

**STATE OF MAINE  
OXFORD, ss.**

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

**STATE OF MAINE,  
Appellee**

**v.**

**JAMES PETERS,  
Appellant**

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

**BRIEF OF APPELLEE**

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## STATEMENT OF THE ISSUES

- I. **Whether the trial court erred in concluding that the record evidence, independent of Peters's statements, generated a substantial belief that a crime had occurred.**
- II. **Whether, viewing the evidence in the light most favorable to the State, a rational jury could have found beyond a reasonable doubt that Peters had assumed a duty of care for Joyce Brackett.**
- III. **Whether the trial court abused its discretion by admitting certain photographs of the victim and her injuries.**

## SUMMARY OF ARGUMENT

1. Peters argues that the Court erred in denying his motion to dismiss because the State presented no evidence, save for Peters's own statements, creating a substantial belief that a crime had occurred. (Blue Br. 15-17.) Contrary to Peters's contentions, the State produced ample evidence sufficient to satisfy the low burden required of the corpus delicti doctrine, and the trial court did not err in denying Peters's motion. In denying Peters's motion, the trial court correctly laid out the two-prong test established by the common law and this Court for evaluating defense challenges under the corpus delicti doctrine. *State v. Curlew*, 459 A.2d 160, 164 (Me. 1983). It cited specific record evidence to support its conclusion that the State had carried its burden, (Tr.III.38-39.), and its factual findings were not clearly erroneous. The trial

court did not err in concluding that the record evidence, exclusive of Peters's statements, was sufficient to create a substantial belief that a crime had been committed. (Tr.III.39.) Nor did it err in concluding that the totality of the record was sufficient to establish corpus delicti beyond a reasonable doubt. (Tr.III.39.)

2. Peters argues that the State failed to present sufficient evidence, viewing the light most favorable to the State, from which a rational jury could have concluded that he had a legal duty to care for Joyce within the meaning of 17-A M.R.S. § 555(2)(A), and that this Court must vacate his conviction on that basis. (Blue Br. 17.) However, the trial record is replete with evidence upon which a rational jury could have found that Peters owed Joyce a duty of care and that he knew that his failure to act endangered her welfare. Therefore, the trial court did not err in failing to enter a judgment of acquittal sua sponte.

3. Peters argues that the trial court abused its discretion by admitting certain photographs of Joyce, taken at the hospital on February 11, 2021, as well as an X-Ray image taken during her autopsy. (Blue Br. 18-19.) He contends that these photographs had minimal evidentiary value but were unduly prejudicial, inflammatory, and cumulative. (Blue Br. 19.) Contrary to Peters's contentions, the trial court did take prophylactic steps to limit the possibility that these exhibits would induce an emotional response from the jury. The photos admitted into evidence were appropriate, relevant, and highly probative

of Peters's guilt. *State v. Allen*, 2006 ME 21, ¶ 10, 892 A.2d 456. The trial court did not abuse its great latitude or discretion in admitting this evidence.

### **PROCEDURAL HISTORY**

On March 11, 2021, James Peters was charged by complaint with a single count of Endangering the Welfare of a Dependent Person (Class C), 17-A M.R.S. § 555(1)(B). (Appendix ("App.") 3.) Peters made an initial appearance on March 12 and he was released on personal recognizance bail. The Oxford County Grand Jury subsequently handed up an indictment on the same charge on April 15, 2021, and Peters entered a not guilty plea on October 1, 2021. (App. 3-5.) The victim named in the indictment was 83-year-old Joyce Brackett. (App. 25.)

On October 17, 2024, the court (Woodman, J.) entered a pretrial scheduling order setting the matter for jury trial beginning on March 10, 2025, and setting a deadline for the filing of pretrial motions of March 3, 2025. (App. 7.) Peters timely moved in limine on February 14, 2025, that the court exclude "all photographs of the alleged victim," including autopsy photographs. The court held a consolidated motion hearing on March 5, 2025, at which the parties were heard regarding trial witness lists, exhibits, and proposed juror questionnaires. (App. 8.) The court ruled orally on Peters's motion regarding photographic exhibits, which it granted in part and denied in part

Peters's jury trial commenced on March 10, 2025 (Woodman, *J.*). Trial Transcript Volume 1 ("Tr.I") at 5. The State presented eleven witnesses, and Peters moved at the close of the State's case to dismiss for failure to establish corpus delicti. (Tr.III.32.) The State filed a written objection and the court denied the motion. (Tr.III.39.) Peters expressly declined to move for judgment of acquittal pursuant to Maine Rule of Unified Criminal Procedure 29(a) after the denial of his motion to dismiss on corpus delicti grounds. (Tr.III.29.) Peters presented a single witness in his defense, (Tr.III.45), and the parties rested finally on March 13. (Tr.III.31, 84.)

