STATE OF MAINE
ANDROSCOGGIN, ss.

SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
DOCKET NO: AND-24-541

STATE OF MAINE,
Appellee

v.

AARON ALDRICH,
Appellant

ON APPEAL FROM THE SUPERIOR COURT

BRIEF OF APPELLEE

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TABLE OF CONTENTS

Section **Page**

Table of Authorities 4

Statement of the Issues 8

Summary of Argument 8

Procedural History 10

Statement of Facts 12

Argument 17

I. The trial court did not clearly err or abuse its discretion in its evidentiary rulings 17

A. The body camera footage and photographs were properly admitted as evidence relevant to the issue of self-defense 19

B. Aldrich's theft of a van, the handgun and ammunition in his possession, the circumstances of his arrest in New Hampshire, and his use of a derogatory term were properly admitted as evidence relevant to the issue of self-defense 22

C. The admission of uncharged conduct related to Aldrich's firing of a gun at Brittany was not an abuse of discretion 24

D. Any perceived error in the trial court's exclusion of Aldrich's proffered "threat" testimony was harmless 26

E. The trial court did not abuse its discretion by limiting Aldrich's cross-examination of Doctor Liam Funte 28

II. The trial court committed no error in its instructions to the jury on the permissible inferences regarding Aldrich's flight and declining to provide his requested "necessity" instruction 32

III. The trial court did not err by denying Aldrich's motion to suppress because it properly concluded he was not subject to interrogation 36

IV. The sentencing court committed no obvious error in imposing Aldrich's sentence 39

Conclusion 43

Certificate of Service 44

TABLE OF AUTHORITIES

Cases **Page**

Davis v. United States, 512 U.S. 542 (1994) 38

Rhode Island v. Innis, 446 U.S. 291 (1980) 36-37

State v. Arbour, 2016 ME 126, 146 A.3d 1106 37

State v. Ardolino, 1997 ME 141, 697 A.2d 73. 18

State v. Basu, 2005 ME 74, 875 A.2d 686 41

State v. Bentley, 2021 ME 39, 254 A.3d 1171 39-41

State v. Boobar, 637 A.2d 1162 (Me. 1994) 18, 21

State v. Butsitsi, 2013 ME 2, 60 A.3d 1254 ..... 17, 28

State v. Carlson, 304 A.2d 681 (Me. 1973) 23

State v. Connors, 679 A.2d 1072 (Me. 1996). 24

State v. Delano, 2015 ME 18, 111 A.3d 648 33

State v. DesRosiers, 2024 ME 77, 327 A.3d 64 31

State v. Dominique, 2008 ME 180, 960 A.2d 1160 37

State v. Dutremble, 392 A.2d 42 (Me. 1978). 27-28

State v. Eirby, 663 A.2d 36 (Me. 1995). 23

State v. Fleming, 2020 ME 120, 237 A.3d 648 37

State v. Gagne, 343 A.2d 186 (Me. 1975). 24

State v. Gaston, 2021 ME 25, 250 A.3d 137. 33-34

State v. Haji-Hassan, 2018 ME 42, 182 A.3d 145 ..... 17, 23, 31, 33-34

State v. Hassan, 2013 ME 98, 82 A.3d 86..... 22-23

State v. Healey, 2024 ME 4, 307 A.3d 1082 17

State v. Hernandez-Rodriguez, 2025 ME 9, 331 A.3d 354. 36-37

State v. Judkins, 2024 ME 45, 319 A.3d 443 26

State v. Ketchum, 2024 ME 80, 327 A.3d 1103 ..... 22, 42

State v. Lockhart, 2003 ME 108, 830 A.2d 433..... 21

State v. Nielsen, 2008 ME 77, 946 A.2d 382 38

State v. Nightingale, 2023 ME 71, 304 A.3d 264..... 32

State v. Osborn, 2023 ME 19, 290 A.3d 558 ..... 17, 27

State v. Ouellette, 2012 ME 11, 37 A.3d 921. ..... 19-20, 35

State v. Penley, 2023 ME 7, 288 A.3d 1183..... 17

State v. Philbrick, 436 A.2d 844 (Me. 1981)..... 37

State v. Pratt, 2015 ME 167, 130 A.3d 381..... 24

State v. Reese, 2010 ME 30, 991 A.2d 806 37

State v. Rizzo, 1997 ME 215, 704 A.2d 339 37

State v. Sheppard, 2024 ME 84, 327 A.3d 1144..... 17

State v. Shortsleeves, 580 A.2d 145 (Me. 1990)..... 41

State v. Shuman, 622 A.2d 716 (Me. 1993). 26

State v. Smith, 612 A.2d 231 (Me. 1992) 37

State v. Stack, 441 A.2d 673 (Me. 1982) 18, 24

State v. Stanley, 2000 ME 22, 745 A.2d 981 26-27

State v. Sweeney, 2019 ME 164, 221 A.3d 130 40

State v. Thomas, 2022 ME 27, 274 A.3d 356. 17

State v. Tieman, 2019 ME 60, 207 A.3d 618. 27

State v. Waterman, 2010 ME 45, 995 A.2d 243 41

State v. Watson, 2024 ME 24, 319 A.3d 430. 40

State v. Williams, 2024 ME 37, 315 A.3d 714 ..... 23, 31

United States v. Penn, 969 F.3d 450 (5th Cir. 2020). 34-35

Statutes

5 M.R.S. § 7070 (2022) 29

15 M.R.S. § 2115 (2022) 11

15 M.R.S. § 2151 (2022) 11

15 M.R.S. § 2155 (2022) 40

15 M.R.S. § 393 (2022). 10, 34

17-A M.R.S. § 108 (2022). 19

17-A M.R.S. § 201 (2022) 10

17-A M.R.S. § 1602 (2022). 39

Rules

M.R. App. P. 2 11

M.R. App. P. 20 11

M.R. Evid. 401 ..... 17-18, 23, 28

M.R. Evid. 403 ..... 17-18, 28, 30

M.R. Evid. 404 ..... 17, 24-26

M.R. Evid. 608 28-30

M.R.U. Crim. P. 52 26

STATEMENT OF THE ISSUES

I. The trial court's evidentiary rulings were not clearly in error or an abuse of discretion, and any perceived error was harmless.

II. The trial court committed no error in its instructions to the jury on the permissible inferences regarding Aldrich's flight and declining to provide his requested "necessity" instruction.

III. The trial court did not err by denying Aldrich's motion to suppress because it properly concluded he was not subject to interrogation.

IV. The sentencing court committed no obvious error in imposing Aldrich's sentence.

SUMMARY OF ARGUMENT

1. The trial court did not err in its evidentiary rulings. Much of the evidence that Aaron Aldrich (Aldrich) challenges was relevant and highly probative of the State's burden to disprove his self-defense claim beyond a reasonable doubt. Simply because this evidence allowed the jury to infer or reach a conclusion contrary to his defense does not render this evidence unfairly prejudicial. The number of errors alleged by Aldrich does not establish that his trial included cumulative errors sufficient to vacate the jury's verdict. Even if the trial court committed an error in an evidentiary ruling, the totality of the record, including the significant evidence of Aldrich's guilt, demonstrates that he received a fair trial.

