

The State of New Hampshire

Cheshire, SS.
Keene, New Hampshire

Keene Police Department
06/18/2017

NOW COMES Patrol Officer Timothy M Richmond, affiant, being duly sworn and on oath deposes and says he has probable cause to believe that the person named below has committed the offense of:

**Resist Arrest/Detention (x2)
Simple Assault; Physical Contact or BI
Take Gun from L.E. Officer; Attempt**

I, Patrol Officer Timothy M Richmond, am now and have been since April 2016, a police officer for the Keene Police Department and bring forth:

**Name: Tobias Tarr
DOB: 12/01/1976
Address: 176 Roxbury Street. Keene, NH 03431**


whom I have arrested based of the following facts and circumstances:

- 1.) That on June 17, 2017 I was on duty for the City of Keene Police Department, as a fully sworn Officer, and assigned to uniformed patrol.
- 2.) That at approximately 2257 hours units were dispatched to the Men's Shelter, 176 Roxbury Street, for what was originally an ambulance assist call. The call stated that Frank Philbrook was intoxicated, possibly experiencing seizures, and fighting with people who attempted to help him.
- 3.) That I entered the shelter and saw Max Shore attempting to restrain Frank on the living room couch. Frank was combative, and ignored my multiple demands to calm down and submit to handcuffing.
- 4.) Max then aggressively approached Officer Peter Bowers after we informed Frank he could be sprayed with O.C.
- 5.) That after Max separated from Frank, another male positioned himself on top of Frank in an attempt to restrain him. This male was later identified as Tobias Tarr.
- 6.) That Officer Jamie Phillips and Officer Cristina Paterno attempted gain control of Frank. Frank however was actively resisting and would not submit to handcuffs. He continuously pulled his arms away while Officer Phillips and Officer Paterno attempted to handcuff him.
- 7.) That I noted Tobias had his hands on Frank. Tobias made it more difficult for Officer Phillips and Officer Paterno to handcuff Frank. I tried to get around Tobias, but he would not allow me to do so as he continued to come between Frank and me. Officer Phillips had also given Tobias multiple demands to separate.

- 8.) That I wrapped both my arms around Tobias from behind, and pulled him away from Frank. Tobias then began to move his upper body in a left to right motion as he attempted to break free.
- 9.) That Tobias swung his right arm back, which caused his right elbow to make contact with the right side of my head. I immediately felt a strong and sharp pain throughout that area. This also caused my head to be thrown back due to the level of force he used.
- 10.) That Tobias and I eventually fell onto a chair. As we went down Tobias somehow maintained his balance, as he reached behind and grabbed my duty belt.
- 11.) Tobias landed on my lap and I felt his hand pushing down on the holster of my gun. I grabbed his right hand and tried to pull it off the holster. I physically could not and began to shout verbal commands for him to let go of my gun.
- 12.) That I would estimate I stated "do not touch my gun" a total of two times. I also stated "let go of my gun" an estimated two times. While I shouted verbal commands I pulled his hand towards my rib cage. I was only able to do that as I could not physically pull his arm up and away from my holster.
- 13.) That Officer Phillips was able to pull Tobias off me. Tobias would not submit to handcuffing despite our multiple demands. Tobias' arms remained tense, but we were eventually able to pull them back and apply handcuffs.
- 14.) That I then looked down at my gun and noted the "hood" to my holster was in the forward position. This position is the first of two steps to remove my gun from my holster. I know for certain that I never put the hood in the forward position at any point during this call. I also check my gun dozens of times throughout the duration of a shift to ensure it is secured properly.
- 15.) That Frank continued to be a problem as he pulled his arms away, but was eventually placed into handcuffs.
- 16.) That at the time of the incident Frank was on Parole under the supervision of Probation/Parole Officer Brooks. Frank was transported directly to the Cheshire County House of Corrections and held without bail.
- 17.) That BC Lorena Werner placed Tobias on \$10,000 cash bail, where he was held in lieu of that amount.

Subscribed and sworn before me on this 19th day of June 2017


Affiant, Patrol Officer Timothy M Richmond


Justice of the Peace - Public
Justice of the Peace - New Hampshire
My Commission Expires June 10, 2020