

# STATE OF NEW HAMPSHIRE

## Executive Council

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DISTRICT FOUR  
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**February 11, 2025**

**Magistrate Stephanie Johnson**

1 Granite Place  
Suite N400  
Concord, 03301

**Re: Failure to Uphold Public Safety in Bail Release of Violent Stabbing Suspect (State v. Kyle Bisson)**

Dear Magistrate Johnson:

I write to you in my capacity as a New Hampshire Executive Councilor and as a member of the Bar to express my grave concern and profound disappointment regarding your decision on February 8, 2025 to release **Kyle Bisson** – a suspect charged in connection with a brutal February 7 stabbing in Manchester – on personal recognizance bail. This decision, in my view, represents a stark departure from New Hampshire law and the duties imposed on you as a Magistrate, and it gravely undermines public safety. I urge your careful attention to the following legal authorities and the serious issues raised by your handling of this matter.

### **Failure to Adhere to Bail Law Requirements (RSA 597:2) and Magistrate Duties (RSA 491-B)**

New Hampshire's **Pre-Trial Bail Law (RSA 597:2)** establishes clear mandates to protect the public from dangerous individuals during the pre-trial period. Under RSA 597:2, when deciding whether to release or detain a defendant, **"the court or magistrate shall consider... [the] [s]afety of the public"** as a primary factor. In fact, the law expressly provides that at a defendant's initial appearance for serious violent charges such as first or second-degree assault, the judicial officer **"shall order that the person be detained pending trial"** if it is determined by clear and convincing evidence that the individual's release would endanger the safety of that person or the public ([New Hampshire Revised Statutes Section 597:2 \(2024\)](#)). This requirement is not optional; it is a statutory command intended to prevent exactly what has occurred here – the return of a violent offender to the community where they pose a serious risk.

As a duly appointed **Magistrate (RSA 491-B)**, you are legally **bound to uphold these bail standards**. The Magistrate statute (RSA 491-B:2) grants magistrates the authority to determine the release or detention of defendants **"pursuant to RSA 597:2"**, and to conduct bail hearings in accordance with that law. In creating the magistrate position, the legislature and Supreme Court explicitly charged magistrates with **ensuring bail decisions rigorously comply with RSA 597:2's public-safety mandate**. The New Hampshire Supreme Court's Administrative Order 2024-03 (establishing the magistrate program under RSA 491-B) underscores that magistrates' primary responsibility is to ensure that individuals arrested for serious offenses receive a prompt hearing **while rigorously balancing public safety and due process**. Simply put, your duty is to hold

dangerous defendants when the law and facts compel detention, and to release only those who can be released **without jeopardizing public safety.**

### **Risk to Public Safety and Departure from Legal Standards**

In Mr. Bisson's case, the information presented at the bail hearing indicated an extreme risk to public safety, triggering the very circumstances under which our law requires detention. Manchester Police detailed that the stabbing was unprovoked and savage – the victim was stabbed repeatedly (at least nine times) even as he attempted to flee [Man charged in Feb. 7 stabbing now out on bail, mayor calls for bail law 'madness to end' - Manchester Ink Link](#)). Police prosecutors explicitly argued that this level of violence constituted clear and convincing evidence that Mr. Bisson would be a danger to others if released ([Manchester Ink Link](#)). They further noted Mr. Bisson's recent criminal history, including a domestic violence-related conviction from October 2024 ([Manchester Ink Link](#)), illustrating a pattern of dangerous behavior. Under RSA 597:2's standard – “**clear and convincing evidence**” of dangerousness – these facts demanded **preventive detention without bail** in order to safeguard the public ([New Hampshire Revised Statutes Section 597:2 \(2024\) - Release of a Defendant Pending Trial. :: 2024 New Hampshire Revised Statutes :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)).

