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January 13, 2025

Colonel William G. Ross
Maine State Police
42 State House Station
Augusta, ME 04333

Dear Colonel Ross:

This office has completed its investigation and legal review of an incident involving the use of deadly force by Maine State Police Trooper Zachary Fancy on June 07, 2024, in Hiram, that resulted in the death of Steven Nelson, age 39, of Hiram.

Factual Summary

On June 07, 2024, at approximately 3:47 a.m., a woman called 9-1-1 reporting that her friend called her to say that she was being assaulted by her boyfriend, 39-year-old Steven Nelson. The caller reported that her friend asked her to call 911 and the caller could hear Mr. Nelson yelling and screaming and hitting her friend who was Mr. Nelson's girlfriend.

At approximately 3:48 a.m., Trooper Zachary Fancy was dispatched to 16 Aaron Drive in Hiram for a report of a possible domestic assault. Trooper Fancy arrived at 4:31 A.M. He parked in the road and approached the residence on foot. Trooper Fancy noticed a number of the front windows were broken. He could see silhouettes in a window of one of the lighted rooms and could hear yelling coming from inside the residence. As Trooper Fancy approached the residence, he could see the door open and hear yelling from a woman who sounded in distress. Trooper Fancy entered the residence into the kitchen, which was dark. He observed broken glass, damaged cabinets, and a broken television on the floor in the kitchen. Trooper Fancy had been to the residence previously for domestic disputes and had not observed this much damage. Trooper Fancy drew his handgun based on the woman's screams and the information from the initial call and activated the light on his handgun. Trooper Fancy announced his presence and observed Mr. Nelson coming out of a bedroom. Trooper Fancy ordered Mr. Nelson to come out but Mr. Nelson retreated into the bedroom next door. Trooper Fancy observed that Mr. Nelson did not have anything in his hands when he came out of the bedroom door, so Trooper Fancy transitioned from his handgun to his taser.

Trooper Fancy continued to order Mr. Nelson to come out and Mr. Nelson refused, yelling “No, shoot me” and profanities such as “No, fuck you”. Trooper Fancy continued down the hall to the room Mr. Nelson had retreated into and looked into the room. Trooper Fancy observed the female laying on a mattress in the fetal position crying and in distress. Trooper Fancy also observed Mr. Nelson with a handgun in his right hand near the female, a short distance from him. Trooper Fancy ordered Mr. Nelson to drop the gun and quickly backed out of the doorway towards the kitchen as he transitioned back to his handgun. Trooper Fancy ordered Mr. Nelson to drop the gun multiple times, and he refused. As Trooper Fancy went back towards Mr. Nelson, he recalled Mr. Nelson saying something to the effect of your going to have to shoot me or you are going to shoot me. Mr. Nelson was now in the adjoining bedroom and Trooper Fancy saw him standing in the room with a gun in his hand. Trooper Fancy told Mr. Nelson to drop the gun. Mr. Nelson then turned toward Trooper Fancy and raised his right hand with the gun pointed at Trooper Fancy. Trooper Fancy shot once at Mr. Nelson, who fell to the ground. Trooper Fancy handcuffed him and administered first aid however Mr. Nelson died at the scene as a result of a gunshot wound. Trooper Fancy believed he was approximately twenty feet away from Mr. Nelson at the time of the shooting. Mr. Nelson’s girlfriend was interviewed and heard Trooper Fancy directing Mr. Nelson to drop the gun and Mr. Nelson refusing to do so. Trooper Fancy did not have a body worn camera however his cruiser camera had a microphone pack which captured the audio between Trooper and Mr. Nelson. From the time Trooper Fancy arrived, the engagement lasted two minutes and seventeen seconds and Trooper Fancy ordered Mr. Nelson to put the gun down five times and come out nine times. It was later discovered that the gun in Mr. Nelson’s hand was a CO2 BB handgun. The BB gun Mr. Nelson was carrying had a similar appearance in size and color to Trooper Fancy’s duty issued 45 caliber HK45 semi-automatic pistol.

Discussion and Legal Analysis

The Office of the Attorney General has exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of the officers duties, uses deadly force.¹ The detectives who conduct these investigations are independent of any other law enforcement agency. The sole purpose of the investigation in this matter was to determine if a criminal prosecution was warranted or if self-defense or the defense of others was reasonably generated by the facts.² Any such prosecution would require the State to disprove self-defense 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 Maine law does not abolish or impair any other remedy available under the law. Whether the use of force by a law enforcement officer is reasonable is based on the totality of the particular circumstances and is judged from the perspective of a reasonable officer on the scene, allowing for the fact that police officers are often forced to make split-second decisions about the amount

¹ 5 M R S. § 200-A

² 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).

of force necessary in a given 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 Trooper Fancy shot Mr. Nelson, he reasonably believed that Mr. Nelson was going to shoot him or injure the woman in the room. Trooper Fancy told investigators that he felt Mr. Nelson was an imminent threat to him when he raised the gun up towards him. He also believed that there was no way of safely removing the female in the room. All the facts and circumstances point to the conclusion that Trooper Fancy acted in self-defense and defense of others when he shot at Mr. Nelson.

Sincerely,

A handwritten signature in blue ink that reads "Aaron M. Frey". The signature is cursive and somewhat stylized.

Aaron M. Frey
Attorney General