

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: Manchester District Court

Case Name: State v. Ian MacPherson

Case Number: 16-CR-2486
(if known)

AGREEMENT

The parties agree as follows:

Pending the probable cause hearing, the parties agree that Mr. MacPherson shall be held without bail on the felony charges, pursuant to 597:1-c.

The parties agree to the attached bail order for the misdemeanor charge.

The parties agree that all affidavits, applications, returns and search warrants shall be unsealed.

5/16/16
Date

Plaintiff/Petitioner

Ian MacPherson

Defendant/Respondent

James C. Young, Esq. AAG

Attorney for Plaintiff/Petitioner State of New Hampshire

Attorney for Defendant/Respondent

5/16/16

James C. Young, Esq. AAG
E. Michael

AGREEMENT E. MICHAEL

STATE OF NEW HAMPSHIRE
NORTHERN DISTRICT OF HILLSBOROUGH COUNTY

RECEIVED

MAY 16 2016

MANCHESTER DISTRICT COURT

HILLSBOROUGH, SS.
SUPERIOR COURT

MAY TERM, 2016

In Re: Search Warrant(s)

**STATE'S MOTION TO SEAL, APPLICATION FOR SEARCH WARRANT(S),
ARREST WARRANT, AFFIDAVIT IN SUPPORT OF APPLICATION,
RETURN(S) AND ANY RESULTING SEARCH WARRANT(S), ARREST
WARRANT, ACCOMPANYING PAPERWORK, AND THE INSTANT MOTION
TO SEAL**

NOW COMES the State of New Hampshire, by and through its representative, Joseph Foster, Attorney General for the State of New Hampshire, through his Assistant Attorneys General, and respectfully requests that this Honorable Court seal the accompanying Applications for Search Warrant(s) and Arrest Warrant, the Affidavit in Support of the Applications, the Returns, any resulting Search Warrants or Arrest warrants that may issue, any additional Paperwork that may issue in this case, and the instant Motion to Seal. In support of its request, the State submits the following:

1. The New Hampshire State Police are conducting a criminal investigation into the attempted capital murder and first degree assault of two Manchester Police Department officers in the city of Manchester on May 13, 2016, as well as a related robbery on May 12, 2016 in Manchester, New Hampshire, and for reckless conduct on May 13, 2016.

*Motion Granted.
Daniel L. Roth
5-13-2016*

2. Premature disclosure of the information contained in the Applications, the accompanying Affidavit, Returns, and any Search and/or Arrest Warrants that may issue in this case could compromise the integrity of the ongoing investigation by revealing the identities of witnesses and investigative information known only to the authorities. This is an emerging investigation in its beginning stages, and there are many witnesses yet to be interviewed and/or identified, including eye witnesses to the events of May 12th and 13th, 2016, that are being investigated.

3. This Court has the authority to grant the State's request and order the relief requested. See RSA 595-A:4; Petition of State of New Hampshire (Bowman Search Warrants), 146 N.H. 621 (2001).

WHEREFORE, the State respectfully requests that this Honorable Court:

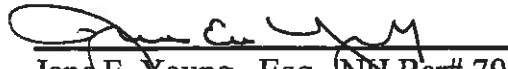
- A. Grant the State's motion and seal the accompanying Applications For Search Warrants and Arrest Warrant, Affidavit in Support of the Applications, Returns, any Warrants that may issue in this case, any additional paperwork, as well as the instant Motion to Seal; and,
- B. Order such other and further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its representative,

May 13, 2016


Jane E. Young, Esq. NH Bar# 7946
Associate Attorney General
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3671

STATE OF NEW HAMPSHIRE
NORTHERN DISTRICT OF HILLSBOROUGH COUNTY

HILLSBOROUGH, SS.
SUPERIOR COURT

MAY TERM, 2016

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Daniel L. Ruff
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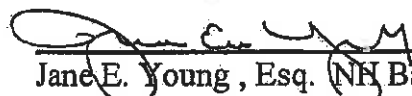
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THE STATE OF NEW HAMPSHIRE

By its representative,



Jane E. Young, Esq. NH Bar# 7946
Associate Attorney General
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3671

May 13, 2016

SUPPORTING AFFIDAVIT FOR SEARCH WARRANT

I, Detective L Hobbs, being duly sworn, depose and say:

I am a Detective with the Manchester Police Department, and have been so employed with the Manchester Police Department as a sworn full time officer since 2002. Since my hiring, I have attended the NHPSTC Police Academy, as well at the in-house Manchester Police Academy. I have also attended additional training classes and seminars while being employed.

