State of Maine v. Aaron Aldrich

Appeal from Unified Criminal Docket in
Androscoggin County

Supreme Judicial Court sitting as the Law Court
Law Court Docket number AND-24-541

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Introduction

Mr. Aldrich's ability to receive a fair trial was hampered by the trial court's extensive rulings that allowed prejudicial, irrelevant, and improper evidence before the jury. Mr. Aldrich was also prohibited by the trial court from using beneficial evidence to defend his case. Further errors in jury instructions and in ruling on his suppression motion added to the cumulative impact. The prejudicial effect of these rulings, on issues mostly tangential to the indicted charges, permeated Mr. Aldrich's trial from start to finish, placing him in an extraordinarily unfair light in the eyes of the jury.

Mr. Aldrich has also asserted errors in the court's finding of aggravating circumstances warranting imposition of life sentences and in the failure of the court to consider any mitigating factors in his case.

Procedural History

Aaron Aldrich, the appellant, was charged by criminal complaint on February 27, 2023 with two counts of Murder (Class M) under Title 17-A M.R.S. § 201(1)(A)[1] and one count of Illegal Possession of a Firearm (Class C) under Title 15 M.R.S. § 393(1)(A-1)(1).[2] (App. at 1). An indictment was filed with the lower

[1] Title 17-A M.R.S. § 201(1)(A) states that "[a] person is guilty of murder if the person. . . [I]ntentionally or knowingly causes the death of another human being."

[2] Title 15 M.R.S. § 393(1)(A-1) states that "[a] person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person. . . [h]as been convicted of committing or found not criminally responsible by reason of insanity of committing. . . [a] crime in this State that is punishable by imprisonment for a term of one year or more. . .". Mr. Aldrich stipulated to the fact that he was a prohibited person. (Tr. T. at 2, 4, 7-15).

court on April 4, 2023. (App. at 3). A motion to amend the indictment was filed by the State, and granted by the Court, on September 3, 2024 to change the spelling of the named victim in Count 2 from Mohammed to Mohamed. (App. at 16). Mr. Aldrich was arraigned on April 5, 2023 and entered not guilty pleas to all charges. (App. at 3-4).

Mr. Aldrich filled a motion to suppress his statements to law enforcement on May 31, 2024 and a supplemental motion at the court's request on July 29, 2024. (App. at 8, 12). A hearing was held on the motion on August 30, 2024. (App. at 14). The lower court denied the motion to suppress on September 3, 20024. (App. at 14, 16). The State filed a motion in limine as it pertained to Deputy Medical Examiner Dr. Liam Funte on August 23, 2024 along with four other motions in limine. (App. at 14). Mr. Aldrich filed a number of motions in limine on August 23, 2024 as well. (App. at 14-15). A hearing on the motions was held on August 30, 2024. (App. at 15-16).

A jury was selected on September 5, 2024. (App. at 18). A trial was held before the Androscoggin County Unified Court over seven days, on September 9, 10, 11, 12, 13, 16, and 17 of 2024. (App. at 18-20). The jury returned a guilty verdict on all charges on September 17, 2024. (App. at 20).

On November 11, 2024 Mr. Aldrich was sentenced by the lower court. (App. at 20). On Count 1, the charge of Murder, the court imposed an life sentence to the Department of Corrections and restitution in the amount of $6,795. (App. at

21). On Count 2, the charge of Murder, the court imposed an life sentence to be served concurrently to the sentence imposed in Count 1. (App. at 21). On Count 3, the charge of illegal possession of a firearm, the lower court imposed a five year sentence to the Department of Corrections to be sentenced concurrently to those imposed in Counts 1 and 2. (App. at 22).

A timely notice of appeal and application to allow an appeal of his sentence was filed by Mr. Aldrich on November 22, 2024. (App. at 22). This court granted his sentence appeal on February 20, 2025 and that appeal was consolidated with is direct appeal for consideration by this Court. See Order, Granting Leave, Feb. 20, 2025 at 1.

Statement of Facts

Shoeb Adan[3] and Mohamed Aden[4] were residing at 205 Tripp Lake Road in the Town of Poland in February of 2023.[5] (Tr. T. at 76-77, 189, 208-209, 648). Shoeb had been allowed to stay in the blue trailer on the property, which had previously been vacant.[6] (Tr. T. at 75-77, 87). While at the trailer, Shoeb was engaging in drug deals and smoking marijuana with visitors.[7] (Tr. T. at 78, 81, 99,

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[3] Shoeb went by the names Dennis and D. (Tr. T. at 76, 97-98, 140-141).

[4] Mohamed also went by E. (Tr. T. at 77, 100 , 140-141).

[5] Shoeb had lived at the trailer at that address for a couple of weeks prior to the incident. (Tr. T. at 99). Mohamed had only been staying at the trailer for a few days prior to the February 20, 2023 indecent. (Tr. T. at 100-101, 111-112, 191, 206).

[6] Prior to moving there, Shoeb had been residing with Crystal Bosse in Oxford. (Tr. T. at 87, 98-99, 114, 188; 209).

[7] The trial testimony established that Shoeb was selling crack cocaine for the 205 Tripp Lake Road trailer (Tr. T. at 99-100).

1011-102, 141, 143-144, 148-149, 150-152, 179). Guns and large amounts of cash were also seen there. (Tr. T. at 78-79, 85, 88, 93, 102-103, 105-106, 111-112, 115-119, 122-123, 144-146, 176, 203-205, 1456). On February 20, 2023 Shoeb and Mohamed were shot inside the trailer. (Tr. T. at 119, 212, 1011-1012). They were discovered, deceased, that evening sometime between 10 and 11 p.m.,[8] but their deaths were not reported until around 6:00 a.m. the following morning on February 21, 2023. (Tr. T. at 66-65, 107-110, 112, 139-140, 153, 155-157, 159, 170-174, 196-198, 215).

On February 20, 2023 Shoeb and Mohamed were seen drinking and smoking pot.[9] (Tr. T. at 84, 86, 119-120, 121-122). The last known visitors to the trailer, prior to the incident, left around 8:00 or 8:30 p.m.. (Tr. T. at 80, 82, 105-106, 120-122). Shoeb had told people at the trailer that day that he was meeting a local "plug" later to purchase drugs. (Tr. T. at 130-131).

On February 20, 2023 Mr. Aldrich went to 205 Tripp Lake Road to sell drugs to Shoeb. (Tr. T. at 1458, 1463). Mr. Aldrich had known Shoeb prior to that date but had just reconnected with him a couple days prior when he sold him a

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[8] When their bodies were discovered it was noted that the door to the trailer was unlocked and that when the person who discovered them left, she wiped down the door knobs upon her exit. (Tr. T. at 155, 157-158, 173, 180-181).

[9] Shoeb and Mohamed has been drinking from earlier in the day and were described as "sloppy" at eleven in the morning. (Tr. T. at 120, 150, 179). Shoeb was also noted to have been slurring his speech that day. (Tr. T. at 192-194; 207-208, 217).

generator and delivered it to the Tripp Lake Road property.[10] (Tr. T. at 1454-1456, 1606, 1609). While at the trailer during the generator sale, arrangements were made for Mr. Aldrich to return two days later with a large amount of drugs to sell to Shoeb, with the expectation that he would become Shoeb's new "plug." (Tr. T. at 1458-1460, 1606, 1612). Mr. Aldrich's phone records showed that his phone was in the proximity of 205 Tripp Lake Road from around 10:09 to 10:39 p.m.. (Tr. T. at 1215, 1217). When Mr. Aldrich returned to the trailer on February 20th he testified that he did not take a gun with him. (Tr. T. at 1465).

In February of 2023 Mr. Aldrich was seeing Brandi Frost. (Tr. T. at 249-251, 286-288, 299, 357-358, 396-397, 1436, 1445). The gun used in the February 20, 2023 incident was kept before the incident at Ms. Frost's residence. (Tr. T. at 265-269, 288-290). And while Mr. Aldrich was not always at Ms. Frost's residence while they were involved, the gun remained there up until the time surrounding the incident. (Tr. T. at 290-291, 397-398).

On the evening of February 20, 2023 a friend of Ms. Frost picked Mr. Aldrich up at her residence and drove Mr. Aldrich to and from 205 Tripp Lake

[10] The generator was seen at the trailer by visitors prior to the incident and was examined by law enforcement after the incident. (Tr. T. at 105, 202-203, 668, 841, 857).

