

**ATTORNEY GENERAL'S REPORT OF HOMICIDE IN MANCHESTER, NH ON  
JUNE 9, 2013**

**June 26, 2013**

**INTRODUCTION**

The Office of the Attorney General and the Manchester Police Department have conducted an investigation into a shooting incident that occurred in Manchester, New Hampshire on June 9, 2013. As a result of that investigation, New Hampshire Attorney General Joseph A. Foster has determined that the shooting of Michael Larocque, Jr., on June 9, 2013, was a justified use of deadly force under the law.

The purpose of this report is to summarize the Attorney General's findings and conclusions with regards to the home invasion, which resulted in the death of Michael Larocque, Jr. However, since the Manchester Police Department is still actively pursuing the other home invader and any other potential accomplices, the amount of information contained in this report is being limited in order to protect the integrity of that ongoing criminal investigation.

**FACTS**

The incident was first reported at approximately 2:43 a.m. on Saturday, June 9, 2013. Ian Peters (age 38), the adult male occupant of an apartment located at 430 Lake Avenue in Manchester, placed a 911 call reporting a home invasion at his apartment. When Manchester police officers arrived at the apartment, they encountered Ian Peters outside with his fiancé and her 3-year-old child. After ensuring that Peters, his fiancé, and her child were physically unhurt, the officers went inside the apartment and discovered an adult male deceased inside. That deceased man was eventually identified as Michael Larocque, Jr. (age 24). No one else connected with the incident was located inside the apartment or in the immediate area.

After securing the scene, an investigation began into the incident. That investigation included speaking with Ian Peters and his fiancé, as well as their neighbors. It also involved interviewing people who knew Michael Larocque, Jr., and his associates. Manchester detectives also searched the shooting scene and the vicinity for evidence related to the incident. Based on the investigation, the following facts have been determined.

On Saturday evening, June 8, 2013, Ian Peters was with his fiancé in their second-floor Lake Avenue apartment. Sometime after midnight, she was receiving text messages from someone she knew and those text messages eventually turned confrontational and threatening. About an hour or two later while Peters and his fiancé were in bed, they heard multiple footsteps coming down the porch towards their bedroom. The porch is located directly outside their bedroom. Peters looked at his girlfriend and could see that she was scared. He got out of bed and grabbed his handgun. Peters heard someone at the door and then heard the doorknob move, which was quickly followed by three kicks to the door. As Peters moved out into the living room, the apartment door burst open and two men stepped inside. Peters' fiancé ran past him into her child's bedroom and closed the door. The two men who had kicked open the door

charged at Peters. At that point, Peters believed that he was in a life or death situation and that the two men might have weapons. He yelled at the two men and then fired his gun at the closest intruder who was charging at him. That intruder did not stop and ran past Peters towards the kitchen. The other intruder continued moving towards Peters. Peters fired his gun at the second intruder who was approaching him, which caused that man to flee and run outside. At that point, Peters could not see either of the two intruders in the apartment and did not believe that he had hit either of them with his gunfire. He went over to the apartment door that had been kicked open, closed it, and then went looking for the first intruder who had run into the kitchen.

Peters discovered the first intruder inside the apartment's bathroom, next to the kitchen. That man, eventually identified as Michael Larocque, Jr., was trying to get out of the bathroom through a window. Peters told Larocque to get down on the ground and not to move. Instead, Larocque turned and attacked Peters, pushing him backwards into the laundry room outside the bathroom. Larocque began punching Peters, hitting him at least twice in the head. Peters and Larocque started to physically struggle and during that struggle, Peters' gun went off. Peters said that he did not try to shoot Larocque during their struggle outside the bathroom and it does not appear that the gunshot hit Larocque.

As Peters struggled with Larocque, he heard Larocque say, "Help me," and then Larocque started to collapse to the floor. Peters told Larocque that he would help him and pulled Larocque out into the kitchen in order to get him into a more open area. Peters could see that Larocque was bleeding profusely at that point, so Peters called 911 for help. Peters explained the situation to the 911 operator and then the operator told Peters to take his fiancé and her child outside and wait for the police. Peters did as he was told.

After the police arrived, they spoke to Peters and then went inside the apartment. Once inside, they found Larocque dead. Peters and his fiancé agreed to go to the Manchester Police Department, where they fully cooperated with the police during the investigation. That included speaking with the police and consenting to all the searches the police wished to conduct.

Detectives from the Manchester Police Department completed a thorough search of the apartment where the incident took place. During that search, they discovered that the main door to the apartment was significantly damaged. That door was right off the porch next to the bedroom and had damage consistent with being kicked-in. The detectives also located a single handgun inside the apartment, along with five discharged cartridge casings and bullet damage. Ian Peters confirmed that the handgun was his and was the one he had used against the two intruders that night. The deceased intruder, Michael Larocque, Jr., had no weapons on him when he was searched. His cause of death was later found to be a gunshot wound to the arm and a gunshot wound to the abdomen.

