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# NH Supreme Court upholds death penalty for Michael Addison

CONCORD - The New Hampshire Supreme Court unanimously upheld the death sentence for Manchester cop killer Michael Addison saying his sentence was not imposed under the influence of passion, prejudice or any other arbitrary factor.

Evidence, the court found, was sufficient to support the jury's findings of aggravating circumstances and it concluded that Addison's sentence was neither excessive nor disproportionate.

Addison was convicted seven years ago of the 2006 capital murder of Officer Michael Briggs, 35, a decorated police officer and father of two young children.

"The police department is very pleased with the ruling," said Assistant Manchester Police Chief Nick Willard, who was the lead investigator in Briggs' murder.

Willard, who along with Briggs' parents, Lee and Maryann Briggs of Epsom, and other police officers attended the Jan. 15 Supreme Court hearing, said after listening to the compelling arguments of both the defense and prosecution, he thought the Supreme Court "came down with the right decision."

David M. Rothstein, deputy director public defender, was out of the office Thursday and Chief Appellate Defender Christopher M. Johnson was unavailable. "We have no comment," a woman answering the office telephone said she was told to say.

Senior Assistant Attorney General Jeffery A. Strelzin said he was happy for both the Briggs family and the Manchester Police Department.

"They have been living with Michael Briggs' murder every single day and this is another step in the process of justice for them," he said.

Strelzin explained the decision was the final phase of Addison's direct appeal to the state Supreme Court on his capital murder conviction and death sentence.

What the court did in this phase of the appeal was look at other similar cases across the country - those that



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MICHAEL ADDISON



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MICHAEL BRIGGS

involved the murder of a police officer in the line of duty - and determined if the death sentence imposed for Addison was an aberration, Strelzin said.

"The court did that analysis and concluded it was not an aberration and upheld the death sentence," he said.

The defense and prosecution presented different sets of cases to the court for their review and, Strelzin said, the court used the 10 cases the state presented from four other states - Arizona, Indiana, New Jersey and Texas - in reaching its decision.

An appendix attached to the decision lists the cases the state presented. All of them involved a police officer being shot dead at close range while on duty. Eight of the 10 defendants were given the death penalty.

Addison still can pursue his appeals in the federal court system. Strelzin said he already filed several appeals with the U.S. Supreme Court, all of which were rejected.

Officer Briggs, 35, was on bicycle patrol the night of Oct. 16, 2006, with 15 minutes left on his shift, when he and his partner went to the area of Lincoln Street, between Lake Avenue and Central Street, for a report of shots fired in a domestic dispute.

Addison, from just feet away, fired a shot, hitting Briggs in the head. The officer died the following day.

Addison is the first defendant to be convicted of a capital crime and sentenced to death in New Hampshire since the legislature adopted the current death penalty statute in 1977, though other police officers have been slain in the line of duty since then.

The state alleged in its prosecution of Addison that he had a "purpose to kill" Briggs on that October 2006 night, but the defense pointed out the jury did not find that to be an aggravating factor. Because of that, the defense argued the death sentence was comparatively disproportionate because in cases in which defendants did not purposely kill a police officer - they presented 350 cases from more than two dozen states - the defendant was sentenced to life imprisonment.

"We are not persuaded by the defendant's attempt to negate the significance of the death penalty cases relied upon by the state," the court said in its 9-page ruling. "Under New Hampshire law, a defendant is not eligible for a death sentence unless a unanimous jury finds beyond a reasonable doubt both that the defendant is guilty of capital murder for knowingly causing the death of another under one of seven specific circumstances, and that the state has proved two statutory aggravating factors, one of which is that the defendant acted purposely when committing capital murder."

The justices said they reviewed all the cases cited by the parties and concluded the 10 cases relied upon by the state generally represented those that most closely fit the parameters set out for the comparison.

In a lengthy footnote, the court listed the statutory aggravating factors the jury found in reaching agreement on the death sentence, which included Addison purposely inflicting serious bodily injury resulting in Briggs' death and that he murdered him to avoid being arrested.

The jury also found 13 non-statutory aggravating factors that included three other serious acts of violence committed by Addison dating back to 1996. They included assault and battery; threatening to commit a crime; assault with intent to kill; assault and battery; possession of a firearm without a permit; armed robbery, and two counts of assault and battery with a knife and a shod foot.

The court also listed nine "other serious criminal behaviors" that included false imprisonment and the armed

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robberies of the El Mexicano Restaurant and the 7-Eleven in 2006, just days before Briggs' death.

The jury also found 16 mitigating factors, which included that the murder did not involve substantial planning or premeditation, Addison's upbringing that included a mother with a history of psychiatric problems and drug and alcohol abuse and who abused him as a child, and a father who was a drug abuser with a criminal background.