Road.[11] (Tr. T. at 251-253, 288, 358-359, 361, 3363-364, 370, 385-386, 388, 1013, 1463, 1470). A bag with clothing and a gun linked to the Tripp Lake incident was found in Ms. Frost's possession. (Tr. T. at 255-257, 265-267, 276-277, 280-281, 290-295, 310-311, 354, 407-408, 1042, 1052, 1074). Ms. Frost testified that Mr. Aldrich gave her the bag to dispose of. (Tr. T. at 257-258). Additionally, once Mr. Aldrich had returned to her residence, Ms. Frost testified that someone named Dan showed up with Mr. Aldrich's phone and gave it to him. (Tr. T. at 317-318, 1493). After leaving Ms. Frost's house that evening, Mr. Aldrich eventually met up with Brittany Manzo, a former girlfriend. (Tr. T. at 259-260, 963, 965, 1501).

Mr. Aldrich testified that he got into an argument with Shoeb on February 20th over the quality of the drugs he had previously provided to Shoeb on the day he delivered the generator. (Tr. T. at 1475-1476, 1621-1626). The argument evolved to a point where Shoeb picked up a rifle[12] that was against the wall and a

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[11] This friend testified that Mr. Aldrich went into the trailer alone and when he returned to the vehicle "he said that he had killed -- he flanked or flogged -- he had flanked or flogged -- flanked or flogged him is what he said," referring to both men. (Tr. T. at 368, 374-375, 398). He also testified that Mr. Aldrich had thrown a sweatshirt out the window of the vehicle on the way back to Ms. Frost's residence. (Tr. T. at 369). An inmate housed with Mr. Aldrich while he was awaiting trial stated that Mr. Aldrich told him that he went to a house, he was being robbed, and that had killed two people as a result. (Tr. T. at 785-786, 786-793, 811). Mr. Aldrich's ex-girlfriend, that he was in the presence of in the days following the February shooting, stated that he told her he was in danger of being shot and that he could not leave the second person alive. (Tr. T. at 972, 974-975).

[12] This rifle was identified as the one that had previously been located at Brandi Frost's residence. (Tr. T. at 1479). Mr. Aldrich did not know how it made its way to the trailer on Tripp Lake. (Tr. T. at 1478-1479). On cross-examination, he also stated that he had never handled the gun until he and Shoeb struggled over the gun on February 20th. (Tr. T. at 1604-1605).

struggle for the weapon ensued. (Tr. T. at 1479-1480. 1626-1628). Mr. Aldrich thought Shoeb was going to shoot him and he felt in danger. (Tr. T. at 1485, 1630). Shoeb was shot with the rifle and fell to the ground from where he raised a handgun at Mr. Aldrich. (Tr. T. at 1480, 1630-1631, 1639, 1640-1641). Mr. Aldrich fired two more shots at Shoeb. (Tr. T. at 1480, 1630-1631, 1639, 1640-1641). Mr. Aldrich then went into the kitchen area and saw a reflection of someone with a gun behind him and he spun around thinking it was Shoeb and fired at the person, noting that he did not want to die. (Tr. T. at 1480-1482, 1487-1488, 1645-1648). The person was Mohamed. (Tr. T. at 1482, 1492, 1650-1651). Mr. Aldrich dropped the rifle and then picked up Mohamed's handgun and left. (Tr. T. at 1482, 1492, 1650-1651). When he got back to his ride's vehicle, that person went into the trailer and then came back out and then drove back to Ms. Frost's residence. (Tr. T. at 1482-1483, 1652-1653, 1657).

After his arrest in New Hampshire, law enforcement testified that Mr. Aldrich stated that he had not killed anyone.[13] (Tr. T. at 1034-1035, 1596).

The autopsies of Shoeb and Mohamed showed that they had died from multiple gunshot wounds. (Tr. T. at 585-586, 601). Shoeb's autopsy also showed that he suffered from contusions, abrasions, a possible bite mark, and a fractured tooth at the time of his death. (Tr. T. at 581-585, 616-617, 621-628). The physical

[13] The lower court allowed Mr. Aldrich's comments to law enforcement to be used at trial after it denied his motion to suppress in its September 3, 2024 Order. See Order (Sept. 3, 2024) at 9.

evidence at the scene suggested that three shots were fired in the back bedroom of the trailer where Shoeb was located and four shots were fired from the rifle in the living room area where Mohamed was located. (Tr. T. at 680-681, 699, 836-837, 1373-1374, 1385, 1388-1389).

During the trial a number of evidentiary rulings were made by the trial court:

• The trial court ruled to allow officer Zachary West to introduce video from his body camera, State exhibit 137.[14] (Tr. T. at 60, 71). Mr. Aldrich objected to the evidence.[15] Additionally, photographs of the bodies were entered from the footage through Exhibits 53 and 54. (Tr. T. at 56-57, 69-70).

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[14] In making its ruling, the court stated: "I understand the objections but they're overruled. I agree with the State that the complete picture through the video is actually the best evidence. I think the entire scene is relevant, particularly given what I now understand is going to be a claim of self-defense, and so positioning of the bodies would seem to me to be essential for the jury to understand the defendant's position in particular. Seeing the scene through body cam evidence I don't think is prejudicial, and I don't think you identified any sort of prejudice, quite frankly. And, last, I don't find this to be cumulative. This is actually the first bit of evidence that I'm hearing that is going to be admitted, so it's not cumulative to anything at this point, so the objection's overruled. So State's 137 will be admitted." (Tr. T. at 60).

[15] In raising his objection under Maine Rules of Evidence 401 and 403, Mr. Aldrich stated: "In this situation with the body cam footage, it is, I believe, the first law enforcement officers to arrive on the scene, and so they're seeing the scene fresh. And what they're doing is that they're confirming that both of the individuals are deceased, and so there is a depiction of both individuals in the body cam footage. And then through that first seven-minute period they also go through the house, and they clear the rest of the trailer, which I don't think is necessarily relevant at all. The photos show victim one in the living room and I think that one of the photos show victim -- partially show him in the back room. And so this really is going to be cumulative of those photos. I think that the other concern I have is the jury's seeing the scene depicted in actual video of it is going to be too prejudicial. It's also really not necessary when you have a witness and you have photos that are essentially going to be stating and depicting the same thing. So based on the video depiction of it and the prejudicial nature of that, I would object." (Tr. T. at 56-57).

• The trial court prohibited Mr. Aldrich from exploring information about Brandi Frost's access to guns and her link to a gun used in another murder in the area.[16] (Tr. T. at 239-242). The trial court ruled that

> Okay. So I think you can ask questions, and I think it's relevant what was in the house at the time or in the apartment at the time, wherever she was living but I -- I -- it is unclear to me what relevance this purple firearm is that she purchased however many years before and was used in an unconnected, unrelated homicide. I think this is consistent with my prior ruling where I indicated if you came back to me with a connection, then you could have -- or you'd at least be entitled to some discovery in that matter but you never came back to me with any connection, and I still don't hear a connection. So that's my order. I don't find that it's relevant. So you're limited to asking about what's actually related to this event.
> (Tr. T. at 244-245).

• The State was permitted to present the jury with evidence about a white Ford Econoline van that Mr. Aldrich stole from Lowe's in Brunswick, Maine on

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[16] Mr. Aldrich argued to the court that "We have the issue of the collateral investigation, the communications with Detective Huntley. . . So the -- the investigator began questioning her and knew of her from his investigation of Edward Massey. . . Eddie Massey's case and so he goes through a battery of questions about her and firearms. And then there's another witness who's going to be testifying after her who I think mentions multiple firearms. It's unclear what he'll exactly say, but I think he references multiple firearms at her house. And so I want to inquire about all these guns that are at her house, and I think it's going to cut into that. . . Relevance is she I think is -- I believe is going to portray herself as not having familiarity with guns, that she doesn't really have anything to do with them, that the guns are always owned by some other person in her life, namely another boyfriend. At one point it was -- I forget his name off the top of my head, Christopher something. Then it was Edward Massey, and then it was Aaron Aldrich. So all these firearms at her house in her bedroom she attributes ownership to somebody else. Part of my argument would be -- is going to be that this is her firearm. She owns guns, she uses guns, she has familiarity with them. And I think that part -- I expect that -- I don't know what she'll say, but I think that she is going to be saying that she has guns for self protection or whatever. . . No. So the -- the, I guess, unofficial ownership or control of the firearm is a part of my theory of where -- who had it, who had control of it, what was going on with it." (Tr. T. at 239-242).

February 22, 2023. (Tr. T. at 425-437). Mr. Aldrich raised objection to this information being presented to the jury.[17] (Tr. T. at 413-414). The trial court overruled the objection to the evidence about the van theft stating: "I concur. I think this is highly relevant, particularly in light of opening statement my understanding of defendant's theory of the case, so the objection's overruled. . . . So 138 and 139 are admitted.[18]" (Tr. T. at 415). As a result of the court's ruling, this evidence was presented through the testimony of Officer Paige Michaud and surveillance video footage.[19] (Tr. T. at 425-437). Later, Mr. Aldrich had to address this incident during his trial testimony. (Tr. T. at 1508-1510).

