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March 30, 2018

Chief Matthew Irwin
Presque Isle Police Department
43 North Street
Presque Isle, ME 04769

Dear Chief Irwin:

We have completed our investigation and legal review of the incident on March 17, 2017, involving the use of deadly force by Corporal Kyle White that resulted in the death of Brentant Lahey. As you know, Corporal White shot Mr. Lahey during an armed encounter.

Factual Summary

About a half hour after midnight on March 17, 2017, a Van Buren woman called the Presque Isle Police Department and said she was receiving disturbing text messages from her 17-year-old daughter who was visiting a friend, Cody Dunton, 18, at a residence in a mobile home park in Presque Isle. According to the daughter, another person at the residence, later identified as Brentant Lahey, 25, threatened her with a knife and was holding the knife to the throat of Mr. Dunton, threatening to kill him. Minutes later, a Mapleton woman called 911 and reported that her grandson, Cody Dunton, called her and said Mr. Lahey accused him of stealing his cell phone and was threatening to kill him. Mr. Lahey, a friend of Cody Dunton's, had been residing at the home of Mr. Dunton since January of 2017. Three Presque Isle police officers, Kyle White, Chris Hayes, and Sam Fuller responded to the calls, arriving at the residence just minutes later.

Officer Hayes knocked on the door several times before a person, later identified as Mr. Dunton, answered. Officer Hayes and Officer Fuller entered the residence with Mr. Dunton, who indicated there were two other persons in the residence and pointed to a hallway. Officer Hayes started down the hallway to check for other persons while Officer Fuller remained with Mr. Dunton. In the meantime, Corporal White also entered the

residence. At this point, none of the officers knew the identity of the person who allegedly threatened the other individuals with a knife.

As Officer Hayes approached a bedroom, he knocked on the wall and asked if there was anyone in the bedroom. He heard a female voice say yes. He looked into the bedroom and saw a young woman, later identified as the 17-year-old from Van Buren who had texted her mother, and a man, later identified as Mr. Lahey. The woman was sitting on a bed with her back against a wall and Mr. Lahey was sitting on the corner of the bed in front of the woman. He was facing Officer Hayes and his hands were in his pockets. Officer Hayes asked the whereabouts of the knife and if they had been threatened with a knife. Mr. Lahey responded that everything was fine, but the woman appeared scared and appeared to be motioning with her eyes. Officer Hayes did not know if she was trying to alert him to Mr. Lahey or a back bedroom. Corporal White, armed with a patrol rifle, followed Officer Hayes down the hallway, but was summoned back to the living room by Officer Fuller, who alerted him that Mr. Dunton told him that Mr. Lahey was the one with knife and the one who had threatened him and the woman. Corporal White went down the hallway to the first bedroom while Officer Hayes moved on to check the other bedroom and the bathroom.

Corporal White asked Mr. Lahey the whereabouts of the knife; Mr. Lahey responded only with a “blank stare.” Corporal White instructed Mr. Lahey to remove his hands from his pockets. Mr. Lahey again only responded with a blank stare. Corporal White shouted at Mr. Lahey to “show your hands now!” Mr. Lahey removed his hands from his pockets and revealed a folding knife with the blade exposed. From about four feet away, he lunged at Corporal White. Corporal White, his back against the hallway wall and only a couple of feet from an advancing Mr. Lahey, fired three times in rapid succession at Mr. Lahey. Mr. Lahey fell to the floor, fatally wounded. About 11 minutes had elapsed from the time of the officers’ arrival at the residence.

Officer Hayes, who was checking the bathroom and back bedroom, heard Corporal White shouting commands and went back into the hallway and saw Corporal White with his back against the wall fire three or four rounds from his rifle. While unable to observe Mr. Lahey’s movement in the bedroom, Officer Hayes noted that the muzzle of Corporal White’s rifle was one or two feet from the bedroom door. Officer Fuller, still in the living room with Mr. Dunton, had heard Corporal White saying, “Where’s the knife, where’s the knife, get your hands out of your pockets, do it now, do it now. Don’t!” Officer Fuller then heard three gunshots. The young woman in the bedroom with Mr. Lahey when he was shot later told investigators that when the police officers arrived at the residence, Mr. Lahey told her he would stab her to death “before the cop shoots me” if she told the officers what had transpired. She said that when Corporal White confronted Mr. Lahey at the bedroom door, Mr. Lahey raised his knife to shoulder height and lunged at the officer from three to four feet away.

