

**STATE OF MAINE
OXFORD, SS.**

**SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
LAW DOCKET NO.: Oxf-25-310**

STATE OF MAINE,

Appellee

v.

JAMES PETERS,

Appellant

**ON APPEAL FROM THE CUMBERLAND COUNTY
UNIFIED CRIMINAL DOCKET**

BRIEF OF THE APPELLANT JAMES PETERS

**JAMES P. HOWANIEC
Attorney for the Appellant
Bar No. 3204
P.O. Box 655
Lewiston, Maine 04243-0655
Telephone: 207-754-3900
Email: jameshowaniec@gmail.com**

TABLE OF CONTENTS

	Page
Table of Contents	2
Table of Authorities	3
Procedural History	4
Statement of the Case	6
Statement of Facts	7
Issues Presented	12
Summary of the Argument	13
Argument	
1. The State failed to establish the <i>corpus delicti</i> of the offense.	15
2. James Peters did not assume a duty of care.	17
3. The trial court erred in admitting highly prejudicial and gruesome photographs over defense objection pursuant to M.R. Evid. 403.	18
Conclusion and Request for Relief	20
Certificate of Service	21

TABLE OF AUTHORITIES

	Page
Maine Cases	
<i>State v. Conner</i> , 434 A.2d 509 (Me. 1981)	18
<i>State v. Curlew</i> , 459 A.2d 160 (Me. 1983)	15, 17
<i>State v. Heald</i> , 393 A.2d 537 (Me. 1978)	18
<i>State v. Marquis</i> , 2017 ME 104, 162 A.3d 188	18
<i>State v. Poulin</i> , 2016 ME 40, 134 A.3d 886	15
<i>State v. Reed</i> , 676 A.2d 479 (Me. 1996)	16
Federal Cases	
<i>Opper v. United States</i> , 348 U.S. 84 (1954)	15
<i>Smith v. United States</i> , 348 U.S. 147 (1954)	15
<i>Old Chief v. United States</i> , 519 U.S. 172 (1997)	18
Statutes and Rules	
17-A M.R.S. § 555 (1)(B)	4, 6, 17
M.R. Evid. 403	18
Other Authorities	
McCormick on Evidence § 145 (8th ed. 2020)	16
36 Me. L. Rev. 429 (1984) (“The Corpus Delicti Rule in Maine”)	16

PROCEDURAL HISTORY

On March 11, 2021, the State filed a criminal complaint in the Oxford County Unified Criminal Court, charging the Appellant, James Peters, with one count of Intentionally Endangering the Welfare of a Dependent Person, 17-A M.R.S. § 555 (1)(B) (Class C).

An initial appearance on the complaint was held on March 12, 2021, and Mr. Peters was released on personal recognizance.

An indictment was filed by the State on April 22, 2021.

An arraignment was held on October 1, 2021, at which time Mr. Peters entered a plea of not guilty.

On February 14, 2025, the defense filed a Motion In Limine Re Medical and Autopsy Photographs.

On March 5, 2025, the Court ordered that certain photographs were admissible.

A jury trial was held on March 10-13, 2025. An Oxford County jury returned a verdict of guilty on March 13, 2025.

The defense filed a motion for a new trial on March 25, 2025.

On June 20, 2025, the Court denied the motion for a new trial. Mr. Peters was sentenced on that date to the Maine Department of Corrections

for a term of five (5) years, with all but two (2) years suspended, and a period of probation of two (2) years, with conditions.

A notice of appeal was filed on June 20, 2025.

STATEMENT OF THE CASE

James Peters was tried in the Oxford County Unified Criminal Court before Justice Maria Woodman and convicted of one count of Intentional or Knowing Endangering the Welfare of a Dependent Person in violation of 17-A M.R.S. § 555 (1)(B), a Class C felony.

The defense moved to dismiss at the close of the State's case, arguing that the State failed to prove the *corpus delicti* of any criminal offense. The motion was denied.

Over defense objection, the court also admitted into evidence a series of graphic photographs of the decedent, Joyce Brackett, depicting her body after death, including images of an ulcerated jaw wound, bruises, and fecal matter. The defense objected under M.R. Evid. 403, arguing that the photographs were cumulative, inflammatory, and not probative of intent or criminal agency.