• The trial court also allowed evidence into the trial from Mr. Aldrich's arrest in New Hampshire, including photographs, ammunition, and a handgun. Three police officers from New Hampshire provided information about Mr. Aldrich's

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[17] Mr. Aldrich stated that: "So, Your Honor, my -- my objection is to -- to that specifically is relevance. I don't think that it has anything to do with the question of whether or not he has intentionally or knowingly caused the death of two people. It's after the allegations have occurred. There really isn't anything to tie it to that, and it is extremely prejudicial for the jury to be hearing all this uncharged criminal conduct. . . It's not before the jury. Really is nothing here for the jury to use in order to help them make the decision. . . Well, I guess even more so then if this is an actual pending case, then it would make it even more unnecessary for it not to be in front of this jury. It should be dealt with in its own docket." (Tr. T. at 413-414). The State argued that the evidence was relevant to flight and consciousness of guilt. (Tr. T. at 414-415).

[18] Exhibits 138 and 139 are surveillance videos showing Mr. Aldrich in the area of the van and then taking the van. (Tr. T. at 413).

[19] The testimony of Officer Michaud independently offered that Mr. Aldrich was seen on the surveillance footage "putting his stolen merchandise in the passenger's seat of the van and then walking around to the front seat of the van, getting in it and driving away." (Tr. T. at 433). There was no evidentiary basis provided for this statement in her testimony. (Tr. T. at 425-437).

arrest. (Tr. T. at 437-469, 470-499, 500-519). Additional police officers from Maine testified about the handling of the pieces of evidence from New Hampshire. (Tr. T. at 756-762, 843-856). Mr. Aldrich raised objection to this evidence.[20] (Tr. T. at 419-420). The court overruled Mr. Aldrich's objection stating that:

> The objection's overruled. I do think that these are relevant. I don't think that they're cumulative, based on what I heard anyway as far as the pictures of the mall and that sort of thing, and it does all sound to me as if all of it is relevant to the charges so objection's overruled.
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> So that means that the exhibits that are admitted with the witness -- the next witness after I have as 89 through 90, 92 through 117 and then physical.
> (Tr. T. at 422).

[20] In raising his objection Mr. Aldrich stated that "Okay. So the -- so for the photos first, I have a -- a similar objection to the photos of the -- I guess of the New Hampshire mall, mostly of the parking lot, the parking garage, the sidewalks, specifically I don't think that they have really any evidentiary value. I think that they're also not relevant to the question before the jury. There is starting to become kind of a cumulative effect here of all these photos of empty walkways and things like that. The photos that would show the firearm that are was recovered, I wouldn't necessarily object to be that because I think that that is more connected to this case. That's the firearm that I think that there's a arguable connection to what Aaron is charged with. The extended magazines, it's my understanding that was purchased subsequently a Cabela's, and that has no connection to the crime scene or the crime at all. That's a purchase that was made February 22 or 23 and so I don't -- I think that that would be, one, irrelevant and also prejudicial for the jury to be shown a picture of a magazine that has no bearing upon the issue for the jury and also no connection to the crime, to the facts at hand." (Tr. T. at 419-420).

A significant portion of the trial dealt with testimony and evidence from Mr. Aldrich's arrest in New Hampshire.[21] (Tr. T. at 437-519, 6101-1603).

• The trial court limited Mr. Aldrich's ability to impeach deputy medical examiner Dr. Liam Fuente. (Tr. T. at 545, 555). In issuing its ruling, the trial court stated, in condensed part, that

> the dissolution of that protective order doesn't mean that the record of employee decision is admissible or that the defendant may inquire into the events that occurred in 2020. My initial assessment as to admissibility is that it primarily boils down to a question of relevance and an application of Rule 403, similar to those cases identified by the State through its exhibits - those were Davis, Haji-Hassan and Coleman - and in a parallel manner to how the law court evaluated the consent agreement in Jacobs v Kippax. . . . Accordingly, I conclude that any minimal relevance is significantly outweighed by a danger of unfair prejudice, confusion of the issues misleading the jury and wasting time. . . having analyzed the events within the framework of Rules 401, 608, 404 and 403, my ruling is that the -- the events that are the subject of the defendant's motion to dissolve and the corresponding record of decision is not admissible, and the defendant may not raise or otherwise utilize other events on cross-examination. I'd now ask we can open the courtroom for the second portion of my order deals with the State's motion in limine as to the consent agreement. That is dated July 17, 2024, and it regards disciplinary action against Dr. Funte to practice medicine. . . I again narrow the analysis down to application of Rule of Evidence 401, 608, 404 and 403.

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[21] Mention of Mr. Aldrich having a handgun and ammunition that was discarded during pursuit was also discussed, as well as ammunition located in the Ford Econoline van. (Tr. T. at 455, 458, 463-465, 491-495). In discussing the SWAT team's decision to move in on Mr. Aldrich, the testimony raised issues such as Mr. Aldrich being considered "armed and dangerous," the potential need for a tactical takedown, contingencies planning for a hostage or active shooter situation, the potential of a shoot out in a shopping mall, lock down of the mall, officers providing cover in pursuit, and the mention of a safety concerns over the belief that Mr. Aldrich had a gun in his hand while officers were pursuing him. (Tr. T. at 474-476, 483-487). Mr. Aldrich initially fled from officers in the mall parking garage, but when they caught up to him, he complied with the officers' commands and was arrested without any incident. (Tr. T. at 450-457, 480-490, 489, 498, 1595).

> I understand that the defense does wish to use the consent agreement for impeachment purposes, but the issue is that the consent agreement on its face doesn't relate in any way to the events of this case or Dr. Funte's work on this case. None of the admissions in the consent agreement have any relation to this action in time or substance, and the conduct addressed by the consent agreement occurred in September 2023 and afterwards, which is many months after Dr. Funte's work on this case, as I understand it. As a result, I conclude that the consent agreement is not material and has minimal probative value in relation to the pending matter. It does appear that the defendant's intent to utilize the consent the agreement in a manner that might be prohibited by Rule -- by 404, which is impermissible, and due to its low probative value, there's a high danger that the jury will be misled, the issues would be confused and time would be significantly wasted. The State's motion in limine is granted on those grounds subject, of course -- and I'm not going to require that defense counsel renew its objection. I will continue the objection -- I will consider your objection to be continuing. (Tr. T. at 540-545).

• The trial court also allowed the State to enter photographs of the victims into evidence. (Tr. T. at. 551). Mr. Aldrich objected to these photographs.[22] (Tr. T. at 547-548, 550). The trial court overruled his objection stating that

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[22] In objecting, he stated "same objection to 47, 48, 49 and 50, 51. There is really no additional value that the jury can glean from these photos. This photo specifically, Dr. Funte's expected that he'll be testifying not only to what the wound is, such as a gunshot or something like that, there are some other wounds on these individuals that were not gunshots, but he'll be able to testify definitively that the wound located on a victim's side, such as here, is a gunshot wound. He'll be able to describe why and how he knows that and the location of it. This photo of this wound on the side has within it pools of blood, blood surrounding the greater area of the side as well as the arm, which . . .is not associated with this specific injury. And so the — the concern is is that this -- while this doesn't really add any new information, doesn't give the jury anything else to consider in trying to determine whether or not the State's met its burden, it will give the jury something that will perhaps distract it or have the jury focus its decision on things that are beyond the scope or beyond what the jury should be focusing on. The probative value is low and the prejudice is high. . . I think that these photographs do not add any other evidentiary value for the jury to consider. There's no. . . question that these individuals were wounded in a specific area and what the wound is. There's really no argument about that." (Tr. T. at 547-548, 550).

> The objection's overruled. These are relevant. There is not a significant amount of blood. They're not confusing. It would only assist a jury to understand the testimony that's going to be presented. The prejudice that is presented, which is -- which is the same kind of prejudice that would be presented in any one of the photographs of the deceased, is not unduly prejudicial. It doesn't outweigh the probative value.
> So the objection is overruled and State's Exhibits it sounds like 47 through 51, all of which I just reviewed, are admitted.
> (Tr. T. at 551).

• The trial court ruled that the State could present evidence from Brittany Manzo about an incident where she stated that Mr. Aldrich had shot a gun at her.[23] (Tr. T. at 897). The court stated that the "[o]bjection's overruled. I think that -- I think that it is relevant, and it's not unduly prejudicial in light of what I just heard." (Tr. T. at 897). Ms. Manzo then provided testimony to the jury pertaining to the topic. (Tr. T. at 970, 987-988). Mr. Aldrich, in turn had to provided testimony about the event, stating that it never happened. (Tr. T. at 1450).