2. At trial, Aldrich objected to the court instructing the jury on the inference of flight as consciousness of guilt. The court's instruction was supported by competent evidence in the record, accurately stated the law, and was nearly identical to the instruction previously approved by the Law Court. Similarly, the court did not err by declining to issue Aldrich's requested "necessity" defense instruction because, based on the evidence, including Aldrich's own testimony, such a defense was not reasonable for the jury to consider.

3. The trial court did not err by denying Aldrich's motions to suppress statements he made during a very brief interview with law enforcement. The court's findings that Aldrich was not subject to interrogation and that his initial statements regarding counsel were ambiguous are supported by substantial evidence in the record.

4. The sentencing court committed no obvious error in imposing Aldrich's sentences. The court's findings that objective evidence demonstrated the presence of two factors justifying life as a basic sentence are supported by substantial evidence in the record. The court also did not disregard sentencing factors; rather, in its significant discretion, it concluded those factors were unpersuasive to its analysis in setting Aldrich's maximum and final sentence.

PROCEDURAL HISTORY

On February 27, 2023, the State filed a criminal complaint in the Superior Court at Androscoggin County charging the defendant, Aaron Aldrich (Aldrich), with two counts of intentional or knowing murder for the deaths of Shoeb Adan and Mohamed Aden.[1] *State of Maine v. Aaron Aldrich,* Superior Court, Androscoggin County, Docket No. WASCD-CR-2023-00420; (Appendix 4 [A. ___]). Aldrich's initial appearance was held on March 13, 2023. (A. 6).

On April 4, 2023, the Androscoggin County Grand Jury returned an indictment charging Aldrich with the same counts of intentional or knowing murder charged in the complaint. (A. 6, 133-134). The Grand Jury also charged a third count of possession of a firearm by a prohibited person.[2] (A. 6, 133-134) Aldrich entered not guilty pleas at his arraignment on April 5, 2023. (A. 6-7).

On August 30, 2024, the Superior Court held a testimonial hearing on Aldrich's motions to suppress statements he made during a brief interview on February 24, 2023. (A. 17, 137-142). On September 3, 2024, the court entered a written order denying Aldrich's motions. (*Archer, J.*) (A. 17, 31-39).

On September 5, 2024, a jury was selected for Aldrich's trial (*Archer, J., presiding*). (A. 21). The jury began receiving evidence on September 9, 2024. (A.

[1] 17-A M.R.S. § 201(1)(A) (2022).

[2] 15 M.R.S. § 393(1)(A-1)(1) (2022).

21; Trial Transcript, 62 [T.T. __]). On September 17, 2024, the jury returned its verdict that the State had proven beyond a reasonable doubt that Aldrich was guilty of all three counts in the indictment. (A. 23; T.T. 1794).

On November 22, 2024, the Superior Court (*Archer, J.*) adjudged Aldrich guilty as charged and convicted. (A. 24-25). The court then imposed concurrent life sentences to the custody of the Department of Corrections on the murder convictions. (A. 24; Sentencing Transcript 30 [S. Tr. __]). The court also imposed a concurrent five-year sentence on count three. (A. 25; S. Tr. 30).

This same day, Aldrich filed a notice of direct appeal pursuant to M.R. App. P. 2(a)(1) and 15 M.R.S. § 2115. *State of Maine v. Aaron Aldrich,* AND-24-541; (A. 25). Aldrich also filed a separate application for leave to appeal his sentence pursuant to M.R. App. 20 and 15 M.R.S. § 2151. *State of Maine v. Aaron Aldrich,* SRP-24-540; (A. 25). On February 20, 2025, the Sentence Review Panel issued an order granting the application for leave to appeal sentence.

STATEMENT OF FACTS

In February 2023, twenty-two-year-old Shoeb Adan (Shoeb) began residing in a trailer on Lake Road in Poland, Maine. (T.T. 87-88). During this time, several of Shoeb's friends visited him frequently at the trailer to purchase illegal drugs, and he had a habit of flashing around thousands of dollars in cash. (T.T. 108-115, 152-157). On February 18, sixteen-year-old Mohamed Aden (Mohamed), moved into the trailer with Shoeb. (T.T. 112-115). This same day, Aldrich stole a generator from his girlfriend Brandi Frost (Brandi) and sold it to Shoeb at the trailer. (T.T. 215, 269-271, 1606). Notably, Shoeb and Mohamed each stood only 5'6" tall and weighed around 100 pounds; Aldrich by contrast stood 6'00" tall and weighed roughly 200 pounds. (T.T. 562, 586, 1032).

On February 20, at approximately 6:04 p.m., Aldrich began reaching out to Brittany Manzo (Brittany) desperate to find a ride to "do a job." (T.T. 957-961). Around 7:00-7:30 p.m., Christel Bosse (Christel) went to the trailer to purchase drugs from Shoeb; however, Shoeb had nearly run out of drugs. T.T. 117-118). His roughly $7,000 in cash proceeds was sitting out in the open in the trailer's kitchen. (T.T. 89-94, 117-118, 160-161). Between 8:00-8:30 p.m., Christel left with Jessica Edwards (Jessica) to run errands in the Lewiston area, leaving Shoeb and Mohamed alone inside the trailer. (T.T. 117-120).

Just before 9:00 p.m., Brandi convinced her friend Kenneth "Mike" Childs (Mike) to give Aldrich the ride he needed. (T.T. 251-252). All Brandi and Mike knew was that Aldrich needed to pick something up in Poland. (T.T. 253, 361). When Mike arrived at Brandi's house in Lewiston, Aldrich got into Mike's vehicle with a red and black tool bag and directed him to the trailer in Poland. (T.T. 361). Unbeknownst to Brandi or Mike, Aldrich had taken a Hi-Point 9mm rifle from Brandi's home and concealed it in the bag. (T.T. 265). Around 10:00 p.m., Mike and Aldrich arrived at the trailer, Aldrich got out with his tool bag, and Mike remained in his vehicle. (T.T. 363, 1026).

When Aldrich entered the trailer, Mohamed was seated in a chair in the living room, and from the doorway, Aldrich shot Mohamed multiple times; two bullets entered Mohamed's back. (T.T. 586-601, 660-677, 789). Because he could not leave a witness, Aldrich left Mohamed dead, "almost in a fetal position," on the living room floor, and went down the hallway to Shoeb's bedroom. (T.T. 151, 167-168, 792-793). Aldrich struck Shoeb in the face with the rifle, shot him multiple times, and left Shoeb "face down on the floor" of his bedroom doorway "in a pool of blood." (T.T. 168-169, 568-586, 1633).

