

ATTORNEY GENERAL'S REPORT REGARDING THE JANUARY 16, 2021 SHOOTING DEATH OF TERRENCE WIGGLESWORTH IN CONCORD, NEW HAMPSHIRE

I. INTRODUCTION

The Office of the Attorney General and the Concord Police Department have concluded an investigation into the fatal shooting of Terrence Wigglesworth (age 28) at 46 Warren Street in Concord, New Hampshire on January 16, 2021. The investigation has determined that Tyler Cochran (age 33) shot Mr. Wigglesworth one time in the chest inside Mr. Cochran's Warren Street apartment. Mr. Cochran claimed that he acted in self-defense after Mr. Wigglesworth forced his way into the apartment. The purpose of this report is to summarize the Attorney General's findings and conclusions with regard to Mr. Wigglesworth's death. The findings and conclusions set forth in this report are based on information gathered during the investigation, including witness interviews, physical evidence, photographs, and video surveillance.

Based on the investigation of the shooting incident, the Attorney General finds that Mr. Cochran was justified in using deadly force against Mr. Wigglesworth. As such, no charges will be filed against Tyler Cochran in the shooting death of Terrence Wigglesworth.

II. SUMMARY OF THE FACTS

On January 16, 2021, at approximately 11:46 a.m., the Concord Police Department was dispatched to the Firehouse Block Apartments at 46 Warren Street, for a disturbance. The calling party, a bystander, reported that he heard gunshots after Terrence Wigglesworth kicked the door to Tyler Cochran's apartment in. Shortly after the 911 call, Mr. Cochran flagged down first responding officers in the access way behind the apartment building. Mr. Cochran told the officers that Mr. Wigglesworth broke into his apartment and began assaulting him. Mr. Cochran said that he "had no other option but to shoot [Mr. Wigglesworth]."

Concord police officers found Mr. Wigglesworth lying face down on the living room floor of Mr. Cochran's apartment. After providing emergency medical treatment, which did not revive him, Mr. Wigglesworth was pronounced dead at the scene. A subsequent autopsy revealed that Mr. Wigglesworth died from a single gunshot wound to the chest.

III. THE INVESTIGATION¹

Since the incident on January 16, 2021, the Attorney General's Office and the Concord Police Department have been investigating the facts and circumstances surrounding the shooting death of Mr. Wigglesworth. That investigation has entailed witness interviews; examination of the scene; and review of reports, photographs, physical evidence, surveillance video, and recordings of 911 calls and first responder radio communications. Tyler Cochran was fully cooperative with the investigation. Mr. Cochran immediately notified first responding officers of his conduct, turned over his firearm, and voluntarily participated in a recorded interview.

A. Emergency 911 Recorded Call

At approximately 11:37 a.m. on January 16, 2021, Steven Stone called 911. Mr. Stone's emergency call lasted approximately two minutes and thirteen seconds.² Mr. Stone said that he worked for Stewart Property Management, the company that managed the apartments at 46 Warren Street. Mr. Stone reported that Mr. Wigglesworth had been served a no trespass order,

¹ This is a summary of the most relevant facts learned from the investigation. Additional interviews were done, many of which were mainly historical, duplicative, and/or irrelevant to the final analysis of whether Mr. Cochran's use of deadly force was legally justified.

² Mr. Stone's initial 911 call was directed to New Hampshire 911, before being transferred to the Concord Police Department dispatch center. There are two recordings of Mr. Stone's emergency call. The first recording is of his initial report to the New Hampshire 911 and is approximately fifty-five seconds in length. The second recording captured his report to the Concord Police Department dispatch center after he was transferred by New Hampshire 911. That call was approximately one minute and thirty-one seconds, which included a seven-second introduction that documented the date and time of the recording. The second recording captured the last approximately twenty-eight seconds of the first recording, as the call was transferred from New Hampshire 911 to Concord Police dispatch. Accordingly, any time estimates based upon these calls are approximate, considering this overlap.

but he was currently on the property and was causing a “disturbance.” Mr. Stone stated that it did not look like Mr. Wigglesworth had any weapons, but he was “screaming and yelling” and had just “broke down the guy in 408’s door.” Mr. Stone also reported that “it sounded like gunshots,” specifically noting that that he heard two “pops.” Mr. Stone explained that he was working in apartment 410, which was across the hallway from apartment 408.

A review of the recording of Mr. Stone’s 911 call revealed that at approximately fifty-seven seconds into the recording, a male voice can be heard in the background saying something to the effect of, “He just broke down the guy’s door.” Mr. Stone relayed that information to the dispatcher. Seconds later, at approximately one minute and eight seconds into the recording, Mr. Stone reported that it “sounded like gunshots” and said that he heard two “pops.” Shortly before Mr. Stone made the statement about the gunshots, at approximately one minute and three seconds into the recording, a faint noise was captured in the background. It is unclear if that noise was the gunshots.

B. Initial Response to 46 Warren Street

The Concord Police Department and the Concord Fire Department responded to Mr. Stone’s 911 call. At approximately 11:41 a.m., Officers Jonathan Kulik and Robert Lambert pulled into the access way behind the back area of the apartment building, near the Green Street entrance to the 55 Pleasant Street parking garage. As they pulled down the access way, Officer Kulik saw a white male, who he recognized as Mr. Cochran, walking with his dog. According to Officer Kulik, “[Mr. Cochran] appeared to be very distressed and upset” and he began waiving at the officers. When the officers got out of their police cruiser, Officer Kulik heard Mr. Cochran say, “You must be here for the incident” and “I had nothing else to do, but to shoot Terrence.” Officer Kulik observed an appendix style concealed holster in the front of Mr. Cochran’s

waistband.³ Officer Lambert noted that Mr. Cochran said that he had a handgun on his person. Officer Lambert secured the handgun and holster. He identified the handgun as a semiautomatic 9-millimeter Glock 19. The handgun had a live round in the chamber and fifteen rounds in the magazine. The magazine had a maximum capacity of seventeen rounds.

Officer Kulik asked Mr. Cochran if he was injured and he said that he was not. Officer Kulik observed blood on Mr. Cochran's neck and the right upper thigh area of his sweatpants. Officer Kulik asked Mr. Cochran if that was his blood, and he said, "No." Mr. Cochran said someone was kicking and knocking on his door. He told the officers that he grabbed his gun and then all of a sudden, "Terrence" broke into the apartment. Mr. Cochran said he and "Terrence" were fighting in the area of his couch, and he had no other option but to shoot Mr. Wigglesworth. Mr. Cochran told the officers that he fired the gun twice. Mr. Cochran also said, "I aimed center mass." Mr. Cochran told the officers that Mr. Wigglesworth was still on the floor of his apartment and was not moving. Mr. Cochran said there was no one else in the apartment and there were no other weapons in the apartment. At some point thereafter, Mr. Cochran said that he would like to talk to his lawyer.

The officers wanted to document Mr. Cochran's body, because they saw blood on his neck and pants, as well as scratches on his body. Mr. Cochran agreed to allow the officers to take photographs of his person. Officer Lambert photographed Mr. Cochran. Mr. Cochran also agreed to go with the officers to the Concord Police Department.

While officers were initially speaking with Mr. Cochran, Sergeant Craig Levesque and Officers Thomas Rees and Phillip Rizzi entered the apartment building and went to Mr. Cochran's apartment. When they entered the apartment, the officers noticed the odor of

³ Appendix style holsters are designed to hold a handgun against a user's lower abdomen, around the general area of the appendix. This is a common manner used to carry a handgun in a concealed fashion.

gunpowder. The officers found a black male, who they identified as Mr. Wigglesworth, lying on his stomach in the living room area of the apartment. Mr. Wigglesworth was wearing a heavy leather jacket with jeans and a knit cap. His head was in the area of the couch, with his feet directed toward the middle of the living room.⁴ Sergeant Levesque checked Mr. Wigglesworth for a pulse, but he could not find one.

At first, Sergeant Levesque did not see any signs of bleeding or trauma. He noticed a clear fluid discharge from Mr. Wigglesworth's mouth and nose, which made Sergeant Levesque believe Mr. Wigglesworth may have overdosed on drugs.⁵ As Sergeant Levesque continued looking for a gunshot wound, he rolled Mr. Wigglesworth onto his back. Again, he did not see any signs of injury. When Sergeant Levesque unzipped Mr. Wigglesworth's leather jacket, he observed a hole in the chest area of his shirt. Sergeant Levesque lifted Mr. Wigglesworth's shirt and saw a "bullet hole" in the middle of his chest, but did not see any blood.

By this time, the Concord Fire Department arrived on scene and began administering emergency medical services. The officers then located a gunshot defect in the wall separating the living room and the bedroom. The officers observed that the bullet passed through that wall and hit the wall separating apartments 408 and 406. It appeared to the officers that the bullet did not penetrate that wall but instead came to rest on the bed.⁶

Officer Tyler Edson was another one of the first responding officers who entered Mr. Cochran's apartment. Officer Edson took photographs of Mr. Wigglesworth before and after he was moved for emergency medical treatment. Officer Edson observed what appeared to be a

⁴ Sergeant Levesque reported that earlier that day, at approximately 2:00 a.m., he assisted in arresting Mr. Wigglesworth for theft. Sergeant Levesque said that he recognized Mr. Wigglesworth as the decedent because of that recent interaction.

