

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Estate of Hagen Esty-Lennon

v.

The State of New Hampshire

No. 217-2015-CV-376

ORDER

On August 5, 2015, the petitioner, the Estate of Hagen Esty-Lennon, filed an emergency petition seeking to enjoin the State of New Hampshire from disclosing four videos relating to the death of Hagen Esty-Lennon (“the decedent”). On September 4, 2015, the Court ruled the videos from the body cameras of Officer Collins and Officer Jarvis be redacted, the videos from Sergeant Trott’s body camera and Officer Jarvis’s dashboard camera be released in full, and the full audio from all four cameras be released. In its Order of September 16, 2015, the Court amended the date of the release of the videos and audios to September 25, 2015 to permit review to assure the videos prepared for release by the Office of the Attorney General are redacted consistent with the intention of the Court.

By way of clarification, it was the Court’s intention in its Order of September 4, 2015 to redact images from the body cameras of Officer Collins and Officer Jarvis from the moment immediately following the officers firing their first shot at the decedent to the time when the decedent is placed in the ambulance and removed from view. Thus, the Court’s Order of September 4, 2015 is amended as follows. The redaction of Officer Collins’s and Officer Jarvis’s body camera videos shall begin immediately after the first gunshot and end when the decedent is removed from view, with the remainder of the videos to be released. Sergeant Trott’s body

camera video shall be released without redaction. Officer Jarvis's dashboard camera video shall be released without redaction. The full audio from all four cameras shall be released without redaction. The Office of the Attorney General shall oversee the redaction of the videos in accordance with this Order. The Office of the Attorney General shall then release the videos and audio on September 25, 2015 with the redactions set forth herein.

The Court now turns to the Motions for Reconsideration. Various media organizations have filed Motions for Reconsideration. Lisa Esty-Lennon, the mother of the decedent's minor children, has also filed a Motion for Reconsideration, in which she argues there is a bill pending before the New Hampshire Legislature that would provide guidance regarding the release of law enforcement body camera videos. Having reviewed the arguments put forth in the various Motions for Reconsideration, the Court concludes the parties have failed to raise points of law or fact the Court has overlooked or misapprehended. Moreover, the enactment of any possible pending legislative action is uncertain. Accordingly the Motions for Reconsideration are DENIED. Lisa Esty-Lennon's partially assented-to Motion for Stay of orders is likewise DENIED.

So ordered.

9-21-15
Date


Peter H. Fauver
Presiding Justice