

STATE OF MAINE
AROOSTOOK, ss.

SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
LAW DOCKET NO. ARO-23-352

STATE OF MAINE
APPELLEE

v.

CHRISTINE DESROSIERS
APPELLANT

ON APPEAL FROM UNIFIED CRIMINAL COURT, AROOSTOOK COUNTY

**** BRIEF OF APPELLEE****

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I. STATEMENT OF RELEVANT FACTS

On or about May 19, 2023, Sgt. Kyle White of the Presque Isle Police Department was patrolling the vicinity of Parsons Street in Presque Isle. Transcript, Page 49, Line 7-11 (hereinafter referred to as T, p.-, l.-) Sgt. White was operating a marked 2022 Ford Explorer police car and was in uniform. T., p. 50, l. 4-8. Sgt. White observed a silver Chevrolet Trailblazer traveling north on Parsons Street and the vehicle had Maine plates but did not have a Maine inspection sticker. T., p. 49, l. 18-22. Sgt. White activated his flashing emergency lights and turned behind the Trailblazer. T., p. 50, l. 9-13. He observed the Trailblazer pull into the parking lot of Save-A-Lot grocery store on Parsons Street and into a parking stall. T., p.50, l. 22-24; p. 51, l. 3-10. Sgt. White, with his lights still activated, parked his vehicle about the length of one parking stall behind the Trailblazer. T., p. 51, l. 15-21. He exited his vehicle and approached the vehicle he attempted to stop. T. p. 51, l. 12-14.

As Sgt. White approached the Trailblazer, the operator of the vehicle exited, walked around the vehicle opening doors, and rummaging through the passenger compartment. T., p. 51, l. 22-24; p. 52, l. 1-4. Upon approaching the female operator, Sgt. White requested her vehicle documentation, license, registration, and proof of insurance. T., p. 52, l. 6-14. The operator initially failed to provide those

documents. T., p. 52, l. 8-9. The operator of the vehicle was subsequently identified as Christine Desrosiers. T. p. 62, l. 8-13. The Trailblazer operated by Christine Desrosiers was registered to Derek Richards who was deceased. T. p. 59, l. 10-11; p. 76, l. 1-5. Christine Desrosiers indicated she had purchased the vehicle. T. p. 78, l. 12-18. When Sgt. White inquired as to her registering the vehicle, Christine White indicated that she did not plan to register the vehicle and planned to affix a plate with the word "liberty" along with other lettering indicative of anti-government sentiment. T., p. 59, l. 12-25; p. 60, l. 1-3.

Sgt. White requested backup to his location. T., p. 95, l. 4-7. Detective Tyler Seeley, Officer Gavin Vining, Officer Rob Rackham, and Warden Megan Orchard responded to the scene. T., p. 84, l. 9-19.

Sgt. White informed Christine Desrosiers that she was under arrest and attempted to handcuff her. T., p. 62, l. 17-23. Christine Desrosiers would not provide her wrist, pulled away, began screaming, and did not comply with order while Sgt. White attempted to arrest her. T., p. 62, l. 17-25; p. 63, l. 1-3; p. 96, l. 22-25. Other officers assisted to handcuff Christine Desrosiers. T., p. 63, l. 3-4. She then dropped to the ground and refused to comply with directions given multiple times by law enforcement. T., p. 63, l. 4-13. As law enforcement attempted to place Christine Desrosiers into the cruiser, she would not walk and lifted her feet off of the ground. T., p. 86, l. 15-25. Once Christine Desrosiers was placed in the cruiser,

she would not voluntarily place her feet in the vehicle and Detective Seeley moved her legs into the police cruiser. T., p. 87, l. 14-25; p. 88, l. 1-4.

Once Christine Desrosiers was placed in the cruiser, she unbuckled herself and slid the buckle in front of her. T., p. 74, l. 1-6. She would not cooperate with commands inside the vehicle and was drive stunned by Sgt. White. T., p. 103, l. 14-17. Christine Desrosiers banged her head off the plastic divider, kicked the divider, and continued to scream. T., p. 101, l. 3-12. (Video of the incident was captured on body camera and cruiser camera. T., p. 53, l. 8-24; p. 54, l. 1-15; p. 55, l. 8-17; p. 63, l. 14-25; p. 64, l. 6-20.) Law enforcement continued to have contact with Christine Desrosiers inside the police cruiser. T., p. 101, l. 14-24; p. 103, l. 1-23.