On March 14, the jury returned its verdict that the State had proven beyond a reasonable doubt that Peters was guilty of intentionally or knowingly endangering the welfare of a dependent person. (Tr.IV.20.) Peters was released on post-conviction bail, which included provisions requiring him not to contact the victim's family. (Tr.IV.20-21.) On March 25, Peters moved in writing for a new trial pursuant to Maine Rule of Unified Criminal Procedure 33. (App. 9.)

On June 20, 2025, the court (Woodman, *J.*) denied Peters's motion for new trial, and then held a contested sentencing hearing. (App. 10-11.) The court adjudged Peters guilty as charged and imposed a five-year term of imprisonment to the custody of the Department of Corrections, with all but two

years suspended, and a two-year period of probation. (App. 10, 12-14.) Peters timely filed his notice of direct appeal on June 30, 2025. (App. 11.)

### **STATEMENT OF THE FACTS**

Joyce Brackett shared a modest home at 351 Main Street, Mexico, Maine, with her husband, Philip Brackett Sr., until Phil passed away in 2012. (Tr.I.29-32.) Widowed and in her early 70s, Joyce ultimately chose to move into an in-law apartment next to the home of her adult son, Philip Brackett Jr., in South Portland. (Tr.I.37-38.) She listed the Mexico home for sale. (Tr.I.41-42.)

While Joyce was living in South Portland, she met James Peters. (Tr.I.46.) Peters, who was 16 years Joyce's junior, insinuated himself into Joyce's life. (See App.25; Tr.I.46-48; State's Ex. 77A at 78.) In 2015, Joyce pulled the Mexico house from the market and returned to Mexico along with Peters. (Tr.I.49-51.) This move was taken against the advice of Joyce's son, and a rift developed in the family. (Tr.I.51.) Joyce provided a place for Peters to live rent-free and covered all utilities, while he contributed 50% to the groceries. (State's Ex. 77; State's Ex. 77A at 38-39.) He later claimed they had planned to be married in April and commented, "I'm not married...[T]here goes my legal rights to everything." (State's Ex. 77; State's Ex. 77A at 43.) "[I]f I was married, I would have had that house." (State's Ex. 77; State's Ex. 77A at 52.)

Over the next six years, Joyce had limited in-person contact with either

Phil Jr. or her adult daughter, Julie, who lived in Moscow, Maine. (Tr.I.50-51, 167-68, 170, 178-79.) Julie kept up a regular correspondence with her mother by phone, text and email, and understood from these communications that Joyce lived with Peters, although Julie had never met him. (Tr.I.167, 173, 178.) In 2020, the final year of Joyce's life, Julie attempted several times to visit her mother in Mexico. (Tr.I.178-80.) Julie and her husband traveled to Joyce's home in Mexico on at least half a dozen occasions during the year preceding Joyce's death. (Tr.I.178-80.) Each time, they found a white Nissan truck parked in the driveway, the blinds closed, and the door locked. No one answered the door. (Tr.I.178-80.)

On the evening of Wednesday, February 10, 2021, James Peters called 911 and requested that rescue personnel come help Joyce, whose condition was, in Peters's words, "So bad." (State's Ex. 2.) First responders, including paramedics and police, responded in just minutes. (Tr.I.61.) They were met by James Peters in the driveway of 351 Main Street, who exclaimed that, "It's my honey, it's bad, you need to help her." (Tr.I.61.) Peters led emergency personnel and police into the home through the front door and into a first-floor bedroom, where Joyce lay on a bed. (Tr.I.64.)

Emergency personnel found Joyce lying on her left side, with her right cheek exposed. (Tr.I.65.) She had an open wound that exposed the inside of her

mouth. (Tr.I.65.) The wound was black and necrotic. (Tr.I.65.) Paramedics could see Joyce's teeth from the outside of her head by looking through the hole. (Tr.I.65.) She was covered in feces and urine. (Tr.I.65.) Her nightgown was soiled. (Tr.I.68.) She couldn't communicate, but was conscious and would pull away in pain at any stimulus. (Tr.I.65.) Paramedics determined that Joyce was critically ill and worked to transport her quickly to Rumford Community Hospital. (Tr.I.68-73.)

