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October 16, 2020

Colonel John Cote
Chief of the Maine State Police
42 State House Station
Augusta, ME 04333

Greetings, Colonel Cote:

We have completed our investigation and legal review of the incident on May 4, 2018, involving the use of deadly force by Sgt. Chadwick Fuller, which resulted in the death of John Corneil (dob 11/20/1953) of Merrill outside a grocery market in Oakfield.

Factual Summary

On May 2, 2018, Sgt. Fuller became aware that Trooper Adam Bell investigated a complaint on Pleasant Street in Oakfield that John Corneil shot at dogs belonging to his mother's neighbor. The owner of the dogs told Trooper Bell that one of her dogs barked at John Corneil, who was outside his mother's house next door, and Mr. Corneil shot at the dog with a pellet gun. The dog's owner called her fiancé and told him what happened. When the fiancé arrived home, he and the dog's owner, who was carrying their year-old child, went next door to speak with Mr. Corneil. Mr. Corneil opened the door to the house and grabbed the fiancé by the shirt. The two scuffled and Mr. Corneil punched him in the head and kicked the dog owner in the abdomen. Mr. Corneil then reached into a pocket and pulled out what the fiancé believed to be a black semi-automatic handgun and pointed it at the fiancé at close range. As the fiancé and the dog owner, still carrying her child, walked away, Mr. Corneil fired at them, at which time the fiancé recognized that the weapon was a pellet or BB gun. At this point, Mr. Corneil's mother yelled at Mr. Corneil to leave. Mr. Corneil went to the property line and said to the fiancé and the dog owner, "You're fucking dead" before leaving in his maroon Ford Taurus. The fiancé described Mr. Corneil's pellet gun as looking like a real handgun with no markings indicating otherwise, and that it was unlikely that anyone would recognize it as a pellet pistol until fired. Mr. Corneil's mother described the gun her son had as looking like the one in Trooper Bell's holster.

Trooper Bell learned that despite Mr. Corneil being a convicted felon prohibited from possessing firearms, his mother removed firearms from his possession as recently as two years ago. Trooper Bell also learned that Mr. Corneil had created two standoffs with the State Police Tactical Team in the past, and had a violent history interacting with law enforcement, including shooting an actual firearm at a trooper during one incident.¹ Trooper Bell obtained a search warrant for Mr. Corneil's house in Merrill and an arrest warrant for Mr. Corneil. To avoid another potential standoff or other dangerous situation, Sgt. Fuller, on May 3, 2018, instructed other troopers to hold off executing the warrants in hopes of arresting Mr. Corneil away from his residence during a traffic stop or other encounter.

On May 4, 2018, shortly before noon, Trooper Caleb Adams, while stopped at a four-way intersection in Oakfield, saw a maroon Ford Taurus stopped opposite him at the same intersection. As the two drove by one another in opposite directions, Trooper Adams believed that the person operating the Ford Taurus was Mr. Corneil. He turned around and followed the Ford Taurus while speaking with Sgt. Fuller. Sgt. Fuller instructed him to continue following the vehicle. The vehicle drove into the parking lot of a supermarket in Oakfield. Trooper Adams, his cruiser concealed behind an ambulance at the Oakfield Fire Department next door, confirmed that the Ford Taurus belonged to Mr. Corneil by verifying the license plate. He then saw Mr. Corneil get out of the car and go into the supermarket.

Sgt. Fuller arrived in the parking lot of the supermarket as Mr. Corneil was putting groceries in the back seat of his car. Trooper Adams drove into the parking lot near Sgt. Fuller and the two approached Mr. Corneil on foot. Sgt. Fuller greeted Mr. Corneil and said he would like to speak to Mr. Corneil about the events of May 2nd at Mr. Corneil's mother's home. Mr. Corneil responded by saying he hadn't done anything wrong. Mr. Corneil was described by Sgt. Fuller as escalating. Trooper Adams described Mr. Corneil as agitated. During the exchange, Mr. Corneil made non-sensical statements. Sgt. Fuller, recognizing that Mr. Corneil was not going to cooperate, told Mr. Corneil there was an arrest warrant for him, and he was under arrest. Sgt. Fuller told Mr. Corneil to comply or he would release his dog from his cruiser. Mr. Corneil failed to comply and retreated toward the supermarket. Sgt. Fuller released his dog, but the dog did not engage. While backing away from the troopers, Trooper Adams saw Mr. Corneil reach into his coat and pull out a handgun. Sgt. Fuller observed Mr. Corneil unzip his coat, reach his right hand into his coat, and start fidgeting. Concerned that Mr. Corneil may have a gun, Sgt. Fuller unholstered his own sidearm. Mr. Corneil then pulled a gun from his coat and pointed his handgun at Sgt. Fuller. Sgt. Fuller saw the barrel of Mr. Corneil's gun coming in his direction and believed the gun looked like a full-sized Beretta handgun. Sgt. Fuller and Trooper Adams both yelled at Mr. Corneil to drop the gun multiple times. Sgt. Fuller and Trooper Adams issued eight rapid commands of variations of "put it down." Mr. Corneil did not put the weapon down. Later investigation showed that Sgt. Fuller was eight feet or less from Mr. Corneil when he fired what was determined to be five rounds in rapid succession. Mr. Corneil fell to the ground and both Sgt. Fuller and Trooper Adams immediately rendered medical aid by applying compression to bullet wounds. Emergency medical services arrived momentarily and took over treatment. Mr. Corneil died in a hospital the next day.

¹ Mr. Corneil was charged in 1998 and later convicted of assault on an officer and criminal threatening with a dangerous weapon, both felony level crimes. In 2008, Mr. Corneil was also convicted of refusing to submit to arrest or detention.

The weapon brandished by Mr. Corneil turned out to be a black metal Beretta .177 caliber pellet pistol. Neither Sgt. Fuller nor Trooper Adams saw anything on the handgun to indicate it was a pellet gun and believed it to be a real firearm. Pictured below on the left is a real Beretta model M9 semi-automatic pistol. On the right is the version of the pellet gun that Mr. Corneil pointed at Sgt. Fuller.



A post-mortem examination and autopsy on May 6, 2018, conducted by Dr. Mark Flomenbaum, the state's chief medical examiner, determined Mr. Corneil's cause of death to be multiple gunshot wounds. Of the five rounds fired by Sgt. Fuller, four struck and penetrated Mr. Corneil's chest and abdomen and one grazed his chest.

Discussion and Legal Analysis

The Attorney General's Office 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.² The detectives who conduct these investigations are independent of any other law enforcement agency. The purpose of the criminal investigation of the incident in Oakfield on May 4, 2018 was to determine whether Sgt. Fuller was legally justified in using deadly force when he shot Mr. Corneil. The investigation did not include an analysis of whether any personnel action might be warranted, of whether the use of deadly force could have been averted, or of whether there might be civil liability. Indeed, state law provides that the fact that conduct may be justifiable under the Criminal Code does not abolish or impair any other remedy available under the law.

Under Maine law, a law enforcement officer is authorized to use deadly force in self-defense or the defense of others when the officer reasonably believes that deadly force is imminently threatened against the officer or against someone else and the officer reasonably believes that deadly force is necessary to counter that imminent threat, or when a law enforcement officer is attempting to make an arrest and the officer reasonably believes that the person has committed a crime involving the use or threatened use of deadly force and the officer has made reasonable efforts to advise the person that he is a law enforcement officer attempting to make an arrest and the officer has reasonable grounds to believe that the person is aware of this advice.³ Whether the use of force by a law enforcement officer is reasonable is based on the totality of the particular circumstances and 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 of force necessary in a given situation. The legal analysis requires careful attention to the

² 5 M.R.S. § 200-A

³ 17-A M.R.S. § 107 (2) (A) & (B)(1)

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

It is our determination that when Sgt. Fuller shot Mr. Corneil, he reasonably believed that Mr. Corneil presented an imminent threat of unlawful deadly force against him and others in the immediate vicinity. Despite being repeatedly told to put down what reasonably appeared to be a firearm by Sgt. Fuller and Trooper Adams, Mr. Corneil continued to point his weapon at Sgt. Fuller while standing eight feet or less from him and in close proximity to the entrance to an active grocery market. Sgt. Fuller and Trooper Adams were aware that Mr. Corneil had a violent history when interacting with law enforcement and knew that he had possessed firearms in the recent past despite being a convicted felon. All the facts and circumstances point to the conclusion that Sgt. Fuller acted in self-defense and the defense of others.

Sincerely,



AARON M. FREY
Attorney General