⁵ Sergeant Levesque also observed a syringe on the floor near Mr. Wigglesworth body, a spoon on the couch, and burned aluminum foil on a table.

⁶ The officers also observed a video surveillance camera that was facing the apartment door. Investigators later determined that this camera was inoperable.(see below)

single gunshot hole in Mr. Wigglesworth's shirt that had blood coming from it. Shortly after taking the photographs, Officer Edson went out into the hallway, where he looked at the door to apartment 408. He observed three distinct marks at the bottom of the door, which to him, "appeared to be from a boot kicking in the door."

While Officer Edson was in the hallway, Mr. Stone and Norman Cote approached him. They told Officer Edson about working in apartment 410 when the incident happened, and shared additional information not captured in the 911 recording. Mr. Stone said that he heard banging at the door. When he opened the door, he saw Mr. Wigglesworth, who he knew had been issued a no trespass order "the other day." Mr. Cote said that he told Mr. Wigglesworth that he was going to call the police. Mr. Stone told Officer Edson that Mr. Wigglesworth responded by telling him that he would "need them." Mr. Stone said that he called the police and heard two shots inside the apartment.

Mr. Cote told Officer Edson that he was standing beside the door when Mr. Stone opened it and saw Mr. Wigglesworth. Mr. Cote said that he told Mr. Stone to call the police. Mr. Stone told Officer Edson that Mr. Wigglesworth said he would "need them" in response. Mr. Cote said that while Mr. Stone called the police, he looked through a peephole, and watched as Mr. Wigglesworth kicked down the apartment door to Mr. Cochran's apartment. Mr. Cote said that he then heard two gunshots and followed by Mr. Cochran leaving the apartment. Mr. Cote reported that Mr. Cochran knocked on the door to apartment 410 when he came out, but Mr. Cote did not answer the door or speak with him.

C. Steven Stone Interview

Investigators interviewed Steven Stone again, later on January 16, 2021. During the interview, Mr. Stone further detailed his observation of Mr. Wigglesworth that morning:

At about 7:30 or 7:45 a.m., Mr. Stone parked in the parking lot between Green Street and the parking garage. His supervisor, Norman Cote, was already there waiting. They came to work in one of the apartments at 46 Warren Street for the management company. Both men went into the building from the door near the entrance to the parking garage, and they found a shopping cart to bring some of their tools up to the apartment. Inside the cart, Mr. Stone saw court paperwork and trespass paperwork with Terrence Wigglesworth's name on it. At one point when they came back out, they saw Mr. Wigglesworth in the parking garage doing "karate" and "kung fu" moves. Mr. Stone did not know who the male was at the time, but later learned it was Mr. Wigglesworth; a name he was familiar with as their management company previously served Mr. Wigglesworth with a no trespass order for the property.⁷

Mr. Stone and Mr. Cote were working in apartment 410 at what he estimated was 9:30 to 9:45 a.m., when he heard Mr. Cochran say, "I don't want you here, just leave." Mr. Stone went out of apartment 410 to retrieve something and saw Mr. Wigglesworth in the hallway with two shopping bags in his hands and what looked like candy that had spilled on the hallway floor. Mr. Stone saw Mr. Cochran was in his apartment at that point with the door closed. Mr. Stone made a comment to Mr. Wigglesworth to the effect of, "I guess he doesn't want you here," and then saw Mr. Wigglesworth walk towards the back stairwell wearing a black coat and black pants at that time. Mr. Stone saw Mr. Cochran pick up the spilled objects and leave them in a bag in the hallway. Mr. Stone told investigators that he then went back to working in apartment 410.

Mr. Stone later heard Mr. Wigglesworth screaming and pounding on the door to apartment 408. Mr. Stone opened up the door and saw Mr. Wigglesworth wearing all black, including a black ski mask, a black coat, and black pants. He saw Mr. Wigglesworth outside

⁷ Mr. Stone was aware that Mr. Wigglesworth had previously been on the property and had been hanging out with Mr. Cochran.

apartment 408 at that time. Mr. Cochran was inside the apartment with the door closed. Mr. Stone asked the person if he was Terrence Wigglesworth and if he was supposed to be there. Mr. Wigglesworth responded by screaming, “Yeah I am nigga, what are you going to do about it?” Mr. Stone explained that Mr. Cote told Mr. Wigglesworth that he was going to call the police. Mr. Wigglesworth responded by saying, “Go ahead, you’re going to need them.”

Mr. Stone described Mr. Wigglesworth’s demeanor as being “aggressive, mad, and pissed.” Mr. Stone did not see any weapons or anything else in Mr. Wigglesworth’s hands, other than the bags with candy. Mr. Stone went back into apartment 410 to call the police. Mr. Cote said that he saw Mr. Wigglesworth kick in Mr. Cochran’s door and then Mr. Stone heard what he described as, “pop pop.” Mr. Stone saw that Mr. Cote was looking through the peephole of apartment 410 when he reported seeing Mr. Wigglesworth kick in the door. Mr. Stone was on the phone with the police when he heard what he believed to be the shots. Soon after that happened, he heard Mr. Cochran pound on the door to apartment 410, but neither he nor Mr. Cote answered. Mr. Stone believed the gunshots came from apartment 408, but he did not see who shot the gun.

D. Norman Cote Interview

Investigators interviewed Norman Cote again, later on January 16, 2021. His recounting of events largely mirrored those of Mr. Stone. To the extent that his observations differed or provided additional relevant information, some of that relevant information is noted below:

Mr. Cote explained that he was the senior property manager for 46 Warren Street for his employer, the Stewart Property Management company. He characterized the address as housing for elderly and disabled people.

On January 16, 2021, when he and Mr. Stone went back outside to retrieve items that they needed to work in apartment 410, he observed Mr. Wigglesworth in the parking garage next to the building doing some type of “exercises,” which he described as stretching, aerobics, and “pushing against a column.”

While working in the apartment, at what he estimated to be around 10:00 or 10:30 a.m., he and Mr. Stone heard a “scuffle” in the hallway. Mr. Cote looked through the peephole in the door, and observed a trash bag in the hall and what appeared to be candy wrappers strewn about the hallway. Mr. Cote did not see anyone in the hallway, but shortly after he saw Tyler Cochran come out of his apartment, look at the mess in the hallway, and say something before he returned to his apartment and slammed the door. Mr. Cote asked Mr. Stone whether they should go tell Mr. Cochran to clean up the mess. Ultimately, they elected to continue working on the project. Mr. Cote told investigators that they were not there to serve as “law enforcement” on the weekend, they were not dressed in their management attire, and that Mr. Cochran could be difficult anyways.⁸

After this, it was quiet for a little while and Mr. Cote and Mr. Stone returned to work. At some point, it looked like Mr. Cochran had cleaned up the trash and put it into a bag, but had left the bag in the hallway. Approximately fifteen to twenty minutes later, he heard a knock on door of the apartment they were working in. Mr. Cote opened the door and saw a tall black man with a black ski mask, black leather jacket, and black pants standing at the door. The man, later identified as Mr. Wigglesworth, was by himself. Mr. Wigglesworth inquired if Mr. Cochran was in his apartment. Mr. Cote told him that he did not know if Mr. Cochran was home.

⁸ Mr. Cote explained that management had had “numerous incidents” with Mr. Cochran in the building and they were in the process of trying to evict him. He explained that no one really talked with him and staff was avoiding “making waves” as they were waiting for his eviction to be finalized.

Mr. Cote heard Mr. Stone ask the individual if he was “Terrence Wigglesworth.” The individual said that he was Mr. Wigglesworth. Remembering the paperwork they previously found in the shopping cart, Mr. Cote heard Mr. Stone ask if Mr. Wigglesworth was supposed to be in the building. Mr. Cote recalled Mr. Wigglesworth replying, “What the fuck are you going to do about it nigga?” Mr. Cote said that they were going to call the police, to which Mr. Wigglesworth said something to the effect of, “Go head and call the motherfucking police, you’re gonna fucking need em.”

Mr. Cote immediately shut the door and locked it, while Mr. Stone called the police. The door lock did not provide him a complete sense of security, given the type of locking mechanism and the fact that Mr. Wigglesworth was a “big guy.” Mr. Wigglesworth’s presence intimidated him and Mr. Stone, as Mr. Cote thought he was “a lot bigger than us.” Mr. Cote began watching Mr. Wigglesworth through the peephole to see where Mr. Wigglesworth was going. Mr. Cote saw Mr. Wigglesworth kick in Tyler Cochran’s door “with everything he had.” The noise was loud, “like the frickin’ door just was wicked loud and it swung open and probably hit the wall. And as soon as he went in, [Mr. Cote] just heard two gunshots, like immediately.” Mr. Cote heard the gunshots one right after the other, within seconds of seeing Mr. Wigglesworth kick in the door.

Mr. Cote then heard Mr. Cochran “screaming, kinda panicked.” Before this, Mr. Cote never heard Mr. Wigglesworth announce that he was going into the apartment, and or anything else. Mr. Cote did not know who shot whom, but was aware that Mr. Cochran owned a gun, so Mr. Cote assumed that Mr. Cochran had shot Mr. Wigglesworth for “breaking into his apartment.”