Peters did not accompany Joyce to Rumford Community Hospital when she was transported by ambulance. Instead, thirty minutes later, security camera footage showed that Peters traveled in a white truck to a nearby Frankling Savings Bank ATM, where he was seen withdrawing \$500 in cash from Joyce's account. (Tr.III.14; State's Ex. 74.)

At Rumford Hospital, Joyce was treated by Nurse Davita Briggs and Doctors Ian Dodson and Carl Daniel in the emergency department. (Tr.I.80.) Briggs saw Joyce when she was brought in by the ambulance. (Tr.I.80.) She found Joyce with matted hair, covered in urine, and with old feces that had dried and stuck to her skin. (Tr.I.80.) Joyce had feces and urine on her private areas, on her clothing, on her legs, and on her back. (Tr.I.80.) Briggs noted a foul odor emitting from the wound on Joyce's jaw and open pressure wounds on Joyce's hip and coccyx. (Tr.I.81,84-85.) Joyce was initially unable to communicate, but

Briggs put her ear to Joyce's mouth and Joyce said "help me," twice. (Tr.I.87.)

Briggs cleaned Joyce to prepare her for treatment. (Tr.I.87.)

Dr. Dodson examined Joyce and diagnosed her with an acute kidney injury, cardiac failure, a severe urinary tract infection, and likely sepsis. (Tr.I.109-10.) He examined the hole in Joyce's jaw and found the flesh surrounding the hole totally dead. (Tr.I.114.) Dodson spoke with Peters by phone, and Peters stated that Joyce hadn't been able to speak for the past three weeks, hadn't been out of her bed in six weeks due to a fall, and that she had not seen any medical professional during that period. (Tr.I.116.) Dr. Daniel took over Joyce's care later in the evening, ordered CT scans of Joyce's body, and prepared to transfer her by LifeFlight to Maine Medical Center in Portland, where she could receive more intensive and specialized care. (Tr.I.131, 139-40.)

Late in the morning of Thursday, February 11, after Joyce had been transferred to Maine Medical Center, Maine State Police Detective Lauren Edstrom visited Joyce at the hospital. (Tr.I.151.) Detective Edstrom photographed Joyce's injuries. (Tr.I.152-53.)

Joyce's daughter, Julie, also traveled to Maine Medical Center that morning. (Tr.I.184.) On her way, she made a pretextual call to Joyce's phone, leaving a voicemail suggesting that she was ignorant of Joyce's status or

whereabouts. (Tr.I.186.) Peters immediately called Julie, saying that Joyce was in the hospital, that she hadn't been feeling good for quite a while, nor had she had any liquids or food for some time. (Tr.I.186.) Peters said that he hadn't given Joyce her prescription medications because she couldn't swallow, and that any water he gave her poured out of the open wound in her jaw. (Tr.I.186.) Peters told Julie he hadn't notified Julie of Joyce's condition because Joyce wished to die at home. (Tr.I.186.)

Medical professionals at Maine Medical Center were unable to save Joyce's life, and she died on Friday, February 12, 2021, at 83 years old. (Tr.I.188.) Deputy Chief Medical Examiner Liam Funte conducted an autopsy of Joyce's body on February 15. (Tr.II.40.) Dr. Funte identified numerous blunt-force injuries on Joyce's body, including on her left ear, right eye, and extremities. (Tr.II.42-43.) He also found pressure ulcers on her sacral region and left heel. (Tr.II.44.) X-Rays showed that Joyce had eight broken ribs. (Tr.II.53.)

Dr. Funte visually examined the wound on her jaw and took X-Rays of Joyce's head. (Tr.II.46-48.) The wound had eaten through her skin and into Joyce's lower jawbone. (Tr.II.48.) The jawbone had deteriorated and split in two, leaving a gap between the existing portions of bone. (Tr.II.48.) Dr. Funte testified that such destruction of bone would take weeks or days, and that it

would have been painful and prevented Joyce from taking nutrition. (Tr.II.50-52.) When Dr. Funte dissected Joyce's body, he found evidence of brain atrophy and atherosclerosis. (Tr.II.56-57.) He opined that his findings were indicative of neglect. (Tr.II.61.)