Initially, the identity of the deceased intruder was unknown. Ian Peters did not recognize either of the two men who had burst into the apartment. As time went on, the police were able to identify the deceased intruder as Michael Larocque, Jr. Further investigation revealed that Larocque was an acquaintance of someone Ian Peters' fiancé knew. Based on the text messages that went back and forth that night, as well as other information gleaned during the investigation,

it appears that Ian Peters was specifically targeted that night and that the intruders' intent was to physically harm him.

### **THE APPLICABLE LAW AND ANALYSIS**

New Hampshire's laws regarding self-defense are contained in RSA Chapter 627. RSA 627:4 states that a person may be justified in using deadly force to protect themselves or others in certain circumstances. Two of those circumstances are relevant here:

RSA 627:4, II (b) permits the use of deadly force by an actor against another "when he reasonably believes that such other person [i]s likely to use any unlawful force against a person present while committing or attempting to commit a burglary" [RSA 635:1, I, defines "burglary" as entering a building with the purpose to commit a crime therein]; and

RSA 627:4, II (d) permits the use of deadly force by an actor against another "when he reasonably believes that such other person [i]s likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling or its curtilage."

Some discussion of the terms used in each of the above-sections is appropriate. The phrase "reasonably believes" means that the actor, i.e., the person using deadly force, "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). That means that in deciding whether a person justifiably acted in self-defense, all the circumstances surrounding the incident should be considered from the perspective of a reasonable person. See Leaf, 137 N.H. at 99; Aldrich v. Wright, 53 N.H. 398 (1873). The amount of deadly force used by the actor to protect himself or others must also be reasonable, and not excessive. See State v. Etienne, 163 N.H. 57, 70 (2011).

When reviewing a deadly force incident, the actor's conduct should be viewed "under 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. Thus, even a mistaken belief that deadly force was necessary could still be justified under the law if that belief was reasonable, since the law does not require the person using deadly force to "have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." Gorham, 120 N.H. at 163-64.

The law also provides that people in their dwellings, or people who are anywhere they have a right to be, have no duty to retreat from the encounter before resorting to deadly force to protect themselves or others, if they were not the initial aggressor. See RSA 627:4, III (a). And finally, in any case where a person who has used deadly force later claims self-defense, the State would have the burden to disprove that self-defense claim beyond a reasonable doubt in order to secure a conviction. See State v. McMinn, 141 N.H. 636, 644-45 (1997).

In this case, the investigation has revealed that the two men, who ultimately forced their way into the apartment where Ian Peters, his fiancé, and her son were located, had arrived unannounced and unwelcome in the middle of the night. Without knocking or otherwise asking to be let in, at least one of the men turned the doorknob to try to get inside. When that attempt failed, the intruders repeatedly kicked the apartment's main door in, significantly damaging the door and the doorframe. Once they had forced the door open, the two intruders moved into the apartment towards Ian Peters and in the direction where his fiancé and her three-year-old child were located. Peters, who had armed himself with his legally owned handgun, did not recognize either of the two men who had forced their way into the apartment. At that time, he thought that the two men might be armed and that he was in a life or death situation. Peters yelled at the two intruders. Both intruders remained silent, did not retreat from the apartment, and advanced towards Peters. Only then did Peters use deadly force against the two intruders.

In light of all the circumstances, it was reasonable for Ian Peters to believe that the intruders were likely to use any unlawful force against him, his fiancé, or her child, in the commission of a burglary or some other felony, inside the apartment. As the situation unfolded in the early morning hours of June 9, 2013, Ian Peters was faced with two unknown men who had tried to get into the apartment in the middle of the night. When just opening the apartment door didn't work, the intruders resorted to kicking open the door to get inside. Neither of the intruders said a word, or in any way indicated that they meant no harm to the apartment's occupants as they broke into the apartment and charged at Peters. At that point, since Ian Peters had a right to be in the apartment and was not the initial aggressor, he had no duty to retreat before using deadly force in the face of two men who had broken into the apartment and were charging at him. And, when Peters did use deadly force, he did not use excessive force and limited his use of force to what was reasonably necessary under the circumstances.

### **CONCLUSION**

Based on the applicable law and all the facts and circumstances of this case, the Attorney General has determined that it was reasonable for Ian Peters to conclude that Michael Larocque, Jr., and the other man who forced their way into the Lake Avenue apartment were likely to use any unlawful force against Peters, his fiancé, or her child, during the commission of a burglary or some other felony. Therefore, Ian Peters' subsequent use of deadly force was legally justified pursuant to RSA 627:4, II (b) and (d). Accordingly, no criminal charges will be brought against Ian Peters in connection with the shooting death of Michael Larocque, Jr.

As for the home invasion itself, the Manchester Police Department is continuing to investigate that part of the incident in an attempt to hold the other home invader and any other participants accountable for their roles in the events of June 9, 2013.