

**The State of New Hampshire**  
**ROCKINGHAM COUNTY** **SUPERIOR COURT**

THE OFFICE OF THE ATTORNEY GENERAL

v.

JOHN DORAN

Docket No.: 218-2021-CV-101

**FINAL ORDER ON COMPLAINT**

On January 27, 2021, the Office of the Attorney General (“Attorney General”) filed a complaint against John Doran (“Doran”) in which it alleges Doran violated RSA 354-B:1 (also known as the NH Civil Rights Act) “when Doran [a white man] brandished a gas hose at J.C., a black man, having shouted racial slurs at J.C. and his family and threatened to douse J.C. with gasoline and told him to “back the f--- up n----- before I burn the f--- out of you.”” Doc. 1 p.1. The Attorney General asks the Court to impose a civil penalty of \$5,000.00, permanently enjoin Doran from violating the NH Civil Rights Act, restrict Doran from having any contact with J.C. or his family, and order that future violations of the order would result in further sanctions to include incarceration and fines. See Id. pp. 5 – 6.

Doran’s answer to the complaint claims Doran acted only after the operator of a vehicle (the vehicle in which J.C. was a passenger) spat at him – causing him to “spontaneous[ly] and visceral[ly] respon[d]” with a “racial slur directed at the person who just spat at him[.]” Doc. 7 ¶3. Doran says his comment resulted in the vehicle stopping, three people exiting the vehicle, and

after being joined by two others, the five individuals moved to a location around him. See id. ¶4. Doran indicates that he feared for his safety at this point. Because of this fear, he “displayed the nozzle to a gas hose” and “warned one of his potential assailants to stay away from him.” Id. ¶5. Doran goes on to claim he was later attacked by three of these individuals and his sunglasses were stolen. See id. ¶ 6. Doran says his physical conduct “or alleged threats” . . . “were not motivated by race, color, or other enumerated criteria under RSA 354-B:11.” Id. ¶ 8.

An evidentiary hearing was held on March 17, 2021 where J.C., the gas station store clerk, a Seabrook police officer, and Defendant testified. A video recording (with no audio) of the events described by the witnesses was admitted as an exhibit. (Exhibit 1.) After considering the evidence and testimony, the Court finds by clear and convincing evidence that the Attorney General sustained its burden of proof that Doran violated the NH Civil Rights Act. The Court finds as follows.

J.C. lives in the metro Washington, DC area. In July 2020, J.C. was visiting his sister, who lives in Massachusetts. J.C. had never been to New England and his sister decided to show him some sights. On July 29, 2020, J.C. and members of his family (his sister, brother-in-law, and three adult nieces) traveled from Massachusetts to Hampton Beach to spend the day. They arrived around noon and started back to Massachusetts around 5 p.m. They traveled in two separate vehicles. In one vehicle, J.C.’s sister drove, J.C. was a rear passenger, and his brother-in-law sat in the front passenger seat. J.C.’s nieces

traveled together in another vehicle. On their return trip, they all stopped at a gas station located at 483-491 NH 286, Seabrook, New Hampshire to refuel. After finalizing their purchases without incident, they all got back into their respective vehicles and began travelling out of the gas station.

Just before J.C. and his family left the gas station, Doran, who was operating a motorcycle and wearing a helmet entered the gas station area<sup>1</sup>. Doran is a resident of Seabrook, NH. Doran parked his motorcycle and stood between his motorcycle and the gas pumps. Moments later, J.C.'s sister moved her vehicle around the motorcycle in order to exit the area. As the vehicle passed, Doran looked in its direction and said in a loud voice, "n-----."<sup>2</sup> All of the vehicle's windows were fully raised. There is no evidence of any substance emanating from the vehicle as it passed Doran.

The vehicle stopped and J.C.'s brother-in-law got out of the front passenger seat and walked to the rear passenger side of the vehicle. As he moved, Doran took off his helmet and remained between the motorcycle and the gas pumps. J.C.'s brother-in-law stood motionless with his arms to his side. Doran moved toward him and made more comments. At this point, the driver's door opened and J.C.'s sister stuck her head out of the vehicle. Soon after, she got out and stood, with the door ajar, just outside of the driver's seat. Doran repeated the same slur a few more times, adding words to the effect, "you don't belong here." J.C. asked Doran why he was calling them that. He and his two

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<sup>1</sup> Doran was accompanied by another motorcyclist, operated by a white female. The other motorcyclist is not implicated in these events.