In the evening of February 11, the day after Joyce was taken to the hospital, detectives with the Maine State Police Major Crimes Unit executed a search warrant on 351 Main Street, searching for evidence of assault. (Tr.II.9.) Detective Desiree Hurd photographed the scene, taking pictures of both the interior and exterior of the home. (Tr.II.11-13.) Hurd photographed a comforter that was found on the back porch of the home. (Tr.II.20-22.) Law enforcement also seized several electronic devices. (Tr.II.108.) Between the time Joyce was transported to the hospital on the evening of February 10 and the execution of the warrant on the evening of February 11, law enforcement did not secure the scene or prevent Peters from reentering the home. (Tr.II.89-91, 105-06.)

Maine State Police Detectives Abbe Chabot and Reid Bond interviewed Peters at the Mexico Police Department on February 11. (Tr.II.90.) Peters stated that he had lived with Joyce since 2015, and in that period they had no visitors. (State's Ex. 77; State's Ex. 77A at 40.) In a second interview with Detective Bond on February 23 Peters acknowledged being Joyce's sole caretaker "for a long period of time." (State's Ex. 80; State's Ex. 80A at 17.) He said Joyce had a bad

fall in the bathroom before Christmas 2020, and that he struggled to get the door open to help her. (State's Ex. 77; State's Ex. 77A at 7.) He acknowledged being aware of Joyce's deteriorating condition, including the infected wound in her jaw. (State's Ex. 77; State's Ex. 77A at 10.)

Peters stated that after the December fall, she was no longer ambulatory, so he carried her from bed to the living room. (State's Ex. 77; State's Ex. 77A at 14-15.) She was incontinent so he cleaned up her feces and urine. (State's Ex. 77; State's Ex. 77A at 14.) He stated that the last time he offered her nutrition was four or five days prior to his calling 911, but perhaps as long as a week. (State's Ex. 77; State's Ex. 77A at 37.)

Peters stated that he noticed blood in Joyce's stool a week before she died, but that he gave up on attempts to clean or change Joyce in her final days. (State's Ex. 77; State's Ex. 77A at 26-27.) He hadn't moved Joyce from her bed for approximately a week, and he had noticed blood and water issuing from the hole in her jaw. (State's Ex. 77; State's Ex. 77A at 23, 29-32.) He stopped giving her water several days before calling 911 because the water ran out of the infected hole in her mouth. (State's Ex. 77; State's Ex. 77A at 38.) Instead, he encouraged her to dip her fingers in the water and rub them on her lips. (State's Ex. 77; State's Ex. 77A at 37.) Although he described her condition as being "so full of pain" (State's Ex. 77; State's Ex. 77A at 23), he admitted that he gave her

no pain medication. (State’s Ex. 80; State’s Ex. 80A at 49.)

## **ARGUMENT**

### **I. The trial court did not err in denying Peters’s motion to dismiss because the State presented evidence, independent of Peters’s statements, creating a substantial belief that a crime was committed.**

Peters argues that the trial court erred in denying his motion to dismiss, lodged at the close of the State’s case-in-chief, alleging that the State had not met its preliminary evidentiary burden to create a substantial belief that a crime had been committed. (Blue Br. 15.) Contrary to Peters’s contentions, the State produced ample evidence sufficient to satisfy the low burden required of the corpus delicti doctrine.

#### **a. Legal Standard**

“Corpus delicti means ‘body of the crime.’” *State v. Fundalewicz*, 2012 ME 107, ¶ 8, 49 A.3d 1277. “Pursuant to this doctrine, before a defendant’s self-inculpatory out-of-court statement may be admitted in evidence and considered by the fact-finder, the State must present sufficient credible evidence to create a substantial belief that the crime charged has been committed by some person.” *Id.*; see also *State v. Hagar*, 2019 ME 97, ¶ 23, 210 A.3d 827. The substantial belief standard resembles the probable cause standard. *State v. Anglin*, 2000 ME 89, ¶ 9, 751 A.2d 1007. “To meet its *corpus*

*delicti* burden, the State is not required to prove the identity of the perpetrator or the mens rea element . . . .”<sup>1</sup> *Hagar*, 2019 ME 97 at ¶ 24.