Aldrich then took a Glock handgun from the trailer, returned to Mike's vehicle, and said they were all set to leave. (T.T. 366-367, 1603-1604). During the drive back to Brandi's house, Aldrich told Mike he had "flanked or flogged

them," which Mike knew to mean that Aldrich had killed people inside the trailer. (T.T. 368, 374). Aldrich also told Mike that if Mike said anything he would kill him, his wife, his kids, and Brandi. (T.T. 368, 374).

When Mike entered Brandi's home, she immediately knew something was wrong. (T.T. 254-255). Mike told her that Aldrich had killed "them." (T.T. 371). A few minutes later, Aldrich, appearing normal, entered the house and tossed the red and black tool bag at Brandi. (T.T. 255). Aldrich told Brandi not to ask questions, to get rid of the tool bag, and that if she did not comply, he would harm her daughter. (T.T. 257, 325). Inside the red and black tool bag was the Hi-Point 9mm rifle with Shoeb's blood on it, two pairs of Shoeb's pants, and Aldrich's jeans and sneakers, which were splattered in Shoeb's blood. (T.T. 1053-1054, 1105-1110, 1121-1130, 1302-1305; State's Exhibits 79-82, 85-87 [St. Ex. __]).

Around 11:00 p.m., Christel and Jessica went back to the trailer. (T.T. 117-120, 164-165). Each had been trying to contact Shoeb and Mohamed for roughly an hour but had received no response, which was unusual. (T.T. 117-120, 164-165). When they arrived at the trailer, they noticed all the lights were on, which was also unusual. (T.T. 117-120, 164-165). While Jessica remained in the car, Christel went to see what was going on and she found the door to the trailer was unlocked, which was also unusual. (T.T. 165-167). After entering the

trailer and finding Shoeb and Mohamed dead, Christel fled and told Jessica what she had discovered; however, neither of them called 911. (T.T. 122, 170-173). At 12:36 a.m. on February 21, Aldrich sent Brittany a photograph of him holding a stack of money. (T.T. 963-964, 1236; St. Ex. 148, p. 56).

Around 6:57 a.m., after not being able to convince Christel or Jessica to call 911, Carlos Mendez, Christel's roommate and a friend of Shoeb's, reported the shooting at the trailer. (T.T. 77, 210). Deputy Zachary West of the Androscoggin Sheriff's Office responded to the report and confirmed that two people had been shot and were deceased inside the trailer. (T.T. 74, 77, 80-81). During his brief sweep of the scene, Dep. West did not see a firearm inside the trailer. (T.T. 83). During a later search of the trailer, the Maine State Police Major Crimes Unit found four 9mm bullet casings in the living room near Mohamed's body, and three 9mm bullet casings in the bedroom near Shoeb's body. (T.T. 650-651).

On February 24, detectives with the Maine State Police requested the assistance of the New Hampshire State Police in locating Aldrich. (T.T. 443-445). The Maine State Police had received information that Aldrich was involved in the deaths Shoeb and Mohamed, had extraditable arrest warrants, had stolen a work van from a parking lot in Brunswick, and had tracked his phone to a shopping mall in Salem, New Hampshire. (T.T. 425-433, 438-442,

1031). The police in New Hampshire located Aldrich and the stolen van on the second floor of the mall's parking garage. (T.T. 443-445, 450-451). When they attempted to take Aldrich into custody, he fled, jumped down a flight of stairs, and ran out of sight around the building. (T.T. 457, 470, 481-482). During his flight, Aldrich discarded a Glock handgun he had stolen from the trailer on the night he murdered Shoeb and Mohamed and a large-capacity magazine to that gun. (T.T. 455, 458, 463-464, 493-494, 1603-1604). Believing Aldrich might circle back to the stolen van, Detective-Sergeant Stefan Czyzowski returned to the second floor of the parking garage, and soon thereafter saw Aldrich inside the mall. (T.T. 489-490). Det.-Sgt. Czyzowski entered the mall and took Aldrich into custody on the Maine arrest warrants at approximately 9:10 p.m. (T.T. 504).

After the van was returned to Maine, the Maine State Police conducted a search of it pursuant to a warrant. (T.T. 842). Therein they discovered three additional 9mm magazines, loaded with a total of 62 bullets, a full box of 9mm ammunition, and loose 9mm ammunition. (T.T. 846-847, 1106, 1354-1356; St. Ex. 34-35). Ballistics testing at the State Police Crime Lab confirmed that the bullet casings recovered from the trailer were fired from the Hi-Point rifle in Aldrich's red and black tool bag, and that the bullets recovered from the bodies of Shoeb and Mohamed during their autopsies could have been fired from the

Hi-Point rifle. (T.T. 571-601, 1383-1385, 1386). The testing also excluded the Glock in Aldrich's possession in New Hampshire as the murder weapon. (T.T. 1383-1385, 1386).

ARGUMENT

I. The trial court did not clearly err or abuse its discretion in its evidentiary rulings.

Aldrich first contends that fourteen of the trial court's evidentiary rulings constitute reversible error. (Blue Brief, 27-41 (Bl. Br. __). He primarily argues that the evidence was either irrelevant or unfairly prejudicial and therefore admitted in violation of M.R. Evid. 401 and 403. (Id.). "[A] trial court's evidentiary rulings [are reviewed] for clear error or abuse of discretion." *State v. Healey,* 2024 ME 4, ¶ 13, 307 A.3d 1082.[3] A trial court commits clear error if "no competent evidence" supports the court's findings in favor of admissibility. *State v. Sheppard,* 2024 ME 84, ¶ 14, 327 A.3d 1144 (citation omitted). A trial court abuses its discretion if the court's evidentiary ruling "arises from a failure to apply principles of law applicable to the situation, resulting in prejudice." *State v. Thomas,* 2022 ME 27, ¶ 23, 274 A.3d 356.

[3] *See State v. Haji-Hassan,* 2018 ME 42, ¶ 13, 182 A.3d 145 (relevancy reviewed for clear error); *State v. Osborn,* 2023 ME 19, ¶¶ 17, 19, 290 A.3d 558 (admissibility under M.R. Evid. 404(b) reviewed for a clear error, but admissibility under M.R. Evid. 403 reviewed for an abuse of discretion); *State v. Butsitsi,* 2013 ME 2, ¶ 13, 60 A.3d 1254 (limiting of the scope of cross-examination reviewed for an abuse of discretion); *State v. Penley,* 2023 ME 7, ¶ 15, 288 A.3d 1183 (admissibility of hearsay reviewed for an abuse of discretion).

"Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." M.R. Evid. 401; *see State v. Stack,* 441 A.2d 673, 676 (Me. 1982) ("evidence having any rational tendency to prove or disprove a factual issue is relevant, [regardless of] whether the evidence is immediate and direct or indirect and circumstantial.").