My current assignment is as a detective to investigate major crimes as well as violent crimes to include murder, attempted murder as well as shootings. I have participated and have been the lead investigator on several violent crime cases within the City of Manchester.

I have information based on my personal knowledge and knowledge learned from other Officers and Detectives of the following:

1. On 12 May 16, at 0130 hrs, Ofc. Smith was dispatched to the Shell Gas Station located at 245 Eddy Road for a panic alarm. Dispatch would contact the store, and confirmed that the store was robbed as gun point. A brief description was provided, in that the suspect was wearing a dark colored trench coat, black ski mask, and was armed with a handgun.
2. Ofc. Smith would arrive at the store and speak with the clerk, Frank Masi. Masi reported that while he was tending to the store, a male walked in. The male was wearing a long trench coat, black ski mask, and black gloves. Masi reported that the male was also armed with a handgun, which he described as silver and black, in his right hand. Masi reported that the suspect stated to him, "not going to hurt you, just put all the bills in this bag this is no joke." Masi advised that as he was emptying the register, he was able to push the panic alarm. Masi advised that the male did not point the gun at him, and held it down by his side. Masi emptied the cash draw, and handed the cash to the suspect. The suspect then asked Masi to open the safe. Masi advised that he could not open the safe. At that point, the suspect left, and advised Masi that he would be back tomorrow. Masi reported that the male then left the store.
3. As the male was exiting the store, witness Cory Stone was traveling southerly on Eddy Rd. Stone would report to Ofc. Smith that he did observe a male exit the store wearing a long trench coat and a black ski mask. Stone advised Ofc. Smith that the male seemed to be speed walking out of the store, southerly on Eddy Rd. Stone reported that the male appeared to be very suspicious.
4. Stone reported that due to the male's appearance, and behaviors, he pulled into the Dunkin Donuts located across the street from the Shell Station. Stone reported that he continued to watch the male walk southerly on Eddy Rd. Stone reported that here, he would see that the male was armed with a handgun, holding the handgun in his right hand. Stone reported that the male pulled up the ski mask, exposing his face. Stone

described the male as having a brown beard, and long brown hair. Stone reported that the male then ran southerly on Eddy Rd, towards Bremer St, where he lost sight of him.