After the gunshots, Mr. Cote heard whom he believed to be Mr. Cochran screaming. Mr. Cochran then came to the door of the apartment where Mr. Cote and Mr. Stone were working. Mr. Cote was not going to let anyone into the apartment he so kept his foot against the door, since he was concerned the shooter could shoot them as well. He heard Mr. Cochran “pounding on the door,” and saying something to the effect of, “Hey, hey” before he left the area.⁹ Mr. Cote and Mr. Stone waited in the apartment until the police arrived.

Mr. Cote explained that about thirty seconds passed from the time Mr. Wigglesworth left the door of apartment 410, until the time that Mr. Cote heard gunshots in Mr. Cochran’s apartment. Mr. Cote thought that Mr. Stone may have been on the phone with the police department when the shots were fired, and that it was “maybe a minute” between the time of the gunshots and Mr. Cochran pounding on their door.

E. Tyler Cochran Interview

After speaking with officers on scene, as described above, Tyler Cochran agreed to be transported back to the Concord Police Department, and be interviewed in the presence of counsel later that afternoon.¹⁰ At the outset of the interview, investigators were made aware that Mr. Cochran had certain learning disabilities and that he had been awake for quite some time.¹¹

Mr. Cochran told the investigators that he was friends with two individuals: “Clayton,” later identified as Clayton Svendberg, and “Shana,” later identified as Shana Dutterer, who was Mr. Svendberg’s girlfriend. Mr. Svendberg and Ms. Dutterer had been staying at a friend’s house

⁹ Mr. Cote did not hear or see Mr. Cochran’s dog during this incident. Although, as detailed below, surveillance footage showed Mr. Cochran exit the building with his dog after the shooting.

¹⁰ The interview began at approximately 8:56 p.m. and lasted approximately one hour and forty-eight minutes. Mr. Cochran was read and waived his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

¹¹ Investigators had spoken with Mr. Cochran’s parents earlier in the day. Mr. Cochran’s father, Merlin Cochran, told investigators that Mr. Cochran had learning disabilities. He also reported that Mr. Cochran suffered from severe attention deficit hyperactivity disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and anxiety disorder.

on Pleasant Street, but as the friend did not have any heat at his house, Mr. Cochran told Mr. Svendberg and Ms. Dutterer they could stay at his apartment. Mr. Svendberg and Ms. Dutterer arrived at his apartment at 46 Warren Street around midnight on January 16, 2021.

About fifteen to twenty minutes after Mr. Svendberg and Ms. Dutterer arrived, Mr. Cochran received a call from another friend, Gavin Guay. Mr. Guay wanted to come over and see Ms. Dutterer, but he did not know that Mr. Svendberg was there.¹² Mr. Cochran left his apartment and went to pick up Mr. Guay approximately 40 to 45 minutes later. When he went to his car in the parking garage, Mr. Cochran saw a pair of boxing gloves and a stick near the staircase in the garage. He knew Mr. Wigglesworth had been there because Mr. Wigglesworth had put the boxing gloves behind his car approximately two days earlier, and had tried to give them to Mr. Cochran earlier that day (January 16, 2021).

Mr. Cochran picked up Mr. Guay at his house next to the movie theater on Loudon Road, went to the Shell gas station for coffee, and arrived at Mr. Cochran's residence at approximately 4:30 a.m. He then drove with Mr. Guay back to his apartment and arrived at approximately 5:00 a.m. or 6:00 a.m.¹³ Mr. Guay came upstairs and talked with Ms. Dutterer and Mr. Svendberg for what Mr. Cochran estimated was approximately fifteen to twenty minutes. Everyone was hungry, so Mr. Cochran said he was going to go to Dunkin' Donuts.

Prior to leaving for the store with Mr. Guay, "Lisa" from downstairs came to Mr. Cochran's door and told him that Mr. Wigglesworth was outside waiting to be let in. Mr. Cochran said he could not let Mr. Wigglesworth in because it was on his lease that Mr.

¹² Mr. Cochran explained that Mr. Guay was "infatuate[ed]" with Ms. Dutterer.

¹³ It was evident that Mr. Cochran was neither confident nor accurate in his estimations on the timing of events. For example, a review of the surveillance footage showed that while he estimated that he left to return to the Shell gas station after fifteen to twenty minutes, he actually left after approximately ninety minutes. In addition, while he estimated Ms. Dutterer and Mr. Svendberg left between 6:30 a.m. and 7:00 a.m., they left at approximately 8:00 a.m.

Wigglesworth was not allowed at his apartment, but asked her, “Is he distressed? Is he distraught?” Lisa said, “No.”¹⁴

Mr. Cochran went outside with his dog to see Mr. Wigglesworth. Mr. Cochran greeted Mr. Wigglesworth outside and saw Mr. Wigglesworth was tired, but was “not as up and down, as [he had] seen him before.” He knew that that could change in an instant, because he had seen that happen before. Mr. Cochran spoke to Mr. Wigglesworth in a calm and normal tone, and offered Mr. Wigglesworth a ride to the Shell gas station to get something to eat, which he accepted. After he took him to the gas station, Mr. Cochran went to bring his dog back upstairs in order to leave, but Mr. Wigglesworth followed. Mr. Cochran stopped Mr. Wigglesworth and told him that he was not allowed to come inside, but said he could stay in the warm part of the building.

Mr. Cochran went upstairs and dropped his dog off, and left the building with Mr. Guay. Mr. Cochran saw Mr. Wigglesworth was not where he told him to stay; instead, Mr. Wigglesworth was waiting by his car in the garage on the bottom floor. Mr. Cochran described Mr. Wigglesworth at this time as “a little disheveled and distraught.”¹⁵ They all got in his car and went to the Shell Gas Station; Mr. Guay sat in the front, while Mr. Wigglesworth sat in the back. Mr. Cochran said during this car ride he had his handgun on him and carried it in his front waistband. Mr. Cochran decided to drive back to the Shell gas station on Loudon Road because they sold old-fashioned candy there, as opposed to the closer Shell station on Gully Hill Road.¹⁶

¹⁴ Investigators located and spoke with Lisa Wheeler, who resided at the 46 Warren Street apartments. She reported a similar interaction with Mr. Wigglesworth and Mr. Cochran. Ms. Wheeler, however, reported the interaction occurred the previous evening at approximately 4:00 p.m.

¹⁵ He said that when he was walking down to Mr. Wigglesworth, Mr. Wigglesworth did not see that someone else was walking behind Mr. Cochran, and it “spooked” Mr. Wigglesworth. Mr. Cochran explained that he calmed Mr. Wigglesworth down and after they got into Mr. Cochran’s car, everything was “cool.”

¹⁶ Investigators later spoke with the Shell cashier, Daniel Stevens. Mr. Stevens, who was a friend of Mr. Guay, described Mr. Cochran as being positive and friendly. Mr. Stevens said he did not interact with Mr. Wigglesworth. Mr. Stevens believed Mr. Wigglesworth did not have any money and that Mr. Cochran bought him items, such as candy. Based on his observations, it appeared that Mr. Wigglesworth and Mr. Cochran were “obviously friends.” He did not see anything out of the ordinary between the two; he said there was “no negativity.”

After buying the candy, Mr. Cochran dropped Mr. Guay off at his house, before driving Mr. Wigglesworth back to the Firehouse Block parking garage. Mr. Cochran bought food for both he and Mr. Wigglesworth, including candy and snacks. When they got back to his apartment building, Mr. Wigglesworth wanted to go upstairs to sleep, but Mr. Cochran told him that he was not allowed inside. Mr. Wigglesworth told him he just wanted to see Ms. Dutterer and asked him if she was “up there.” Mr. Cochran confirmed that Ms. Dutterer was in his apartment, but told him that he could not let him inside. Mr. Cochran offered to bring Mr. Wigglesworth somewhere, but he said that he had no place to go. Mr. Cochran then gave Mr. Wigglesworth some of the food he had bought for himself and some extra snack food from inside his car.

Before going inside his apartment, Mr. Cochran tried smoking a cigarette with Mr. Wigglesworth, but he could not find a lighter. Mr. Cochran gave Mr. Wigglesworth a cigarette and told him that he would throw a lighter down so he could light his cigarette. When he got upstairs, Mr. Cochran told Mr. Svendberg and Ms. Dutterer that Mr. Wigglesworth was downstairs and wanted to see them. Mr. Cochran said that he advised the couple that they should stay in the apartment as he was concerned about Mr. Wigglesworth’s intensity towards Ms. Dutterer, but they said they had to leave to return a van that they had borrowed. Mr. Cochran threw a lighter down to Mr. Wigglesworth, but did not go back outside. Mr. Cochran said Mr. Svendberg and Ms. Dutterer left around 6:30 a.m. or 7:00 a.m.