The court’s analysis is two-pronged and does not end with the substantial belief inquiry. If a court determines that there is evidence of the corpus delicti exclusive of any statements of the defendant, it must then also determine “whether there is sufficient evidence on the whole record to establish the corpus delicti beyond a reasonable doubt.”<sup>2</sup> *State v. Curlew*, 459 A.2d 160, 164 (Me. 1983). This reasonable doubt analysis may consider the record as a whole, including the defendant’s statements. *Fundalewicz*, 2012 ME 107 at ¶ 9. The trial court’s findings may rest upon circumstantial evidence and any reasonable inferences drawn from the evidence. *Id.* at ¶ 11.

#### **b. Preservation and Standard of Review.**

Peters preserved his argument by way of his oral motion made at trial. (Tr.III.32.) “Under the first prong of the State's burden of proof, [this Court reviews] the trial court's factual findings only for clear error.” *State v. Michaud*,

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<sup>1</sup> Peters argues in part that the trial court erred in denying his motion to dismiss because there was no independent evidence of intentional or knowing endangerment. (Blue Br. 16.) This Court explained clearly in *Hagar* that evidence of state of mind is not essential to establishing corpus delicti. *Hagar*, 2019 ME 97 at ¶ 24.

<sup>2</sup> Peters cites two federal cases, *Smith v. United States*, 348 U.S. 147 (1954) and *Opper v. United States*, 348 U.S. 84 (1954), which consider the reliability of the defendant’s statements in corpus delicti challenges. This federal standard is somewhat different from the rule traditionally followed by Maine courts, which “focus[es] exclusively on whether the State can produce independent evidence that a crime has been committed.” *State v. Hagar*, 2019 ME 97, ¶ 21 n.9, 210 A.3d 827.

1998 ME 251, ¶ 7, 724 A.2d 1222. The question of “whether the evidence was sufficient to establish a substantial belief [that a crime occurred] is a question of law” that this Court reviews de novo. *State v. Anglin*, 2000 ME 89, ¶ 9, 751 A.2d 1007.

**c. The State’s evidence satisfied both prongs of the corpus delicti doctrine.**

In denying Peters’s motion, the trial court correctly laid out the two-prong test established by the common law and this Court for evaluating defense challenges under the corpus delicti doctrine, specifically citing *State v. Michaud* and *State v. Curlew*. (Tr.III.38.) With regard to this particular charged crime, the trial court was tasked with first determining whether the State’s evidence, exclusive of the defendant’s statements, generated a substantial belief that someone had endangered the health, safety, or mental welfare of Joyce Brackett, and that Joyce was a dependent person. 17-A M.R.S. § 555(1)(B). Insofar as a finding of endangerment was to be based on a defendant’s failure to act, the trial court was also required to find that someone had a legal duty to protect the health, safety, or mental welfare of the dependent person. 17-A M.R.S. § 555(2)(A).<sup>3</sup>

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<sup>3</sup> 17-A M.R.S. § 555(2)(A) also provides that, for the purpose of determining the existence of a legal duty, that duty “may be inferred if the defendant has assumed responsibility in whole or in part for the care of the dependent person.”

i. Trial court findings

In support of its analysis of the first prong, the trial court made the following factual findings:

- Peters was the only person who lived with Joyce Brackett for several years leading up to her death. (Tr.III.38.) In support of this finding, the court cited the personal observations of Joyce's daughter and son. (Tr.III.38.)
- Joyce was a dependent person. The court pointed to evidence provided in Joyce's medical records, the testimony of her medical providers, and the testimony of Deputy Chief Medical Examiner Funte in support of this conclusion. (Tr.III.38-39.)
- Someone, specifically the defendant, owed a legal duty of care toward Joyce. That duty could be inferred by evidence suggesting that Peters had assumed responsibility for Joyce's care, including evidence that she had not seen medical providers for a long time, and evidence that the defendant had some control over her finances. (Tr.III.39.)

ii. Record evidence regarding substantial belief

The trial court's factual findings were not clearly erroneous, and its legal conclusions were not error. Joyce's son and daughter testified that Joyce had moved to Rumford with Peters in 2015 and neither had seen Joyce in person since. (Tr.I.50-51, 167-68, 170, 178-79.) Joyce's daughter testified that she had personal knowledge that Peters lived in Joyce's home. Both children testified

that Joyce did not drive, and that Peters drove the white truck that Julie saw in the driveway. (Tr.I.47, 51, 167, 173, 178-80.) First responders and law enforcement officers testified that Peters was at the scene when they were first called to 351 Main Street on February 10. (Tr.1.61.) The record contained no evidence that Joyce had any personal interactions with anyone other than Peters in the final months of her life. If anyone was living in that home with Joyce, it could only have been the defendant.