5. After speaking with Stone, Ofc. Smith was able to make contact with the manager of the Shell Station, Paul Calaphan. Calaphan played the surveillance video for her. Ofc. Smith reported that the suspect appeared to be male. Ofc. Smith reported that the male was wearing a long green trench coat, a black ski mask, green undershirt, and black pants. Ofc. Smith clearly saw on the video the male was armed with a handgun in his right hand. The description, as well as still images of the suspect, were disseminated throughout the Manchester Police Department via email for all Officers to view.
6. The next day, on 13 May 16, Ofc. Ryan Hardy was on patrol for the City of Manchester. Ofc. Hardy was working the midnight shift, from 2300 hrs till 0730 hrs. Part of, but not limited duties of Ofc. Hardy include responding to calls, initiating motor vehicle stops, and field stopping potential suspects as it relates to further investigations of crimes that have occurred. Ofc. Hardy was wearing a full patrol uniform, complete with his insignia, badge, and duty belt which identified him as a Manchester Police Officer.
7. During his tour of duty, at approximately 0203:23hrs, Ofc. Hardy was traveling in the area of Second St by Ferry St. As he was traveling, he called off on the radio that he would be checking a male on Second St by Ferry St. At 0203:52 Ofc Hardy broadcasted "Shots fired, shots fired. I've been shot." Ofc. Hardy then broadcasted the description of the male, in that he was a white male, long hair and wearing a trench coat. Ofc. Hardy continued to broadcast over the radio that he was shot, and was still at Second and Ferry, and that male was running from him towards the Econolodge. Later on, it was learned that Ofc. Hardy was stopping the male based on the description of the previous night's robbery, matching the male he observed on Second St by Ferry St.
8. Ofc. Hardy was shot in both the face and torso. He suffered multiple injuries from the two gunshot wounds, and is currently being treated at a Boston hospital.
9. After the shots were fired, a number of residents whom live in the area began to contact the Manchester Police. One witness, identified as Mark Winslow of 27 Ferry St, reported that after the shots were fired, he looked out to see a male running southbound on Second St. Winslow provided a description of the male whom he observed running, in that he was wearing a long trench coat. Winslow then lost sight of him once the male turned in between two houses.
10. A second witness, Sarah Stratton of 76 Walsh Ave called at 02:19 hrs to report that there was a male wearing what appeared to be a long trench coat by her house. Given the description provided by Ofc. Hardy, in that the male whom shot him was wearing a long trench coat, Officers of the Manchester Police Department proceeded to the area of Walsh Ave at Rimmon St in an effort to locate the suspect. At this point, Ofc. Matthew O'Connor of the Manchester Police and members of the New Hampshire State Police were in the area. A K9 track was started, and led the officers to the area of Putnam St by Rimmon St. Ofc. O'Connor was also on patrol for the City of Manchester working the

midnight shift, from 2300 hrs till 0730 hrs. Ofc. O'Connor was wearing a full patrol uniform, complete with his insignia, badge, and duty belt which identified him as Manchester Police Officer.

11. At 0233 hrs, Ofc. O'Connor would report that he, along with members of the New Hampshire State Police were able to locate a male wearing a long trench coat on Rimmon St by Putnam St. Ofc. O'Connor reported that he was about 30 yards from the male. Ofc. O'Connor advised that he requested that the male put his hands up. Ofc. O'Connor advised that the male stated to him words to the effect of: "I am the guy you are looking for". At this point, Ofc O'Connor reported that the male pointed a handgun at him, and began to fire a handgun at him. Ofc. O'Connor advised that he was shot in the leg. Members of the Manchester Police, as well as the New Hampshire State Police returned gun fire. The suspect was able to flee into the wood area of Putnam St by Rimmon St.
12. Ofc. O'Connor was shot in his lower right leg. He was treated at a local hospital for the gunshot wound, and then released.
13. Officers continued to search the area. This area is a dense wooded area that exits to a number of streets to include Putnam St, Rimmon St, Sullivan St, Valley West Way, and Bartlett St. As Officers search the area, Ofc. Erik Slocum of the Manchester Police observed a male with long hair, and a beard emerge from the area of 467 Bartlett St. at approximately 0500 hrs. Ofc. Slocum advised that the male matched the description, including that he had a long hair and beard. The male was ultimately identified as Ian MacPherson (DOB 12/13/1983). MacPherson was subsequently taken into custody. A continued search of the area yielded the discovery of asemiautomatic firearm, a .40 caliber Smith and Wesson, bearing serial number FXR3017, as well as a dark colored coat, a black ski mask, and a wallet. The dark coat was found underneath an open porch at 218 Valley West Way, which is a light colored painted porch leading to the back entrance of the condo unit labeled with the numbers "218" on the outside of it. The coat was long, and appears to be similar to what was described as a trench coat seen being worn by the suspect in the Shell Station Robbery on 12 May 16. Investigators located one witness who saw a person matching Macpherson's description throwing a coat under the porch, and place an object in a storm drain. The storm drain was later checked, and a handgun magazine was recovered by investigators inside the drain. The dark colored mask was located outside condos numbered 347 and 343 Valley West Way on the pavement. The wallet was located close by on the street outside of 182 Valley West Way on the pavement. At the time, it was unknown who owned this wallet. Ofc. Healy of the Manchester Police opened the wallet to see any obvious identifiers. Ofc. Healy advised that upon opening the wallet, he immediately saw an ID with the name of Ian MacPherson. Ofc Healy then closed the wallet.
14. On the morning of May 13, 2016, investigators spoke with Deborah Ann Macpherson (DOB 7/9/1960), the mother of Ian Macpherson. When approached, Deborah Ann first asked, "Is this about my son?" When she was asked by investigators why she thought they wanted to talk about her son, Deborah Ann said she had heard about the shooting of

