

**ATTORNEY GENERAL'S REPORT REGARDING THE AUGUST 26, 2023 DEATH OF
ALEXANDER TALCOTT IN DURHAM,
NEW HAMPSHIRE**

I. INTRODUCTION

The Office of the Attorney General and the New Hampshire State Police have concluded an investigation into the August 26, 2023 homicide of Alexander Talcott (age 41) at his residence in Durham, New Hampshire. During that incident, Mr. Talcott's wife Kristin Talcott (age 41) stabbed him during a physical altercation while inside their single-family home. Mrs. Talcott claimed that she acted in self-defense. The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding Mrs. Talcott's use of deadly force against Mr. Talcott. The findings and conclusions set forth in this report are based upon information gathered during the investigation, including witness interviews, the 911 call placed by Mrs. Talcott, police reports, photographs, and physical evidence.

As provided in RSA 626:7, I(a), when there is some evidence of self-defense, the State must disprove such defense beyond a reasonable doubt. Based on the investigation of the homicide, the Attorney General finds that Kristin Talcott was justified in using deadly force for self-defense. As such, no charges will be filed against her in Alexander Talcott's death.

II. SUMMARY OF THE FACTS

On the evening of August 25, 2023, Alexander and Kristin Talcott were in their Durham home with their three minor children. The couple had been married for 17 years, but in the months prior to the homicide they had experienced increased marital discord, arising in part from financial hardship facing the family. Also during this time, Mr. Talcott had been acting increasingly erratically towards his wife, including sending her text messages alluding to his

desire to commit suicide. As a result of these issues, Mrs. Talcott actively had explored separating from Mr. Talcott and living, with the children, with family members in Massachusetts.

On the evening of August 25, Mrs. Talcott went to sleep in the area of the house where the children slept, as was her common practice, and was followed shortly thereafter by all three kids. Mrs. Talcott had with her a cannister of pepper spray, which she carried out of growing concern of her husband's behavior.

Early the following morning, at about 1:30 a.m., Mr. Talcott woke up Mrs. Talcott, asking in substance to talk with her. She agreed, and followed him to their master bedroom, which was in an area of the house separate from where the children slept. In the master bedroom, the couple sat on the bed, and Mr. Talcott placed an arm around his wife and told her how much he loved her and the kids. He then informed her in substance that he had found notes that she had written, which among other information discussed how to obtain a temporary restraining order against him. Mr. Talcott told Mrs. Talcott in substance that he would not let her and the children leave him, and pulled out a kitchen knife, which he proceeded to use to inflict cuts along his wife's arms. While Mr. Talcott was assaulting his wife, she was able to take out the pepper spray she was carrying and spray him. Mr. Talcott fell back in the bed and dropped the knife, and Mrs. Talcott grabbed it and stabbed him in the neck, letting go of the knife when she did so.

Although Mr. Talcott was injured, he tried to assure his wife that he would change and explained that he was going to "get this fixed." When Mrs. Talcott told her husband that he was "crazy," he attacked her again, pushing her against a wall and jabbing at her with the knife, which he had resealed. During the ensuing struggle, Mrs. Talcott was able to regain control of

the knife, and stabbed her husband in the neck again. Mr. Talcott stumbled into an adjacent bathroom. Mrs. Talcott remained in the bedroom, watching her husband out of fear that if she tried to leave the bedroom he would pursue her. When Mr. Talcott eventually fell to the floor, Mrs. Talcott ran to her cellphone, in another area of the house, and called 911. Police responded to the residence about ten minutes after Mrs. Talcott began her 911 call. Mr. Talcott was dead when the police arrived. Mrs. Talcott was taken to a local hospital for treatment of her wounds, which included multiple cuts to various parts of her body. None of the children witnessed the altercation, or were injured.

III. THE INVESTIGATION

A. Background Relationship of Alexander and Kristin Talcott

Alexander and Kristin Talcott met in college, and married in 2006. The couple were the parents of three minor children, and the family lived in a single-family home in Durham, New Hampshire. Mrs. Talcott devoted her time to taking care of their children, whom she home-schooled. Although Mr. Talcott was a lawyer by profession, at the time of his death he was primarily engaged in entrepreneurial endeavors, with a focus on real estate investments. Mr. Talcott was in charge of family finances.