Mr. Cochran estimated that approximately twenty minutes after Mr. Svendberg and Ms. Dutterer left, Mr. Wigglesworth knocked on his apartment door.¹⁷ Mr. Cochran did not know

¹⁷ Mr. Cochran later estimated he heard the knocking within five to ten minutes after Mr. Svendberg and Ms. Dutterer left. Either estimation of time is inaccurate, as it was over two hours after the two left before Mr. Wigglesworth entered the apartment building.

how Mr. Wigglesworth got into the building, but saw that Mr. Wigglesworth had a bag of candy and tinfoil with him.¹⁸ Mr. Cochran said Mr. Wigglesworth ripped a hole in the bag and everything from his bag then spilled in the hallway in front of his apartment door. Mr. Cochran told Mr. Wigglesworth through the door that he could not come in his apartment, but he kept knocking.

Mr. Cochran knew that a maintenance worker working in a nearby apartment came out to the hallway after hearing the commotion. Mr. Cochran watched through the peephole as Mr. Wigglesworth began to clean up the mess in the hallway. Mr. Cochran soon stopped watching, but checked through the peephole approximately three to five minutes later. He said that through the peephole, he could see that nothing was cleaned up, so he opened the door, cleaned it up himself, and put the trash in the closet next to his apartment door.

At one point, Mr. Cochran knew his dog had to go to the bathroom again, so he prepared to take her out. He also stated that he was watching YouTube on his cellphone. While doing so, Mr. Cochran heard a noise at his door. He explained that what he heard was more than a knock, in that it was “loudest thing [he had] ever heard . . . living in [his] house.” Mr. Cochran said it was “gut wrenching” and it sounded like his apartment door was “booted really hard.”

Mr. Cochran went to the door and looked out the peephole and saw that it was Mr. Wigglesworth. Mr. Wigglesworth was screaming. Mr. Cochran asked Mr. Wigglesworth what he was doing and told him to leave. After he told Mr. Wigglesworth to leave, Mr. Wigglesworth went “berserk” and started punching and kicking his door or wall, and screamed that he was going to “kill” Mr. Cochran. Mr. Wigglesworth was somewhat incoherent, but Mr. Cochran heard him say that he was going to “hurt” and “kill” him. He also heard Mr. Wigglesworth

¹⁸ Mr. Cochran explained that the tinfoil had what he assumed was heroin residue on it. Mr. Cochran knew that Mr. Wigglesworth smoked heroin with tinfoil.

question whether Ms. Dutterer was there, and that he knew she was in the apartment having sex with someone. Mr. Cochran described that as Mr. Wigglesworth was striking the door, he could see bits of light shining around the door, as if there was “airspace” from Mr. Wigglesworth striking the door.

Mr. Cochran explained that Mr. Wigglesworth backed away and it was quiet for about thirty to forty-five seconds. Mr. Cochran then opened the door and looked left and right to make sure it was okay to take his dog outside. Within a few seconds, Mr. Wigglesworth came “out of nowhere” and put his foot in the doorway, stopping Mr. Cochran from closing the door. Mr. Cochran described that when he opened the door, he was holding the handle of his holstered Glock handgun with his right hand, which was holstered in the small of his back.¹⁹

Mr. Cochran explained that when Mr. Wigglesworth forced his way into the apartment, he was dressed up like he was “ready to go,” in “like riot gear.” He did not believe Mr. Wigglesworth was wearing the same clothing when they had gone to the store earlier, and described that Mr. Wigglesworth’s mouth was not covered when they were together earlier. Mr. Cochran did not see Mr. Wigglesworth armed with any weapons.

Mr. Wigglesworth said he knew Ms. Dutterer was in the apartment having sexual relations with someone.²⁰ Mr. Wigglesworth asked Mr. Cochran, “Is Shana here? Is Shana here?” He put his head all the way into Mr. Cochran’s apartment, along with half of his body. When asked what he was thinking when Mr. Wigglesworth was pounding at the door and got his foot in the door, Mr. Cochran said, “He’s gunna fuckin’ come in and kill me, I don’t know what

¹⁹ Mr. Cochran said that the firearm did not have a safety, except for a “trigger safety.” Mr. Cochran said his holster was a retention holster that he kept inside his waistband. Mr. Cochran said he carried his firearm both in the front and back of his waist. Mr. Cochran said he typically carried in the front because he could get to his firearm easier.

²⁰ Mr. Wigglesworth believed Ms. Dutterer was “always” having sex with someone else. Mr. Wigglesworth dated her for a short period of time in the past, but they were not currently dating.

the fuck he had.” Mr. Cochran told Mr. Wigglesworth he had to leave and he put his hand on Mr. Wigglesworth’s chest to push him back. Mr. Wigglesworth “swiped” his hand and went “berserk.” Mr. Wigglesworth tried to push Mr. Cochran and kicked him in the left ankle/foot. Mr. Cochran was wearing shoes with no socks. When Mr. Wigglesworth struck him, he fell backward and landed on the ground. Mr. Wigglesworth then entered his apartment, looking to Mr. Cochran like a “villain” with a “very bad devilish look.” Mr. Cochran said, “I’ve never seen anyone ever have that look before, not even him.”

Mr. Cochran hit his head on the ground when he fell backwards, disorienting him. Mr. Cochran fell between the kitchen and living room where his buttocks were on the carpet and his feet were in the kitchen. Mr. Cochran stated that while he was still on the ground, Mr. Wigglesworth said, “Motherfucker you’re going to get it now.” Mr. Cochran said, “That’s when I pulled out the piece,” referring to his handgun. Mr. Cochran explained that Mr. Wigglesworth punched him approximately three times in the head, and tried to choke him by grabbing the front of his shirt with both hands. Mr. Cochran explained that when he went to his door, he was holding his handgun with his right hand, which he had holstered in his lower back.

Mr. Cochran stood back up and pointed his firearm at Mr. Wigglesworth. He told investigators that Mr. Wigglesworth laughed and said, “What the fuck are you going to do with that thing, I’m going to take it and shoot you with it.” Mr. Cochran told investigators:

I said, “Bro, please fucking leave.” He’s coming closer, he’s coming closer, he’s coming -- it looks like he’s gunna grab it, like he’s like fucking demon look in his eyes -- saying he’s gunna use it on me and shit . . . and I don’t know what the fuck to do.

Mr. Cochran kept backing up and Mr. Wigglesworth lunged for his gun. Mr. Cochran said he then tripped over his coffee table that was in front of his living room couch and fell back onto the couch.

Mr. Wigglesworth lunged for the gun again and was on top of him. Mr. Wigglesworth was going for the gun and hit Mr. Cochran. Mr. Cochran believed Mr. Wigglesworth got both hands on his firearm while on the couch. Mr. Cochran's dog was going "berserk" and he believed she bit Mr. Wigglesworth. Mr. Cochran further explained:

Scared for my life though, So, I take out the gun, and I'm on my back, and I fucking fire one shot cuz' he wouldn't fucking leave me alone, he was fucking on top of me ready to kill me, he grabbed my gun, it's the only thing I could fucking do, so I shoot one shot and he fucking laughed at it, said, "What the fuck was that?" He fucking like laughed at it . . . he went for the gun again. -- When I shot him the first time, he like looked to the left and was like, "What the fuck was that" and he fucking kind of like laughed at it, and then he came for back another one, and that's when I fucking [shooting noise] one more shot, fucking he dropped within two seconds -- right in front of the coffee table.

Mr. Cochran heard Mr. Wigglesworth exclaiming something to the effect of, "Oh fuck," after the second shot was fired. Mr. Cochran estimated that there could not have been more than three seconds between the two shots.

After shooting, Mr. Cochran retrieved his dog and left the apartment to get help. He tried banging on other apartment doors, but no one answered. He tried calling 911 several times, but he believed his attempts failed because he did not have wireless internet, he was using the wrong app to make the call, or he did not have a SIM card. Mr. Cochran explained that he was "freaking out" at that point, and left the apartment to get help, because he knew "time was of the essence."

Mr. Cochran expressed that he did not want to shoot Mr. Wigglesworth. He denied rendering aid to Mr. Wigglesworth, saying, "No, nope, I ran the fuck out. I didn't want him to die though, I know that . . . freaking out, it was a sad situation man." Mr. Cochran estimated approximately thirty to forty-five seconds elapsed between when he put his hand on Mr. Wigglesworth's chest to push him away to when he shot Mr. Wigglesworth.

Mr. Cochran said, “I felt – um – threatened for my life, my life was threatened, absolutely. I felt like I could die, and I could have died.” His concern was that Mr. Wigglesworth would take his gun and shoot both him and his dog, and that Mr. Wigglesworth could have killed him. He said, “He was on top of me two times. The second time was when he had better leverage. Cuz’ I had nowhere else to go, I was all the way back up on the couch.” When asked why he believed Mr. Wigglesworth attacked him, Mr. Cochran said, “Just because I put my hand on his chest and asked him to leave, and he said, ‘No! No!’ and boom, and something switched in him dude.”

Mr. Cochran denied ever pulling his gun on anyone before, and said that he had been a gun owner for approximately ten years. Mr. Cochran believed Mr. Wigglesworth did not know that he carried a firearm as Mr. Cochran did not like to tell anyone he had firearms.

