initially with his finger off-trigger and the weapon's safety on. Within seconds of Officer Noorigian's approach of Mr. Coltey, the officer fired a single gunshot at him. Only about five seconds elapsed from Officer Noorigian's on-foot approach to Mr. Coltey's stuck car to the shooting. Detailed accounts provided by Officer Noorigian and Mr. Coltey in recorded interviews, as well as a detailed recounting of available police vehicle video camera footage, are provided below.

After the shooting, Mr. Coltey remained in his car for several minutes. Throughout that time, nearby police officers repeatedly directed Mr. Coltey to show his hands so they could treat him. Mr. Coltey, wounded but conscious, did not comply, and repeatedly yelled at the officers that he did not "do anything" and complained in substance that the police were harassing him. Ultimately, police officers forcibly removed Mr. Coltey from his vehicle, and began treating his

injury. Mr. Coltey was taken to a hospital for further medical treatment. He sustained a gunshot wound to his shoulder, and was discharged within days.

C. Witness Accounts

1. Police Officer Andrew Noorigian

Police Officer Noorigian was interviewed on February 26, 2025. At the time of the shooting, Officer Noorigian had been a member of the Derry Police Department for about two and one-half years.

On the evening of February 21, Officer Noorigian was conducting routine patrol in a marked patrol vehicle, and in full uniform. While Officer Noorigian was driving to get gas for his vehicle, he heard call-outs over the police radio reporting an ongoing traffic pursuit with a driver who had refused police directives. Officer Noorigian was instructed to respond to the active pursuit, turned on his vehicle's lights and sirens, and proceeded along the Route 28 Bypass towards the chase. While Officer Noorigian was driving on the bypass, he saw—ahead and coming towards him—the pursuit in progress. Officer Noorigian saw that the operator of the fleeing car was driving erratically on the road—abruptly stopping, weaving, and attempting to change direction.

As Officer Noorigian approached the oncoming pursuit in his vehicle, he saw another police car strike the fleeing car, which drove into and stopped in a snowbank along the road. Officer Noorigian stopped by the car, exited his vehicle, and approached the car, which was only several yards away. Officer Noorigian had armed himself with a rifle equipped in his patrol vehicle, because the information that he had heard and saw up to the point suggested that a stop of the fleeing vehicle might be high-risk. Officer Noorigian approached the driver's door of the stopped car, with his rifle shouldered and aimed at the driver.

As Officer Noorigian approached, he ordered the driver—Mr. Coltey—to “show his hands.” Instead, Mr. Coltey began rolling up his window, which had been down. When Officer Noorigian reached the car, he used one hand—the other still holding the rifle pointed at Mr. Coltey—to try to open the driver’s door, but it was locked.

Mr. Coltey, who up to that time had looked at Officer Noorigian with a “blank stare” and did not say anything, suddenly made “a very quick dive” to the front passenger area. Mr. Coltey’s back was to Officer Noorigian, his left hand was reaching down between the front passenger seat and door, and his right hand was between the passenger seat and center console. Officer Noorigian did not see what Mr. Coltey was reaching for and could not see whether anything was in either of Mr. Coltey’s hands, and at that point turned off his rifle’s safety.³

Quickly, Mr. Coltey turned back around to Officer Noorigian. Mr. Coltey’s hands at this point were up by his chest, and when he faced Officer Noorigian he “punched out” towards the officer with his hands cupped together. Officer Noorigian believed at that time that Mr. Coltey was pointing a handgun at him, because Mr. Coltey’s observed movements were similar to a handgun shooting technique conducted in the officer’s firearms training. In response, Officer Noorigian fired one gunshot at Mr. Coltey. Officer Noorigian estimated only a matter of seconds transpired from when Mr. Coltey motioned over to the passenger seat to when he returned to the driver’s seat and motioned towards the officer.

2. Levi Coltey

Levi Coltey was interviewed on March 5, 2025. Mr. Coltey was represented by counsel. Although Mr. Coltey had pending charges from his own actions on the evening of February 21,

³ Officer Noorigian could not remember whether his finger was off-trigger when he approached Mr. Coltey’s car, but he had been trained to keep his finger off-trigger unless and until he deactivated the weapon’s safety. Police video footage of the incident recorded that Officer Noorigian’s finger was off-trigger when he approached Mr. Coltey’s car, up until just before the shooting.

his interview was conducted under the auspices of a proffer agreement in which information that he provided, as long as it was truthful, could not be used against him directly or indirectly in any criminal proceeding.⁴

On the evening of February 21, Mr. Coltey, who lived in Manchester, was driving his car in Derry “to relax,” with no intended destination. At one point, Mr. Coltey noticed that a police vehicle was behind him with its lights activated. Mr. Coltey pulled over and was “really scared.” Mr. Coltey explained that he had anxiety and stress from prior police encounters, in which he claimed physical abuse by law enforcement.