Christine Desrosiers was on bail at the time of the incident. T., p. 74, l. 21-23. Conditions of her bail included that she not commit new criminal conduct. T., p. 75, l. 1-2.

On May 22, 2023, Appellant was charged by complaint with Refusing to Submit to Arrest or Detention (17-A M.R.S.A. §751-B), Failure to Register Vehicle (29-A M.R.S.A. § 351), and Violating Condition of Release (15 M.R.S.A. § 1092). (A. 1, 13-14). The matter proceeded through the Unified Criminal Docket in the ordinary course until it was finally reached for trial. A. 1-5). The trial was held on September 5, 2023 and resulted in verdicts of guilty on all three counts. (A. 3).

The trial evidence comprising Appellee's case in chief consisted of testimonial evidence from Sgt. Kyle White, Detective Tyler Seeley, Warden Megan Seeley, introduction of a photograph of the license plates, and the introduction of a body camera video and cruiser camera video depicting Appellant's commission of Count 1, confession to Count 2, and how Appellant reacted in the immediate aftermath of her arrest.^{1 2}

II. ISSUES

- A. Whether the evidence presented at trial is sufficient to sustain Appellant's conviction from Refusing to Submit to Arrest.**
- B. Whether the trial court did not commit obvious error when it admitted video evidence of Appellant.**
- C. Whether the evidence presented at trial is sufficient to sustain Appellant's conviction for Operating an Unregistered Motor Vehicle.**
- D. Whether the predicate for Appellant's conviction for Violation of Condition of Release is Appellant's conduct alleged in Counts 1 and Count 2.**

¹ The evidence presented at trial, viewed in the light most favorable to the verdict, supports Appellee's factual characterization.

² The parties stipulated prior to trial that evidence of Appellant's bail conditions would not be admitted and that convictions for either Count 1 or Count 2 would necessarily result in Appellant's conviction for Count 3.

III. DISCUSSION

A. The evidence presented at trial is sufficient to sustain Appellant's conviction from Refusing to Submit to Arrest.

1. Standard of Review

When a criminal defendant challenges the sufficiency of the evidence upon which that defendant was convicted, the Law Court considers the entire record of evidence, viewing that evidence in the light most favorable to the jury's verdict, to determine whether a jury could have found each element of each offense beyond a reasonable doubt. *State v. Hansley*, 2019 ME 35, ¶ 19, 203 A.3d 827 (“When reviewing a judgment for sufficiency of the evidence, we view the evidence in the light most favorable to the State to determine whether the fact-finder could rationally have found each element of the offense beyond a reasonable doubt.”) (quoting *State v. Cummings*, 2017 ME 143, ¶12, 166 A.3d 996). See also *State v. Jones*, 2012 ME 88, ¶7, 46 A.3d 1125.

2. Argument

Sgt. Kyle White, Detective Tyler Seeley and Warden Meghan Orchard (nee Seeley) testified at the trial and presented evidence detailing the stop, investigation and arrest of Christine Desrosiers. Each witness described Desrosiers as failing to comply with commands, using force to not submit to arrest, and being combative. The entire incident was captured on Sgt. White's body camera which was admitted into evidence and published for the jury. Cruiser footage from inside the vehicle

was also captured, was admitted into evidence, and two minutes of that footage was published for the jury.

The video admitted into evidence clearly shows Christine Desrosiers not complying with Sgt. White's instructions and requests from the first moment he has contact with her on the stop. She refuses to answer questions and does not provide paperwork. When answering questions, Desrosiers is belligerent. Once told she is under arrest, Desrosier did not submit to being handcuffed or comply with orders from law enforcement. She pulled away and tried to keep her hands hidden from law enforcement. Multiple officers were needed to restrain her. When taking Desrosiers to the police cruiser, she dropped to the ground and refused to walk. She ignored all orders and directions given by law enforcement. Multiple officers were needed to get her into the cruiser. Once in the cruiser, she did not put her feet into the vehicle and stuck one foot into the door jam so the door could not be closed. An officer had to move her foot in order to close the door. Desrosier was buckled in the vehicle by law enforcement until she unbuckled herself. She ignored directions as Sgt. White attempted to re-buckle her. Sgt. White provided numerous warnings that she would be tazed if she did not comply. Desrosiers still did not comply and she was tazed. Desrosiers then repeatedly hit her head against the cruiser window and divider and then began kicking the inside of the cruiser. The video, accompanied by testimony, shows physical force against the law

enforcement officers in order to hinder, delay, or prevent a law enforcement officer from affecting a delay or detention.