Mr. Cochran had known Mr. Wigglesworth for approximately six months, and met him through Ms. Dutterer and Mr. Svendberg. Ms. Dutterer had previously dated Mr. Wigglesworth and he was “infatuated” with her. Mr. Wigglesworth had stayed overnight at Mr. Cochran’s house no more than two times in the past. Mr. Cochran realized the first night he let Mr. Wigglesworth stay over he that he had some “underlying issues.” For example, when Ms. Dutterer and Mr. Svendberg were in the bathroom together, Mr. Wigglesworth grew jealous and threw a Bluetooth speaker at the bathroom door. It was a length of time after that before Mr. Wigglesworth returned to his apartment, however, at some point, Mr. Wigglesworth randomly began showing up outside Mr. Cochran’s apartment door. Mr. Cochran did not like Mr. Wigglesworth being at his house and estimated it had been months since he had allowed Mr. Wigglesworth to stay at his apartment prior to the shooting.

The last time Mr. Wigglesworth was at the apartment was approximately three days prior to the incident. Mr. Cochran was in the bathroom when Mr. Wigglesworth randomly showed up at his door and told him that some “random guy” let him in the building. Mr. Cochran recalled Mr. Wigglesworth was out of breath and a few minutes after his arrival, the police showed up at his door asking if Mr. Wigglesworth was inside. Mr. Cochran said, “Terrence what the fuck did you do now.” Mr. Cochran believed that Mr. Wigglesworth was in his bathroom smoking heroin off tinfoil. Mr. Cochran told Mr. Wigglesworth that he had to get out of his house because the cops were there for him, and assumed that Mr. Wigglesworth had just run from the cops.²¹

Mr. Cochran thought he had a good relationship with Mr. Wigglesworth until the day of the shooting, but was aware that he was not supposed to be on the property. Approximately six to eight months prior, Mr. Cochran received a letter from his landlord, which stated “Dwayne,” “McKayla,” and Mr. Wigglesworth were not allowed at his apartment. Mr. Cochran knew Dwayne and McKayla had previously stolen money and electronics from his residence, and he told his landlord when he found out what happened. In response, he got a letter prohibiting them from the building, as well as Mr. Wigglesworth. Mr. Cochran was unsure why Mr. Wigglesworth’s name was included in the letter.

Mr. Wigglesworth had been gone for some time and had returned a few days prior to the incident. A few nights prior to the shooting, Mr. Wigglesworth was at his apartment and was doing “weird ... ninja” stuff and wanted to spar with Mr. Cochran. Mr. Cochran told Mr. Wigglesworth that they were not going spar in his apartment. Mr. Wigglesworth wanted to give

²¹ On January 14, 2021, Concord Police Officers found Mr. Wigglesworth in Mr. Cochran’s apartment. They issued Mr. Wigglesworth a written notice prohibiting him from being on the property. One of the officers noted that, “[d]uring that call for service [Mr.] Cochran and [Mr.] Wigglesworth got into a verbal argument while inside [the] apartment and [Mr.] Wigglesworth continued while out in the hallway. While inside [Mr.] Cochran made a comment about how he didn’t appreciate [Mr.] Wigglesworth having the “cops” come to his place and yelled at him to get out.”

him the boxing gloves because he knew that Mr. Cochran used to box, and Mr. Cochran was intending to train Mr. Wigglesworth to box to get him in shape and “get his mind back on track.” Mr. Cochran felt Mr. Wigglesworth was paranoid about Ms. Dutterer having sex with others and was imagining hearing Ms. Dutterer engaging in such acts. By way of example, Mr. Cochran explained that before the shooting, Mr. Wigglesworth said that he could hear Ms. Dutterer in Mr. Cochran’s apartment having sex when she was not there. Ms. Dutterer also told Mr. Cochran that Mr. Wigglesworth had sent her a message a few days prior saying, “You’re a porn star, stop it, I can hear you fucking.”

Mr. Cochran and Mr. Wigglesworth did not communicate on a daily basis; they never called one another, but had spoken over Facebook messenger what Mr. Cochran estimated to be once or twice. Mr. Cochran deleted Mr. Wigglesworth off Facebook when he started showing up unannounced. Mr. Cochran considered Mr. Wigglesworth a friend and that he “liked” him, but he also “felt bad” for him. When asked what he believed caused the drastic change in Mr. Wigglesworth’s temperament from the time they went to the store, to the time of the incident, Mr. Cochran said he believed it was the “voices” in Mr. Wigglesworth’s head.

Mr. Cochran said that he had not used drugs in a number of days. When confronted with the fact that a syringe had been found near the couch in his apartment, he stated it was on the coffee table before the confrontation. Mr. Cochran believed it must have fallen off the table during the struggle with Mr. Wigglesworth. He denied using drugs intravenously. Mr. Cochran was not sure if Mr. Wigglesworth injected drugs, but he had seen him smoke drugs off of tin foil. Mr. Cochran told investigators that the syringe belonged to Mr. Svendberg, and that he (Mr. Cochran) did not sell drugs.

Mr. Cochran provided police with the passcode to his cell phone, and allowed them to search the phone.

F. Shana Dutterer Interview

Investigators interviewed Shana Dutterer on January 18, 2021. She detailed for the investigators her relationship and knowledge of Mr. Wigglesworth as follows: She was in a relationship with Mr. Wigglesworth approximately one year before the incident, but was dating Clayton Svendberg at the time of the shooting. Ms. Dutterer and Mr. Svendberg went to Mr. Cochran's apartment the previous night at approximately 11:00 p.m.; a place they had been staying at frequently because they had no place to go. When they got there, Mr. Cochran was the only one in the apartment. At one point, Ms. Dutterer saw Mr. Cochran leave to go pick up Gavin Guay and then she passed out until she woke up to see Mr. Cochran and Mr. Guay were in the apartment. Mr. Cochran and Mr. Guay hung out and talked for about an hour, before they left. When Mr. Cochran returned to the apartment, Ms. Dutterer and Mr. Svendberg left to return a van they had borrowed. Mr. Cochran told Ms. Dutterer that when he was downstairs, he saw Mr. Wigglesworth outside he asked to speak with her. Ms. Dutterer did not want to see Mr. Wigglesworth because she knew he was "not okay" and did not want to be alone with him.

When she and Mr. Svendberg left to return the van, they saw Mr. Wigglesworth in the parking garage stairwell. She said that Mr. Wigglesworth was by himself doing "karate moves" or "sparring." Mr. Wigglesworth said something to her to the effect of, "I thought I would never see you." Ms. Dutterer told Mr. Wigglesworth she needed to go drop off the van, and that Mr. Wigglesworth looked like he wanted to talk with her and was "bummed out." Ms. Dutterer and Mr. Svendberg returned the van and fell asleep at another friend's residence. When she awoke, her friend told her that Mr. Cochran had shot Mr. Wigglesworth.

Ms. Dutterer said that she spoke briefly with Mr. Cochran on January 17, 2021, and asked him what happened. Mr. Cochran told her that Mr. Wigglesworth forced the apartment door open, put his foot in the door, went “barging in”, and got on top of him. Mr. Cochran said that Mr. Wigglesworth “kept trying to go for the gun.” He told her that he shot Mr. Wigglesworth once, and Mr. Wigglesworth smiled, looked back, and charged at him again, so he shot him again. Mr. Cochran said that he then went down to the ground. Mr. Cochran explained that he had to shoot Mr. Wigglesworth.

Ms. Dutterer was mad at Mr. Cochran at first for what happened, until he explained the event. Ms. Dutterer believed Mr. Wigglesworth had been having “mental issues,” and that he was hearing and seeing things. She confirmed that Mr. Wigglesworth had recently messaged her via social media and asked her if she was a porn star and that he could hear her having sex and it was hurting him. Ms. Dutterer believed Mr. Wigglesworth was “losing it.”

Ms. Dutterer saw Mr. Wigglesworth doing a lot of boxing and was saying Mr. Cochran’s name. Ms. Dutterer described an altercation with Mr. Cochran earlier on January 15, 2021, in Mr. Cochran’s apartment. Ms. Dutterer said that after she had taken a shower, she saw both Mr. Cochran and Mr. Wigglesworth sitting on the couch and everything looked fine. However, Mr. Wigglesworth and Mr. Cochran told her that Mr. Cochran let Mr. Wigglesworth strike him a couple of times. When Mr. Cochran asked Mr. Wigglesworth what he was doing, Mr. Wigglesworth said he was “practicing.” Mr. Cochran told him that his actions were not practicing and he hit him back.

Ms. Dutterer described Mr. Cochran and Mr. Wigglesworth’s relationship as friends. When asked about the recent altercation, Ms. Dutterer said, “Yeah, well this was new, like I’d never seen them do this before, I’d never seen Terrence come at -- and like this before, like I’d

never seen Terrence like this before, like I'd never seen him so messed up in the head, he said he was on Seroquel.”

Ms. Dutterer believed Mr. Wigglesworth's drug of choice before he went to jail was heroin. She said both Mr. Wigglesworth and Mr. Cochran smoked drugs using tin foil and they did not use needles. When investigators questioned Ms. Dutterer about the loaded syringe that was found on the living room floor, Ms. Dutterer said that it was most likely her needle. She further explained that she specifically remembered putting a loaded syringe down on the coffee table in the living room.