When Mr. Coltey initially was stopped, he saw two police vehicles behind him and two officers with their guns drawn. The officers were calling out to Mr. Coltey, but he could not make out what was being said. Mr. Coltey was confused, and waited for the police officers to approach his vehicle but they never did. At one point, Mr. Coltey heard the police direct him to leave his car and tell him that he was under arrest, but he believed that he had not done anything wrong.

Mr. Coltey then drove off from the police. Mr. Coltey fled due to being in a panic, because he was “really scared” and thought that the police would hurt him. Mr. Coltey saw that police vehicles were pursuing him with their lights and sirens activated, but did not speed while driving away from them. Mr. Coltey then stopped again, along the Route 28 Bypass.

There, Mr. Coltey saw police officers approach his car on foot and he yelled at them to leave him alone. Mr. Coltey also tried to drive off again, but his car was stuck in a snowbank. Mr. Coltey then saw a police officer come up to his window. Mr. Coltey looked at the officer,

⁴ Mr. Coltey’s pending charges have since been resolved.

who was pointing a rifle at him and yelling at him, but Mr. Coltey could not make out what the officer was saying.

Mr. Coltey described that he was “in a panic” and “scared and didn’t know what to do,” and that what occurred next “happened so fast.” Mr. Coltey turned his body away from the officer and to the front passenger door. Mr. Coltey explained that he was trying to leave his car “to go run on foot.” Mr. Coltey recalled that he was shot as he was reaching for the front passenger door.

After the gunshot, Mr. Coltey “was very disassociated” and “kind of like in shock.” Mr. Coltey sat back up in the driver’s seat, and remained in his car for about ten minutes, until police officers dragged him from the vehicle.

3. Other People On-Scene

No private citizens were present during the shooting. Several other members of the Derry Police Department were involved in the pursuit and stop of Mr. Coltey, and were present when Mr. Coltey was shot. Those officers prepared reports detailing their observations. Although several officers were present, none were in the same position to observe as Officer Noorigian or reported specific observations of Mr. Coltey inside his car before the shooting. One other police officer—Officer Brendan Holden—was approaching Mr. Coltey’s vehicle when Officer Noorigian fired his weapon. Officer Holden did not report making any observations of Mr. Coltey’s actions inside the stopped car as he approached the vehicle, and could not see Mr. Coltey’s hands.⁵ Officer Holden’s vantage point was slightly behind Mr. Coltey’s position in the car, obstructed by the front seats and the vehicle’s B pillar.

⁵ Officer Holden reported that “to the best of [his] recollection” the front wheels of Mr. Coltey’s car appeared to turn towards the road when Officer Noorigian approached, and in Officer Holden’s written report of the incident he noted that it “appeared” that Mr. Coltey’s vehicle shifted forward, but such motions were not apparent in any of the police vehicle video footage. Although, depending upon the

D. Video Evidence

No private citizen recording devices, such as cellphones or surveillance cameras, captured the shooting incident. At the time, members of the Derry Police Department were not equipped with body cameras. Derry police vehicles were equipped with forward-facing cameras. Those devices were active and recorded events from the initial stop of Mr. Coltey's car on Scobie Pond Road, to the forced car stop and Mr. Coltey's shooting on the Route 28 Bypass, to his removal from the car and medical treatment on-scene.

As to events prior to the deadly force encounter on the Route 28 Bypass, video captured Mr. Coltey stopping on Scobie Pond for several minutes, and the police repeatedly directing him to turn off his vehicle, which he did not do. Video also recorded Mr. Coltey suddenly driving off and the active pursuit that ensued beginning on Scobie Pond Road and ending along the Route 28 Bypass. During that several-minute pursuit, video recorded Mr. Coltey at times driving excessively and erratically.