<sup>2</sup> The Court has chosen to refrain from fully using the noted racial slur in its order. Please see the audio record of the hearing if any doubt exists as to the exact words spoken by Doran.

family members then got back into their vehicle.

The vehicle moved forward a short distance and stopped once again. At this point, Doran was back between the motorcycle and the gas pumps. Doran lifted the nozzle from the pump and pushed buttons as if to activate the gas pump as the rear passenger door opened with J.C. emerging. Ex. 1, 58:19. J.C. stood to the rear corner of the vehicle as the two exchanged comments. J.C. then re-entered the vehicle and Doran removed the gas cap from his motorcycle. Id. 58:33. All of the doors close again momentarily and then they re-open. After a few seconds, J.C. and his brother-in-law emerged and walked to the rear of their vehicle. Id. 8:37. Both were wearing shorts and t-shirts. J.C. sister remained in the opening of the driver's door. Doran reacted to their movement by pointing the nozzle, holding it with both arms straight out at shoulder height or higher, in the direction of J.C. and his family. Id. 58:38. At about the same time Doran picked up and then pointed the gas nozzle, J.C. walked from the rear of the vehicle toward Doran, while his brother-in-law remained at the rear of their vehicle. J.C. moved his hands from his sides to his back a number of times as he shifted from the rear of the vehicle to a location closer to Doran. J.C. maintained a distance of at least three feet from Doran, and never raised his hands or positioned his body in a fight mode. Rather, he kept them to his side or behind his back, never close to his waistband. When his hands were behind his back his arms were in an extended position away from his back. J.C.'s brother-in-law's arms remained at his sides at all times. J.C. questioned Doran why he was using the racial slur and asked him to stop. Doran responded with more racial

comments, ordering J.C. to “get the f--- out of my face.” and “Get back n----- or I’ll f---’g burn you! Go back to Africa.” As this scene played out, J.C.’s sister pointed her finger at Doran but otherwise did not move her arms. After a few moments passed, J.C.’s nieces began to approach Doran and the others. One niece moved toward Doran’s left side and another joined her mother at the driver’s door. Another niece stood to the front of the scene and held out her cellular phone as if to video record the matter. After approximately 30 seconds from the time Doran lifted and pointed the nozzle at J.C. and his family, Doran lowered it and held it in a fashion suggesting he was fueling his motorcycle. Id. 59:04. J.C. remained in the area between the rear of the vehicle and the motorcycle as he continued to ask Doran to explain why he spoke to them in that way. As J.C. spoke, Doran appeared to complete his gas purchase, by again focusing on the gas pump and looking away from and ignoring J.C. and his family. Id. 59:29. Eventually, J.C.’s brother-in-law got back into the vehicle, leaving J.C. alone at the rear end of the vehicle.

Around this time, the store clerk joined the scene, moving to a location between Doran and J.C. Id. 59:52. She had earlier observed Doran holding the nozzle at shoulder height and pointing it at a black male as she heard elevated voices. At that point she directed a co-worker to call the police and quickly exited the store to de-escalate the situation. She told Doran and J.C. to calm down. She then asked what was “going on?” J.C. explained “[Doran] is a racist – he is calling my sister a n-----” J.C. stated he just wanted to know why Doran said it. The clerk noted that while J.C. provided an explanation, Doran did not answer

her question, he simply kept on repeating "n-----; f---'g n-----." Doran did not claim he was acting in self-defense or that he felt threatened by J.C. or members of his family. As she continued to stand between them, she heard the banter between the two, with Doran continuing to call J.C. a "n-----", pointing at him, and telling him to leave; and J.C. asking Doran why he is disrespecting them. At one point she heard J.C. ask "where are we?" to which Doran responded "In New Hampshire. And you do not belong here." After a short while, J.C., his sister, and his brother-in-law re-entered their vehicle and it moved forward a short distance.