Ms. Dutterer described Mr. Cochran as one of her good friends. She knew Mr. Cochran owned guns and that one of his guns had been stolen recently. Mr. Cochran showed her the gun one time, but she never saw him shoot it, and he did not display the firearm much. Ms. Dutterer believes Mr. Cochran would not have shot Mr. Wigglesworth if he did not have to.

G. Clayton Svendberg Interview

Investigators interviewed Clayton Svendberg on January 18, 2021. Among other things, Mr. Svendberg told investigators about the physical altercation between Mr. Cochran and Mr. Wigglesworth on Friday, January 15, 2021, and what he had seen and heard on the day of the shooting. Mr. Svendberg told the investigators the following: he was at Mr. Cochran's apartment with his girlfriend, Ms. Dutterer. While he and Ms. Dutterer were in the shower, Mr. Svendberg heard yelling. When they got out of the shower, Mr. Svendberg believed Mr. Cochran and Mr. Wigglesworth got into a “scuffle.” and described Mr. Wigglesworth as being “all over the place.” Mr. Cochran told him that the scuffle started because Mr. Wigglesworth kicked him in the shin, and in retaliation, he punched Mr. Wigglesworth in the stomach. Mr. Svendberg was not sure what the altercation was about, but he believed it was over nothing, because that was

“the way Mr. Wigglesworth was.” Mr. Svendberg believed Mr. Wigglesworth may have been hearing voices during the altercation. Mr. Svendberg believed Mr. Wigglesworth was weird and confrontational at times. Mr. Svendberg saw Mr. Wigglesworth “get mouthy” with Mr. Cochran, but Mr. Cochran “had a heart for him.” He did not see any injuries on Mr. Cochran or Mr. Wigglesworth after the altercation.

Mr. Svendberg believed Mr. Cochran probably had his firearm on him during that prior altercation, but he was unsure. Mr. Svendberg said typically, when people were around, Mr. Cochran would put his gun away. Mr. Svendberg had seen Mr. Cochran with two pistols, one of which he described as a tan Glock pistol. Mr. Svendberg did not see Mr. Cochran carrying a firearm on either January 15, 2021, or January 16, 2021, and had never seen Mr. Cochran threaten anyone with a firearm in the past. Mr. Svendberg believed Mr. Cochran was almost a professional boxer when he was younger, but never saw Mr. Cochran and Mr. Wigglesworth box together. Mr. Svendberg knew Mr. Wigglesworth had recently been walking around with boxing gloves, but he was not sure where Mr. Wigglesworth found them.

Mr. Svendberg confirmed that the only people who were in Mr. Cochran’s apartment on the morning of January 16, 2021, were himself, Ms. Dutterer, and Mr. Cochran. Mr. Svendberg saw Mr. Cochran leave that morning to go to a store and return with Gavin Guay. Mr. Svendberg said that Mr. Cochran did not appear high that day and was his typical self. Mr. Svendberg did not see Mr. Cochran smoke heroin that morning.

When Mr. Cochran returned, Mr. Svendberg and Ms. Dutterer left the apartment within an hour. Mr. Svendberg said the last time he saw Mr. Wigglesworth was when he and Ms. Dutterer left the building. Mr. Svendberg confirmed that Mr. Wigglesworth and Ms. Dutterer had

a brief conversation, where she told him that they were leaving to return the van, but were coming back.

Mr. Svendberg spoke with Mr. Cochran at approximately 1:00 a.m. on January 17, 2021, the day after the shooting, and relayed the same information to him that he had to Ms. Dutterer: that he did not want to shoot Mr. Wigglesworth; that Mr. Wigglesworth smashed his door; and that Mr. Wigglesworth put his foot in the door. Mr. Svendberg believed that Mr. Cochran did not want to shoot Mr. Wigglesworth, because Mr. Cochran “had a heart” and often felt remorse for wrongdoings. Mr. Svendberg noted Mr. Cochran was on the verge of tears about the situation when he relayed what had happened.

Mr. Svendberg told investigators that the loaded syringe found on Mr. Cochran’s apartment floor was not Mr. Cochran’s, but that it could have been his or Ms. Dutterer’s. Mr. Svendberg said Mr. Wigglesworth was not an intravenous drug user, but smoked heroin and methamphetamine.

Mr. Svendberg was aware of a surveillance camera in Mr. Cochran’s apartment, but he said that he did not believe the camera worked. He explained that the camera was more of a deterrent to prevent anyone from doing anything “sheisty.” Mr. Cochran never made any past comments to him about wanting to kill Mr. Wigglesworth, and Mr. Svendberg was unaware of any ongoing issues between the two men.

H. Gavin Guay Interview²²

Investigators interviewed Gavin Guay on January 18, 2021. Mr. Guay told investigators the following: He had met Mr. Cochran three to four years prior at Averill’s Boxing in Concord,

²² Mr. Guay’s recounting of the events immediately preceding the shooting, including the timeline and his interactions with Mr. Wigglesworth and Mr. Cochran, were largely consistent with the details provided by Mr. Cochran and Ms. Dutterer. To avoid repetition, this summary focuses on additional information that Mr. Guay told investigators.

but never knew Mr. Cochran trained Mr. Wigglesworth in boxing. Mr. Guay knew that Mr. Cochran smoked heroin off tinfoil, but that he was deathly afraid of needles. Mr. Guay told investigators that while he did not believe Mr. Cochran was “high” on the day of the shooting, he told investigators that while he was at Mr. Cochran’s apartment that morning, he saw him smoke heroin once off tinfoil.

Mr. Guay did not notice whether Mr. Cochran was carrying a firearm when they drove to the Shell gas station, but he knew Mr. Cochran often carried a firearm. Mr. Guay never saw Mr. Cochran’s firearm out of its holster. He never saw Mr. Cochran threaten anyone with a firearm in the past, and he was not someone who showed off his firearm.

Later in the day on January 16, 2021, Mr. Guay went back to 46 Warren Street to see Mr. Cochran. He buzzed Patrick Cochran, Tyler Cochran’s brother, to let him into the apartment building.²³ Patrick told him that Tyler was not there. He later saw Patrick in the parking garage after the shooting where he told Mr. Guay that there was a dead body in Mr. Cochran’s apartment. Mr. Guay told investigators that he thought to himself that Tyler was a Golden Glove boxer, but he also knew that Mr. Wigglesworth could be dangerous as well. He thought the deceased person may have been Mr. Wigglesworth, and hoped it was not Mr. Cochran. Patrick then told Mr. Guay that Tyler was at the police station.

When asked about Mr. Cochran’s relationship with Mr. Wigglesworth, Mr. Guay said that he had not seen any hate between the two in the past, but he believed Mr. Cochran had kicked Mr. Wigglesworth out of his apartment once before. Mr. Guay said that there were no problems between them while they drove to the gas station. Mr. Guay also noted that Mr.

²³ Mr. Guay explained that he had to buzz Patrick inside because the building had a new buzzer system, and Tyler Cochran’s buzzer was never updated.

Cochran was “happy” to buy Mr. Wigglesworth candy at the store. Mr. Guay knew that when Mr. Wigglesworth was high, he thought of himself as a ninja, and he would dance and do “Karate energy moves.”

Mr. Guay told investigators that Mr. Cochran visited him earlier on the day of his interview, at approximately 5:00 a.m. on January 18, 2021. Mr. Guay believed Mr. Cochran was mortified after realizing the severity of the situation, and he did not want to shoot Mr. Wigglesworth. Mr. Guay and Mr. Cochran cried together for approximately ten minutes, and talked for approximately thirty-minutes. Mr. Guay said that that was the most levelheaded he had ever seen Mr. Cochran. Mr. Guay believed Mr. Cochran shot Mr. Wigglesworth because he was “in fear for his life.”

Mr. Cochran told Mr. Guay that the sound of Mr. Wigglesworth kicking his door was one of the loudest things he had ever heard. Mr. Cochran said that Mr. Wigglesworth struck Mr. Cochran a few times. Mr. Guay saw that when Mr. Cochran talked about shooting Mr. Wigglesworth, he shut down and was emotional about it. Mr. Cochran said that he was in fear for his life. Mr. Guay found that difficult to believe because Mr. Cochran had years of boxing experience, and he found it difficult to believe Mr. Cochran feared getting killed by some “kid off the street.” However, Mr. Guay sensed a lot of fear from Mr. Cochran earlier that day, and he believed Mr. Cochran was sincere about it. Mr. Cochran told him nobody else was in his apartment when he shot Mr. Wigglesworth, and that one of the two bullets fired went over the television.

Mr. Cochran told Mr. Guay that he tried to call 911 approximately six times when he was leaving after the incident, but he was unable to get through. Mr. Guay knew Mr. Cochran’s cell

phone was a wireless internet cell phone, but believed that even if it may have had no service that 911 was always available.

I. Mary Jackson Interview

Investigators interviewed Mary Jackson on January 16, 2021.²⁴ Ms. Jackson was the occupancy manager of the Firehouse Block Apartments.