When Mr. Coltey's car was stopped on the Route 28 Bypass, cameras from two separate police vehicles—behind the car, just several feet away—recorded the entire encounter. In that video, Officer Noorigian's finger was off-trigger as he approached Mr. Coltey, and remained at that position when the police officer unsuccessfully tried to open the driver's door, which was locked.

circumstances, a motor vehicle can justify the use of defensive physical force, Officer Noorigian did not identify any threat posed by Mr. Coltey's vehicle as the basis for his use of deadly physical force, but rather his belief that Mr. Coltey had a gun and was about to fire it. Thus, the applicable analysis on that use of force discussed later in this report focuses only on the reported threat posed personally by Mr. Coltey, not the car that he was driving.



Still photos from police vehicle cameras showing Officer Noorigian approaching Mr. Coltey, who is in the driver's seat. These still photos were taken from Vehicles 2 and 3, respectively, in the overhead photo depicting vehicle location shown earlier in this report. These and the other still photos shown later in the report have been cropped and enlarged. In both photos, Officer Noorigian's finger is off-trigger as he approaches and tries to open Mr. Coltey's door, and Mr. Coltey (circled in red in the photo on the right) is facing the officer.

After Officer Noorigian tried to open the locked driver's door, and when he was right at that spot and looking into the car, Mr. Coltey turned and moved toward the passenger seat—consistent with his account that he attempted to flee his car by that egress. Mr. Coltey then quickly moved back to the driver's seat and faced Officer Noorigian. At that point, Officer Noorigian backed away, placed his finger on-trigger, and fired his rifle at Mr. Coltey. These described events all unfolded in only about two seconds.



Still photos chronologically depicting the approximately two-second span beginning after Officer Noorigian, wearing the knit hat, tried to open the locked driver's door and ending when he shot Mr. Coltey. In the upper three photos, Mr. Coltey (circled in red) can be seen turning from Officer Noorigian and moving to the front passenger area. In the lower two photos, Mr. Coltey (again circled in red) can be seen returned to a seated position in the driver's seat and facing Officer Noorigian, and Officer Noorigian backs away and fires on Mr. Coltey. The other officer seen in these still photos is Police Officer Holden.

IV. APPLICABLE 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. RSA 627:5, II delineates when a law enforcement officer is justified in using 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 firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force." RSA 627:9, II.

Under RSA 627:5, II(a), a law enforcement officer is justified in using deadly force "when he reasonably believes such force is necessary . . . to defend himself or a third person from what he reasonably believes is the imminent use of deadly force." 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). Further, all the circumstances surrounding the incident should be considered in determining whether there was a reasonable belief that deadly force was necessary to defend oneself 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 Supreme 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) (same).

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-MARRA, 2013 U.S. Dist. LEXIS 44646 *55-56 (S.D. Fla. March 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

The analysis of the law enforcement use of deadly force here begins with a review of pertinent circumstances leading up to that event. Here, police contact with Mr. Coltey began with an attempted traffic infraction stop, which escalated into an active pursuit of Mr. Coltey along public roadways after he failed to comply with police directives when initially stopped and ultimately drove away. Although Mr. Coltey in his interview claimed that when he fled he maintained a legal speed limit, he in fact repeatedly exceeded the posted speed limit and also engaged in dangerous behavior while in flight, such as turning into the oncoming traffic lane and the shoulder of the road, intermittently slowing and/or stopping and then continuing to drive

away, and attempting to change travel direction by way of an illegal U-turn. Although traffic was light at the time and there were no actual or near collisions with other vehicles on the road, Mr. Coltey posed an ongoing safety hazard, warranting his forcible stop before he continued along the Route 28 Bypass towards more trafficked-areas.

When the police ultimately were able to stop Mr. Coltey on the Route 28 Bypass, he continued his erratic behavior. Mr. Coltey, by his own admission, attempted to drive away when police officers approached, but was unable to do so because his car was stuck in snow. Then, when Officer Noorigian approached Mr. Coltey in the stopped car, Mr. Coltey raised his open window and, despite looking at the officer, again disregarded directives voiced to him.

Notably, Mr. Coltey conceded that he did not follow police directives that he heard, that he did try to drive away when first stopped, and that when stopped again on the Route 28 Bypass he attempted to flee first in his car and then on foot. Mr. Coltey provided his rationale for his noncompliant and elusive behavior: alleged prior encounters with the police in which he was subjected to physical abuse, which left him generally fearful and anxious of the police. Regardless of the validity of this underlying explanation, Mr. Coltey's erratic behavior immediately before and during his encounter with Officer Noorigian is undeniable.