Even if relevant, evidence may be excluded if it is unfairly prejudicial, confuses the issues, or misleads the jury. M.R. Evid. 403. Unfair prejudice "means more than simply damage to the opponent's cause. A party's case is always damaged by evidence that the facts are contrary to his contention." *State v. Ardolino,* 1997 ME 141, ¶ 10, 697 A.2d 73. "[T]he mere fact that an inference contrary to a defendant's contentions can be drawn from the testimony does not suffice to render the testimony unfairly prejudicial." *Stack,* 441 A.2d at 676 (Me. 1982). The evidence must be so prejudicial that it creates a danger that the fact finder will "decide on an improper basis." *Ardolino,* 1997 ME at ¶ 10, 697 A.2d 73. However, "the danger of unfair prejudice must *substantially* outweigh the probative value of the evidence" for exclusion. *State v. Boobar,* 637 A.2d 1162, 1168 (Me. 1994) (emphasis original).

A. The body camera footage and photographs were properly admitted as evidence relevant to the issue of self-defense.

Aldrich raised a claim of self-defense for the first time in his opening statement. (T.T. 45). He told the jury that the evidence would show that he was uncertain and reacted in the heat of the moment to defend himself. (T.T. 46-51). He also told the jury to ask themselves while hearing the evidence, "how does this evidence answer the question of self-defense?" (T.T. 51).

Self-defense is a justification defense which, once generated, the State has the "burden to both disprove self-defense beyond a reasonable doubt and prove each element of the crime charged beyond a reasonable doubt." *State v. Ouellette,* 2012 ME 11, ¶ 17, 37 A.3d 921. "A defendant's use of deadly force is justified only when: (1) the defendant has an actual belief that a person is about to use unlawful deadly force against him …; (2) the defendant believes the use of such force is necessary; (3) those beliefs are objectively reasonable; (4) the defendant did not provoke the attack; and (5) the defendant knows that he … cannot, with complete safety, retreat from the encounter." *Id.* at ¶ 10 (quotation marks and alterations omitted); 17-A M.R.S. § 108(2) (2022).

"All of the facts underlying self-defense – including the defendant's actual beliefs, the reasonableness of those beliefs, and the reasonableness of the force used in response – must ultimately be decided by the jury." *Id.* at ¶ 14. However,

"[m]erely because there is evidence sufficient to generate an issue of self-defense does not mean the jury is compelled to believe that evidence." *Id.* (quotation marks and citation omitted).

Based on Aldrich's opening statement, the jury's understanding of the positioning of Shoeb and Mohamed's bodies and the nature of their injuries became essential to their assessment of his self-defense claim. Mohamed was initially located by Dep. West, face down, in a near fetal position, partially under the living room table. (T.T. 81, 167-168; St. Ex. 53). He had suffered five bullet wounds from four bullets. (T.T. 590-600, 650). One bullet grazed from left to right across his chest, went through his right forearm, and exited through the trailer's wall just above the arm of the white chair. (T.T. 590-593, 660-677; St. Exs. 49-50). Two bullets had entered his back. (T.T. 595-600).

The body camera video and photographic evidence was critical to disproving Aldrich's claim that he saw a reflection in the living room window of a person approaching him from behind with a gun, and he just reacted by turning and firing an unknown amount of shots. (T. 1645-1648). Indeed, Mohamed was discovered lying where Aldrich said he (Aldrich) was standing when he fired; and Mohamed's positioning, the nature of his wounds, and the defect in the trailer wall were consistent with Mohamed sitting in the white chair when Aldrich shot him to death.

Shoeb was initially located face down by Dep. West. (T.T. 82). He had suffered four gunshot wounds from three bullets (T.T. 568-580). One wound that went through his left wrist and into his upper left chest was consistent with him holding his phone while sitting down. (T. 568-574; St. Ex. 38). Two bullets caused injuries to multiple internal organs, including the upper lobes of both lungs and his heart. (T.T. 573, 577-578). This evidence was critical to disproving Aldrich's claim that Shoeb provoked the attack, "came at [Aldrich] like a fucking bull," and thereby necessitated his use of deadly force. (T. 1620-1635).

Aldrich's arguments to the contrary are unpersuasive. (Bl. Br. 29-30, 36-37). The standard for excluding relevant evidence is not whether the evidence is "necessary" (A. 42; Bl. Br. 30), but whether the evidence's probative value is "*substantially* outweigh[ed]" by "the danger of unfair prejudice." *Boobar,* 637 A.2d at 1168 (Me. 1994). The body camera footage depicted law enforcement's first involvement with the investigation and was the first evidence introduced on the issue of Shoeb and Mohamed's body positioning. (A. 41, 45). The photographs had essential evidentiary value "because they illustrated the medical examiner's explanation" of their injuries. *State v. Lockhart,* 2003 ME 108, ¶ 46, 830 A.2d 433; (A. 85-86). Together, this evidence was highly probative of whether Aldrich intentionally or knowingly murdered Shoeb and

Mohamed or acted in self-defense, a critical determination for the jury. Neither at trial nor on appeal has Aldrich identified any prejudice resulting from the admission of this evidence beyond that inherent in every murder trial.[4]

B. Aldrich's theft of a van, the handgun and ammunition in his possession, the circumstances of his arrest in New Hampshire, and his use of a derogatory term were properly admitted as evidence relevant to the issue of self-defense.

Next, Aldrich contends that the trial court abused its discretion by admitting evidence regarding his theft of a van in Brunswick, the evidence seized in New Hampshire, the circumstances surrounding his arrest in New Hampshire, and his use of a derogatory term to refer to Shoeb and Mohamed. (Bl. Br. 31-31, 33-34, 38). The primary basis for his contentions is that this evidence was unfairly prejudicial. (Id.).

"Evidence of events occurring after an alleged criminal act is generally relevant if it tends to establish the defendant's state of mine." *State v. Hassan,* 2013 ME 98, ¶ 21, 82 A.3d 86 (quotation marks and citation omitted). For example, "evidence of a defendant's effort to avoid arrest can demonstrate a consciousness of guilt, which is relevant to a fact-finder's determination of guilt.

[4] Aldrich's comparison to *State v. Ketchum,* 2024 ME 80, 327 A.3d 1103, is misplaced. (Bl. Br. 30). *Ketchum* involved "a gory [body camera video] showing both victims at the scene. *Id.* at ¶ 7. That scene involved one victim who was shot in the head and died, and the second who had been repeatedly assaulted with a machete "resulting in blood loss, severe lacerations to both arms, the near severing of one of [his] wrists, and lacerations to [his] head, neck, and left shoulder." *Id.* at ¶ 3-4. Here, the scene as depicted in the body camera and photographs involved minimal blood and depicted no nearly severed limbs of a living victim. (A. 43, 86).