At the beginning of 2023, Mrs. Talcott became aware of many financial issues that Mr. Talcott had not informed her of before. She learned that mortgage payments were several months in arrears and that her husband had not filed income tax returns “in years.” Mrs. Talcott also learned that the family’s health insurance had lapsed, that bills had not been paid, and that credit cards were “maxed out.” During this same time, according to Mrs. Talcott, Mr. Talcott was “constantly” verbally abusive towards her, particularly when she brought up finances, and

their interactions were otherwise distant.¹

Over the summer of 2023, the financial stressors on the Talcotts increased. Each separately shared with friends and family a belief that they would lose their home. Mr. Talcott actively sought high-salaried employment, but was unsuccessful in his pursuits. He borrowed money from family and friends, and expressed concern that he might “lose his family” if he did not immediately find employment. Mrs. Talcott—a social worker—renewed her professional license and restarted her practice in order to earn needed income.

During this same time, Mr. Talcott’s mental state deteriorated. Depression and suicidal ideation, which he had experienced in the past, resurfaced. Among the numerous text messages that Mr. Talcott sent his wife during this period were messages that noted his depression and alluded to taking his own life. In a series of such text messages, from August 7, 2023, Mr. Talcott forwarded a link to an article entitled “I Hate My Life,” and wrote the following:

I’m sorry
but I don’t like living

They don’t count on me
You can’t count on me

No one should
I don’t

I see no likely outcome that includes me accomplishing enough, believing anything I were to get would stick or grow or somehow ward off whatever other bad will haunt or find me

¹ Mrs. Talcott also detailed isolated occasions of physical aggression by her husband. She was not injured in any of these instances, and she never reported them out of “embarrassment.”

One of Mr. Talcott’s close friends reported to investigators that Mr. Talcott had claimed that Mrs. Talcott was verbally abusive towards him and “unpredictable,” and that their marriage was fractured. The friend noted that upon talking with another of Mr. Talcott’s friends, Mr. Talcott did not report anything similar to them.

In another series of text message sent by Mr. Talcott on August 23, while recounting his unsuccessful job search efforts, he wrote the following:

Turning off the thought of going out on a blaze vs with a whimper

The world's not interested in the burden of me sticking around
Start preparing whatever you think I need to sign

Mr. Talcott's cellphone records indicated that on August 23 he also twice called a suicide crisis hotline. He later texted his wife that he "[h]ung up" in his first call, and that his second call had "bad reception."

Mrs. Talcott "begged" Mr. Talcott to seek therapy and to take medication to address his regressing mental health. She also expressed to family and friends her concerns for her and her children's safety from her husband's "erratic" behavior. The focus of those concerns was Mr. Talcott's "volatility"—he would get easily angered—and depression.

As a result of these various issues, Mrs. Talcott started plans to take the children and leave Mr. Talcott. She tried to keep those plans secret from her husband, so as not to trigger what she believed could be an angry and unpredictable response from him. Mrs. Talcott talked with family and friends about her plans, and also discussed with her mother and stepfather the option of she and the kids living with them in Massachusetts. Mrs. Talcott also called a local domestic violence shelter and a legal aid office for assistance and advice, and learned that she might need to take out a temporary restraining order against Mr. Talcott in order to reside with the children in Massachusetts. Mrs. Talcott wrote some information that she gathered from her legal inquiries on to a notecard that she typically kept in her handbag. The notecard included contact information for legal services, and made reference to "restraining order, "NH domestic violence statute," and "kids will temporarily be in my custody."

On August 24, 2023, Mrs. Talcott took the children to Massachusetts for a field trip, spending the night with her mother and stepfather. Mrs. Talcott expressed to her parents continuing concern about Mr. Talcott's erratic behavior. They suggested that she carry pepper spray for her safety. That discussion reminded Mrs. Talcott that she already had pepper spray at home; an avid runner who typically ran in the early morning, she previously had purchased pepper spray to take with her on her workouts.

