

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

State of Maine v. Aaron Aldrich

Appeal from Unified Criminal Docket in
Androscoggin County

Reply Brief for Appellant

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Argument

I. The body camera footage and photographs were prejudicial to Mr. Aldrich.

The State has argued that “[t]he 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).” See Red Brief at 20.

The testimony at trial by law enforcement and the medical examiner conveyed the same information contained in the videos. (Tr. T. at 555-763, 816-857, 924-952, 1009-1395); See Blue Brief at 30. No information has been solely identified as being in those exhibits and which could not have been alternatively described by witnesses. As such, the body cameras video and photographs were not critical to the State’s case and amounts to superfluous evidence that unfairly influenced the jury due to the live viewing of the crime scene and the tugging on emotions that such imagery conveys. Additionally, while the body camera footage was the first evidence that was entered at trial, it was not the only evidence that the State envisioned on entering into evidence and there was substantial other evidence provided by law enforcement officers and the medical examiner to establish the positioning of Shoeb and Mohamed’s body and the other items of evidence collected from the trailer. (Tr. T. at 555-763, 816-857, 924-952, 1009-1395); See Blue Brief at 30.

II. The evidence surrounding Mr. Aldrich's theft of the van, possession of ammunition, and extensive testimony about his arrest in New Hampshire was prejudicial to Mr. Aldrich and should have been excluded.

Again, there is nothing in the evidence surrounding the theft of the van, ammunition, and Mr. Aldrich's arrest in New Hampshire that is essential to the State's case and this information was highly prejudicial to Mr. Aldrich. The State did not need this information to establish its case and when weighed against the damage it does to Mr. Aldrich, it was an abuse of the trial court's discretion to allow the information into evidence at trial.

The State has argued that “[h]ere, 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.” Red Brief at 23. To support this assertion the State has cited to State v. Carlson, 304 A.2d 681 (Me. 1973). However, the State's interpretation of Carlson would allow for any crimes committed in somewhat close proximity to the indicted charges to be used by the State as evidence. In Carlson, 304 A.2d 681, 682, 683 (Me. 1973), the defendant was found guilty of breaking, entering and larceny and in Carlson this Court stated that at trial the “State was permitted to show that the defendant in the course of the burglary broke into a Coca Cola machine and a cigarette vending machine on the premises and removed money from one and cigarettes from the other” and that

such actions “was admissible as bearing on events which were part of the res gestae and as tending to show the larcenous intent of the defendant. The entire conduct of the defendant while engaged in the breaking, entry and larceny charged in the indictment was open to the jury's scrutiny.” The crimes and conduct allowed into evidence in Mr. Aldrich’s case did not occur when the commission of the indicted crimes occurred. They occurred after the indicted crimes and have no bearing on establishing the actual commission of the crimes. It appears that the Carlson case allowed other acts to be used when those acts occurred in the same structure and during the actual commission of the larceny. That is not the case here. The location of the crimes was not the same and the crimes in question occurred hours and even days later and were not simultaneously to the charged conduct.

III. It was error and an abuse of the trial court’s discretion to allow Brittany Manzo’s testimony that Mr. Aldrich shot a gun at her.

The State has asserted that “[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).” Red Brief at 24.

However, in State v. Gagne, 343 A.2d 186, 189 (Me. 1975) this Court noted that the witness in that case had already “testified at length concerning his conversation with the defendant and then the County Attorney proceeded to inquire concerning

the agreement” between the witness and law enforcement and it was then that the defense attorney raised an objection. Under those circumstances this Court stated that

[i]f the State had not been permitted to disclose the circumstances of the witness's willingness to testify and if the defense revealed it on cross-examination, the jury would very likely have also received the impression that the State had tried to deceive the jury by concealing the self-serving nature of the informant's motivation. Such an impression would have been contrary to the actual situation and a hindrance to an informed and reasoned evaluation of the testimony by the jury. The effect of the Justice's ruling was not to permit the State to ‘bolster’ the credibility of the witness but to place in their true light the circumstances under which [the witness’s] testimony was offered by the State.

State v. Gagne, 343 A.2d 186, 190 (Me. 1975).

The situation here is distinguishable. The testimony was not being used to counter statements already brought into evidence. Additionally, the State sought to produce the evidence itself and the use of the evidence surrounding the shooting of a gun at Brittany Manzo was not related to the facts of the case in any probative way. The witness’s testimony about the shooting incident was not necessary for the State to establish any connection between Mr. Aldrich and Ms. Manzo that was not presented through other evidence. And even if, as the State suggested in its brief, the evidence was admitted as “evidence of ‘bad character’ under M.R. Evid. 404” the evidence is still subject to a Rule 403 analysis. Red Brief at 25. See

Steadman v. Pagels, 2015 ME 122, ¶ 22, 125 A.3d 713, 719 (Me. 2015)(citing “State v. Lockhart, 2003 ME 108, P 37, 830 A.2d 433 (evidence determined to be admissible pursuant to Rule 404 is then subjected to scrutiny pursuant to Rule 403); Field & Murray, *Maine Evidence* § 404.4 at 142 (6th ed. 2007).”). Under a 403 analysis the effect that this evidence had on Mr. Aldrich’s case was unfair and highly prejudice to him. The testimony about the possession and shooting of a gun at Ms. Manzo placed him in a extremely unfair light to the jury.

IV. The trial court erred in not providing a necessity defense instruction to justify Mr. Aldrich’s possession of a firearm.

The State has asserted that the necessity defense should not apply in Mr. Aldrich’s case. It argues that:

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). Red Brief at 35.

In viewing the facts in the light most favorable to Mr. Aldrich, his testimony provides a rationale for maintaining possession of the gun, as he testified that he

was not aware of the condition of Shoeb and Mohamed after shots had been fired at them. (Tr. T. at 1481-1482); See Red Brief at 35; State v. Ouellette, 2012 ME , ¶ 13, 37 A.3d 921, 927 (Me. 2012)(“the trial court must view the facts in the light most favorable to the defendant and resolve all reasonable inferences in the defendant's favor.”)(citation omitted)). The testimony of Mr. Aldrich established that he thought that Shoeb had not been killed during their initial struggle in the back bedroom and he believed he saw his reflection in a window when he shot Mohamed, believing that it was Shoeb. (Tr. T. at 1481-1482). He also described himself as being in a bit of a daze that he had to snap out of at this time. (Tr. T. at 1481-1482). He further stated that “I don't want to get shot going out to the U-Haul, so I did grab the gun from him,” implying that he did not know he was out of danger. (Tr. T. at 1482). Under the facts Mr. Aldrich presented to the jury, the necessity defense was generated and should have been presented to the jury because during the commission of the shootings he was not aware whether he was out of danger or not and his possession of the gun was tied to that fact.

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

In addressing Mr. Aldrich's suppression issue, the State asserted that “[g]iven the significant evidence establishing Aldrich's guilt, it is highly unlikely that this one statement affected the jury's verdict.” Red Brief at 39. In addition to asserting individual error, Mr. Aldrich has asserted in his brief that the cumulative

effect of error during his trial has effected his ability to received a fair trial when those multiple errors are taken together. See Blue Brief at 27-29.

Conclusion

For the above-reasons, the Appellant again requests that this Court to vacate Mr. Aldrich's convictions.

Dated: May 6, 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 Reply Brief of Appellant, later to be followed by one printed copy, via the U. S. Postal Service, to Katie Sibley, Esq., Office of the Attorney General, 6 State House Station, Augusta, ME 04333.

Dated: May 6, 2025

/s/ Jeremy Pratt
Jeremy Pratt, Esquire