the two police officers and the description released of the shooter, and that the description matched her son's clothing and appearance when she saw him the day on May 12, 2016. Deborah Ann told investigators that she last saw her son at Burger King on South Willow Street in Manchester, New Hampshire, where he was wearing a wool dark colored trench coat style jacket, and black pants.

15. Investigation by Manchester Police Officers has revealed that on March 19, 2016, Ian Macpherson entered Chester Arms at 115 Bypass 28 in Derry, New Hampshire, 03038. Records of the business show he attempted to purchase a .40 caliber Smith and Wesson semiautomatic handgun, Model SD40 VE, bearing serial number FXR3017. On the application paperwork, MacPherson listed his date of birth as 12/13/1983, and a home address of 23 Temple Street, Apt. 108 in Nashua, New Hampshire. Investigators later learned that 23 Temple Street, Apt. 108 in Nashua is a former residence of Ian Macpherson approximately two years prior. The purchase did not take place on that day due to the New Hampshire State Police Gunline needing to complete the background verification process. On April 1, 2016, Ian Macpherson returned to Chester Arms, and the purchase of the firearm was completed with MacPherson paying cash (\$349.00) and taking possession of the firearm with two magazines. Macpherson also purchased a box of Magtech .40 caliber ammunition which contained 50 rounds of ammunition, paying cash (\$18.00).
16. Investigators at the first shooting of Ofc. Hardy have recovered 15 shell casings. These casings match the Magtech ammunition purchased at Chester Arms on April 1, 2016, purchased by Ian Macpherson. The second shooting scene has not been searched at the time of writing this affidavit.
17. With the discovery of the casings, the firearm, the wallet, trench coat, items, and the location in which MacPherson was discovered, and the descriptions given by eye witnesses, it is believed that MacPherson is the suspect who shot at and struck Officers Ryan Hardy and Matthew O'Connor.
18. Based on my training and experience, I know that physical and trace evidence of the crimes of attempted capital murder(NH RSA 630, 629:1), reckless conduct(NH RSA 631:3), first degree assault(NH RSA 631:1), and/or robbery(NH RSA 636:1) can be found on the body or clothing of an individual. Accordingly, evidence of identity is often obtained from a subject's body. Such evidence includes but is not limited to major case handprints and fingerprints, hair samples, and buccal swabs which can be subject to DNA testing. Likewise, I know based on my training and experience, that evidence of the crime of attempted capital murder (630, 629:1), reckless conduct (631:3), first degree assault (631:1), and robbery (636:1) involving the discharge of a firearm can be found on clothing, and on the body, including but not limited to any injuries to the body, footwear, fingernail scrapings and cuttings, and swabs of clothing and body parts for gunshot residue. This may also include clothing fibers left on a person's body or hair, or on the clothes worn by the person, that have been deposited by previously worn outerwear such as jackets, sweatshirts, coats, or headgear.

