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June 27, 2025

Sheriff Scott Kane
Hancock County Sheriff's Office
50 State Street, Suite 10
Ellsworth, Maine 04605

Dear Sheriff Kane:

This office has completed its investigation and legal review of the incident on October 5, 2024, in Stonington, involving the use of deadly force by Deputy John Stanley, which resulted in non-fatal injuries to Erik Himpler, age 35, of Stonington.

Factual Summary

On October 5, 2024, at approximately 3:50 p.m., a woman called the Hancock County Regional Communications Center to report that her son, Erik Himpler, was threatening to buy gas to burn their house in Stonington. Deputy John Stanley was on patrol in Ellsworth, in uniform, and driving a marked cruiser when he initially received information about the call. As he proceeded to Stonington, he learned that Mr. Himpler had serious mental health issues. It was also reported by the woman that Mr. Himpler had a knife in his back pocket and that he owned a handgun, which was missing along with some ammunition. Mr. Himpler had also mentioned 'suicide by cop' to his mother. Deputy Stanley, who had not had prior contact with Mr. Himpler, spoke with Sgt. Rob Morang of the Hancock County Sheriff's Department, who was familiar with him from prior law enforcement contacts. Sgt. Morang indicated that he would also respond so that the two officers could deal with Mr. Himpler.

At approximately 4:25 p.m., Deputy Stanley observed Mr. Himpler at the intersection of the road that led to Mr. Himpler's residence. Based on the information from the woman caller, Deputy Stanley concluded that he had probable cause to arrest Mr. Himpler for domestic violence criminal threatening. Deputy Stanley was aware that Sgt. Morang was not far behind him and slowly drove his cruiser behind Mr. Himpler as he walked down the road in the direction of his residence. Deputy Stanley partially exited his cruiser and told Mr. Himpler to put his hands up, come to the front of his car, and that he was not free to go. Mr. Himpler turned and walked toward

Deputy Stanley, who instructed him to go to the front of his car. Mr. Himpler responded by crossing his arms and shaking his head before turning to walk back in the direction of his house along the far-right side of the road. As Mr. Himpler walked away from him, Deputy Stanley again told him to put his hands up and that he was not free to go. Deputy Stanley then observed the sheath with the knife in the back of Mr. Himpler's pants. Deputy Stanley continued to follow Mr. Himpler in his cruiser and told him repeatedly that he needed to stop or force would be used against him.

Mr. Himpler crossed the road and entered a lawn through an opening in a fence on the left side of the road. Deputy Stanley stopped and exited the cruiser with a taser in his hand. He crossed the road with the intent of deploying the taser. Deputy Stanley again commanded Mr. Himpler to stop, to which Mr. Himpler asked why and turned toward Deputy Stanley. Deputy Stanley responded because I told you to and instructed him to get on the ground. Mr. Himpler then pulled a firearm out of his waistband with his right hand and appeared to rack the gun with his left hand as he faced Deputy Stanley.

Deputy Stanley's body worn camera shows Deputy Stanley dropping his taser, pulling out his firearm, and backing away, while telling Mr. Himpler, "Dude. Don't. Don't. Drop it." As Mr. Himpler raised his gun in the direction of Deputy Stanley, to chest and then head level, Deputy Stanley discharged his firearm, firing four times. Sgt. Morang arrived within a minute after the shots were fired. Mr. Himpler was transported to a hospital where he was treated for a gunshot wound to his left arm and right thigh. At the time he arrived at the hospital, he was actively suicidal. When Mr. Himpler was later interviewed by an Investigator, he said when the officer was following him, he took the gun out, brought it to his abdomen and to his head and cocked it with the intent to commit suicide.

When investigators retrieved Mr. Himpler's gun from the lawn, they found 10 cartridges in the magazine and one in the chamber. Four fired cartridges were recovered from the scene, corresponding to the four shots fired by Deputy Stanley.

Deputy Stanley later reported that he had followed Mr. Himpler, because he was concerned that Mr. Himpler posed a danger to his mother, other residents and motorists on the road. He stated that he discharged his firearm because he thought that Mr. Himpler was about to shoot him and had no choice but to use deadly force to protect himself.

Mr. Himpler was charged with Criminal Threatening with a Dangerous Weapon (Class C), Reckless Conduct with a Dangerous Weapon (Class C), Illegal Possession of a Firearm (Class C), Refusal to Submit to an Arrest (Class D) and Domestic Violence Terrorizing (Class D). He is due in Court on June 26, 2025.

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 officer's duties, uses deadly force.¹ The detectives who conduct these

¹ 5 M R S § 200-A

investigations are independent of any other law enforcement agency. The sole purpose of the investigation into 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 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 police officers are often forced to make split-second decisions about the amount 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 he fired upon Mr. Himpler, Deputy Stanley reasonably believed unlawful, deadly force against him was imminent based on Mr. Himpler producing a handgun to confront the deputy. Mr. Himpler had refused Deputy Stanley's repeated requests to surrender into custody and had continued to walk toward the house that he had threatened to burn down. It was obvious to Deputy Stanley, even before Mr. Himpler pulled his firearm from his waistband, that he was armed with a knife. Once he was on the lawn, he pulled out the gun, appeared to rack it, and raised it in the direction of Deputy Stanley, who had no cover to protect himself. All the facts and circumstances point to the conclusion that Deputy Stanley acted in self-defense when he discharged his firearm.

Sincerely,



Aaron M. Frey
Attorney General

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).