Ms. Jackson was familiar with Mr. Wigglesworth. On January 14, 2021, at approximately 3:00 p.m., Mr. Wigglesworth came to the front entrance of the apartment complex, where she served him with a no trespass order.²⁵ After being served, Mr. Wigglesworth asked if he could retrieve belongings from apartment 408. Ms. Jackson told him he could not. Ms. Jackson stated that Mr. Wigglesworth then snuck in the back door and went to apartment 408. She called the police. Concord police officers responded and removed Mr. Wigglesworth, after finding him in Mr. Cochran's apartment.

Ms. Jackson reported that Mr. Wigglesworth had been frequently seen near the rear of the building over the past few days asking tenants to let him in the building despite the no trespass order. Ms. Jackson was looking at surveillance footage on Friday, January 15, 2021, when she saw Mr. Wigglesworth speaking with a blind elderly tenant. Ms. Jackson stated that she went to the rear entrance and told the tenant to go inside the building and told Mr. Wigglesworth to leave and that he was not allowed in the building.

J. Brandy Fedorczuk Interview

Investigators interviewed Brandy Fedorczuk on January 16, 2021. Ms. Fedorczuk was a tenant of the Firehouse Block Apartments. Ms. Fedorczuk told the detectives that she saw a

²⁴ Ms. Jackson also provided investigators copies of the surveillance footage.

²⁵ Investigators later obtained a copy of a "Order to Stay Off Property" that was served to Mr. Wigglesworth by Officer Wyszenski on January 14, 2021 at 2:50 p.m. The order stated that Mr. Wigglesworth was not allowed on the property of the Firehouse Block Apartments.

black male in the area of the Firehouse Block Apartments and the parking garage between 5:00 a.m. and 6:00 a.m. on January 16, 2021, and that he had been swinging some type of stick. She described being “sketched out” by the way the person was acting. The male told her that he was “Tyler’s” friend. She explained that she had seen a person a couple days prior, who she told she could not let into the building, but that she would tell Mr. Cochran he was waiting outside. She believed that person she saw on the morning of January 16, was the same person that she had seen a couple days prior. She described the person as acting fidgety and that it appeared he was on drugs.

K. Autopsy Results

On January 17, 2021, Chief Medical Examiner Jennie Duval performed an autopsy on Mr. Wigglesworth. Dr. Duval found that Mr. Wigglesworth suffered a single gunshot wound to the chest. Dr. Duval concluded that the bullet traveled from front to back, left to right, and slightly downwards.

Dr. Duval was unable to determine the range the gunshot was fired from, as she did not locate any evidence of soot, stippling, or gunpowder residue on the skin surface surrounding the gunshot wound or within the wound margins. Dr. Duval also did not observe any evidence of soot, stippling, gunpowder residue, or blood spatter on Mr. Wigglesworth’s hands.

Dr. Duval located small superficial red abrasions to Mr. Wigglesworth’s left eyebrow, left cheek, and the fingers of his right hand. Dr. Duval found similar abrasions on the fingers of his left hand, with small puncture bruises on the joints of Mr. Wigglesworth’s left middle and ring fingers. Dr. Duval found a series of four slightly larger abrasions on back of Mr. Wigglesworth’s left hand, and at the base of his left little finger.

A sample of Mr. Wigglesworth's blood was sent to NMS Labs for toxicological analysis. Toxicological analysis found the presence of methamphetamine and fentanyl in Mr. Wigglesworth's blood. The amount of methamphetamine in Mr. Wigglesworth's blood was 13 ng/mL. The toxicology report reference notes explained, "Blood levels of 200–600 ng/mL of methamphetamine have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse, and convulsions." The amount of fentanyl in Mr. Wigglesworth's blood was 1.2 ng/mL. The toxicology report reference notes explained, "Signs associated with fentanyl toxicity include severe respiratory depression, seizures, hypotension, coma and death. In fatalities from fentanyl, blood concentrations are variable and have been reported as low as 3 ng/mL."

L. Physical Evidence

Investigators conducted searches of Mr. Cochran's body and his apartment. As previously discussed, Officer Robert Lambert photographed Mr. Cochran outside of 46 Warren Street shortly after responding to the 911 call and speaking with Mr. Cochran. Officer Lambert reported seeing, "a bump on the top of Tyler's head above his right eye along his hairline... [and] scrapes on Tyler's right elbow, neck, left arm, knuckle, chest, and left ankle." These injuries were superficial. Some of the injuries were readily apparent, and others became more apparent over time, while other injuries and marks faded. The photographs depict Officer Lambert's descriptions. A review of the photographs shows: a small area of blood and red abrasion(s) appeared on the center and left areas of Mr. Cochran's neck; a faint red mark on the right side of Mr. Cochran's neck; a small abrasion on his right elbow; a small abrasion to his left upper arm; a small abrasion to his left middle finger joint; red marks on his left chest; a small

abrasion on his inner right ankle; and, while difficult to see, a faint abrasion above his right temple, along his hairline.

Several hours later, at approximately 6:00 p.m., investigators further searched Mr. Cochran's body pursuant to a search warrant. In addition to collecting physical evidence during that search, investigators took more photographs of Mr. Cochran's body. Those photographs show a small mark or abrasion on the left side of Mr. Cochran's neck;²⁶ a small abrasion to his left middle finger joint; a generally horizontal red mark in the center of his forehead; a small red mark above his right eye; a small red mark on the right side of his head, near the hairline between his right eye and his right eye; an abrasion to his middle left toe; and a faint line or scratch-type abrasion on his left chest, which was in the area where a red mark was more pronounced in the initial photographs taken by Officer Lambert.

Several items of physical evidence were documented and/or collected from Mr. Cochran's apartment as well. Crime scene investigators took videos and photographs of the relevant portions of Apartment 408. This included photos both before and after Mr. Wigglesworth's body was moved for medical treatment. Officer Edson's photographs of Mr. Wigglesworth on the living room floor before he was repositioned for emergency medical treatment show him lying supine on his stomach, with his head closest to the couch and his feet pointed toward the middle of the room. Mr. Wigglesworth was dressed in all black, including a heavy black leather jacket, black pants, and a black hat. A coffee table was in front of the couch, but it was not centered or squared to the couch. The position of the coffee table in relation to the

²⁶ By this point, investigators had collected a sample of the blood they had seen on his neck and Mr. Cochran had cleaned off the remaining blood.

couch and other physical evidence, suggested to the officers that it had been moved at some point during the struggle.²⁷

Investigators found two surveillance cameras in Mr. Cochran's apartment, a Ring security camera and a Merkury wireless camera. The Ring camera was found on the living room floor. The camera was still in its packaging and had apparently not been setup. The Merkury wireless camera was on the bedroom doorframe, which appeared to have been facing toward the hallway leading from the front door into the living room. Investigators determined that the camera was not in use at the time of the shooting. Investigators discovered that the Merkury camera required a steady power source and the camera was not plugged into a power source when it was found. Moreover, it did not have the means to store any video footage, as it did not have any storage device, such as an SD card, installed.

Investigators found bullet fragments in the bedroom adjacent to the living room; drywall dust on the bed in that bedroom; two 9-millimeter bullet casings in the living room, one on the couch and one on the wall adjacent to the couch; a hypodermic needle on the living room floor; and a face mask with what appeared to be blood. Investigators were able to determine the general trajectory and bullet path of the gunshot that did not strike Mr. Wigglesworth. They found a bullet entrance defect that perforated the wall between the living room and bedroom, opposite the couch.²⁸ The defect was located approximately five feet nine inches from the floor. The leading edge of the defect revealed the bullet was traveling at an upward angle. On the opposite side of the wall, investigators located a bullet exit defect approximately five feet ten inches from

²⁷ Mr. Cochran told investigators the struggle with Mr. Wigglesworth ended on the couch, which is where he shot his gun at Mr. Wigglesworth. The position of the coffee table suggests that there was a struggle in the area of the couch.

²⁸ "Bullet defect" refers to damage, imperfections, or markings on a surface that are caused by the impact of a bullet that was discharged from a firearm.

the floor, with the trajectory continuing at an upward angle. A third defect was found in the concrete ceiling of the bedroom. Investigators determined the bullet then deflected off the ceiling and proceeded slightly downward into the opposing wall, where they found a fourth bullet defect.

These discoveries allowed investigators to conclude that the physical evidence corroborated Mr. Cochran's statement that he fired two gunshots inside the apartment. The physical evidence showed that one bullet was fired at an upward angle from the area of the couch. The bullet traveled through the wall between the living room and bedroom, over the living room television, impacting the bedroom ceiling, and ricocheting downward into the opposite wall, resulting in the bullet fragments on the bed and desk. The second bullet fired by Mr. Cochran was recovered from Mr. Wigglesworth's back during autopsy.

M. Digital Evidence

Surveillance footage was obtained and reviewed from 46 Warren Street, the adjacent parking garage, and the Shell gas station at 333 Loudon Road. None of the surveillance footage captured the incident in the fourth floor hallway preceding the shooting, or the shooting itself. The surveillance footage, however, provided historical and corroborative evidence of the events immediately preceding and following the shooting.