Mr. Peters was convicted and sentenced to a term of incarceration of 5 years, all but 2 years suspended, with probation. This timely appeal followed.

STATEMENT OF FACTS

James Peters, a retired fisherman from Mexico, Maine, met Joyce Brackett in 2015. For approximately six years, the two shared a quiet domestic life together in a small home, living on their combined Social Security incomes. Their relationship was steady, affectionate, and modest. They owned no significant assets, took no expensive vacations, and were known to enjoy simple pleasures, such as taking drives through rural Maine and occasional day trips to Old Orchard Beach, where Ms. Brackett particularly enjoyed pier fries and clam cakes.

Throughout their years together, there was no indication of domestic discord or abuse. The record reveals no police calls, no reports of disturbances, and no history of violence or threats within the home. Ms. Brackett's two adult children, Julie and Philip, had little contact with their mother after their father's death in 2013 and had not visited her for nearly a decade. Neither ever raised a concern regarding her safety or the nature of her relationship with Mr. Peters.

Ms. Brackett, who was seventy-seven when she met Mr. Peters, suffered from chronic health conditions common to her age, including heart disease and a history of cancer. Her primary care physician was located in

Scarborough, and she continued to manage her health independently. The testimony at trial reflected that she was proud, strong-willed, and resolutely independent—especially regarding medical decisions. Both her daughter and Mr. Peters confirmed that she repeatedly refused hospitalization or institutional care, insisting that she remain at home even as her health declined.

By late 2020 and early 2021, Ms. Brackett's condition deteriorated. Mr. Peters, who had no formal medical or caregiving training, assisted her with daily tasks—preparing meals, cleaning, and changing bed linens—but was not her legal guardian, healthcare proxy, or appointed caretaker. There was no written directive, court order, or other instrument assigning him a duty of care. His assistance, by all accounts, arose from affection, not obligation.

In the final week of her life, Ms. Brackett's health worsened rapidly. Mr. Peters later told investigators that he was “overwhelmed” and that this was “a learning experience,” as he had never before faced such circumstances. When it became clear that Ms. Brackett's condition was critical, he called for an ambulance—over her express objection—to seek emergency medical help.

The State's medical evidence established that Ms. Brackett's cause of death was coronary artery disease, with over ninety-five percent blockage in a major artery. Dr. Mark Funte, the State's medical examiner, testified that a layperson would have had no ability to recognize the symptoms of her underlying heart disease. Dr. Funte also noted the presence of sepsis and a urinary tract infection—again, conditions that would not have been readily apparent to someone without medical training.

The autopsy revealed no skull or brain injuries, no evidence of physical abuse, and no signs of emaciation or starvation. Dr. Funte described Ms. Brackett as a “normally developed female,” approximately five feet tall and 120 pounds, with “well-groomed fingernails and toenails.”

Photographs introduced by the State depicted bruising and a lesion on the jaw, but the medical evidence attributed these findings to natural and non-criminal causes. Dr. Funte and nurse expert Ann Rovner both testified that bruising of the type found on Ms. Brackett's body was not uncommon among elderly patients, particularly those taking blood thinners. The rib fractures discovered during autopsy were likewise described as “not uncommon” and potentially the result of handling or lifting an elderly person, rather than trauma or abuse.

The jaw lesion was determined to be a “complex fracture of the mandible associated with osteomyelitis.” Dr. Funte testified that it was uncertain whether the infection caused the bone damage (a “pathological fracture”) or whether trauma had preceded infection. On balance, he concluded that infection was the more likely cause. While his report mentioned “possible neglect,” Dr. Funte acknowledged under cross-examination that it was also “possibly not neglect.”

The evidence further showed that Ms. Brackett’s physical condition was consistent with the natural decline of an elderly woman suffering from advanced heart disease and infection. There was no forensic evidence of prolonged exposure to unsanitary conditions, no laboratory confirmation that bodily fluids found were hers, and no indication of intentional harm.

Mr. Peters fully cooperated with the Maine State Police, participating in lengthy recorded interviews. Detectives pressed him aggressively on perceived inconsistencies, but he consistently maintained that he loved Ms. Brackett deeply, had tried to respect her medical wishes, and had called for emergency help as soon as he realized the seriousness of her condition.