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[23] Mr. Aldrich argued that "she recounted this alleged incident that happened I think it was three or four weeks prior to this point in time, in late February 2023, which she said that she and Aaron, I think, had an argument and he dropped her off at his girlfriend's house, Brandi's house, with all of her things. And then I think it's in the same event that at some point he fired an AR15 rifle near her -- her thigh, her leg. And so I think that based on -- on the allegations that Mr. Aldrich is dealing with, this allegation that Brittany recounts to the detective, I think that she was taken into custody around that time. She made no report of it. He was never charged. There was nothing ever brought to anybody's attention about it. I think this is probably the first time she makes any sort of statement making this allegation and so because there is really no -- there's nothing for this -- that Brittany allegation of early -- early February or late January where they got into this argument and she now is stating this, I think that if the jury were to hear that, that then it would be extremely prejudicial, and I don't think that it is going to be able to assist the jury in trying to make a decision on what's before them and is completely unrelated. The allegations don't include anything having to do with the victims at all. They're not even remotely part of this. The only common denominator is that she mentioned she was dropped off at Brandi Frost's house, but she doesn't describe having any contact with Brandi or any involvement with Brandi." (Tr. T. at 894-895).

• The trial court additionally ruled that Brittany Manzo could testify that Mr. Aldrich used a derogatory term to refer to Shoeb Adan and Mohamed Aden, to which Mr. Aldrich objected.[24] (Tr. T. at 904-907). The court in making its decision stated

> The reason I was asking is I think my analysis of the relevance is directly related to the timing of those statements. If the statements were made two weeks later, I would have less agreement with the State's conclusion or argument that it goes towards state of mind and intent but where it's within essentially the 24 hours-ish plus after the --

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[24] In raising his objection, Mr. Aldrich stated "And his description of the deceased is a pretty loaded word that I think if the jury hears it would be incredibly prejudicial. And I'm happy to say the word if the Court knows -- wants me to but I think the court is aware. . . I'm -- I'm objecting to Brittany referencing that specific word. I think whatever else that he said is -- I don't think that I have a basis to object to that. I think that that specific word, it's not really necessary in terms of -- of -- you know, to answer the question of whether or not the jury can find him guilty of this. All that it does is that it really adds this huge flame to this and makes this a very unnecessarily emotional and charged statement, which there is more than enough in Brittany's recounting of what Mr. Aldrich said for the jury to take it and -- and, you know, decide whether or not they believe it and how they're going to apply it. Adding that word to it I think we are — we're now moving away from the question of Aaron having a -- kind of a fair judgment of his 12 peers on the question of whether or not the State can prove this case beyond a reasonable doubt. Adding that loaded term into it, we run into a -- I think a very significant, real concern that the jury is going to have that in mind and that's going to be such a -- especially today, it's -- it's - you know, fairly so, it's just taken on such a really charged feeling that I think that most if not everybody in that jury is going to feel and understand. . . I think it would cloud and confuse the issues to have it being presented from Miss Manzo. . . ." (Tr. T. at 897-900). Mr. Aldrich further argued that "So there is -- as far as I'm aware, there is really no other evidence, there's nothing in discovery, there's nothing that's been presented in this trial that the interaction between Mr. Aldrich and the two deceased had anything to do with race. . . And so I don't think that the State's argument or the State's point that this is somehow relevant to show the jury that there's -- you know, that, look, he's not obviously in self-defense, he's not in self-defense because he used this word. I mean, he's using this word at a time where he is completely broken by this event. . . At the end of that, though, we're no longer in a situation where we can say that the jury is not taking something in -- in effect of its decision that is factual based. We're at a point where now if we have this word come in front of the jury in this manner, that that could have a jury's decision based on emotion or based on something that it should be based upon." (Tr. T. at 904-907).

> the individuals were killed, I think that his specific words are not only admissible but they are very relevant to his motive and his state of mind. And while the word itself is most certainly prejudicial, it is a horrible word and should never be used. . . however, he used it. So the word itself is prejudicial no matter what. The question is whether it's unduly prejudicial under 403, and I don't think it is under these circumstances. . .
>
> And I should be clear, when I refer to -- and I'll let you continue. But when I referred to motive and intent, I wasn't referring to a racial motive or a racial intent. I was referring to the intent with regard to the crimes themselves. And referring to individuals that you killed afterwards by a derogatory word in that way certainly communicates that perhaps your actions weren't -- maybe weren't consistent with self-defense or were consistent with self-defense, whatever it might be. That's where I'm coming from. . . So I'm going to put that argument aside and focus really more on the 403. I don't think there's any confusing is -- I don't think it confuses issues. I don't think it's misleading. And under these circumstances, I -- I'm going to overrule the objection. I think that the specific language under the circumstances is relevant to his state of mind and intent. So in the event that the word comes out, the word comes out. (Tr. T. at 903-905, 908).

Ms. Manzo then used the term in her testimony at trial. (Tr. T. at 972).

• The trial court allowed testimony about a tip it received implicating Mr. Aldrich.[25] (Tr. T. at 1017-1018). During his testimony Detective Huntley stated that

> A team member through -- from another -- so a team member from the Maine State Police learned from another law enforcement agency that a tip had come in. It was kind of a two-fold tip, the first part being that Brandi Frost had information regarding the double homicide, and

[25] Mr. Aldrich objected to the testimony, stating "Well, I guess my understanding was is that -- is they just weren't going to use it so there was no reason for me to have a CI. Now appears that we have this hearsay statement from the CI coming in that I can't test because I don't know who it is. I have no idea the validity of it and then we have down -- so that's issue one. Issue 2, this is just a summary of his conversation with a witness who testified earlier. That's the best evidence. This is just a hearsay rendition of that conversation." (Tr. T. at 1015-1016).

> the second part of that information was that Aaron Aldrich was responsible for committing the homicides.
> (Tr. T. at 1013).

In making its ruling, the trial court stated that

> So I think any more detail than what was just provided would be unnecessary. I do understand -- I don't think this is offered for its truth but starts to, I think, switch over onto the truth side of things because he'd clearly be eliciting what Miss Frost said today -- for what she's saying about events to explain next steps that were taken by the officer.
>
> So I concur in part with the defendant. So I would ask that -- I don't think it's -- so I'm overruling the hearsay objection at present, not offered for the truth, it's offered to explain the steps the officer took next, but any additional specifics would turn us into, I think, the realm of the truth, and I would be open to another objection.
> (Tr. T. at 1017-1018).

• Detective Huntley testified to the fact that Mr. Aldrich had extraditable warrants not related to the homicide and that was what he was detained on when arrested in New Hampshire. (Tr. T. at 1031-1032). Mr. Aldrich objected to this testimony and the trial court overruled his objection.[26] (Tr. T. at 1026-1031). The trial court stated that "I think that's permissible. I think that's a permissible line of questioning. I don't think you need to go into detail about any of it, so I agree with defense counsel, but I think you can ask those questions and get through the processes to get to the point of talking to him." (Tr. T. at 1031).

[26] The basis of the objection is not clearly stated, but given the subject matter, relevance and prejudicial effect of the information is clearly implied.

• The trial court also excluded information about a threat involving Shoeb.[27] (Tr. T. at 1431). In making its ruling, the trial court stated: "I actually think you're offering this for the truth itself but it has the secondary impact of -- of, as you indicated, affecting Mr. Aldrich. So I think that it does need to be analyzed on each level. So I'm sustaining the objection." (Tr. T. at 1431).

Mr. Aldrich raised an objection to the jury receiving "the flight consciousness of guilt" instruction. (Tr. T. at 1545). The court overruled the objection and the jury was instructed. (Tr. T. at 1546, 1733-1734). Mr. Aldrich also requested that the trial court give a necessity defense instruction. (Tr. T. at 1547, 1571-1578, 1677-1679). The trial court, in denying the request, stated that

> So I view this as the same as any other justification and that I am the gatekeeper, in essence, and the defendant has to generate it. . . And there's two firearms that we're talking about. Count III doesn't specify it's possession of a firearm. So we've got the Hi-Point rifle, and then we have the Glock, which he just testified that he left too when he was not under imminent threat of death or serious injury because they were both dead. I think the further issue with generating this is that I don't

[27] Mr. Aldrich stated the following in support of admission of the evidence: "Right. But even if we have multiple layers, I don't think that that really is -- that factors into the Court's analysis. Whether or not it is reliable I don't think factors in as well. What really is important here in this situation is the effect that it had upon the listener. In this situation the listener is Aaron Aldrich. He hears a statement made where Shoeb had been threatened with violence, one of his known associates, right before he's going to see him to do a drug trade. And so now whether it is hearsay, whether it's reliable, whether it's true doesn't matter. What matters is that Mr. Aldrich heard this, and by hearing this he had this in his mind when he was going to be interacting with these individuals. So the -- there is no really test necessary to show that this should be kept out because it's not reliable. The test is, one, did he hear it, two, did he hear it before he interacted with Shoeb and, three, what effect did if have upon him? Did it kind of put some sort of doubt or fright into his mind when he had to interact with these individuals based on what he was told?" (Tr. T. at 1430-1431).