IV. APPLICABLE LAW AND LEGAL STANDARDS

New Hampshire's laws regarding self-defense are set forth in RSA Chapter 627. RSA 627:4, physical force in defense of a person, contains several variants that set forth when an actor may lawfully use deadly force to protect himself or others in certain circumstances. Three of those variants of self-defense are potentially relevant to this review:

RSA 627:4, II(a) permits the use of deadly force by an actor against another when he reasonably believes that the other person "[i]s about to use unlawful, deadly force against the actor or a third person";

RSA 627:4, II(b) permits the use of deadly force by an actor against another when he reasonably believes that such other person "[i]s likely to use any unlawful force against a person present while committing or attempting to commit a burglary" [RSA 635:1, I, defines "burglary" as entering a building with the purpose to commit a crime therein]; and

RSA 627:4, II(d) permits the use of deadly force by an actor against another when he reasonably believes that such other person "[i]s likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling or its curtilage." [RSA 627:9, I, defines "curtilage" as "those outbuildings which are proximately, directly and intimately connected with a dwelling, together with all the land or grounds surrounding the dwelling such as are necessary convenient, and habitually used for domestic purposes."] ["Felony for these purposes includes such crimes as first and second degree assault, burglary, robbery, rape, kidnapping, arson, murder, and theft." *N.H. Criminal Jury Instructions - 1985*, 3.11.]

Some of these terms used in each of the statutory provisions need to be further defined.

The law defines "deadly force" as "any assault or confinement which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury." RSA 627:9, II. "Non-deadly force" means "any assault or confinement which does not constitute deadly force." RSA 627:9, IV. "Unlawful force" means "deadly or non-deadly force." *N.H. Criminal Jury Instructions - 1985*, 3.11.

"Self-defense does not require an actual danger to the [actor]. Rather, the [actor] must reasonably believe that the other person was about to use unlawful, deadly force [or unlawful

force in the case of RSA 627:4, II(b) and (d)].” *N.H. Criminal Jury Instructions - 1985*, 3.11; *see also State v. Gorham*, 120 N.H. 162, 163-64 (1980). Therefore, a mistaken use of deadly force could still be justified under the law, if that mistake was reasonable. The term “reasonable” is “determined by an objective standard.” *State v. Leaf*, 137 N.H. 97, 99 (1993). As such, all of the circumstances surrounding an incident are to be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another.

When reviewing a deadly force incident, the actor’s conduct should be viewed considering “the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection.” *N.H. Criminal Jury Instructions - 1985*, 3.10. In other words, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight. The amount of deadly force used by the actor to protect himself or others must also be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

New Hampshire’s self-defense law also provides that people in their dwellings or curtilage, or who are anywhere they have a right to be, have no duty to retreat from the encounter before resorting to deadly force to protect themselves or others, if they were not the initial aggressor. *See* RSA 627:4, III(a). Finally, in any case where a person uses deadly force and later claims self-defense, the State has the burden to disprove that self-defense claim beyond a reasonable doubt in order to convict the person. *See State v. McMinn*, 141 N.H. 636, 645 (1997); RSA 626:7, I(a). There is no burden on a person who uses force to prove that his actions were lawful.

While the three applicable variants of self-defense share some similar components, there are also some significant differences between them. In the first variant of self-defense (hereinafter the “deadly force variant”), the law provides that an actor is justified in using deadly force when he reasonably believes that another person is “about to use unlawful, deadly force” against him. RSA 627:4, II(a). However, with the other two variants—RSA 627:4, II(b), which addresses the likely use of unlawful force by a person who is committing a burglary (hereinafter the “burglary variant”), and RSA 627:4, II(d), which addresses the likely use of unlawful force by a person in the commission of a felony against the actor within the actor’s dwelling or curtilage (hereinafter the “felony variant”)—there is no requirement that the actor be confronted by a person using unlawful and imminent deadly force.

Instead, pursuant to the burglary and felony variants, an actor can use deadly force in response to unlawful force when he reasonably believes that the use of force against him is only “likely,” in other words, when the use of unlawful force is probable. Further, in contrast to the deadly force variant, the other two variants permit the use of deadly force in response to the threat of merely “unlawful force” under certain circumstances. There is no requirement that the actor face a threat of “unlawful, deadly force.” Thus, the two variants of self-defense contained in RSA 627:4, II(b) and (d), set lower thresholds for the use of deadly force by an actor in his home and its curtilage and do not require the resident to face the imminent use of unlawful, deadly force.

These are the legal standards that help guide the Attorney General’s review of the use of deadly force in this case.

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Tyler Cochran was justified in using deadly force against Terrence Wigglesworth in self-defense, pursuant to RSA 627:4, II(b) and (d). Because Mr. Cochran was justified in using deadly force pursuant to those provisions, which require Mr. Cochran to have only reasonably believed that Mr. Wigglesworth was “likely to use any unlawful force,” even non-deadly force, rather than deadly force, this review does not address whether Mr. Cochran reasonably believed that he faced deadly force under 627:4, II(a).

Mr. Wigglesworth was not lawfully permitted to be in either the 46 Warren Street apartment building or Mr. Cochran’s apartment. Mr. Cochran told investigators that he communicated to Mr. Wigglesworth that he was not allowed in his apartment previously that morning, and just prior to Mr. Wigglesworth forcing entry into his apartment. Bystanders noted that Mr. Cochran told Mr. Wigglesworth he was not allowed in his apartment. For example, Mr. Stone heard Mr. Cochran say in the minutes preceding the incident, “I don’t want you here, just leave.” Mr. Wigglesworth had been served paperwork ordering him not to be on the 46 Warren Street property. Instead of leaving, Mr. Wigglesworth forced entry into Mr. Cochran’s apartment, over his command for Mr. Wigglesworth to leave. Mr. Cote saw Mr. Wigglesworth kick Mr. Cochran’s apartment door open, and investigators documented scuff-type marks on Mr. Cochran’s apartment door. While Mr. Cochran’s and Mr. Cote’s description of how Mr. Wigglesworth forced Mr. Cochran’s door open differed, there is no dispute that Mr. Wigglesworth forced his way into Mr. Cochran’s apartment. Accordingly, there is sufficient evidence that Mr. Wigglesworth unlawfully entered both the apartment building and, eventually, Mr. Cochran’s apartment.

There is also sufficient evidence that Mr. Wigglesworth forced entry into Mr. Cochran's apartment with the intent to commit the crime of assault. *See, e.g.*, RSA 631:2-a. Mr. Cochran detailed how Mr. Wigglesworth caused unprivileged contact to him before, during, and after forcing entry into his apartment. He told investigators that Mr. Wigglesworth swiped his arm away, kicked him in the leg, struck him in the head, and attempted to choke him. While there are no independent witnesses of what occurred in the apartment, investigators found evidence of the assault on Mr. Cochran's body, including small red marks, scratches, and abrasions. These marks and minor injuries on Mr. Cochran's body were corroborative of Mr. Cochran's accounting of the assault.²⁹ Consequently, the force used by Mr. Wigglesworth was unlawful and there is no evidence that he stopped or was going to stop using unlawful force before Mr. Cochran used deadly force.

While RSA 627:4, II(b) and (d) provide for different variants of self-defense, the analysis of both variants in this case is essentially the same. The burglary variant, RSA 627:4, II(b), allows an actor to use deadly force if he reasonably believes that the other person is committing or attempting to commit a burglary and that the other person was likely to use any unlawful force against anyone present. The felony variant, RSA 624:4, II(d), allows an actor to use deadly force if he reasonably believes that the other person is likely to use any unlawful force in committing a felony against the actor in the actor's dwelling or its curtilage. The crime of burglary is a felony, *see* RSA 635:1, II, and therefor satisfies the "felony" element within RSA 627:4, II(d). In New Hampshire, a person is guilty of burglary "if he or she enters or remains unlawfully in a building

²⁹ Mr. Wigglesworth's location on the apartment floor, the positioning of the coffee table, the location of the spent bullet casings, and the bullet trajectory from the living room into the bedroom, are also corroborative of Mr. Cochran's recounting of the events and the positioning of the two men at the time of the shooting.

or occupied structure, or separately secured or occupied section thereof, with purpose to commit a crime therein” RSA 635:1.

Based upon the totality of the evidence, a reasonable person could have believed that Mr. Wigglesworth had unlawfully entered or remained in the apartment and was likely to use unlawful force against Mr. Cochran. Accordingly, the evidence supports the prerequisite requirements of RSA 627:4, II(b) and (d), in that, there is sufficient evidence to show Mr. Wigglesworth used unlawful force in the commission of a burglary, i.e. a felony. *See, e.g., State v. Zubhuza*, 166 N.H. 125, 131 (2014) (finding sufficient evidence of defendant’s burglary conviction where a rational jury could have found that the defendant intended to assault the victim at the time of his unauthorized entry into an apartment).

Therefore, based upon the totality of these facts and the lesser standards imposed in this case for using deadly force contained in RSA 627:4, II(b) and (d), (“likely to use any unlawful force” versus “about to use unlawful, deadly force”), the evidence justifies Mr. Cochran’s use of deadly force in defending himself from unlawful force by Mr. Wigglesworth, who was committing or attempting to commit a burglary, a felony, at the time of the shooting. Because Mr. Cochran was legally justified in using deadly force in self-defense, no criminal charges will be filed against him in connection with Mr. Wigglesworth’s death.

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