At this point, Doran and the nieces conversed and a fight broke out, causing the store clerk to once again step between the parties<sup>3</sup>. Doran eventually left, calling them "n-----" as he drove away. Just after Doran left the scene, members of the Seabrook police arrived. They spoke to J.C., his family members, the store clerk and other witnesses who had remained to speak to the police. Doran reappeared at the scene approximately 45 minutes later and spoke to an officer. He was told they were investigating the matter, to which Doran responded, "because of some nigger...." As they continued to speak, Doran indicated that he felt he was being blamed for the incident because he is white. Later that evening, called the gas station and spoke to the store clerk. One of the reasons for the call was to confirm he had paid for the gasoline he purchased.

These findings stand in stark contrast to Doran's testimony during the hearing. Doran claimed that as he stood at the gas pumps, a vehicle passed him and the driver spat in his direction, for no reason. He claims he swore but did not

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<sup>3</sup> This aspect of the interaction is not relevant to the Complaint and the Court will not further detail this portion of the conflict.

use any racial slurs. He did not fuel his motorcycle. Doran stated J.C.'s brother-in-law got out of the vehicle and Doran asked why he was spat at – to which he received no reply. Doran claims, J.C.'s brother-in-law got back into the vehicle which "got me real nervous." Doran testified that "they" (at least three of them) got out. J.C. had his hands behind his back which told Doran that J.C. was concealing a knife. Doran states he held up the hose in case J.C. had a knife so he could defend himself. He stated J.C. kept taunting him and was mumbling incoherently. Doran testified he said nothing back to them. He claimed he did not begin using racial slurs until he was hit in the head (during the altercation with the nieces) – when he claims he "lost it." The Court finds Doran's testimony lacks any credibility. Not only is it unbelievable, it is contradicted by large majority of the other evidence introduced in this case. Insofar as Doran has raised the issue of self-defense, the Court finds the State has proved Doran did not act in self-defense.

The Court finds the Attorney General has sustained its burden of proof that Doran violated the NH Civil Rights Act. The Court finds J.C. and his family were peacefully leaving the Seabrook gas station when Doran uttered the first of his many racial slurs against J.C. and his family. When J.C. stopped to inquire why Doran was using the foul language, he and his family were engaging in lawful activity and exercising the rights secured by the United States and New Hampshire Constitution and the laws of the United States and New Hampshire. Doran responded to the inquiry by threatening physical force against J.C. and his family by raising and pointing a gas hose in their direction and stating words to

the effect "get the f--- out of my face." and "Get back n----- or I'll f---'g burn you! Go back to Africa." This conduct was motivated by race, color, national origin, or ancestry. Doran's conduct and declarations showed an intent to inflict harm on J.C. and his family by an unlawful act with a purpose to terrorize or coerce them.

Doran is hereby ordered to pay a \$5,000.00 civil penalty to the State of New Hampshire. He is to make payment through the Rockingham County Superior Court Clerk within 30 days of the notice of decision attached to this order.

Doran is further ordered to refrain from:

1. Engaging in or threatening physical force or violence, damage to property, or trespass on property against J.C. or his family motivated by race, color, national origin, or ancestry;
2. Engaging in or threatening physical force or violence, damage to property, or trespass on property against any person motivated by race, color, national origin, or ancestry;
3. Speaking to, telephoning, writing, or otherwise communicating with J.C. or any member of his family, except through his attorney in order to prepare for the defense in any criminal or civil prosecution;
4. Knowingly coming within 250 feet of J.C. or his residence; and
5. Encouraging or causing any other persons or entity to engage in conduct prohibited in paragraphs 1 – 4, or assisting any person or entity in engaging in such conduct.

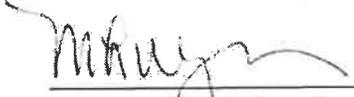
Doran is hereby notified that any knowing violation of this order may result

in criminal and/or civil sanctions to include fines and incarceration. This order shall remain in effect for three years but may be extended by order of the Court upon motion of the Attorney General.

A certified copy of this order shall be sent to the Seabrook, NH Police Department as required by RSA 354-B:4, III.

So Ordered.

March 26, 2021  
Date

  
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Marguerite L. Wageling  
Presiding Justice

Clerk's Notice of Decision  
Document Sent to Parties  
on 03/29/2021