Appellant argued repeatedly during trial that she did not assault an officer. The statute does not require an assault. The statute requires force. Pulling away from the officers was force. Lifting her feet up and pulling the officers to the ground was force. Kicking her legs out of the vehicle was force. The testimony of the officers coupled with the video of the arrest clearly show Desrosiers using force and failing to submit to arrest.

The State presented sufficient evidence to sustain Appellant's conviction for Refusing to Submit to Arrest.

B. The trial court did not commit obvious error when it admitted video evidence of Appellant.

1. Standard of Review

The standard of review of a ruling on relevancy is abuse of discretion. *State v. Gagnon*, 383 A.2d 25 (ME 1978)

2. Argument

Desrosiers was belligerent and noncompliant with law enforcement from the moment Sgt. White approached her. She continued to be noncompliant with orders and restraints in the cruiser after she was arrested. Law enforcement was

continually in and out of the cruiser with Desrosiers due to her unbuckling herself and continual complaints that her handcuffs were too tight.

Appellant objected to admitting the video footage of Christine Desrosiers in the cruiser. The footage captured of Desrosiers was approximately 50 minutes in length and showed Desrosiers screaming, kicking and headbutting the inside of the cruiser for the entire time. Appellee proffered it would only show 2 minutes to the video understanding that playing the video in its entirety would be more prejudicial than probative. As the Appellee argued to the Court, later witnesses would testify that they observed Desrosiers conduct in the cruiser and that they were fearful of her conduct when they were dealing with her inside of the cruiser. The officers checked her cuffs a number of times due to Desrosiers complaints that the restraints were too tight. The officers gave her warnings addressing her behaviors exhibited inside the cruiser when they then had to have contact with her.

Appellant's objection was overruled as "intent is an element of the crime and this is important context, it's certainly relevant; but the Defense does make a valid 403 argument. In light of the State's proffer that it's limited to two minutes, objection overruled" T., p. 67, l. 10-16.

The two minutes of video shown was relevant and probative of Desrosiers continued force as officers were still having physical contact with her inside of the

cruiser and shows the intent of the Appellant. There was no abuse of discretion on the part of the Court.

C. The evidence presented at trial is sufficient to sustain Appellant's conviction for Operating an Unregistered Motor Vehicle.

1. Standard of Review

When a criminal defendant challenges the sufficiency of the evidence upon which that defendant was convicted, the Law Court considers the entire record of evidence, viewing that evidence in the light most favorable to the jury's verdict, to determine whether a jury could have found each element of each offense beyond a reasonable doubt. *State v. Hansley*, 2019 ME 35, ¶ 19, 203 A.3d 827 (“When reviewing a judgment for sufficiency of the evidence, we view the evidence in the light most favorable to the State to determine whether the fact-finder could rationally have found each element of the offense beyond a reasonable doubt.”) (quoting *State v. Cummings*, 2017 ME 143, ¶12, 166 A.3d 996). See also *State v. Jones*, 2012 ME 88, ¶7, 46 A.3d 1125.

2. Argument

Sgt. White stopped the motor vehicle operated by Christine Desrosiers for not having a Maine inspection sticker. During the stop, Sgt. White was told that the operator purchased the motor vehicle. Sgt. White provided this testimony and his body camera footage of his communication with Desrosiers was played for the

jury. The motor vehicle was not registered to Christine Desrosier but was registered to Derek Richards who is deceased. Sgt. White made inquiries to Desrosiers regarding her plan to register the vehicle. She communicated to Sgt. White that she was not going to register the motor vehicle in her name as she was not operating commercially and showed him a homemade plate with the word Liberty written on the plate with some anti-government language. Desrosiers stated she was putting that plate on the vehicle. The paper plate with the word Liberty was testified to by the officer and is visual in the body camera footage admitted into evidence.

The State presented sufficient evidence to sustain Appellant's conviction for Operating an Unregistered Vehicle.

D. The predicate for Appellant's conviction for Violation of Condition of Release is Appellant's conduct alleged in Counts 1 and Count 2.

Appellee agrees that Appellant's conviction for Count 3 is dependent upon this Court affirming Appellant's conviction for either Count 1 or Count 2.

IV. CONCLUSION

For the foregoing reasons Appellant's convictions must be affirmed.

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2024, I mailed two copies of Appellee's brief to Appellant's attorney, via first-class mail, at the address referenced below:

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