Id. (citation omitted); *State v. Williams,* 2024 ME 37, ¶ 35, 315 A.3d 714; *State v. Haji-Hassan,* 2018 ME 42, ¶ 27, 182 A.3d 145. Also, evidence of uncharged conduct "bearing on events which were part of the [charged conduct]" can demonstrate the "intent of the defendant." *State v. Carlson,* 304 A.2d 681, 683 (Me. 1973). "This is true even though some of the facts shown might tend to suggest or prove that the defendant was simultaneously guilty of another independent crime for which he was not on trial." *Id.* And if "relevant and probative of an individual's actions, statements evidencing the speaker's racial animus are admissible." *State v. Eirby,* 663 A.2d 36, 38 (Me. 1995).

Here, the evidence related to Aldrich's theft of the van, remaining armed, the ammunition and other evidence seized in New Hampshire, his continued flight, and his decision to refer to Shoeb and Mohamed by a derogatory term shortly after the shooting, all stemmed from the "events which were part of the res gestae" – the murder charges. *Carlson,* 304 A.2d at 683 (Me. 1973); (A. 56-57, 60-61, 94-96, 99-100). This evidence was highly probative of Aldrich's state of mind. Aldrich's state of mind was a significant fact "of consequence in determining" his guilt or innocence. M.R. Evid. 401. Simply because this evidence established facts from which the jury could draw inferences that Aldrich did *not* do "what anyone else would have done" (T.T. 44) and reach a

conclusion "contrary to [his self-defense] contentions" *Stack,* 441 A.2d at 676 (Me. 1982), does not render this evidence irrelevant or unfairly prejudicial.

C. The admission of uncharged conduct related to Aldrich's firing of a gun at Brittany was not an abuse of discretion.

Aldrich also contends that the trial court abused its discretion by admitting evidence that he had previously fired a gun in Brittany's direction. (Bl. Br. 37-38). His primary argument is that this evidence was not relevant and unfairly prejudicial. (Id.).

"Rule 404(b) does not render inadmissible evidence of other crimes, wrongs, or acts if the evidence is offered to demonstrate … intent … or the relationship of the parties." *State v. Pratt,* 2015 ME 167, ¶ 24, 130 A.3d 381 (citation omitted). "Evidence of other bad acts [may be admissible if] relevant to proving or disproving the credibility of a witness." *State v. Connors,* 679 A.2d 1072, 1075 (Me. 1996). Additionally, "[t]he circumstances under which [a] witness [testifies are] relevant to the witness's credibility and [are] matters proper for the jury's consideration." *State v. Gagne,* 343 A.2d 186, 190 (Me. 1975).

Here, the State sought introduction of evidence through the testimony of Brittany that a few weeks before February 20, 2023, Aldrich fired a gun in her direction but purposefully missed her. (A. 89-90). This evidence can arguably

be considered evidence of "bad character" under M.R. Evid. 404. However, the State proffered this evidence not for an inference of "bad character," but to demonstrate their relationship. (A. 89-90). The nature of their relationship demonstrated Brittany's state of mind and her reason for fearing Aldrich. (A. 89-90). Her state of mind and reason for fearing Aldrich provided context for the remainder of her testimony; specifically, why she remained in Aldrich's company, never called the police, and fled from the police in New Hampshire. (T.T. 965-966, 968-969).

The central issue at trial was whether Aldrich killed Shoeb and Mohamed intentionally or knowingly, or in self-defense. Brittany's testimony, specifically Aldrich's statements while they were at a hotel in New Hampshire, were highly probative of his state of mind on the night of the shooting. (T.T. 975). Given that other parts of her testimony provided possible inferences that she was an accessory-after-the-fact, and Aldrich's denial of making the incriminating statements, the evidence regarding the nature of their relationship and her state of mind provided critical context for the jury to properly evaluate her credibility. (T.T. 965-966, 968-969). Evaluation of Brittany's credibility was an essential component of the jury's ultimate determination of whether the State had met its burdens of proof.

Moreover, "[t]he likelihood that the jury would draw from [this prior act] an improper inference about [Aldrich's] character and propensity to [shoot at people unprovoked was] ameliorated by the lack of evidence that [Aldrich] made any effort to" shoot Brittany or otherwise harm her, or anyone else, during the days they spent together after he murdered Shoeb and Mohamed. *State v. Shuman,* 622 A.2d 716, 718 (Me. 1993).

D. Any perceived error in the trial court's exclusion of Aldrich's proffered "threat" testimony was harmless.

"[E]vidence of a victim's violent nature is clearly inadmissible to prove the victim was violent on a given occasion." *State v. Stanley,* 2000 ME 22, ¶ 8, 745 A.2d 981 (quotation marks and citation omitted); M.R. Evid. 404(b). "However, where the defense establishes awareness of the offered evidence at the time of the incident, it is admissible on the issue of self-defense to show reasonableness of the defendant's acts or apprehension of danger. *Id.* at ¶ 15.

Even if the trial court erred by excluding this evidence as hearsay, the error was harmless. The harmless error analysis "applies to evidentiary errors." *State v. Judkins,* 2024 ME 45, ¶ 21, 319 A.3d 443. An error is harmless if it does not affect "the substantial rights of the defendant." *Id.* at ¶ 20 (citation omitted); *see* M.R.U. Crim. P. 52(a) ("Any error, defect, irregularity, or variance that does not affect substantial rights shall be disregarded."). An error affects a

defendant's substantial rights if "that error was sufficiently prejudicial to have affected the outcome of the proceeding." *Osborn,* 2023 ME at ¶ 21, 290 A.3d 558 (citation omitted).

Here, Aldrich proffered this evidence for the effect it had upon him as the listener. (A. 122). The State presumes that this evidence was meant to support his self-defense claim by demonstrating that his knowledge of an unspecified threat, at an unspecified time, to an unspecified person, established the "reasonableness of [his] acts or apprehension of danger." *Stanley,* 2000 ME at ¶ 15, 745 A.2d 981; (A. 116). However, other testimony was introduced "from which [the] jury could have determined the reasonableness of [Aldrich's] fears." *State v. Dutremble,* 392 A.2d 42, 47 (Me. 1978). That testimony included Jessica's observations of both Shoeb and Mohamed with firearms prior to the shooting. (T.T. 112-115). Jessica seeing a firearm in the trailer the day before the shooting. (T.T. 113-115). And Aldrich's testimony that Mohamed allegedly pointed a firearm at him (Aldrich) two days before the shooting. (T.T. 1606-1607).