19. Based upon the foregoing information, there is probable cause to believe that physical and trace evidence that relates to the crime of attempted capital murder (630, 629:1) reckless conduct(631:3) first degree assault (631:1) and/or robbery (636:1) may be found on the body and clothing of Ian MacPherson. Such evidence includes but is not limited to; complete photographs of Ian MacPherson's body, including but not limited to any injuries to his body; major case handprints and fingerprints; his clothing and footwear; hair samples and combings, fingernail scrapings and cuttings; buccal swabs for DNA testing; swabs of his clothing and body for gunshot residue; and swabs of his person for clothing fibers.
20. Based on this information, I respectfully request that the Hillsborough County Superior Court issue a search warrant for the person of Mr. Ian MacPherson. The above listed information provides Probable Cause to believe that there is evidence of the class-A felony level offense of Attempted Capital Murder (630, 629:1), felony reckless conduct (631:3), first degree assault (631:1), and robbery (636:1) on Mr. MacPherson's person.
21. Upon issuance of this search warrant I-or a designee- intend to search Mr. MacPherson's body for his clothing and footwear; hair samples and combings, fingernail scrapings and cuttings; buccal swabs for DNA testing; swabs of his clothing and body for gunshot residue; and swabs of his person for clothing fibers.
22. Based upon the foregoing information, there is probable cause to believe that physical and trace evidence that related to the crime of attempted capital murder (630, 629:1) reckless conduct(631:3) first degree assault (631:1) and/or robbery (636:1) may be found in the area outside of and immediately surrounding 182, 218, 343, and 347 Valley West Way in Manchester, New Hampshire. Such evidence includes but is not limited to; a dark colored coat found underneath the rear porch to 218 Valley West Way, a ski mask found outside of 343 and 347 Valley West Way, and a wallet found in the street outside of 182 Valley West Way, and I request that the Hillsborough County Superior Court issue a search warrant for these said items, and any additional evidence of the crimes of attempted capital murder (630, 629:1) reckless conduct(631:3) first degree assault (631:1) and/or robbery (636:1) that may be found in these areas.
23. Based on the foregoing information, there is probable cause to believe that Ian Macpherson (DOB 12/13/1983) is guilty of the crime of Attempted Capital Murder for purposefully attempting to cause the death of Officer Ryan Hardy and Officer Matthew O'Connor on May 13, 2016 by shooting them with a firearm, to wit: a handgun.

L. Hobbs
Detective Lucas Hobbs - D8
Manchester Police Department

Then personally appeared the above named Lucas Hobbs and made oath that the foregoing affidavit by him subscribed is true to the best of his knowledge and belief.

Before me this 13th day of May 2016

David L. Roth

Justice of the Hillsborough County Superior Court

DAVID L. ROTH

Referred to these facts for
Arrest warrant as well

David L. Roth

State of New Hampshire

Supporting Affidavit for Arrest W/O Warrant

Hillsborough County

NH Circuit Court
9th Circuit District Division – Manchester

I LUCAS A HOBBS being duly sworn, depose and say:

1. I have arrested:

MACPHERSON, IAN

12/13/1983 73 DIONNE DR APT 3 MANCHESTER, NH 03102

2. I have information that a crime (or offense) has been committed by the defendant as follows:

RSA: 642:2 Resisting Detention

On May 13th, 2016 Ofc. Slocum worked a midnight shift assigned to sector 2-5. At approximately 0203hrs Ofc. Hardy called over the radio that shots were fired at his position at Second St and Ferry St. Ofc. Slocum responded to Ofc. Hardy's location to assist. Ofc. Hardy put out a suspect's description as a white male, long hair, wearing a dark colored trench coat and dark pants. Ofc. Hardy advised he was shot by the male and required immediate medical attention. On arrival, Ofc. Slocum found Ofc. Hardy at the intersection of Second St and Ferry St on his knees in front of his cruiser. Hardy's cruiser was parked facing West on the West bound shoulder just 5 feet from the intersection. Ofc. Hardy had a gunshot wound to his right cheek, posterior neck, and posterior right shoulder. Ofc. Hardy was conscious and alert and applying direct pressure to his wounds. Ofc. Flemming and Ofc. Charest were assisting Ofc. Hardy in treating his wounds. Ofc. Hardy was placed on a stretcher, loaded into an AMR ambulance, and transported to CMC hospital.