> know that I could find that he has -- even taking the evidence in the light most favorable to him, that has -- he did not recklessly or negligently place himself in that situation, and so I don't think that the defendant has generated this. . . Okay. I still conclude that he did not generate this, and so I'm not going to be including that instruction.
> (Tr. T. at 1677-1679).

The jury was also instructed on self-defense and imperfect self-defense. (Tr. T. at 1715-1720, 1724-1728).

After the State rested, Mr. Aldrich twice moved for a judgment of acquittal, which the trial court denied. (Tr. T. at 1395-1396, 1401-1405, 1408, 1690-1693). The jury received instruction from the court and was sent to deliberate. (Tr. T. at 1695-1734, 1782-1792). The jury reached guilty verdicts on all charges. (Tr. T. at 1794-1795).

Mr. Aldrich received a life sentence on both murder counts and a concurrent five year sentence on the possession of a firearm by a prohibited person charge. (Sent. T. at 29-30). In imposing sentence, the court found no mitigating factors and found numerous factors supporting a life sentence: multiple deaths, premeditation-in-fact, use of a firearm by a prohibited person, and pecuniary gain. (Sent. T. at 24-25, 29).

After Mr. Aldrich was sentenced on November 22, 2024, he timely filed a notice of appeal and application to allow an appeal of his sentence. (App. at 10). This court granted his sentence appeal on February 20, 2025 and that appeal was

consolidated with his direct appeal for consideration by this Court. See Order, Granting Leave, Feb. 20, 2025 at 1.

Issues Presented for Review

I. Whether the court's rulings during trial and their cumulative impact prevented Mr. Aldrich from receiving a fair trial.

II. Whether the jury's instructions were prejudicial and in error.

III. Whether the court erred in its decision not to suppress Mr. Aldrich's statements.

VI. Whether the Androscoggin County Court erred in imposing both Mr. Aldrich's basic and maximum sentences.

Argument

I. The lower court's rulings during trial and their cumulative impact prevented Mr. Aldrich from receiving a fair trial.

This Court has "yet to clearly define the parameters of a test for the cumulative-error doctrine, and instead review[s] allegations of multiple errors 'cumulatively and in context to determine whether the defendant received an unfair trial that deprived him or her of due process.'" State v. Daluz, 2016 ME 102, ¶¶ 52, 67-69, 143 A.3d 800 (quotation marks and alterations omitted)." State v. Williams,

2024 ME 37, ¶ 45, 315 A.3d 714, 725 (Me. 2024).[28] See also State v. Desrosiers, 2024 ME 77, ¶ 35, 327 A.3d 64, 76 (Me. 2024)(when presented with a claim of cumulative error, the Supreme Court vacated a judgment of conviction in a case in which the errors were 'pronounced and persistent, with a probable cumulative effect upon the jury which cannot be disregarded as inconsequential.' Berger v. United States, 295 U.S. 78, 89, 55 S. Ct. 629, 79 L. Ed. 1314 (1935)"); State v. Daluz, 2016 ME 102, ¶ 52, 143 A.3d 800, 815 (Me. 2016)("[w]hen a defendant alleges multiple errors, 'we review these allegations cumulatively and in context to determine whether [the defendant] received an unfair trial that deprived [him or her] of due process.' Robinson, 2016 ME 24, ¶ 45, 134 A.3d 828.").

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[28] In State v. Hassan, in a dissenting opinion, it was noted that this Court has not "not explicitly adopted the federal cumulative error analysis. . . [but had] recognized that individual errors, when taken together, can deprive a defendant of a fair trial." State v. Hassan, 2013 ME 98, ¶ 39, 82 A.3d 86, 96 (Me. 2013)(dissent). And, this Court further noted that "The United States Court of Appeals for the First Circuit explained the test for assessing the effect of cumulative errors as follows: 'Of necessity, claims under the cumulative error doctrine are sui generis. A reviewing tribunal must consider each such claim against the background of the case as a whole, paying particular weight to factors such as the nature and number of the errors committed; their interrelationship, if any, and combined effect; how the district court dealt with the errors as they arose (including the efficacy—or lack of efficacy—of any remedial efforts); and the strength of the government's case. The run of the trial may also be important; a handful of miscues, in combination, may often pack a greater punch in a short trial than in a much longer trial. Sepulveda, 15 F.3d at 1196 (citation omitted). The analysis "focuses on 'the underlying fairness of the trial.'" United States v. Meserve, 271 F.3d 314, 332 (1st Cir. 2001) (quoting Van Arsdall, 475 U.S. at 681)." State v. Hassan, 2013 ME 98, ¶ 38, 82 A.3d 86, 95-96)(dissent). This Court in Hassan also noted that "[t]o vacate a judgment of conviction based on cumulative error, an appellate court must conclude that: (1) Errors occurred; (2) Those errors, analyzed individually, were either harmless or did not result in manifest injustice; and (3) Considered together, those errors resulted in the defendant receiving an unfair trial." State v. Hassan, 2013 ME 98, ¶ 55, 82 A.3d 86, 100 (Me. 2013)(dissent).

Mr. Aldrich's ability to receive a fair trial was hampered by the trial court's extensive rulings that allowed prejudicial, irrelevant, and improper evidence before the jury. Mr. Aldrich was also prohibited from the use of beneficial evidence to defend his case. These ruling were invasive and permeated his trial from the start to the finish. They constantly presented the jury with collateral material that placed Mr. Aldrich at a disadvantage, shading his case in a poor, unfair light. And, as such, he should be entitled to a new trial. An analysis of the issues follow.

A. Body Camera Footage from the First Responding Law Enforcement Officer Showing the bodies as found at the scene.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032."[29] State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013). A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion.[30] Id., 2013, ¶ 24, 92.

Mr. Aldrich objected to the admission of the first responding police officer's body camera footage showing the bodies of Shoeb Adan and Mohamed Aden as discovered at the scene. This objection was based on both Maine Rule of Evidence 401 and 403. (Tr. T. at 56-57); supra at 14. But, focusing on Rule 403, this

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[29] Maine Rule of Evidence 401 states that "[e]vidence is relevant if: (a) [i]t has any tendency to make a fact more or less probable than it would be without the evidence; and (b) [t]he fact is of consequence in determining the action."

[30] Maine Rule of Evidence 403 state that "[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence."

evidence was not necessary and it was prejudicial for the jury to see the initial responder's discovery of the bodies in their lifeless positioning and bloody condition. There was ample testimony from law enforcement, the medical examiner, and crime lab employees for the State to establish how the bodies were found, the real time footage was not necessary or essential to the State's case and only served to prejudice Mr. Aldrich and invoke sympathy for the victims. (Tr. T. at 555-763, 816-857, 924-952, 1009-1395).

Given that this footage, and the photographs from the footage, were not necessary for the State to establish its case, the evidence should have been excluded from use at trial. In State v. Ketcham, 2024 ME 80, ¶ 7, 327 A.3d 1103, 1107 (Me. 2024) this Court noted that a mistrial had occurred in the case's procedural history due to "unfair prejudice after the State played a gory video taken from a police officer's body camera showing both victims at the scene of the crime." Such footage only served to inflame sympathies to the peril of Mr. Aldrich's case.

B. Evidence of Brandi Frost's familiarity with and ownership of the shooting weapon, along with other guns in general, was relevant to Mr. Aldrich's case.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032." State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013).

Mr. Aldrich sought to introduce evidence that Brandi Frost had familiarity with guns and owned the gun that was used in the shooting of Shoeb Adan and Mohamed Aden. In arguing relevance, Mr. Aldrich stated that "[p]art of my argument would be -- is going to be that this is her firearm." (Tr. T. at 241). Mr. Aldrich testified that the gun was not his and that its presence at 205 Tripp Lake Road was something that he had no knowledge of. (Tr. T. at 1478-1479; 1604-1605). See supra fn 16. This information was highly relevant to Mr. Aldrich's case. It was error for the trial court to not let the information before the jury.

