



## *Middlebury Police Department*

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### **FOR IMMEDIATE RELEASE**

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Sub: MPD officers justified in use of deadly force

Press release issued today by the VT Attorney General's Office regarding the use of deadly force by MPD officers on 10/04/12.

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Middlebury Police Officers Justified In Use Of Deadly Force

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April 19, 2013

Addison County State's Attorney David Fenster and Attorney General William Sorrell announced today that they have completed independent separate reviews of the police-shooting incident that occurred on October 4, 2012, in Middlebury, Vermont. Both offices have concluded, as a matter of law, that Middlebury Police Department Sgt. Jason Covey and Patrolman Kevin Emilio were legally justified in the use of deadly force when they discharged their firearms at George Demarais. The legal standard for the use of deadly force is whether the officer reasonably believed that he or a third party was in imminent danger of death or serious bodily injury, and that deadly force was necessary to respond to that threat.

The incident began when George Demarais, living at 5454 Case Street in Middlebury, called 911 and stated that he intended to commit "suicide by cop." He did not answer repeated telephone calls to his home, and when police responded to his home, he did not answer the door. He was then seen walking out of his house carrying a long gun. He refused to communicate with the police, and walked into a heavily wooded area behind his house. Four Middlebury Police Department officers attempted to set up

a perimeter around the house by entering the woods behind it. Two of the officers, Emilio and Covey, made contact with Demarais. Covey ordered him to show his hands, and Demarais fired a weapon at Covey. Both officers returned fire, and Demarais was fatally wounded.

An autopsy determined that the cause of death was two gunshot wounds, one to the neck and the other to the chest. The autopsy toxicology report was negative for alcohol or for any drugs other than caffeine, cotinine (a metabolite of nicotine), and nicotine. Subsequent investigation revealed that Demarais had been treated for several years for depression, and had made suicidal and threatening statements in the past. He had been unemployed for two years, except for a brief job which had recently ended, and was facing the imminent forced tax sale of his home. Demarais left several notes indicating his intention to provoke the police into shooting him.

Under the facts of this case, the Addison County State's Attorney and the Attorney General's Office concluded that Sgt. Covey and Patrolman Emilio were reasonable in their belief that they were in imminent danger of death or serious bodily injury when they fired at George Demarais. Given the serious threat, the officers' response of using deadly force was reasonable and justified.

The investigation of the shooting was conducted by the Vermont State Police.