While Mrs. Talcott and the children were in Massachusetts, Mr. Talcott remained at their home in Durham. On August 24, he invited over a friend, and they socialized briefly in the house that early evening. Mr. Talcott discussed his unsuccessful attempts to find work, efforts which he described as "frustrating." Mr. Talcott appeared to his friend to be "a bit more depressed, a bit more subdued."

Mrs. Talcott was in Massachusetts with the children during the day on August 25, while Mr. Talcott remained in New Hampshire. In the later afternoon, the Talcotts exchanged casual text messages about her intended return home with the children.

B. The Night of the Fatal Incident: Statement by Kristin Talcott²

Mrs. Talcott and the kids arrived home from Massachusetts early in the evening of August 25. Mr. Talcott was home when Mrs. Talcott and the children returned. He seemed to be in a good mood and was "super excited" to see the children. Mrs. Talcott unpacked and then went to bed at about 8:30 p.m. She retired to the area of the house where the kids slept, which was separate from the area where the master bedroom was located. She took with her the pepper

² The following summarizes information provided by Mrs. Talcott during an interview conducted on August 28, 2023, by members of the New Hampshire State Police and the Attorney General's Office. Investigators initially and briefly spoke with Mrs. Talcott at the Durham Police Department on August 26, but she ultimately indicated that she wanted to speak to a lawyer before discussing the incident. The August 28 interview occurred with counsel for Mrs. Talcott present.

spray that she remembered she had purchased for running, placing the cannister in a pocket of the pants she slept in. The children joined their mother for bed about half an hour later.

At about 1:30 a.m., Mr. Talcott woke up Mrs. Talcott and said that he wanted to talk with her in the master bedroom. Although the request was atypical, he appeared “calm” and “fine.” Mrs. Talcott then went with Mr. Talcott to the master bedroom.

The two sat on the side of the bed, and Mr. Talcott wrapped one of his arms around his wife’s shoulders. He told her in substance, “You know how much I love you and the kids. But I found this,” indicating the nearby nightstand. There, Mrs. Talcott saw the notecard on which she had written information about her planned separation; she last remembered putting the notecard in her handbag, a place she believed her husband would not search through. Mr. Talcott tightened his grip around his wife and said in substance, “You really think I would let you and the kids leave?” Mrs. Talcott was scared, and told her husband that she was too tired to talk and just wanted to go to bed. Mr. Talcott took out a kitchen knife, and began “gently cutting” Mrs. Talcott’s arms with it.

Mrs. Talcott was “terrified.” As she later explained: “I was with someone who is emotionally unstable and knows I am trying to leave.” She begged her husband to stop and let her go, but he continued to cut her, saying that he loved her and did not want her to leave. During the assault, Mrs. Talcott managed to remove the pepper spray from her pocket and discharge it in her husband’s face. He fell back on the bed, and she grabbed the knife and stabbed him in the side of the neck, letting go of the knife when she did so.

Mr. Talcott, still alive and conscious, went with the knife to the side of the bedroom. His demeanor “totally changed,” and he began to explain to Mrs. Talcott—who remained in the bedroom because she feared that he would follow her—how he would change and their lives

would be better. Mr. Talcott talked about how he loved Mrs. Talcott, how much he had accomplished the past week in employment efforts, and how he was “going to get this fixed.” Mrs. Talcott, still “terrified,” told her husband that he needed to lie down and that she needed to call the police, but he responded that he did not trust her. Mr. Talcott also asked for some water, and Mrs. Talcott poured him a glass from the adjacent master bathroom.

At one point while Mr. Talcott was explaining how he was going to “figure this out,” Mrs. Talcott told him in substance, “You’re crazy.” That appeared to “re-escalate” Mr. Talcott. He “came at” his wife, pushing her against a wall and jabbing towards her stomach with the kitchen knife. Mrs. Talcott struggled with her husband, and during the tussle she was able to retake the knife from him. Mr. Talcott told her in substance, “I’m going to kill you and kill the kids and then I’m going to kill myself because you know I can’t take care of them.” During their struggle Mrs. Talcott stabbed her husband again in the neck.