C. Evidence that Mr. Aldrich had stolen a Ford Econoline Van from Lowe's.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032." State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013). A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion. Id., ¶ 24, 92.

The trial court permitted the State to present extensive evidence about the theft of a Ford Econoline van from Lowe's two days after the deaths of Shoeb Adan and Mohamed Aden. See supra at 15-16. Mr. Aldrich objected to the information on relevancy grounds and because it was prejudicial. See supra fn 17. Courts in Mississippi have ruled "that particular conduct or acts subsequent to the crime for which the defendants were charged were irrelevant." Williams v. State,

667 So. 2d 15, 22 (Miss. 1996). In Washington the courts have noted that "[w]hen addressing the relevance of subsequent behavior, the court should consider whether the evidence is necessary and relevant to prove an essential ingredient of the crime charged. The subsequent misconduct must possess a logical relationship with the question of the defendant's guilt." State v. Kelly, 32 Wash. App. 2d 241, ¶ 58, 555 P.3d 918, 261 (2024)(citations omitted).

If the State's purpose in offering the evidence was to show consciousness of guilt through flight, there was no need to present such extensive evidence of crimes committed by Mr. Aldrich after the deaths of Shoeb Adan and Mohamed Aden. The theft evidence has no relationship to the alleged murders. The evidence was not necessary for the State to prove its case. Moreover, the evidence pertaining to the theft of the van was not necessary to establishing that Mr. Aldrich was apprehended in New Hampshire. The evidence of his arrest could have been sanitized so that it made no reference to additional criminal conduct that was not directly related to the deaths of Shoeb Adan and Mohamed Aden.

As such, the evidence was highly prejudicial to Mr. Aldrich, painting him and his character in an unfavorable light and suggesting that he has a criminal nature and propensity for crime. Given these facts, the evidence of the van theft, reference to thefts from Lowe's, the testimony of officer Paige Michaud, and the surveillance footage should have been excluded from evidence under Maine Rules of Evidence 401 and 403. See supra 15-16.

D. The extensive evidence of Mr. Aldrich's arrest in New Hampshire and evidence of his possession of ammunition and a handgun should have been excluded from evidence.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032." State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013). A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion. Id., ¶ 24, 92 (Me. 2013). When unpreserved, challenges are reviewed for obvious error. State v. Haji-Hassan, 2018 ME 42, ¶ 18, 182 A.3d 145, 151 (Me. 2018); M.R.U. Crim. P. 52(b)[31].

The extensive evidence surrounding Mr. Aldrich's arrest in New Hampshire should have been excluded from evidence at trial. This evidence included the testimony of three police officers from New Hampshire. (Tr. T. at 437-469, 470-499, 500-519). Additional police officers from Maine testified about the handling of the evidence from New Hampshire. (Tr. T. at 756-762, 843-856, 756-762, 843-856). Photograph from the arrest site in New Hampshire and of the evidence recovered, including a handgun and ammunition that were entered into evidence. (Tr. T. at 455, 458-465, 491-495, 506-513). Mr. Aldrich objected to this evidence on ground of relevancy and prejudice, invoking Maine Rules of Evidence

[31] Obvious error review requires a showing of "(1) an error, (2) that is plain, and (3) that affects substantial rights. . . [and that] (4) the error seriously affects the fairness and integrity or public reputation of judicial proceedings." State v. Haji-Hassan, 2018 ME 42, ¶ 18, 182 A.3d 145, 151 (Me. 2018)(citations and quotations omitted).

401 and 403. See supra fn 20. Mr. Aldrich did not object to the handgun and most of the ammunition being entered into evidence. See supra fn 20.

Except for the handgun, none of this evidence is related to the circumstances surrounding the deaths of Shoeb Adan and Mohamed Aden. Mr. Aldrich testified that he removed the handgun from 205 Tripp Lake Road. (Tr. T. at 1482, 1492, 1650-1651). The handgun, and arguable therefore the ammunition that relates to it, was ruled out as the weapon that killed Shoeb Adan and Mohamed Aden. (Tr. T. at 1385). This evidence therefore has no relationship to the commission of the crime. See supra Section C. Additionally, the evidence only serves to prejudice Mr. Aldrich in the eyes of the jury.[32] If there is any probative value to the evidence it is far outweighed by the damaging and prejudicial impression it leaves of Mr. Aldrich in the eyes of a jury.

E. Impeachment of Deputy Medical Examiner Liam Fuente.

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[32] A significant portion of the trial dealt with testimony and evidence from Mr. Aldrich's arrest in New Hampshire. (Tr. T. at 437-519, 6101-1603). Mention of Mr. Aldrich having a handgun and ammunition that was discarded during pursuit was also discussed, as well as ammunition located in the Ford Econoline van. (Tr. T. at 455, 458, 463-465, 491-495). Testimony was provided about the evidence collection at the New Hampshire arrest scene and Ford Econoline van. (Tr. T. at 505-514). In discussing the SWAT team's decision to move in on Mr. Aldrich, testimony raised issues such as Mr. Aldrich being considered "armed and dangerous," the potential need for a tactical takedown, contingencies planning for a hostage or active shooter situation, the potential of a shoot out in a shopping mall, lock down of the mall, officers providing cover in pursuit, and the mention of a safety concerns over the belief that Mr. Aldrich had a gun in his hand while officers were pursuing him. (Tr. T. at 474-476, 483-487). Mr. Aldrich initially fled from officers in the mall parking garage, but when they caught up to him, he complied with the officers' commands and was arrested without any incident. (Tr. T. at 450-457, 480-490, 489, 498, 1595).

The trial court's decision is reviewed for an abuse of discretion. See State v. Bowen, 366 A.2d 174, 176 (Me. 1976)(standard under Rule 608); see also State v. Madieros, 2016 ME 155, ¶ 14, 149 A.3d 1145, 1149 (Me. 2016)(standard under Rule 403); State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013)(standard under Rule 401).

The trial court prohibited Mr. Aldrich from fully cross examining Dr. Fuente, Maine's Deputy Medical Examiner, on issues pertaining to his credibility.[33] See supra at 18-20. The information is highly material to Dr. Fuente's job performance as a medical examiner and pertains directly to his work character and competency. The information relates to his performance and the information could have been used to question his work product. Given Mr. Aldrich's self-defense claim, the findings of Dr. Fuente were key pieces of information for determining how the gunshots hit Shoeb Adan and Mohamed Aden. In State v. Coleman, 2018 ME 41, ¶ 24, 181 A.3d 689, 699 (Me. 2018) this Court noted that "[e]vidence of . . . administrative shortcomings and lack of candor . . . in another state are relevant to" performance of administrative duties. This Court cited United States v. York, 933 F.2d 1343, 1365-1366 (7th Cir. 1991) in Coleman, which found issues of professional conduct relevant. Id. at ¶ 24, 699. As such, it was an abuse of the trial

[33] Maine Rule of Evidence 608(b) provides, in part, that the court may allow a party on cross examination "to inquire into specific instances of a witness's conduct if they are probative of the character for truthfulness or untruthfulness of: (1) (t)he witness. . ."

court's discretion to exclude the impeachment material on Dr. Fuente and that decision significantly prejudiced Mr. Aldrich.

F. Objection to Photographs of the Shoeb Adan and Mohamed Aden.

Admission of these photographs is reviewed for an abuse of discretion. State v. Joy, 452 A.2d 408, 412 (Me. 1982); State v. Smith, 472 A. 2d 948, 949-50 (Me. 1984); State v. Condon, 468 A.2d 1348, 1351 (Me. 1983); State v. Ernst, 114 A.2d 369, 373 (Me. 1955).

Mr. Aldrich objected to bloody photographic depictions of Shoeb Adan and Mohamed Aden, namely State Exhibits 47, 48, 49 and 50, 51. See supra fn 22. There is a three part test that needs to be met for admission of such photographs: they need to be accurate depictions, relevant, and their probative value needs to not be outweighed by any tendency toward unfair prejudice.[34] State v. Allen, 2006 ME 21, ¶ 10, 892 A.2d 456, 459 (Me. 2006); see also State v. Lockhart, 2003 ME 108, ¶ 46, 830 A.2d 433, 448 (Me. 2003); State v. Crocker, 435 A.2d 58, 75 (Me. 1981); State v. Wardwell, 183 A.2d 896, 899 158 Me. 307 (Me. 1962). This Court has "recognized that a gruesome photograph depicting a murder victim has the potential for prejudicially inflaming the emotions of the jury against the defendant,

[34] "The third determination in the analysis set forth in Crocker for the admissibility of photographs is a Rule 403 . . . It must be evidence that has 'an undue tendency to move the tribunal to decide on an improper basis, commonly, though not always, an emotional one.' Id." State v. Allen, 2006 ME 21, ¶ 13, 892 A.2d 456, 460 (Me. 2006).

and that under some circumstances its admission would be error."[35] State v. Conner, 434 A.2d 509, 512 (Me. 1981).