In sum, the record reflects an elderly couple who shared a loving, six-year relationship marked by modest living and mutual companionship.

As Ms. Brackett's health declined, Mr. Peters, an untrained layperson, faced a difficult moral dilemma between honoring her refusal of medical care and seeking intervention. He ultimately called for an ambulance, but Ms. Brackett died of natural causes soon thereafter. The medical evidence did not establish intentional or knowing endangerment, nor did it demonstrate that Mr. Peters had any legal duty of care beyond the role of a devoted partner.

ISSUES PRESENTED

1. Whether the trial court erred in denying the motion to dismiss where the State failed to present sufficient independent evidence of a *corpus delicti* – that a crime had been committed by criminal agency – apart from the defendant's own statements.
2. Whether James Peters assumed a duty to care for Joyce Brackett.
3. Whether the trial court abused its discretion under M.R. Evid. 403 by admitting gruesome postmortem photographs of the deceased victim, the probative value of which was substantially outweighed by the danger of unfair prejudice.

SUMMARY OF THE ARGUMENT

The conviction cannot stand for at least three independent reasons.

First, pursuant to Maine Supreme Court precedent, James Peters did not assume a duty of care. Nor did the evidence support a knowing or intentional endangerment of Joyce Brackett.

Second, the State failed to establish a *corpus delicti*. Under Maine law, before a defendant's statements may support conviction, the State must produce independent evidence creating a *substantial belief* that a crime occurred. Here, every factual indicator pointed to natural causes and an elderly woman's voluntary medical choices. The autopsy established death by heart disease, not by criminal neglect or abuse. No evidence independent of Mr. Peters's own statements demonstrated a criminal act or intent.

Third, the trial court abused its discretion under M.R. Evid. 403 by admitting highly gruesome and emotionally charged photographs of the decedent. The photos were cumulative of detailed medical testimony, bore minimal relevance to any contested element, and risked inflaming the jury. Their admission denied Mr. Peters a fair trial under both state and federal due-process principles.

Any of the errors warrant reversal; together, they mandate it.

ARGUMENT

1. The State failed to establish the *corpus delicti* of the offense.

A. Standard of Review

Whether sufficient independent evidence supports the *corpus delicti* is a question of law reviewed *de novo*. *State v. Poulin*, 2016 ME 40, par. 10, 134 A.3d 886.

B. Applicable Law

The *corpus delicti* rule requires the State to present evidence, independent of any confession or admission, establishing a “substantial belief” that a crime has occurred and that someone’s criminal agency caused it. *State v. Curlew*, 459 A.2d 160, 164 (Me. 1983); *State v. Lovejoy*, 2014 ME 48, 20, 89 A.3d 1066. The rule guards against convictions based solely on unreliable or coerced statements. See *Opper v. United States*, 348 U.S. 84, 89 (1954); *Smith v. United States*, 348 U.S. 147 (1954).

Maine requires independent evidence that “a specific kind of injury or loss occurred, and that it was caused by criminal agency.” *Curlew*, 459

A.2d at 164. See also McCormick on Evidence § 145 (8th ed. 2020); 36 Me. L. Rev. 429 (1984) (“The Corpus Delicti Rule in Maine”).

C. Application

Here, the State’s independent evidence failed to establish that **any crime** occurred.

The autopsy proved only that Joyce Brackett died of heart disease – a natural cause. The State’s medical examiner conceded that the jaw lesion was likely infectious rather than traumatic, that rib fractures were “not uncommon” in elderly individuals, and that bruising may occur spontaneously or from medication. No expert concluded that these findings reflected abuse or knowing neglect.

Without Mr. Peters’s own statements about delay in calling an ambulance, the State’s case collapses into conjecture. There was no testimony that he had any legal duty of care; he was not her guardian, nurse, or spouse. Even assuming a moral duty, the statute criminalizes *intentional or knowing* endangerment, not mere negligence.

The independent proof thus failed to create even a “substantial belief” that Joyce’s injuries and death resulted from criminal agency. *Curlew*, *supra*, 459 A.2d at 164.

Because no independent evidence showed a criminal act apart from Mr. Peters's interviews, the Law Court should vacate the conviction and enter a judgment of acquittal.