The knife dislodged from Mr. Talcott’s neck and fell to the floor, and he stumbled into the master bathroom. Mrs. Talcott remained in the bedroom, where she could see him in the bathroom. She saw her husband’s cellphone on the nightstand but did not know its access code, and did not leave to get her own phone—left behind in the area of the house where the children slept—because she feared that her husband might pursue her there. As Mrs. Talcott later explained: “I wasn’t going to leave him while I thought he could still come after me.”

While Mr. Talcott was in the bathroom, he asked Mrs. Talcott for a piece of fruit, a request that she noted seemed “weird.” He also asked his wife to call the police, and she lied to him and said that she had and that they were en route. When Mr. Talcott fell to the bathroom floor—as Mrs. Talcott explained, a point when “I thought he couldn’t hurt me or come after me or the kids”—she ran to her cellphone and called 911. She also grabbed a piece of fruit, returned

to her husband, and placed it by him, acknowledging that it was “weird” but “this is the person I loved for twenty years.” Mr. Talcott was still alive when his wife first connected with 911, but soon thereafter he appeared to her to be dead.

C. Kristin Talcott’s 911 Call

At about 2:30 a.m. on August 26, Mrs. Talcott called 911 using her cellphone. She was audibly distraught throughout the call, which lasted about eight minutes. Mrs. Talcott reported that her husband had attacked her and was injured and “dying,” and that she was bleeding. Mrs. Talcott explained that her husband “found out that I was trying to get away,” and recounted that she “got the knife back” and “stabbed him in the neck because he was attacking me.” Mrs. Talcott said that she was calling from the bedroom and could see her husband in the bathroom, but when asked whether he was breathing explained, “I can’t go in, I’m too scared.” The call ended when the police arrived at the house.

D. Law Enforcement Response

Police officers first arrived at the Talcott household at about 2:40 a.m. on August 26. The police initially encountered Mrs. Talcott. She appeared stunned and distraught, she had several bleeding wounds on her body, and her clothes were stained with apparent blood.³ Mr. Talcott was found dead on the floor of the master bathroom. He was wearing shorts and a long-sleeved pullover. Paramedics tended to Mrs. Talcott’s injuries at the house, and she was taken to a local hospital where she received additional treatment. Observed and documented wounds included multiple lacerations to her arms, hands, abdomen, shoulders, chest, and neck.

³ The qualification of “apparent” here and elsewhere is used because confirmatory chemical tests were not conducted on any observed stains.

E. Other Witness Accounts

There were no other eyewitnesses to the deadly force incident between Mr. Talcott and Mrs. Talcott. The Talcotts' minor children were asleep in a separate area of the house, and did not see or hear any of the incident. Investigators did interview friends and family members of both Talcotts in order to obtain background information on their relationship. Many of those interviewed witnesses were aware that the Talcotts had recently reported and were experiencing financial hardship, and that Mr. Talcott was actively seeking employment but had been unsuccessful in those efforts. Family members of both Mr. Talcott and Mrs. Talcott also recounted her reports to them that her husband had been acting increasingly "erratic," and shared with them how she had grown afraid of her husband in the weeks before the fatal altercation. People close to Mr. Talcott also confirmed that he had experienced depression of varying degree over the years.

F. Physical Evidence

Investigators found and documented a chef's knife with apparent bloodstains on the floor by the bed in the Talcott's master bedroom. The knife had a manufacturer's mark identical to a knife set kept in the kitchen. There also was staining on the bedroom ceiling consistent with discharged pepper spray, and some first responders experienced irritation from chemical exposure when they entered the room. Investigators also saw and documented on the bedroom floor a glass and an apple, which were consistent with what Mrs. Talcott remembered and recounted getting her injured husband at his request. Mrs. Talcott's notecard with separation information was on a nightstand by the bed.