Photographic evidence of the scene at 351 Main Street provided additional evidence supporting conclusions that Joyce was dependent (*see* State's Exs. 44-67, 84-94), that Joyce was neglected (*see* State's Exs. 6, 8, 10, 14, 18, 20, 21, 23, 24, 26, 29) and that Peters had assumed her care. Mail from Joyce's medical providers was found in the kitchen with "cancelled appointment" scrawled across the front. (State's Exs. 49, 50.) A recliner in the living room had a towel and absorbent pad placed on the seat. (State's Ex. 88.) The bathtub in the first-floor bathroom had assistance aids, including a handle and a moveable seat. (State's Ex. 53.) The mattress where Joyce was found had towels placed under the sheets, and the mattress itself was soiled. (State's Ex. 62.) Nitrile gloves and a packet of disposable wipes were found on the dresser in Joyce's bedroom. (State's Ex. 91.) Multiple cell phones and tablets were found

in the home, indicative of more than one occupant. (Tr.II.108; State's Ex. 88, 89, 92.)

Medical evidence, including the testimony of paramedics and hospital staff, as well as photographs taken of Joyce at the hospital and during her autopsy provided additional evidence that Joyce was dependent upon someone else and that she was neglected. Paramedic Christopher Grant testified that when he entered 351 Main Street on February 10 he found Joyce on a bed, unable to move or communicate. (Tr.I.64-65.) The state of the bed, her clothes, and her body suggested she had not moved from that spot for some time. (Tr.I.67-71.)

The testimony of nurse Davita Briggs regarding the dried feces on Joyce's body supported a conclusion that Joyce had been unable to care for herself in recent days or weeks. (Tr.I.80) Doctors at Rumford Hospital diagnosed Joyce as having a urinary tract infection and acute kidney injury, with the onset of sepsis likely. (Tr.I.110.) Deputy Medical Examiner Funte testified that Joyce's injuries would have caused significant pain and prevented her from taking nutrition, and that the size of her brain could be suggestive of diminished mental capacity. (Tr.II.56.)

Finally, the photos of Joyce, taken in the hospital just before her death provided evidence from which the trial court could easily conclude that she had

to have been dependent upon someone, and that her care had been neglected. (State's Exs. 6, 8, 10, 14, 18, 20, 21, 23, 24, 26, 29, 42.) These photos do not depict a healthy, ambulatory 83-year-old woman. Rather, they show a severely injured and critically ill woman, covered in bruises and abrasions, with matted hair and a hole in her jaw. A person in that state would require care, and the trial court was correct in finding that her condition evidenced a neglect of that care.

### iii. Totality of the record & reasonable doubt standard

Peters conceded at trial that the totality of the record, including his own statements, was sufficient to establish corpus delicti beyond a reasonable doubt, and the trial court found accordingly. (Tr.III.39.) Peters's recorded statements admitted at trial included direct admissions that he had assumed a role as Joyce's sole caregiver, that he knew of her declining medical condition, and that he had failed to act to protect her health and safety. (State's Ex. 77; State's Ex 77A at 29-30, 45, 78.)

### iv. Conclusion

The trial court's findings regarding the record evidence supporting the existence of a substantial belief that a crime had been committed were not clearly erroneous, and were supported by a wide variety of facts, including eyewitness testimony, photographs, medical records, and reasonable

inferences therefrom. When combined with Peters's own admissions, there can be no question that the record establishes corpus delicti beyond a reasonable doubt. The trial court did not err in denying Peters's motion to dismiss.