Conversely, "the litany of evidence presented against [Aldrich], and the testimony of [Aldrich] himself" support the conclusion that the jury's verdicts were not "meaningfully influenced" by the exclusion of this evidence. *State v. Tieman,* 2019 ME 60, ¶ 18, 207 A.3d 618. This included the significant size

difference between Aldrich and his victims; the positioning of the bodies in contrast to Aldrich's testimony; his implausible explanation for how the murder weapon was in the trailer and why no firearms were located inside the trailer; his conduct after the shooting; and his admissions to two separate people about how the shooting occurred and how he could not leave a witness. (T.T. 257, 325, 425-436, 562, 568, 963-964, 975, 1236, 1620-1633, 1655-1657, 1665). Thus, whether this evidence would have "buttress[ed] his claim of self-defense … is speculative" at best. *Dutremble,* 392 A.2d at 47 (Me. 1978).

E. The trial court did not abuse its discretion by limiting Aldrich's cross-examination of Doctor Liam Funte.

Aldrich also contends that the trial court abused its discretion by limiting his cross-examination of Deputy Chief Medical Examiner Doctor Liam Funte regarding a consent agreement and disciplinary report. (Bl. Br. 34-36). "[The Law Court] review[s] the trial court's ruling limiting the scope of cross-examination for abuse of discretion and will overturn such a ruling only if it has clearly interfered with a defendant's right to a fair trial." *State v. Butsitsi,* 2013 ME 2, ¶ 13, 60 A.3d 1254 (citation omitted).

In addition to the requirements of Maine Rules of Evidence 401-403, Rule 608 essentially provides that: (a) a witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character

for truthfulness or untruthfulness; and (b) extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. The court may, on cross-examination, allow a party to inquire into specific instances of a witness's conduct if they are probative of the character for truthfulness or untruthfulness of the witness. M.R. Evid. 608.

The State filed a motion in limine requesting that the court decide the admissibility of evidence pertaining to a July 17, 2024, consent agreement prior to Dr. Funte's testimony. (A. 145). Shortly before the start of trial, Aldrich filed a motion to dissolve a protection order related to two documents regarding Dr. Funte that the State had provided in discovery (referred to as the "final written decision" and the "report of investigation"). (A. 21).

At trial, prior to Dr. Funte's testimony, Aldrich argued that the information in the consent agreement and the report of investigation "could very well be relevant" and "may be necessary to impeach" depending on Dr. Funte's testimony. (A. 63-71).[5] He further argued that "[he] might need to inquire" into the details of the report of investigation or consent agreement "if [those details] affect[ed] the work in [his] specific case." (A. 72-73).

[5] The State did not oppose vacating the protection order regarding the final written decision because it is not confidential. (A. 74); 5 M.R.S. 7070 (2022).

The trial court determined that the report of investigation was confidential pursuant to statute with no applicable exception. (T.T. 539-540). Although the final written decision was not confidential by statute, the court determined that the information contained therein was not relevant,[6] not probative of untruthfulness,[7] and that "raising the matter would essentially require a mini trial as to an issue that has absolutely no bearing on this present trial" (effectively a trial within a trial under Rule 403). (A. 77-78).

Similarly, the trial court determined that the information contained in the consent agreement was not relevant, had "minimal probative value in relation to the pending matter … 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." (A. 79-80). At no point did Aldrich ask the trial court to reconsider its ruling after direct or during his cross-examination. (T.T. 602-640).

Aldrich's assertion that this evidence was "highly material to Dr. Funte's job performance," and "could have been used to question his work product" (Bl.

[6] The trial court specifically found that "the events of 2020 do not make a fact in this case more or less probable. The events are not related in time. The events do not implicate Dr. Funte's qualifications as a pathologist, and the events do not have any relation to his actions as a pathologist in this case." (A. 75-76).

[7] The trial court specifically found that pursuant to M.R. Evid. 608 the events occurring in 2020 "[were] not sufficiently probative" because they "occurred three years prior" and was "essentially a summary [of] a he said/she said." (A. 75-76).

Br. 35), ignores very key facts - he did not challenge Dr. Funte's qualifications as a pathologist, the results of the autopsies contained in his reports, and called no expert to challenge the manner in which Dr. Funte performed the autopsies. (A. 71-73). Thus, the trial court did not err by determining that this evidence "did not speak to [Dr. Funte's] credibility as a pathologist and was not relevant to the testimony that he [would be] offer[ing] in [Aldrich's] case." *Haji-Hassan,* 2018 ME at ¶ 15, 182 A.3d 145; (A. 75-76).

Simply because Aldrich asserts multiple errors does not itself establish that his trial was infected with errors that "were [so] pronounced and persistent, with a probable cumulative effect upon the jury which cannot be disregarded as inconsequential." *State v. DesRosiers,* 2024 ME 77, ¶ 35, 327 A.3d 64 (quotation marks and citation omitted).[8] As argued above, the trial court neither committed clear error nor abused its discretion in its evidentiary

[8] Aldrich also asserts several other evidentiary errors. (Bl. Br. 30-31, 38-41). Contrary to his contentions, the trial court properly concluded that (1) Brandi's purchase of a different firearm for a different boyfriend two years before the events of this case was irrelevant (A. 46-53); and (2) the testimony that Det. Huntley had received a tip from a confidential informant and that Aldrich had extraditable warrants were not offered for the truth but to explain the context of how Det. Huntley ended up going to Brandi's house and in New Hampshire to interview Aldrich. (A. 103-113). The other points raised by Aldrich, which he did not object to at trial (Bl. Br. 40-41), similarly do not constitute error, let alone obvious error, in light of the totality of evidence against Aldrich.

Additionally, given the lack of error, or any significant error, even when his claims are considered cumulatively, the record establishes that Aldrich received a fair trial. *See Williams,* 2024 ME at ¶ 45, 315 A.3d 714 (This Court "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." (quotation marks omitted)).

rulings; and any perceived error was harmless. Accordingly, the Court can confidently conclude that Aldrich received a fair trial when the evidentiary record is reviewed in its entirety.

II. The trial court committed no error in its instructions to the jury on the permissible inferences regarding Aldrich's flight and declining to provide his requested "necessity" instruction.

Next, Aldrich contends that the trial court committed reversible error by providing the jury with an instruction on the inferences they could draw from his flight. (Bl. Br. 41-42). He argues that by providing this instruction at the end of the charge the court impermissibly highlighted one aspect of the case. (Id.). He also contends that the court erred by declining to provide his requested instruction on "necessity" as a defense to the charge of possession of a firearm by a prohibited person, arguing that the evidence both generated and warranted the instruction. (Id. at 42-43).

At trial, Aldrich objected to the trial court providing an instruction regarding how the jury could evaluate the evidence of flight. (A. 220-221; T.T. 1733-1739). When an objection to a jury instruction is preserved, this Court "review[s] the jury instructions as a whole for prejudicial error, and to ensure that they informed the jury correctly and fairly in all necessary resects of the governing law." *State v. Nightingale,* 2023 ME 71, ¶ 21, 304 A.3d 264 (quotation marks, alterations, and citation omitted). "A jury instruction is erroneous if it

creates the possibility of jury confusion and a verdict based on impermissible criteria." *State v. Delano,* 2015 ME 18, ¶ 13, 111 A.3d 648 (quotation marks omitted). A trial court's judgment will be vacated "only if the erroneous instruction resulted in prejudice." *State v. Gaston,* 2021 ME 25, ¶ 24, 250 A.3d 137.