Later investigation disclosed that over the course of several hours on the night of March 16, 2017, Mr. Lahey drank several beers, ingested several pills believed to be Xanax. He also crushed and snorted prescription drugs, and smoked a substance from a

piece of tinfoil. He started behaving in an aggressive manner towards Mr. Dunton and the female visitor. At one point, the visitor sent Mr. Dunton a private Facebook message asking him if they could go to his bedroom and watch Netflix to get away from Mr. Lahey. After about 15 minutes, Mr. Lahey forcibly entered Mr. Dunton's bedroom and demanded to use the woman's cell phone. Mr. Lahey left the room with the phone. Mr. Dunton followed him. Mr. Lahey was yelling and screaming and said to Mr. Dunton, "Do you want to see what a real gangster looks like?" When the woman approached Mr. Lahey and asked for her phone back, Mr. Lahey held a knife to her face and angrily told her to shut up and go back to the bedroom. The woman returned to the bedroom, followed by Mr. Dunton. Minutes later, Mr. Lahey went into the bedroom where Mr. Dunton and the woman were sitting on the bed. He climbed on top of Mr. Dunton, held a knife to Mr. Dunton's throat and said, "Who's the [expletive] tough guy now? You're a [expletive] pussy!" Mr. Lahey accused Mr. Dunton of stealing his cell phone and demanded the phone back or \$60 cash or he would kill him.

Mr. Lahey instructed the woman to stay in the bedroom "or else," and he and Mr. Dunton went into the living room. The woman could hear Mr. Dunton begging Mr. Lahey not to kill him. The woman sent several text messages to her mother, explaining what was taking place and asking her mother to call the police. Mr. Dunton called his grandmother, and told her that he needed \$60.00 or Mr. Lahey was going to kill him. When Mr. Dunton told Mr. Lahey his grandmother was going to call the police, Mr. Lahey said he wanted to be shot and killed by the police. Interviewed as part of the investigation, the grandmother confirmed the call from Mr. Dunton. She also said she spoke with Mr. Lahey during the call, and he said he would kill Mr. Dunton if she did not bring him the money. She told Mr. Lahey she was going to call the police and Mr. Lahey told her that if the police came to the house, he would make them shoot him and that would be on her conscience.

An autopsy and postmortem examination conducted by the Office of Chief Medical Examiner determined Mr. Lahey died as a result of gunshot wounds to the neck, chest and arm. His blood alcohol level was .084%. Mr. Lahey had multiple scheduled drugs in his system, including methamphetamine at a level of 250 ng/mL. NMS Labs, which conducted the toxicology examinations, reported that blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior, and that high dosages can also cause confusion, restlessness, and hallucinations.

Mr. Lahey's criminal history included aggravated assault and criminal threatening in 2007, criminal threatening and criminal trespass in 2013, assault and criminal threatening with a dangerous weapon in 2014, and domestic violence terrorizing in 2014 when he threatened to beat up a woman if she did not give him her prescribed narcotic medications. Mr. Lahey served various terms of incarceration for each of the incidents.

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

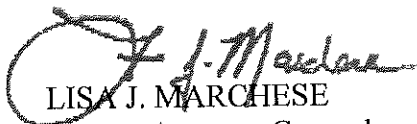
performance of the officer's duties, uses deadly force.¹ Under Maine law, for any person, including a law enforcement officer, to be justified in using deadly force in self-defense or the defense of others, two requirements must be met. First, the person must reasonably believe that deadly force is imminently threatened against the person or against someone else, and, second, the person must reasonably believe that deadly force is necessary to counter that imminent threat. Further, 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.

The purpose of the criminal investigation of the incident in Presque Isle on March 17, 2017, was to determine whether Corporal White was acting in self-defense when he shot and killed Mr. Lahey. 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.

CONCLUSION

It is our determination beyond a reasonable doubt that when Corporal White shot Mr. Lahey, he reasonably believed that unlawful deadly force against him was imminent. It was reasonable for Corporal White to believe it necessary to use deadly force to protect himself from serious bodily injury or death. All the facts and circumstances point to the conclusion that Corporal White acted in self-defense.

Sincerely,



LISA J. MARCHESE
Deputy Attorney General
Chief, Criminal Division

¹ 5 M.R.S. § 200-A.