2. James Peters did not assume a duty of care.

The State's own medical examiner testified that Joyce's injuries were "possibly" not even due to neglect, let alone intentional or knowing endangerment at the hands of James Peters. The State failed to present any evidence that Mr. Peters assumed the requisite legal duty or caregiver relationship to treat the victim as a "dependent person" under § 555.

17-A M.R.S. § 555 requires more than proof of mere neglect or passive failure to act – it demands proof of a duty and a culpable mental state. Merely careless or negligent conduct does not suffice. The statute requires the State to prove beyond a reasonable doubt not only that the dependent person's welfare was endangered, but that the defendant *intentionally or knowingly* caused the danger.

The State was required to prove beyond a reasonable doubt that Mr. Peters had a legal duty – not merely that he helped out or that the couple cohabited.

3. The trial court erred in admitting highly prejudicial and gruesome photographs over defense objection pursuant to M.R. Evid. 403.

A. Standard of Review

Admission of photographic evidence is reviewed for abuse of discretion. *State v. Marquis*, 2017 ME 104, 31, 162 A.3d 188.

B. Applicable Law

M.R. Evid. Rule 403 excludes relevant evidence when its probative value is “substantially outweighed by the danger of unfair prejudice.”

While photographs are generally admissible to illustrate testimony, they must be excluded when they serve primarily to arouse emotion or sympathy. *State v. Conner*, 434 A.2d 509, 512 (Me. 1981); *State v. Heald*, 393 A.2d 537, 542 (Me. 1978).

Courts have repeatedly warned that where photographs are cumulative and graphic, they risk distracting jurors from the evidentiary issues. *Old Chief v. United States*, 519 U.S. 172, 180 (1997).

C. Application

The photographs admitted in this case depicted an 83-year-old woman’s postmortem condition—ulcerated wounds, fecal matter, and

bruising—after prolonged illness. The probative value of these images was minimal: the cause of death (heart disease) was undisputed, and the State’s experts had already described all relevant medical findings.

Their emotional impact, however, was enormous. The prosecution repeatedly displayed the images during trial, appealing to the jury’s sympathy and sense of outrage. These photographs invited the jurors to equate the natural indignities of aging with criminal neglect. The photographs were misleading and confused the jury: They depicted what Joyce looked like when she was brought to the hospital, not what she looked like during the days and weeks leading up to her hospitalization.

The trial court failed to limit the number or scope of images, or to provide a cautionary instruction. Photographs of this nature are admissible only where necessary to prove an element genuinely in dispute—such as identity or cause of death—not merely to “illustrate” testimony already heard.

Because the photographs had negligible probative value on the contested *mens rea* and duty elements, yet carried a grave risk of unfair prejudice, their admission was an abuse of discretion requiring reversal.

CONCLUSION AND REQUEST FOR RELIEF

The conviction of James Peters rests on conjecture, emotion, and inadmissible evidence. The State failed to prove a *corpus delicti* independent of Mr. Peters's statements, and the court compounded that error by admitting gruesome and prejudicial photographs that inflamed the jury.

For these reasons, the Appellant respectfully requests that this Court:

1. Vacate the judgment of conviction and enter a judgment of acquittal; or, in the alternative,
2. Vacate the conviction and remand for a new trial free from the erroneous admission of prejudicial evidence.

Dated: October 28, 2025

/s/ James P. Howaniec
JAMES P. HOWANIEC
Attorney for Appellant James Peters
Bar No. 3204
P.O. Box 655
Lewiston, Maine 04243-0655
Telephone: 207-754-3900
Email: jameshowaniec@gmail.com

CERTIFICATE OF SERVICE

I, James P. Howaniec, attorney for the Appellant, certify that I have made service of the foregoing Brief of the Appellant by sending a copy via email this date to:

Charles Boyle, Esquire
Office of the Attorney General
6 State House Station
Augusta, Maine 04333
charles.m.boyle@maine.gov

Dated: October 28, 2025

/s/ James P. Howaniec
JAMES P. HOWANIEC
Attorney for Appellant James Peters
Bar No.: 3204
P.O. Box 655
Lewiston, Maine 04243-0655
Telephone: 207-754-3900
Email: jameshowaniec@gmail.com