Family sues over trooper shooting

Driver shot dead:
Lawyers say woman behind wheel could not have rammed cruiser because her car was not moving.

By MARK HAYWARD
New Hampshire Union Leader

MANCHESTER — The estate of Wendy Lawrence on Tuesday filed a $2 million lawsuit against the New Hampshire State Police trooper who shot her multiple times during a North End traffic stop last year.

Lawyers for the estate said they have unearthed new evidence that contradicts a fact cited in the investigation overseen by New Hampshire Attorney General Joseph Foster, which cleared Trooper Chad Lavoie of any criminal wrongdoing in the Sept. 30, 2013 shooting.

And the lawyers faulted Foster’s inves

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Wendy Lawrence’s car, left, shows minor damage to the front bumper while Trooper Chad Lavoie’s cruiser has dents and scrapes to the right fender and passenger door after the incident that ended when Lawrence was shot and killed by Lavoie. COURTESY

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tigators for not considering that Lavoie put himself in harm’s way when he stood in front of Lawrence’s car with his handgun drawn, rather than remain in a safe position.

“It’s ridiculous,” Concord lawyer Chuck Douglas said Tuesday. “State police commanders decided not to risk continued pursuit because they knew Wendy Lawrence was not dangerous and that they could stop her any time. They had her ID and knew where to find her.

“But Lavoie killed her anyway,” Douglas said.

A message left for Lavoie at his state police telephone and email was not returned Tuesday.

Lawrence was initially pulled over by police at 6:20 p.m. on Interstate 89 and fled in what turned into a highspeed pursuit on Interstates 89 and 93. But once she exited the highway in Manchester, police turned off their sirens and lights, and both state police and Lawrence snaked through the North End at normal speeds.

Lawrence had stopped at the junction of Dave Street and Kennard Road when Lavoie, who had followed the pursuit on his police radio, approached from the opposite direction. He pulled in front of Lawrence’s car, stood in the path of her car, pointed his weapon at her, ordered her out and shot 11 rounds at her. According to the lawsuit, Lawrence was struck by four bullets and grazed by a fifth.

Lavoie later said he thought Lawrence was driving her car at him. The mother of two grown children, Lawrence, 45, had a history of run-ins with the law on drug, assault and motor-vehicle charges, and she had been driving with a suspended license.

In less than a month, Foster’s office ruled that the shooting as justified.

But the lawsuit disputes one of the key facts reported by Foster’s office. The trooper told investigators that Lawrence had “rammed” his cruiser when he pulled perpendicular to her. Foster’s office used the same terminology in its report.

However, photos of the two cars show slight damage to both vehicles.

And an airbag-related data collection system in Lawrence’s 2000 Chevrolet Monte Carlo — a system activated when the two cars brushed against each other — showed that Lawrence’s car was not moving when she supposedly “rammed” the cruiser, the lawsuit said.

“We intend to show that the official version of events is inconsistent with the objective evidence in the case and will not stand up to scrutiny,” said Richard Lehmann, one of the lawyers on the case.
Attorney General investigators made no effort to obtain the data from the “black box” in Lawrence’s car, he said. “If they had, they would have seen that their version of events is wrong,” Lehmann said.

The lawsuit is filed only against Lavoie; not New Hampshire State Police, police brass, supervisors, or other troopers involved in the earlier pursuit. Lehmann said there was no reason to sue state police or the Department of Safety.

“We felt that suing Chad Lavoie was appropriate because his conduct is the only action we are calling into question at this time,” he said in an email. Lavoie is sued in his official capacity, however, so it’s likely that state government would have to cover any judgment against him.

The suit was filed in U.S. District Court in Concord and claims violation of constitutional rights under the Fourth, Fifth and 14th Amendments of the U.S. Constitution and a violation of New Hampshire’s wrongful death statute.

In addition to the $2 million in wrongful death damages, it seeks unspecified compensatory damages, punitive damages and attorney fees. Lehmann said the Lawrence killing lacks the racial component that drew national scrutiny to recent police killings in Ferguson, Mo., and Staten Island, N.Y.

But it is similar to the death of Eric Garner at the hands of New York City police because neither Garner nor Lawrence were a danger to society, he said.

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WENDY LAWRENCE

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