It is in the light of these preceding relevant circumstances that the use of deadly force against Mr. Coltey by Officer Noorigian should be assessed. When Officer Noorigian was at the driver's door, he saw Mr. Coltey lunge towards the front passenger door, with one hand reaching between the seat and center console and the other hand reaching at the passenger door. Officer Noorigian could not see whether Mr. Coltey had grabbed or was holding anything, but the sudden and unexpected movement was patently suspicious and in keeping with Mr. Coltey's erratic behavior up to that point. Immediately after Mr. Coltey moved towards the front

passenger seat, he turned and faced Officer Noorigian, and made what the officer considered to be a motion consistent with holding and aiming a handgun at him.

Although Mr. Coltey did not corroborate Officer Noorigian's observation here—instead, Mr. Coltey inaccurately recalled that he was shot while still moving towards the front passenger seat—objective corroboration is established through available police vehicle camera footage. That video shows Mr. Coltey turning and facing Officer Noorigian immediately after moving to the passenger area. Although the video does not show what Officer Noorigian saw—because available cameras were angled behind and to the side of Mr. Coltey's position and did not record the officer's vantage point—the cameras recorded the officer suddenly backing up and moving his finger to his rifle's trigger and firing the weapon. Those documented actions objectively reflect that Officer Noorigian was startled by what he saw and acted in response to it.

The reality is that Mr. Coltey was not armed, and that Officer Noorigian's belief otherwise was mistaken. But the law does not require a police officer to first see the glint of gunmetal or a muzzle flash before the officer can use lawful defensive deadly physical force; by that time, the moment to act to protect life very well may be too late. Instead, although legal justification places a high threshold for lawful defensive deadly physical force, what is necessary is a "reasonabl[e] belie[f of] the imminent use of deadly force." RSA 627:5, II(a).

An erroneous claim of confrontation with an armed subject is given close scrutiny, so that such a claim is not used to justify the otherwise unlawful use of deadly force. Here, that scrutiny is on whether Officer Noorigian's expressed belief that Mr. Coltey was about to shoot him was both credible and reasonable. *See, e.g., State v. Holt*, 126 N.H. 394, 397 (1985) ("a belief which is unreasonable, even though honest" will not support a lawful justification claim). All of the

evidence gathered from the investigation here establishes that Officer Noorigian's belief was honestly-held and reasonable under the circumstances.

As to credibility, the entire encounter between Officer Noorigian and Mr. Coltey was captured on video. Although available digital evidence should never be a myopic focus of attention, because it can fail to capture all pertinent events due to poor angle and obstructions—and here available video footage did fail to capture what exactly Officer Noorigian saw when Mr. Coltey quickly turned after reaching to the front passenger area—the available video confirms Officer Noorigian's account of Mr. Coltey's movements in the driver's seat. The video also recorded an immediate alarmed response from Officer Noorigian—backing up and moving his finger to his weapon's trigger—when Mr. Coltey turned to him after reaching over to the front passenger seat.

Significant aspects of Officer Noorigian's account are also corroborated by Mr. Coltey. Mr. Coltey admitted that he reached into the passenger area, and did so for no lawful purpose. Mr. Coltey explained that his purpose was illicit—to flee from the police—and he described movements to the passenger area consistent with those observed and reported by Officer Noorigian.

These same corroborated and consistent events not only support Officer Noorigian's account, but also establish that although the officer was incorrect that Mr. Coltey was armed and about to shoot him, his mistaken belief was reasonable. Mr. Coltey's sudden and unexpected reach towards the front passenger area had no reasonable legitimate purpose, and was entirely consistent with retrieval of a weapon from that area. That movement was followed by Mr. Coltey's return to the driver's seat and quick turn to Officer Noorigian.

Officer Noorigian had only seconds to process these events, and to respond to them in order to protect himself. Under all of the circumstances that he faced and of which he was aware up to that moment, his expressed belief that at the time he believed he faced someone who was pointing a firearm at him was reasonable, albeit mistaken.

For these reasons, Derry Police Officer Andrew Noorigian was legally justified in using deadly force against Levi Coltey. Accordingly, no criminal charges will be filed against the officer in connection with that shooting.