Here, the flight instruction given by the trial court did not constitute error, much less prejudicial error. The State presented sufficient evidence to support an inferential finding of consciousness of guilt. (T.T. 257, 368, 425-436, 438-445, 453-455, 482, 489-490); *see Haji-Hassan,* 2018 ME at ¶ 27, 182 A.3d 145 ("[e]vidence of flight permits the jury to infer a consciousness of guilt or that the defendant was motivated by a desire to avoid prosecution for the underlying charges." (citation and alterations omitted)). The court's instruction correctly informed the jury that it was for them "to decide what weight or effect, if any, should be given to any evidence concerning Mr. Aldrich's departure from the scene." (T.T. 1733-1734). The court's instruction also accurately informed the jury of the governing law. (Id). Indeed, the court's instruction was nearly identical to the flight instruction approved by the Law Court in *Haji-Hassan.* 2018 ME at ¶¶ 27-28, 182 A.3d 145.

Contrary to Aldrich's contention, when viewed "in their entirety" the court's instructions "sufficiently explained that the State had the burden of

proof on every element of the crime, that the jury must decide if the facts were proved beyond a reasonable doubt, and that the jury was permitted to consider innocent explanations for his [departure from the scene]." *Id.* at ¶ 26, 28. Given the strength of the State's case, it is highly doubtful that providing this instruction at the end of its charge deprived Aldrich of a fair trial.

Likewise, the trial court's declination of Aldrich's proposed "necessity" instruction did not deprive him of a fair trial. *See Gaston,* 2021 ME at ¶ 24, 250 A.3d 137 (denial of a requested jury instruction is reviewed for prejudicial error). Generally, "[a] party can demonstrate that the court erred by failing to give a requested instruction only when the instruction "(1) states the law correctly; (2) is generated by the evidence in the case; (3) is not misleading or confusing; and (4) is not otherwise sufficiently covered in the court's instructions." *Id.*

The Law Court has not expressly decided whether Aldrich's requested instruction is applicable to 15 M.R.S. § 393(1)(A-1)(1). However, the Fifth Circuit, on which Aldrich relies, has held that this defense's application is limited "to the rarest of occasions" and "protects a defendant only for possession during the time that the emergency exists." *United States v. Penn,* 969 F.3d 450, 455-456 (5th Cir. 2020) (quotation marks and citations omitted).

Here, even when viewed "in the light most favorable to [Aldrich]" the facts do not constitute that necessity was "a reasonable hypothesis for the fact finder to entertain." *Ouellette,* 2012 ME at ¶ 13, 37 A.3d 921. For example, Aldrich took the Glock from the trailer after "he was not under imminent threat of death or serious injury because [Shoeb and Mohamed] were both dead;" and that firearm remained in his possession until his flight from the New Hampshire police. (T.T. 1604, 1650-1652, 1677). Thus, by his own admission he possessed a firearm for significantly "longer than absolutely necessary" and well beyond "the time of danger." *Penn,* 969 F.3d at 455-456 (5th Cir. 2020).

Also, according to Aldrich, two days before the shooting Mohamed pointed a firearm at him inside the trailer. (T.T. 1606-1607). Yet, on the night of the shooting, Aldrich went to the trailer, purportedly unarmed, and with approximately $16,000 worth of illegal drugs. (T.T. 1616-1617). By any stretch of the imagination, this conduct demonstrates that Aldrich "recklessly or negligently," if not intentionally or knowingly, "place[d] himself in a situation where [it was highly foreseeable that] he would be forced to possess a firearm." *Penn,* 969 F.3d at 455 (5th Cir. 2020).

Accordingly, this Court can confidently conclude that the trial court committed no error in its jury instructions.

III. The trial court did not err by denying Aldrich's motion to suppress because it properly concluded he was not subject to interrogation.

Aldrich's third claim is that the trial court erred by denying his motion to suppress. (Bl. Br. 43-44; A. 31-39). He argues that he was subject to interrogation and that his invocation of his right to an attorney was not properly honored. (Id.). "[The Law Court] review[s] the factual findings made by the trial court for clear error [and] de novo for issues of law and for the ultimate determination of whether the statement should be suppressed." *State v. Hernandez-Rodriguez,* 2025 ME 9, ¶ 21, 331 A.3d 354.

The safeguards of *Miranda* only apply when a person is subject both to custody and interrogation. *Id.* at ¶ 20. Interrogation means that a person "is subjected to either express questioning or its functional equivalent." *Rhode Island v. Innis,* 446 U.S. 291, 300 (1980); *Hernandez-Rodriguez,* at ¶ 20. The functional equivalent of express questioning consists of "any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect." *Id.* at 300-301; *Hernandez-Rodriguez,* at ¶ 20.

"The test" for whether a person was subject to interrogation "is objective." *Hernandez-Rodriguez,* at ¶ 20 (citing *Innis,* at 302). "Thus, voluntary

statements not elicited in response to custodial interrogation are admissible without prior *Miranda* warnings." *Id.* (citing *Innis,* at 299-302). "A court's conclusion that a law enforcement officer's comment did not constitute interrogation will be upheld unless the evidence shows that a contrary inference was the only reasonable conclusion that could have been drawn." *State v. Fleming,* 2020 ME 120, ¶ 25, 239 A.3d 648 (quotation marks and alteration omitted)).

Contrary to Aldrich's contention, the fact that the State Police wanted to question him about Shoeb and Mohamed's murders does not amount to interrogation. (Bl. Br. 43-44). Det. Huntley's approach, announcing his wish to question Aldrich about his whereabouts on February 20 and informing Aldrich that his whereabouts were in relation to a homicide investigation, has repeatedly been affirmed by the Law Court as not constituting interrogation. (Motion Hearing Transcript; State's Motion Exhibit 1 (audio recording)).[9]

The fact that Aldrich used the word "lawyer" before Det. Huntley explained that he wanted to talk to him about a homicide investigation does not

[9] *See State v. Arbor,* 2016 ME 126, ¶¶ 21-22, 146 A.3d 1106 ("matter of fact communication of the evidence" alone does not equate to interrogation); *State v. Rizzo,* 1997 ME 215, ¶ 13, 704 A.2d 339 (police announcing purpose not functional equivalent of interrogation); *State v. Dominique,* 2008 ME 180, ¶ 14, 960 A.2d 1160 ("a follow-up question for clarification purposes … do[es] not constitute interrogation"); *State v. Philbrick,* 436 A.2d 844, 849 (Me. 1981) (same); *State v. Reese,* 2010 ME 30, ¶ 8, 991 A.2d 806 (explanation that a detention pertained to a specific investigation is not interrogation); *State v. Smith,* 612 A.2d 231, 233 (Me. 1992) (informing a suspect of the nature of a specific charge is not interrogation).

change the analysis. (Mot. Tr.; St.'s Mot. Ex. 1). "[A] defendant does not necessarily invoke his right to counsel every time he uses the word 'attorney.'" *State v. Nielsen,* 2008 ME 77, ¶ 17, 946 A.2d 382. Rather, "a suspect must convey his desire to remain silent unambiguously" *id.* at ¶ 16 (citation omitted), such "that a reasonable police officer in [the situation] would understand these statement[s] to be" an invocation of his or her rights." *Davis v. United States,* 512 U.S. 542, 459 (1994).