Your decision to nevertheless release Mr. Bisson on personal recognizance, with only minimal conditions, flies in the face of these legal requirements. In issuing that release, you failed to apply the law's mandated public-safety analysis and disregarded evidence of clear dangerousness that RSA 597:2 required you to credit. This constitutes not only a lapse in judgment, but a failure to uphold your sworn duty as a judicial officer to **protect the community**. The **Magistrate Law (RSA 491-B)** and the Supreme Court's administrative directives were intended to **prevent** exactly this scenario in which a violent offender is hastily returned to the streets. By ignoring the statutory criteria and the “**extreme violence and randomness**” of this crime ([Man charged in Feb. 7 stabbing now out on bail, mayor calls for bail law 'madness to end' - Manchester Ink Link](#)), your ruling has jeopardized citizens and undermined public confidence in our bail system.

### **Call for Immediate Corrective Action by the Chief Justice**

Because your decision implicates the integrity of the judiciary's commitment to public safety, I am copying this letter to the **Honorable Gordon J. MacDonald, Chief Justice of the New Hampshire Supreme Court**, who oversees the magistrate program. Chief Justice MacDonald, as the appointing authority for magistrates under RSA 491-B:1, has both the power and the responsibility to ensure that magistrates are faithfully executing the law. I hereby **call upon the Chief Justice to take immediate corrective action** in response to this matter. At a minimum, such action should include a thorough review of your decision in the Bisson case and the **imposition of appropriate disciplinary measures**. Given the egregious nature of this departure from legal mandates, I urge the Chief Justice to give strong consideration to your **removal as a Magistrate**, pursuant to whatever mechanisms are available under RSA 491-B and the Supreme Court's administrative authority. The gravity of allowing a potentially dangerous individual to walk free cannot be overstated – it is a fundamental failure to carry out the mission for which the magistrate position was created.

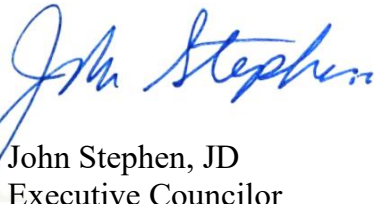
### **Ensuring Adherence to Public Safety Requirements Moving Forward**

Beyond this single case, this incident highlights the need for **all New Hampshire magistrates to strictly adhere to the law's requirements** when making bail determinations. I therefore additionally request that the Judicial Branch (under Chief Justice MacDonald's leadership) immediately reinforce and clarify to every magistrate that **public safety is paramount** in bail decisions. No magistrate should ever release a defendant where the law

would otherwise permit detention due to dangerousness. The **statutory command of RSA 597:2** is clear – the protection of the public is a preeminent concern, and **dangerous individuals must not be released** if our laws provide a mechanism to hold them. Any deviation from this standard not only endangers our citizens and law enforcement officers, but also undermines public trust in the justice system’s ability to perform its most essential function: keeping the community safe while upholding the rule of law.

In conclusion, I urge you to reflect on the serious errors inherent in the decision to release Mr. Bisson, and I expect immediate steps will be taken to prevent such a lapse from recurring. The people of New Hampshire rightly expect that judicial officers will **faithfully execute the laws enacted to protect them**. When those officers fail in that duty, swift accountability is required. I appreciate your prompt attention to this matter. I will also look forward to Chief Justice MacDonald’s response and actions to address this failure and to strengthen compliance with our bail laws. The **safety of the public** must never be compromised, especially not through misapplication of laws explicitly designed to safeguard it.

Sincerely,

A handwritten signature in blue ink that reads "John Stephen". The signature is fluid and cursive, with the first name "John" and last name "Stephen" clearly legible.

John Stephen, JD  
Executive Councilor  
State of New Hampshire  
District Four

cc: **Hon. Gordon J. MacDonald, Chief Justice, New Hampshire Supreme Court**  
**Hon. John M. Formella, Attorney General of New Hampshire**  
**Chief Peter A. Marr, Manchester Police Department**  
**Hon. Jay Ruais, Mayor of Manchester**