

**THE STATE OF NEW HAMPSHIRE**

**STRAFFORD, SS**

**SUPERIOR COURT**

219-2021-CV-00305

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

KRISTINA GRAPER

---

**ATTORNEY GENERAL JOHN M. FORMELLA'S COMPLAINT  
UNDER THE NEW HAMPSHIRE CIVIL RIGHTS ACT**

---

NOW COMES John M. Formella, Attorney General, with a complaint against the defendant, Kristina Graper, for a violation of the New Hampshire Civil Rights Act, RSA 354-B:1. The Attorney General asks that this Court find that the defendant violated the New Hampshire Civil Rights Act when she threatened to use physical force against D.H., a black child, by kneeling on D.H.'s neck. After threatening D.H., the defendant called him a "n\*\*\*\*r."<sup>1</sup> The defendant made her statements after D.H. accidentally broke a toy while playing with the defendant's child. Later, while speaking with police about the incident the defendant denied threatening D.H. but stated to the officer this happened because "they" do not know how to shut their "n\*\*\*\*r pie holes."

As detailed in this complaint, the Attorney General asks this Court to prioritize this matter pursuant to RSA 354-B:4, IV, impose a civil penalty upon the defendant, and to permanently enjoin her from committing future Civil Rights Act violations and from interacting with D.H. and his family.

In support of this complaint, the Attorney General submits the following:

---

<sup>1</sup> This complaint will omit the full text of the profanities and racial slurs used during the incident.

## **INTRODUCTION**

1. Attorney General John M. Formella initiates this action to uphold the civil rights of D.H., who the defendant threatened on May 10, 2021, at a neighborhood park in Dover, New Hampshire.

2. The New Hampshire Civil Rights Act, RSA 354-B:1, provides that all persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.

3. Here, the defendant violated the Civil Rights Act when she threatened to kneel on D.H.'s neck after he accidentally broke a small toy while playing with the defendant's child at a park in Dover. After threatening D.H., the defendant screamed the word "n\*\*\*\*r" at him. Later, the defendant denied threatening D.H. but told police that this all happened because "they" do not know how to shut their "n\*\*\*\*r pie holes." In response to this violation, the Attorney General asks this Court to find that the defendant violated the Civil Rights Act, impose civil penalties against the defendant, and to enjoin her from further violating the civil rights of D.H. and the State's residents and guests.

## **PARTIES**

4. John M. Formella is the Attorney General of New Hampshire. The Attorney General's Office is located at 33 Capitol Street, Concord, NH.

5. Pursuant to RSA 354-B:2, whenever the Attorney General has probable cause to believe that any person has violated any provision of RSA chapter 354-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in the Superior Court in the county where the alleged violator resides or where the alleged conduct occurred.

6. The defendant, Kristina Graper, resides at 12 Pleasant View Cr., Dover, New Hampshire.

7. The alleged conduct occurred on May 10, 2021, in a neighborhood park in Dover, New Hampshire.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action pursuant to RSA 354-B:2, II.

9. Strafford County is the proper venue for this action because the unlawful conduct occurred in Dover, New Hampshire, a city located within Strafford County.

### **FACTS**

10. On May 10, 2021, D.H., a 9-year-old black child, was playing in a neighborhood park with the defendant's child. The defendant's child pushed D.H. and that push resulted in D.H. breaking a foam missile or foam bullet that belonged to the defendant's child. The defendant's child ran home to tell the defendant what happened.

11. Afraid, D.H. ran away, but the defendant was able to catch up to him. The defendant threatened D.H. that she would kneel on his neck. A bystander, A.P, heard the defendant tell D.H. that she would put her knee on his neck. A.P. confronted the defendant, told the defendant that her behavior was unnecessary, and told D.H. to go home. In response, the defendant began to yell at A.P.

12. Contemporaneously, the defendant returned to her home and D.H. heard her scream the word “n\*\*\*\*r” at him.

13. D.H. went to the home of a family friend, M.S., for help. M.S. had been in her home and heard the defendant screaming, but M.S. could not make out what words the defendant yelled. When D.H. arrived at M.S.’s home, he was shaking and upset—on the verge of tears. D.H. told M.S. what happened with the defendant and what the defendant said to him. M.S. walked D.H. back to his home and informed his mother, E.H., about what had occurred. E.H. called the Dover Police Department for assistance.

14. When police met with the defendant on June 1, 2021, the defendant initially could not recall the incident but then recounted how D.H. broke her child’s toy. The defendant denied telling D.H. that she would kneel on his neck, and instead, she recalled stating words to the effect “you wonder why you guys get f\*\*\*\*ing kneeled on.” She also denied calling D.H. a n\*\*\*\*r but later stated it was because because “they” do not know how to shut their “n\*\*\*\*r pie holes.”

15. The incident had an impact upon D.H., who understood the defendant’s threat to be a reference to the murder of George Floyd in 2020. When the defendant made her threat to D.H., he began to cry. Since the threat, D.H. has been afraid to return to the park and will only do so when other children are there to help keep him safe.

### **COUNT I**

#### **Violation of New Hampshire Civil Rights Act**

16. The Attorney General incorporates by reference all of the previous paragraphs of this complaint as if stated herein in full.

17. D.H. was lawfully present at and playing in the neighborhood park.

18. The defendant interfered with D.H.’s lawful conduct when she threatened to kneel on D.H.’s neck.

19. D.H.'s race motivated the defendant's threat. The very nature of the defendant's threat invoked D.H.'s race as the threat was a reference to the widely-publicized murder of George Floyd that occurred in 2020. The defendant's use of racial slurs directed at D.H. further evidenced the racial motivation for the defendant's threat. Additionally, the defendant's statement to law enforcement that "they" do not know how to shut their "n\*\*\*\*r pie holes" provides further evidence to support the racial motivation for the defendant's threat.

20. The defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

**REQUEST FOR RELIEF**

WHEREFORE, the Attorney General respectfully requests that this Honorable Court:

A. Prioritize, consolidate, and advance the hearing on the merits with the request for preliminary injunction consistent with Superior Court Rule 48(b)(2) and RSA 354-B:4, IV, which provides that all actions brought under this statute shall have priority in the court scheduling;

B. Find that the defendant violated the New Hampshire Civil Rights Act, RSA 354-B:1;

C. Order the defendant to pay a civil penalty of up to \$5,000;

D. Enter a temporary restraining order and a preliminary/permanent injunction to remain in place up to three years, as set forth in the attached proposed order, which prohibits the defendant from:

1. engaging in or threatening physical force or violence, damage to property, or trespass on property against D.H. or his family motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

2. engaging in or threatening physical force or violence, damage to property, or trespass on property against any person

motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

3. speaking to, telephoning, writing, or otherwise communicating with D.H. or any member of his family, except through attorneys in order to prepare for the defendant's defense in any criminal or civil prosecution;

4. knowingly approaching within 250 feet of D.H. or his residence; and

5. encouraging or causing any other persons to engage in conduct prohibited in paragraphs C, 1-4 above, or assisting any person in engaging in such conduct.

E. Order that any violations of the Court's order shall result in criminal and civil sanctions and additional fines as provided for in RSA chapter 354-B; and

G. Grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA,  
ATTORNEY GENERAL

October 6, 2021

/s/ Sean R. Locke  
Sean R. Locke, Bar #265290  
Assistant Attorney General  
Director, Civil Rights Unit  
New Hampshire Department of Justice  
Office of the Attorney General  
33 Capitol Street, Concord, NH 03301-6397  
(603) 271-3650