Here, Det. Huntley advised Aldrich that it was entirely his decision to answer questions, and if he wanted to answer questions it was entirely his choice which questions to answer. (St. Mot. Ex. 1). Aldrich responded that his decision would depend on the topic, and he "usually" does not talk until he speaks to an attorney. (Mot. Tr. 24; St. Mot. Ex. 1). When viewed objectively, this is not an unambiguous invocation of the right to counsel but rather an indication that Aldrich "*might* be invoking the right to counsel" depending on the topic of the questions. *Nielsen,* 2008 ME at ¶ 16 (citing *Davis,* 512 U.S. at 459).

After telling Aldrich the topic was a homicide investigation, Aldrich again provided non-responsive answers, which prompted Det. Huntley to clarify again whether Aldrich wanted an attorney. (St. Mot. Ex. 1). Aldrich then responded unambiguously that he wanted a lawyer, and Det. Huntley ceased

any further attempt at questioning. (Mot. Tr. 24-25; St. Mot. Ex. 1). Even if this Court were to conclude that the trial court erred, the error was harmless. The State introduced only one statement from this interview: "[Aldrich] said, I haven't killed anybody, I know that." (T.T. 1035). Given the significant evidence establishing Aldrich's guilt, it is highly unlikely that this one statement affected the jury's verdict.

Accordingly, this Court can conclude that the trial court did not err by denying Aldrich's motion to suppress, and any perceived error was harmless.

IV. The sentencing court committed no obvious error in imposing Aldrich's sentence.

Lastly, Aldrich challenges the propriety of his sentence, arguing that the sentencing court's basic sentence was premised on unreliable facts, and that the court failed to properly consider mitigating factors. (Bl. Br. 45-46). When sentencing on a conviction for murder, the court must follow a two-step process. 17-A M.R.S. § 1602(1)-(2) (2022). First, "the court determines the basic term of imprisonment based on an objective consideration of the particular nature and seriousness of the crime." *State v. Bentley,* 2021 ME 39, ¶ 10, 254 A.3d 1171 (internal quotation marks and citations omitted). Second, "the court determines the maximum period of incarceration based on all other relevant sentencing factors, both aggravating and mitigating, appropriate to

that case." *Id.* A sentencing court is afforded "significant leeway in what factors it may consider and the weight any given factor is due when determining a sentence." *Id.* at ¶ 11.

In a discretionary sentencing appeal, this Court generally reviews the trial court's "determination of the basic sentence de novo for misapplication of legal principles and its determination of the maximum period of incarceration for abuse of discretion." *State v. Sweeney,* 2019 ME 164, ¶ 17, 221 A.3d 130 (quotation marks and citation omitted). However, because Aldrich did not raise any issues "to the sentencing court, [this Court] review[s] for obvious error." *State v. Watson,* 2024 ME 24, ¶ 18, 319 A.3d 430.

As part of its sentence review, this Court "must consider (1) 'the propriety of the sentence, having regard to the nature of the offense, the character of the offender, the protection of the public interest, the effect of the offense on the victim and any other relevant sentencing factors recognized under law,' and (2) 'the manner in which the sentence was imposed, including the sufficiency and accuracy of the information on which it was based.'" *Id.* at ¶ 20 (citing 15 M.R.S. § 2155). "In determining whether the sentencing court … abused its sentencing power … or acted irrationally or unjustly in fashioning a sentence, [this Court] afford[s] the [sentencing] court considerable discretion." *Id.* (citation omitted).

The court committed no error in setting Aldrich's basic sentence at life. The court made an objective determination that "the particular nature and seriousness of [Aldrich's] crime[s]" involved premeditation-in-fact, an intent to cause multiple deaths, and was committed for monetary gain. *Bentley,* 2021 ME at ¶ 10, 254 A.3d 1171; (S. Tr. 24-25).[10] Although not mandatory, the Law Court has repeatedly held that premeditation and multiple deaths are objective facts which alone "can justify a life sentence." *State v. Waterman,* 2010 ME 45, ¶ 44, 995 A.2d 243 (premeditation or multiple deaths); *see also State v. Shortsleeves,* 580 A.2d 145, 149-151 (Me. 1990) (premeditation or multiple deaths); *State v. Basu,* 2005 ME 74, ¶ 25, 875 A.2d 686, 698 (murder for pecuniary gain appropriate consideration in setting the basic sentence). Contrary to Aldrich's contention, the record contains substantial and reliable evidence supporting these findings.[11]

The court also committed no error in setting Aldrich's maximum and final sentence at life. While Aldrich asserts that he raised "numerous mitigating

[10] The court also found as an objective factor that the murders were committed with the use of a firearm. (S. Tr. 25).

[11] That evidence includes that: Aldrich needed a ride to do "a quick job," the ride brought him directly to Shoeb and Mohamed's trailer, he brought the murder weapon with him despite being a prohibited person, he murdered two young men with no evidence indicating they were able to defend themselves, there were no signs of a struggle at the scene, no other firearms were located at the scene, and soon after he sent Brittany a photograph of the money he obtained at the trailer, he stole a van, fled Maine, and attempted to evade arrest in New Hampshire.

factors for [the court to consider] (Bl. Br. 46), "a sentencing court is not required to consider or discuss every argument or factor the defendant raises." *Ketcham,* 2024 ME at ¶ 35, 327 A.3d 1103 (citation omitted). In short, the court did "not disregard" the mitigating factors Aldrich put forth, but rather in its "significant leeway in determining … the weight a factor is assigned," *id.,* the court found no "factors that impacted [its] analysis to any substantial degree." (S. Tr. 29).

Accordingly, the court neither misapplied sentencing principles, abused its sentencing power, abused its discretion, nor committed obvious error in imposing life sentences for Aldrich's murder convictions.

CONCLUSION

For the foregoing reasons, Aldrich's convictions and sentences should be affirmed.

Respectfully submitted

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_____

Dated: April 22, 2025

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I, Katie Sibley, Assistant Attorney General, certify that I have emailed two copies of the foregoing "BRIEF OF APPELLEE" to Aldrich's attorneys of record, Jeremy Pratt, Esq. and Ellen Simmons, Esq.

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