These photographs were of little significance to the State's case. There was other, more probative evidence from the police reconstruction and medical examiner that provided context and explanation of the gunshots fired and how they hit Shoeb and Mohamed. (Tr. T. at 555-640, 646-722). The photos served little purpose other than to provoke an emotional response from the jury and prejudice Mr. Aldrich's case.

G. Brittany Manzo's testimony that Mr. Aldrich shot a gun at her.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error." State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013)(citation omitted). A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion. Id., ¶ 24, 92. Evidence of prior bad acts under Rule 404(b) is reviewed for clear error. State v. Williams, 2024 ME 37, ¶ 28, 315 A.3d 714, 721 (Me. 2024).

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[35] Furthermore, "[t]he critical factor in th[e] balancing test is the significance of the photograph in proving the State's case. Where the photograph has minimal significance, e. g., where it is probative only of uncontroverted facts, or where its value is merely cumulative of other less prejudicial evidence, then it is the responsibility of both the prosecutor and the trial court to examine closely those photographs that are arguably prejudicial; where the photograph has essential evidentiary value, then even a gruesome photograph may properly be admitted into evidence. . . Even where a gruesome photograph is properly admissible, the prosecutor and the trial court should take steps to reduce the potential for prejudice, if possible. Some steps can be taken before the victim is photographed, such as cleansing the blood from the body or the victim's face." State v. Conner, 434 A.2d 509, 512 (Me. 1981).

Brittany Manzo's testimony that Mr. Aldrich fired a gun at her was highly prejudicial to Mr. Aldrich. (Tr. T. at 897); see supra at 20, fn 23. The jury was encouraged by the evidence to believe that Mr. Aldrich had previously fired a gun at someone and would have no qualms in doing so again. Moreover, the prior alleged act had no relevance to the facts of the case and only served to prejudice Mr. Aldrich by insinuating a bad character and propensity for gun violence.

H. Testimony that Mr. Aldrich used a derogatory term to describe Shoeb Adan and Mohamed Aden.

A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion. State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013)(citation omitted).

The trial court should have excluded evidence that Mr. Aldrich had used a derogatory term when referring to Shoeb and Mohamed. (Tr. T. at 972). This evidence, like much of the other prejudicial evidence outlined here that the trial court allowed into evidence, served to only place Mr. Aldrich is a bad light. Additionally, it was doubly highlighted with Mr. Aldrich had address the term in his testimony at trial. (Tr. T. at 1534). As such, the prejudice to Mr. Aldrich substantially outweighs any probative value the derogatory term might have for the State.

I. Testimony about a tip implicating Mr. Aldrich in the deaths of Shoeb Adan and Mohamed Aden.

This Court reviews "a trial court's ruling to admit or exclude alleged hearsay evidence for an abuse of discretion." State v. Tieman, 2019 ME 60, ¶ 12, 207 A.3d 618, 622 (Me. 2019)(citations omitted).

The trial court allowed into evidence information that a tip had been received stating Mr. Aldrich was responsible for a double homicide and that Brandi Frost had pertinent information.[36] See supra at 22-23. "[A]dmitting the out-of-court statement for the purpose of explaining the trooper's conduct or because the statement was taken during his investigation [is] error."[37] State v. White, 2002 ME 122, ¶ 15, 804 A.2d 1146, 1150 (Me. 2002). "The key to the admissibility of hearsay evidence is its reliability". State v. Rameau, 685 A.2d 761,764 (Me. 1996). The trial court should have excluded the hearsay information.

J. Testimony about Extraditable Warrants for Mr. Aldrich.

"[A] trial court's ruling on evidentiary relevance [is reviewed] for clear error." State v. Hassan, 2013 ME 98, ¶ 21, 82 A.3d 86, 92 (Me. 2013)(citation omitted). A Rule 403 finding is reviewed by this Court for an abuse of the trial court's discretion. State v. Hassan, 2013 ME 98, ¶ 24, 82 A.3d 86, 92 (Me. 2013).

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[36] "Hearsay—a statement not made while testifying at the current trial or hearing that is offered in evidence to prove the truth of the matter asserted in the statement—is generally inadmissible. See M.R. Evid. 801(c), 802." State v. Ketcham, 2024 ME 80, ¶ 24, 327 A.3d 1103, 1110 (Me. 2024).

[37] Moreover, the source of the information was not known. "The right of a criminal defendant to confront witnesses and evidence against him is guaranteed as an element of due process. . . ." State v. Rameau, 685 A.2d 761, 764 (Me. 1996); see also U.S. Const. amend. XIV; Me. Const. art. I, § 6-A.

The trial court allowed into evidence the fact that Mr. Aldrich had extraditable warrants at the time of his arrest in New Hampshire. (Tr. T. at 1031-1032). See supra at 23. This information was neither relevant to the charges against Mr. Aldrich nor probative of any fact that the State needed to establish or prove its case. It only serve to prejudice Mr. Aldrich in the eyes of the jury.

K. Evidence of a threat involving Shoeb Adan.

Evidence of prior bad acts under Rule 404(b) is reviewed for clear error. State v. Williams, 2024 ME 37, ¶ 28, 315 A.3d 714, 721 (Me. 2024).

The trial court excluded information about a known threat involving Shoeb prior to the night of February 20, 2023. However, as Mr. Aldrich raised a self-defense claim, it was error to exclude this information.[38]

L. Additional prejudicial evidence not subject to objections

When unpreserved, challenges are reviewed for obvious error. State v. Haji-Hassan, 2018 ME 42, ¶ 18, 182 A.3d 145, 151 (Me. 2018); M.R.U. Crim. P. 52(b).

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[38] "Rule 404(b) of the Maine Rules of Evidence provides that '[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith.' In essence, M.R. Evid. 404(b) makes evidence of a victim's violent nature inadmissible to prove that the victim was violent on a given occasion. See State v. Stanley, 2000 ME 22, ¶ 8, 745 A.2d 981. However, when a defendant raises the defense of self-defense, "this rule does not keep out the victim's reputation for violence, proved to have been known to the accused before the event, for the purpose of showing his reasonable apprehension of immediate danger." M.R. Evid. 404 Advisers' Note; see Stanley, 2000 ME 22, ¶ 13, 745 A.2d 981." State v. Holland, 2012 ME 2, ¶ 19, 34 A.3d 1130, 1135 (Me. 2012); see also State v. Ketcham, 2024 ME 80, ¶ 26, 327 A.3d 1103, 1111 (Me. 2024).

Additional information was entered into evidence at trial, without objection, and has prejudiced Mr. Aldrich, particularly when taken in light of the cumulative effect of the information. Information and surveillance footage about Mr. Aldrich obtaining ammunition from Cabela's days after the deaths of Shoeb and Mohamed, had no relationship to the alleged crimes, and, as such, was prejudicial and affected the fairness of his trial. (Tr. T. at 337, 851, 880, 918-923). Information about searches on Mr. Aldrich's phone had no relevance to the case, including searches for porn and how to disable anti-theft systems that were discussed through State's Exhibit 145. (Tr. T. at 1223-1224). Additionally, waiting until just before Mr. Aldrich's testimony to determine what prior convictions would be used to impeach him prejudiced his case.[39] (Tr. T. at 1413-122).

II. The jury's instructions were prejudicial and in error.

Jury instructions are reviewed "'as a whole for prejudicial error, and to ensure that they informed the jury correctly and fairly in all necessary respects of the governing law.'" State v. Hanscom, 2016 ME 184, ¶ 10, 152 A.3d 632, 635

[39] The Advisory Notes to Rule 609 state that "Frequently the determination of the admissibility of convictions under this rule is crucial to the defendant's election to testify in his own behalf. In many cases this election will affect the entire trial strategy of the defense. The trial court should generally entertain a motion in limine to determine the admissibility of any prior convictions of the defendant before the trial or, at the latest, before the opening statements. See, State v. Pottios, 564 A.2d 64, fn.1 (Me. 1989)." Advisor's Notes to Rule 609 (April 16, 1990) Amendment.

(Me. 2016)(citation omitted).[40] Review of applicability of a justification defense is de novo. State v. Cardilli, 2021 ME 31, ¶ 15, 254 A.3d 415, 421 (Me. 2021).