Apparent bloodstaining of various degrees was on the bed, nearby furniture, floor, and walls in the master bedroom. A mirror hung askew on the wall into which Mrs. Talcott

recounted her husband had shoved her while jabbing at her with the kitchen knife during his reinitiated attack. There were no other physical signs of struggle in the master bedroom,⁴ or elsewhere in the house. There were apparent bloodstains in various areas of the master bathroom where the police found Mr. Talcott's dead body on the floor.

G. Autopsy Results

Chief Medical Examiner Jennie Duval conducted an autopsy on Mr. Talcott on August 27, 2023. Mr. Talcott sustained three separate stab wounds: to the front of his neck, to his right upper neck, and to the lower back of his head. The anterior stab wound perforated Mr. Talcott's trachea, carotid artery, and esophagus. Mr. Talcott also had numerous incised wounds and abrasions to his body, the majority of which were superficial.⁵

Mr. Talcott's death was determined to be a homicide, with his noted cause of death "stab wound of the neck." As used by the Office of the Chief Medical Examiner, the term "homicide" is defined as the killing of one person by another.

⁴ The door to the master bedroom was broken, but Mrs. Talcott explained that the damage had occurred during an unrelated incident several weeks prior, when one of the children had locked herself in the room.

⁵ Toxicology testing of a sample of Mr. Talcott's blood revealed the presence of an antihistamine, as well as amphetamine. The latter was consistent with therapeutic dosage for prescribed medication for ADHD.

IV. APPLICABLE LEGAL STANDARDS

New Hampshire's self-defense laws are codified in RSA Chapter 627. RSA 627:4, physical force in defense of a person, contains several variants that set forth when a private citizen may lawfully use deadly force to protect himself or herself in certain circumstances. This review focuses on the following variant:

A person is justified in using deadly force upon another person when he reasonably believes that such other person ... [i]s about to use unlawful, deadly force against the actor . . .

RSA 627:4, II(a).⁶ Although this statute addresses a person's justifiable conduct in the face of imminent deadly force, common sense dictates that it applies as well to ongoing deadly force being perpetrated against the person. 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.

As to the requirement that lawful deadly force must be based upon a reasonable belief that another is about to use unlawful deadly force, 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 a person had a reasonable belief that deadly force was necessary to defend from imminent or ongoing deadly force.

⁶ Mrs. Talcott's use of deadly force also occurred inside her house, and she explained that she stabbed her husband to protect her kids as well as herself. Thus, other self-defense provisions likely are applicable. See RSA 627:4, II(a) (extending justifiable deadly force to situations when the actor reasonably believes that a person is about to use deadly force against another person); RSA 627:4, II(d) (deadly force justified when the actor reasonably believes that a person "[i]s likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling . . ."). Because the above-cited self-defense provision related to deadly threat to one's own safety is dispositive to the legal analysis discussed later in this report, these other likely applicable provisions will not be discussed.

When reviewing a deadly force incident, the subject's conduct should be viewed considering "the circumstances as they were presented to him [or her] 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 the 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 to protect oneself also must be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Kristin Talcott was legally justified in her use of deadly force against Alexander Talcott under RSA 627:4, II(a).

Although the deadly use of force at issue occurred on August 26, circumstances arising in the prior months have direct pertinence to the events that unfolded that night, as well as to Mrs. Talcott's state of mind when she used deadly force against her husband and his likely state of mind for his own conduct that precipitated her justified responses. In particular, the Talcott marriage was undergoing a great deal of turmoil. For one, multiple economic woes, which Mr. Talcott had largely kept from his wife, were coming to light. Those mounting troubles carried severe financial repercussions, including the possibility that the family would lose their house. As a result of these dire monetary issues, Mr. Talcott was actively attempting to find a lucrative job, under the belief that he needed to do so in order to save both his marriage and the family home. But he was unsuccessful in his employment efforts.

In addition to an ongoing serious financial predicament, Mr. Talcott was experiencing a mental health crisis. Specifically, he suffered from depression and what his wife characterized as “erratic” behavior. Although Mr. Talcott’s distress was not observed or recognized by all those who interacted with him in the months before his death, his wife spoke with friends and family—both hers and his—about his deteriorating mental health, as well as her growing fear for the safety of herself and their children. Mr. Talcott’s mental decline during this time was reflected in text messages that he sent, in which he alluded to dying, as well as in calls that he placed to a crisis hotline.