At approximately 0233hrs Ofc. McGee radioed that they observed the suspect on Putnam St and engaged in gunfire with him. Ofc. O'Connors who was with Ofc. McGee, and reported that he had been shot in the leg. Ofc. Slocum cleared the scene at Second St / Ferry St after being relieved by multiple State Police Troopers to respond to the area.

At approximately 0246hrs Ofc. Slocum responded to the intersection of Bartlett St and Wayne St to establish a containment perimeter West of where the suspect was last seen by involved officers. Ofc. Slocum placed his cruiser at the intersection of Wayne St and Bartlett St with its lights activated. Ofc. Yuerson Alcide of the Goffstown Police Department arrived shortly after to assist in setting up the perimeter. Ofc. Alcide positioned his cruiser at the sharp turn of Bartlett St in front of 473 Bartlett St with its lights activated. They closely monitored Bartlett St for any foot traffic. There was only a female around 0300hrs who had walked to her home at 446 Bartlett St, otherwise we did not see any other pedestrian traffic.

At approximately 0500hrs, Ofc. Alcide and Ofc. Slocum were positioned between the two cruisers in front of 442 Bartlett St. They observed a white male walk out from between 465 Bartlett St and 473 Bartlett St who matched the suspect's description. The male had long brown hair and was wearing a black t-shirt and black pants. The sun was just cresting the horizon giving plenty of light to see clearly. The male stepped out on to the sidewalk, paused, and looked towards Ofc. Alcide and Ofc. Slocum. The male then

Supporting Affidavit for Arrest W/O Warrant (continued)

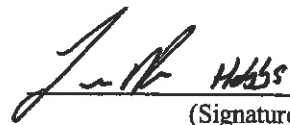
turned around and walked away from them northerly on the sidewalk. Ofc. Alcide and Ofc Slocum identified themselves as police officers and ordered him to stop. Ofc. Alcide and Ofc Slocum were dressed in full uniform and walking towards the male at a fast pace. The male turned his head around to look at them again and sped up his walking pace away from them, refusing the lawfull order of Ofc Slocum to stop. There was no one else in the street for the male to get confused with who they were talking to.

The male followed the sidewalk around 473 Bartlett St which curved right to head East. Ofc. Alcide and Ofc Slocum had to run to catch up to the male. As they turned around the corner of the building at 473 Bartlett St, Ofc Slocum observed the male continue to walk Easterly on the Bartlett St sidewalk. The male was about 50 feet away from them as they ordered him to stop. The male stopped and turned around. Ofc Slocum ordered the male to put his hands up and drop to his knees. The male complied with his orders. Ofc Slocum placed the male in handcuffs and informed him he was being detained and not under arrest. The male identified himself as IAN MACPHERSON 12/13/1983.

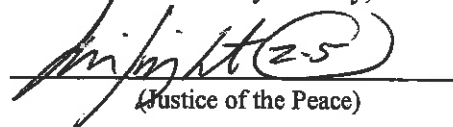
Ofc Slocum reported that Ian had fresh brown dirt underneath his boots and dirt on his pants. Ian's clothing was also wet in some spots and he appeared to be very sweaty. Ian said he was sweaty from walking around. Ian appeared to be very calm and did not ask what was going on. Ofc Slocum asked Ian why he didn't stop when they ordered him to. Ian said he saw them but didn't think they were talking to him. Ofc Slocum asked Ian who did he think they were talking to? Ian replied he didn't know who they were talking to.

Ofc Slocum informed Ian he was under arrest and being charged with Resisting Detention (M) 642:2. Ian's handcuffs were checked for tightness and double-locked. Ian did knowingly refuse the lawfull order of 2 fully uniformed Police Officers looking to seek his detention as he resembled the suspect of a shooting that had just occurred. Ian looked at the 2 fully uniformed Police Officers while they were telling him to stop, turned his head, and continued to walk away, against the orders of the police, and quickened his pace as he walked away while the officers were telling him to stop.

Then personally appeared the above named LUCAS A HOBBS and made oath that the foregoing affidavit by him is true.


(Signature)

Before me on this 14 day of May, 2016


(Justice of the Peace)