Mr. Aldrich objected to the inclusion of a flight instruction in the jury instructions. (Tr. T. at 1545). The court overruled the objection and the jury was instructed. (Tr. T. at 1546, 1733-1734). This instruction prejudiced Mr. Aldrich. It highlighted this one particular aspect of the case at the very end of the instructions. The inclusion, combined with all the other issues outlined, had the effect of distracting from the issues before the jury to decide and placed Mr. Aldrich in a bad light, reminding the jury of the extensive prejudicial information associated with his arrest in New Hampshire and his conduct in the days after the February 20, 2023 incident.

Mr. Aldrich also requested that the trial court give a necessity defense instruction to justify his possession of a firearm during the February 20th shooting,

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[40] When request for a jury instruction has been preserved, a judgement is vacated by a showing that the instruction "(1) stated the law correctly; (2) was generated by the evidence; (3) was not misleading or confusing; and (4) was not sufficiently covered in the instructions the court gave. In addition, the court's refusal to give the requested instruction must have been prejudicial to the requesting party." State v. Hanscom, 2016 ME 184, ¶ 10, 152 A.3d 632, 635 (Me. 2016). When there is no object review is for obvious error. See M.R. Crim. P. 52(b); State v. Herzog, 2012 ME 73, ¶ 7, 44 A.3d 307, 309 (Me. 2012).

which the trial court denied.[41] (Tr. T. at 1547, 1571-1578, 1677-1679). Mr. Aldrich asserts that the facts of his case generated and warranted instruction of the justification and it was error for the court to not provide the instruction.

III. The court erred in its decision not to suppress Mr. Aldrich's statements.

For questions of law, as to the ultimate determination of whether a statement should be suppressed, this Court reviews de novo. State v. Hernandez-Rodriguez, 2025 ME 9, ¶ 21; State v. Figueroa, 2016 ME 133, ¶ 12, 146 A.3d 427, 431-432.

"Miranda safeguards come into play only if the statements obtained from a person after the person has been taken into custody are 'the product of interrogation.'"[42] State v. Hernandez-Rodriguez, 2025 ME 9, ¶ 20 (citation omitted). Interrogation can be either express questioning or the functional

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[41] Mr. Aldrich relied on the Fifth Circuit case United States v. Penn, 969 F.3d 450, 455 (5th Cir. 2020)(citations omitted), which recognizes a justification defense to a felon-in-possession charge if a defendant shows that "(1) he was under an imminent threat of death or serious injury; (2) he did not 'recklessly or negligently' place himself in a situation where he would be forced to possess a firearm; (3) he had no 'reasonable, legal alternative' to possessing the firearm. . . (4) 'a direct causal relationship' could be anticipated between possession of the firearm and abatement of the threat" and (5) the defendant possessed the firearm only during the time of danger. Borrowing from analysis of self defense justification, "[t]o make its decision [on applicability of the justification], the court determines whether sufficient evidence has been generated that is 'of such nature and quality' to render 'the existence of all facts constituting the defense a reasonable hypothesis for the fact finder to entertain.'" State v. Ouellette, 2012 ME 11, ¶ 13, 37 A.3d 921, 927 (Me. 2012)(citations omitted).

[42] "Statements are the product of interrogation if the police engaged in express questioning or uttered 'any words or actions . . . that the police should know are reasonably likely to elicit an incriminating response from the suspect.' The test is objective." State v. Hernandez-Rodriguez, 2025 ME 9, ¶ 20 (citations omitted).

equivalent. See Rhode Island v. Innis, 446 U.S. 291, 300-301, 64 L. Ed. 2d 297, 100 S. Ct. 1682 (1980).

In terms of requesting an attorney, "[e]ven an ambiguous reference by a suspect of the right to have an attorney present requires that further inquiry be made to insure that he is not requesting an attorney and desires to continue the interrogation. See State v. Ladd, 431 A.2d 60, 62-63 (Me. 1981)." State v. McCluskie, 611 A.2d 975, 977 (Me. 1992).

Mr. Aldrich's statements to law enforcement were the result of an interrogation.[43] Law enforcement met with Mr. Aldrich to discuss the Tripp Lake murders and to gain information to assist in their investigation. (Sup. T. at 24, 27). They had received information from a confidential informant that he was involved in the deaths and they traveled all the way to New Hampshire to met with him. (Sup. T. at 17, 26, 29, 36). Additionally, he was questioned about his whereabouts. (Sup. T. at 42). It is disingenuous to say that the questioning of Mr. Aldrich was just to see if he wanted to talk about the February 20th incident.

Additionally, Mr. Aldrich's requests for an attorney should have been meet with more sufficient inquiry from law enforcement in order confirm whether he was invoking his right to an attorney and for questioning to stop.

As such, the lower court should have granted his motion to suppress.

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[43] There was no dispute about Mr. Aldrich being in custody. (Sup. T. at 8, 44).

VI. The Androscoggin County Court erred in imposing both Mr. Aldrich's basic and maximum sentences.

The basic term of incarceration is reviewed de novo for misapplication of principle.[44] State v. Robbins, 2010 ME 62, ¶ 9, 999 A.2d 936, 938-9 (Me. 2010). Review of the maximum sentence imposed by a sentencing court is for an abuse of discretion. State v. Stanislaw, 2013 ME 43, ¶ 17, 65 A.3d 1242, 1248 (Me. 2013).

On November 22, 2024, the Androscoggin County Court imposed a life sentence on Count 1, a life sentence on Count 2, and a concurrent five year sentence on Count 3. (Sent. T. at 1, 29-30). In setting the basic sentence at life the court applied four aggravating circumstances found in Shortsleeves and its progeny. See State v. Lord, 2019 ME 82, ¶ 28-29, fn 8 208 A.3d 781, 789-790, fn 8 (Me. 2019)(citation omitted); State v. Waterman, 2010 ME 45, ¶ 44, 995 A.2d 243, 253 (Me. 2010). The four circumstances were multiple deaths, premeditation-in-fact, the use of a firearm by a prohibited person, and that the murders were for gain. (Sent. T. at 24-25). Mr. Aldrich asserts that because aggravating circumstance are addressed in the first step of the sentencing analysis when imposing a life sentence, those findings should be held to the same standard as factual findings in the second step of the analysis. That standard require that "'[i[n determining the appropriate degree of mitigation or aggravation of an offender's

[44] While "the standard of review of abuse of discretion applies only to the maximum period of imprisonment and the final sentence. . . [the Court is] statutorily mandated to review any part of the sentence, including the basic term, for an abuse of the court's sentencing power." State v. Reese, 2010 ME 30, ¶ 23, 991 A.2d 806, 816 (Me. 2010)(internal citations omitted).

basic [sentence,] the court may consider any evidence that is factually reliable and relevant.'" Hewey, 622 A.2d at 1154." State v. Waterman, 2010 ME 45, ¶ 48, 995 A.2d 243, 254 (Me. 2010). Mr. Aldrich asserts that there were no reliable facts or findings by the jury or Court to establish that he went to 205 Tripp Lake Road with the intent to kill the occupants for gain or that there was any premediation-in-fact. See Sent. T. at 23-24.

Second, the sentencing court incorrectly weighed the mitigating and aggravating factors and attributed no weight to Mr. Aldrich's mitigating factors.[45] (Sent. T. at 26-29). The court stated that "I don't find there to be any real mitigating factors, let alone factors that impacted my analysis to any substantial degree." (Sent T. at 29). Mr. Aldrich highlighted numerous mitigating factors for consideration by the court, all of which the court summarily dismissed and did not properly explain its rationale for dismissal on the record. See Def.'s Memo (Nov. 18. 2024 at 5-6). Doing so was an unfair abuse of the court's discretion.

[45] Step two of the sentencing analysis requires the sentencing court to consider "whether any mitigating or aggravating factors exist to adjust the sentence upward or downward." State v. Robbins, 2010 ME 62, ¶ 10, 999 A.2d 936, 939 (Me. 2010)(internal citation omitted). When setting the maximum sentence include "the court sentencing for a murder conviction determines the final period of incarceration based on the relevant aggravating and mitigating factors" and it also takes "into account sentencing principles related to rehabilitation, restitution, and differentiation of sentences to account for the individual circumstances of the defendant and to achieve a just outcome." State v. Koehler, 2012 ME 93, ¶ 33, 46 A.3d 1134, 1139-1140 (Me. 2012)(citations omitted).

Conclusion

For the above-reasons, the Appellant asks this Court vacate his convictions and remand his case to the Androscoggin County Courts for further proceedings.

Dated: March 12, 2025

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Certificate of Service

I, Jeremy Pratt, Esquire, hereby certify that on this date I sent by electronic mail one copy of the foregoing Brief of Appellant, later to be followed by one printed copy, via the U. S. Postal service, to Katie Sibly, Esq., Office of the Attorney General, 6 State House Station, Augusta, ME 04333.

Dated: March 12, 2025

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