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May 2, 2024

Sheriff William King  
York County Sheriff's Office  
1 Layman Way  
Alfred, Maine 04002

Dear Sheriff King:

We have completed our investigation and legal review of the incident in York, Maine on November 8, 2023, involving the use of deadly force by Deputy Alexander Markellos against 38-year-old Nicholas Goodwin that resulted in multiple gunshot wounds to Mr. Goodwin. He was arrested and transported to the hospital for treatment.

#### Factual Summary

On November 7, 2023, Sgt. Ronald Lund of the Eliot Police Department contacted Lt. Luke Ernenwein, the commander of the Southern Maine Special Response Team (SMSRT), York County's regional tactical team, for assistance in arresting Nicholas Goodwin for the crimes of Domestic Violence Terrorizing with the use of a firearm and Violation of Conditions of Release. Sgt. Lund advised that Mr. Goodwin had a significant criminal history, was known to carry a pistol, and owned at least one body armor plate carrier similar to those used by tactical teams.

On November 8, 2023, Lt. Ernenwein activated the SMSRT, and the team met at the York Police Department. Deputy Alexander Markellos of the York County Sheriff's Department and other members of the SMSRT reviewed the arrest warrant affidavit that provided the following information. Mr. Goodwin had been sending threatening text messages to his former girlfriend who was also the mother of one of his children. The messages included "This isn't some game," "You'll be buried like everyone else on my list," and "Now do as your fucking told or I'll show up there simple as that." When the former girlfriend texted Goodwin that "the cops will just arrest you," Goodwin responded, "They can fucking try and won't cause they will be dead too. I'm not playing any games." Goodwin subsequently contacted the girlfriend by video call and asserted that "he would leave my son crying in his crib with me dead while he battled it out with the cops." He threatened to come to her house and shoot her.

The SMSRT formulated a plan to deploy two teams of four officers in two unmarked vehicles, along with Lt. Ernenwein in a third command vehicle equipped with a public address system. At approximately 10:53 a.m., the SMSRT learned through an associate of Mr. Goodwin's that Mr. Goodwin was on Mill Lane in York and was expecting the associate to pick him up. The SMSRT proceeded to Mill Lane. Detective Sam Bennett from the Sanford Police Department observed a person whom he believed was Goodwin and notified others by radio. At approximately 11:10 a.m., Deputy Markellos's vehicle was approaching Mr. Goodwin from behind, as Mr. Goodwin walked along the left side of the road. Lt. Ernenwein activated the blue lights of his cruiser and announced over the public address speaker, "Police, don't move; police, don't move; police, don't move." Sgt. Jonathan Rogers of the York Police Department, who was in the vehicle with Deputy Markellos, threw a "flash bang" distraction device in a ditch on the right side of the road.

Deputy Markellos and other tactical team members, who were wearing clearly marked SMSRT uniforms, exited the vehicles and began approaching Mr. Goodwin. Deputy Markellos repeatedly yelled at Mr. Goodwin "Police, get on the ground". Mr. Goodwin then looked over his right shoulder while reaching into the back left area of his waistband revealing a magazine pouch. Deputy Markellos also saw what appeared to be a large black handgun in Mr. Goodwin's left hand. Believing that Mr. Goodwin had a handgun in his left hand and was about to start shooting, Deputy Markellos discharged his rifle in the direction of Mr. Goodwin. Mr. Goodwin sustained multiple gunshot wounds and fell to the ground. As officers were placing Mr. Goodwin in handcuffs, he was heard to say "I dropped it."

A 9 mm pistol with a magazine containing 17 rounds was recovered from the scene. The pistol's serial number had been scratched off and painted over. Mr. Goodwin was also carrying a Gerber knife, two switchblades, and two magazines with cartridges. Mr. Goodwin survived his injuries and has been charged with Domestic Violence Terrorizing with priors, two counts of Violating Conditions of Release, Violation of a Protective Order, Criminal Simulation and Criminal Threatening with a Dangerous Weapon. He is currently awaiting trial.

### Discussion and Legal Analysis

The Office of the Attorney General has exclusive responsibility for directing and controlling any criminal investigation of a law enforcement officer who uses deadly force while performing the officer's duties.<sup>1</sup> The detectives who conduct these investigations are independent of any other law enforcement agency. The sole purpose of the investigation of this matter was to determine if a criminal prosecution was warranted or if the facts reasonably generated self-defense or the defense of others.<sup>2</sup> Any such prosecution would require the State to disprove self-defense

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<sup>1</sup> 5 M.R.S. § 200-A

<sup>2</sup> Under Maine law, for a law enforcement officer to lawfully use deadly force in self-defense or the defense of others, two requirements must be met. First, the officer must reasonably believe that unlawful deadly force is imminently threatened against the officer or another person and, second, the officer must reasonably believe that the use of deadly force is necessary to defend the officer or other person. 17-A M.R.S. § 107(2)(A). Under 17-A M.R.S. § 107(2)(B), a law enforcement officer is justified in using deadly force when the officer reasonably believes such force is necessary to effect an arrest or prevent the escape from arrest when the officer reasonably believes that the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to endanger human life or to inflict bodily injury unless apprehended

or the defense of others beyond a reasonable doubt. The investigation did not include an analysis of whether any personnel action might be warranted, whether the use of deadly force could have been averted, or whether there might be civil liability. Indeed, state law provides that the fact that conduct may be justifiable under the law does not abolish or impair any other available legal remedy.

Whether a law enforcement officer's use of force is reasonable is based on the totality of the particular circumstances and judged from the perspective of a reasonable officer on the scene. This allows for the fact that police officers are often compelled to make split-second decisions about the force necessary in each situation. The legal analysis requires careful attention to the facts and circumstances of each case, including the severity of the crime threatened or committed and whether the suspect poses an immediate threat to the safety of others.

### Conclusion

When Deputy Markellos shot Mr. Goodwin, he reasonably believed that Mr. Goodwin was posing an imminent threat of serious bodily injury or death to himself and other officers. The officers had clearly identified themselves and directed him not to move. Mr. Goodwin refused to comply. Instead, he pulled out a firearm and appeared ready to shoot. Deputy Markellos was aware from reading the arrest warrant affidavit that Mr. Goodwin threatened to kill law enforcement if he was arrested. In addition, the officers had reasonable grounds to believe that Mr. Goodwin would inflict serious bodily injury or death to his former girlfriend if not apprehended without delay. All the facts and circumstances point to the conclusion that Deputy Markellos reasonably believed he was acting in the defense of himself and others at the time he used deadly force.

Sincerely,

  
Aaron M. Frey  
Attorney General

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without delay; and (1) The law enforcement officer has made reasonable efforts to advise the person that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest and the officer has reasonable grounds to believe that the person is aware of this advice; or (2) The law enforcement officer reasonably believes that the person to be arrested otherwise knows that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest.