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April 10, 2026
REVISED April 17, 2026

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

Chief Ethan Kyes
Wilton Police Department
874 Main St
Wilton, ME 04294

Dear Colonel Cote and Chief Kyes:

We have completed our investigation and legal review of the incident on July 11, 2025, in Wilton, involving the use of deadly force by Maine State Police Specialist Andrew Hardy and Wilton Officer Cody Henry that resulted in non-life-threatening injuries to Gabriel Wilbur, then 35, of Wilton.

Factual Summary

On July 1, 2025, the tenants at 58 Cemetery Road were evicted and Mr. Wilbur was told he would also need to leave the property. Mr. Wilbur had been staying in the home or in his white Ford Fusion on the property since June of 2023. Approximately a week later, Officer Cody Henry went to 58 Cemetery Road in Wilton to discuss with Mr. Wilbur the need for him to leave the property. During the conversation, Officer Cody told Mr. Wilbur he did not want to return and charge him with trespassing, and he wanted to find him a new location for his vehicle. Mr. Wilbur said if the police return to arrest him or serve him with paperwork, he wanted death by cop. Officer Henry advised dispatch of the threat. Officer Henry later learned that that Mr. Wilbur had a BB gun in his car, but he did not see the BB gun during their interaction.

On July 11, 2025, at approximately 12:30 pm, Franklin County Deputy Sheriff Constantino Zenteno went to the Cemetery Road residence to serve 30-day eviction paperwork on Mr. Wilbur. While serving the paperwork, Deputy Zenteno met with people who were hired to clean up the property. They told Deputy Zenteno that Mr. Wilbur had been yelling at them while they were cleaning. During this time, Deputy Zenteno received information from Wilton Officer Cody Henry that Mr. Wilbur may have a BB gun. When Deputy Zenteno attempted to serve the paperwork on Mr. Wilbur, who was in his car, Mr. Wilbur told him to go away. Mr. Wilbur told Deputy Zenteno that he was going to do suicide by cop, and the officers were not real. Deputy Zenteno asked for backup for officer safety reasons. Deputy Issac Wacome arrived and the deputies explained the paperwork to Mr. Wilbur who was talking indiscernibly. The deputies left the paperwork on the windshield.

Shortly after Deputy Zenteno departed from serving Mr. Wilbur, Franklin County Dispatch received an emergency call that Mr. Wilbur had pointed a gun at the workers hired to clean the property and threatened to kill them. Officer Henry was dispatched to respond. Officer Henry and Deputy Zenteno arrived back at 58 Cemetery Road at the same time. Other law enforcement soon followed. Multiple commands were issued by voice and through a public announcement system for Mr. Wilbur to exit his vehicle, however Mr. Wilbur responded that things were not going to go well for the officers and they needed to leave him alone. He repeatedly showed his middle finger at the officers while also swearing at them.

Among the other law enforcement officers who arrived on scene was MSP Tactical Team Specialist Andrew Hardy. Upon arrival, Specialist Hardy observed how close a number of law enforcement officers were to the subject vehicle and instead positioned himself with other responding officers across the road at a landscaping business situated at a higher elevation that provided a view overlooking the scene.

Mr. Wilbur continued to refuse to leave the vehicle he was barricaded in. The situation escalated when he opened the rear passenger door of his vehicle and pointed a black handgun out of the car in the direction of the law enforcement officers' position close to the vehicle. One of the officers shouted 'GUN!', at which point Mr. Wilbur brought the handgun back into the vehicle and closed the door. Upon hearing that there was a gun, Specialist Hardy laid prone on the ground and surveyed the scene below. As Specialist Hardy was watching the car, he described observing a muzzle of a gun pushing up over the front passenger seat headrest pointed in his direction. Specialist Hardy fired a volley of shots believing it necessary because the windows were closed and several shots would be needed to penetrate the vehicle. Mr. Wilbur continued to move around in the vehicle, and it appeared to Specialist Hardy that Mr. Wilbur had not been injured despite the multiple shots fired. Specialist Hardy then observed what he believed was an attempt by Mr. Wilbur "to get another angle on" him. Specialist Hardy believed Mr. Wilbur would have known his location on the hill because he would have known the direction from where the shots had been fired. Specialist Hardy also believed Mr. Wilbur could see him on the hill. Specialist Hardy fired another round of shots specifically at the low side of the passenger side door. Specialist Hardy

later told investigators he used deadly force because he was aware Mr. Wilbur had threatened someone with a gun that led to this law enforcement response, he thought Mr. Wilbur was going to shoot him, and he wanted to protect himself and other officers who were in proximity.

Officer Henry heard the gunshots from Specialist Hardy's first volley and observed the passenger side doors of Mr. Wilbur's vehicle being shot. Officer Henry was aware that an officer behind him was shooting at Mr. Wilbur. He then described how he observed Mr. Wilbur, who was in the back seat, pointing a gun from the opening between the front headrests in the direction of himself, Deputy Zenteno, and other officers. In response, Officer Henry fired one shot at Mr. Wilbur. This occurred at the same time Specialist Hardy was firing on the vehicle for the second time. Officer Henry later told investigators he fired because he believed that Mr. Wilbur was going to shoot at him, other officers, and possibly civilians in the area. Officer Henry was aware Mr. Wilbur said he would go, "death by cop."

After the vehicle was fired upon by Specialist Hardy and Officer Henry, Mr. Wilbur exited the vehicle. He was bleeding from the right shoulder area. Specialist Hardy, who had descended the hill, and other officers told Mr. Wilbur to get on his stomach and put his hands behind his back. When Mr. Wilbur refused, Specialist Hardy deployed his taser in an effort to get Mr. Wilbur to comply. The initial taser deployment was ineffective, so Specialist Hardy deployed a second taser cartridge inducing Mr. Wilbur to comply. EMS was notified and life saving measures were started.

Mr. Wilbur was life-flighted to Maine Medical Center from Franklin Memorial Hospital where he was treated for 3 gunshot wounds to the shoulder. Mr. Wilbur was indicted by the Franklin County Grand jury with criminal threatening with a dangerous weapon, reckless conduct with a dangerous weapon, and creating a police standoff. On April 9, 2026, Mr. Wilbur pled nolo contendere to reckless conduct with a dangerous weapon and creating a police standoff. He received 6 months in the county jail on the creating a police standoff charge to run concurrent with an 8-month sentence on the reckless conduct with a dangerous weapon charge. The criminal threatening with a dangerous weapon charge was dismissed at the time of sentencing.

The firearm was located on the right, rear passenger seat of the vehicle. It was determined to be a black, compact CO2 rifle that resembled a tactical rifle. A Walther CO2 pistol was also located on the rear passenger floor. Another CO2 handgun, determined to be non-functional, was located at the rear, left passenger seat. Mr. Wilbur was later interviewed by an investigator with the Attorney General's office. He told the investigator he wanted arriving law enforcement to leave him alone and did not want to surrender to them. Mr. Wilbur admitted to displaying the 'pellet pistol' to one of the workers on the property.

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 uses deadly force while acting in the performance of the officer's duties.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 law does not abolish or impair any other available legal remedy.

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 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.

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).

Conclusion

When Specialist Hardy and Officer Henry shot at Mr. Wilbur, they reasonably believed that Mr. Wilbur was posing an imminent threat of serious bodily injury or death to themselves, the officers in the vicinity, and potentially citizens in the area. Mr. Wilbur did not respond to repeated commands to get out of the vehicle without a gun. Specialist Hardy observed Mr. Wilbur point a gun in his direction and believed he was about to use unlawful deadly force against him. It was reasonable for Specialist Hardy to believe it necessary to fire at Mr. Wilbur. When Officer Henry shot at Mr. Wilbur, he observed Mr. Wilbur pointing a gun at the front window of the car at Officer Henry, Officer Zenteno, and others. All the facts and circumstances point to a conclusion that Specialist Hardy and Officer Henry acted in self-defense and the defense of others at the time they used deadly force.

Sincerely,

A handwritten signature in blue ink that reads "Aaron M. Frey". The signature is written in a cursive style with a large initial "A".

Aaron M. Frey
Attorney General