Because of these issues, Mrs. Talcott was actively seeking to leave Mr. Talcott with the kids “safely,” and also without him knowing, so as not to prompt from him the very erratic response of which she expressed fear to others. Towards that end, Mrs. Talcott spoke with friends and family about her separation plans, and also contacted domestic violence and legal professionals for assistance and advice. She also chose to keep self-defense spray at hand in case she needed it for protection against her husband.

It is with this background that the fatal encounter between the Talcotts is accurately and appropriately viewed. The encounter began with Mr. Talcott simply asking his wife to talk, a request that although unusual given the early hour in which he made it, was not completely abnormal to his wife. When the couple then went to the master bedroom, Mr. Talcott made his true intention known: to confront his wife with his discovery of her plans to leave with the children. He also produced a kitchen knife, and used it to repeatedly cut his wife while he talked about how he would not allow her and the children to leave. Mrs. Talcott described how she was “terrified” at this point, which objectively viewed would be a fair characterization of the dangerous predicament she unexpectedly faced. At that time, Mr. Talcott was committing a

violent and armed assault against his wife. When Mrs. Talcott then used pepper spray against her husband, and immediately thereafter when he dropped the knife and she used it to stab him, he actually was using unlawful deadly force against her. Mr. Talcott's conduct constituted ongoing unlawful deadly force that justified Mrs. Talcott's use of defensive deadly force to prevent further life-threatening acts against her.

After the initial stabbing, Mr. Talcott took the knife and ultimately again attacked his wife with it, shoving her against a wall and thrusting the knife at her. During the struggle of that second armed assault against Mrs. Talcott, she again was able to disarm her husband and stab him with the same knife that he was actively using against her. Similar to the first instance of Mrs. Talcott's use of deadly force, at the time when she stabbed her husband in the neck the second time, she once again was faced with ongoing unlawful deadly force committed by him against her, and responded with her own justifiable use of deadly force.

To be sure, the legal determination of the lawfulness of Mrs. Talcott's use of deadly force against Mr. Talcott relies largely upon her account of events, as she was the sole eyewitness to what happened. What Mrs. Talcott told investigators materially tracked what she recounted when she called 911 to report what had occurred and to summon the police, a call in which she was still audibly shaken and afraid of her husband. Further, nothing observed by investigators from the scene of the fatal encounter contradicts the account given by Mrs. Talcott. And, even though aspects of that account may sound strange—such as Mrs. Talcott getting water and food for the person who had just attacked her with a knife—such counterintuitive acts are not unusual in the context of a domestic violence event. As Mrs. Talcott explained in noting that getting her injured assailant a piece of fruit was “weird”: “This is the person I loved for twenty years.” Lastly as to physical evidence, Mrs. Talcott sustained numerous wounds entirely consistent with

the knife-point assaults by her husband that she reported had precipitated her own use of force against him. Her account is further corroborated by all of the physical evidence at the scene.

Moreover, important aspects of Mrs. Talcott's account of pertinent events leading up to the fatal confrontation are objectively corroborated by multiple sources. Phone records corroborate her contacts with a domestic violence shelter and legal assistance, and her husband's calls to a suicide crisis hotline. Mrs. Talcott also reported to several friends and family members her concerns about her husband's deteriorating mental condition and increasing volatility. And, text messages that he wrote to her objectively reflect someone in mental turmoil. Although not everyone who knew Mr. Talcott and interacted with him shared safety concerns similar to those voiced by his wife, many did express that he seemed "stressed" and "depressed" in the months leading up to his death.

Accordingly, based on all the facts and circumstances known to Kristin Talcott at the time she used deadly force against Alexander Talcott, it was reasonable for her to conclude that her husband was using unlawful deadly force against her and that her own use of deadly force was necessary to prevent his further violent aggression. Therefore, no criminal charges will be filed against Mrs. Talcott in connection with the death of Mr. Talcott because Mrs. Talcott justifiably used deadly force to defend herself.