**II. The State presented evidence sufficient for a rational jury to find beyond a reasonable doubt that Peters assumed a duty of care for Joyce Brackett within the meaning of 17-A M.R.S. § 555.**

Peters argues that the State failed to present sufficient evidence from which a rational jury could have concluded that he had a legal duty to care for Joyce within the meaning of 17-A M.R.S. § 555(2)(A), and that this Court must vacate his conviction on that basis. (Blue Br. 17.) Peters also incorporates into this argument a contention that the evidence was insufficient for a rational jury to conclude that he acted intentionally or knowingly in endangering Joyce's welfare. Contrary to Peters's argument, the trial record is replete with evidence upon which a rational jury could have found that Peters owed Joyce a duty of care and that he knew that his failure to act endangered her welfare. Therefore, the trial court did not err in failing to sua sponte enter a judgment of acquittal.

**a. Preservation and standard of review**

Peters did not raise his sufficiency argument below.<sup>4</sup> (*See* III. 33.) Nevertheless, the "trial court has an independent duty pursuant to M.R.U. Crim.

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<sup>4</sup> At the close of the State's case-in-chief, Peters moved to dismiss the matter for failure to establish corpus delicti, and expressly stated on the record twice that he was not moving for a judgment of acquittal pursuant to M.R.U. Crim. P. 29(a). (Tr.III.33.) Nor did he raise a sufficiency argument in his

P. 29(a) to assess the sufficiency of the evidence at the close of both the State's case-in-chief and the accused's case." *State v. Kendall*, 2016 ME 147, ¶ 12, 148 A3d 1230. Thus, this Court evaluates even unpreserved sufficiency challenges "under the standard of review applicable to preserved error." *Id.* "When a criminal defendant claims on appeal that the evidence was insufficient to support his conviction, [this Court] view[s] the evidence in the light most favorable to the State in determining whether the fact-finder could rationally have found each element of the offense beyond a reasonable doubt." *State v. Reed*, 2013 ME 5, ¶ 9, 58 A.3d 1130; *see also State v. Dorweiler*, 2016 ME 73, ¶ 6, 148 A.3d 1230.

**b. Duty of care under 17-A M.R.S. § 555**

Not every prosecution for endangering the welfare of a dependent person pursuant to 17-A M.R.S. § 555(1)(B) requires that a factfinder find that the defendant had a legal duty to care for the dependent victim. Section 555(1)(B) requires that the State prove beyond a reasonable doubt that a person intentionally or knowingly endangered the health, safety or mental welfare of a dependent person. 17-A M.R.S. § 555(1)(B). A dependent person is one "who is wholly or partially dependent upon one or more other persons for care or

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post-verdict motion for new trial. M.R.U. Crim. P. 33. (*State v. Peters*, OXFCD-CR-21-30078, Def.'s Mot. for New Trial (Unified Criminal Docket, March 25, 2025).

support because the person suffers from a significant limitation in mobility, vision, hearing or mental functioning or is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect.” § 555(2)(B).

The defendant’s legal duty becomes relevant when the State alleges that the defendant endangered the dependent person by failing to act. Under these circumstances, “‘Endanger’ includes a failure to act only when the defendant has a legal duty to protect the health, safety or mental welfare of the dependent person.” § 555(2)(A). That legal duty, in turn, “may be inferred if the defendant has assumed responsibility in whole or in part for the care of the dependent person.” *Id.*; *see also State v. Lamson*, 640 A.2d 1076, 1083 n.4 (Me. 1994)(“Only a person with a positive duty to protect an incompetent person violates 17-A M.R.S.A. § 555 by failing to act. Section 555(1), however, applies to all persons in regard to positive acts of endangering, not merely those who are guardians of incompetent persons.” (internal citations omitted)).

**c. Peters had a legal duty to protect the health, safety or mental welfare of Joyce Brackett.**

At trial, the State’s theory of the case focused primarily on evidence that Peters assumed a caregiving role for Joyce, and that his chronic neglect endangered her health and safety. This argument, centered on Peters’s failure

to act to protect Joyce, necessarily invoked the duty of care principles laid out in Section 555(2)(A).

First, the record contained ample evidence upon which the jury could have found that Joyce was a dependent person. In addition to the circumstantial evidence described in Part II above, which included evidence of Joyce's limited mobility and Peters's involvement in driving her and administering her finances, Peters admitted directly to detectives that Joyce could not care for herself independently. (State's Ex. 77; State's Ex. 77A at 39, 45, 48.) Peters specifically stated to detectives that he did the grocery shopping, and that Joyce couldn't leave the house to shop for herself "because of her ah, her strokes." (State's Ex. 77; State's Ex. 77A at 24.) Peters also admitted that he communicated on Joyce's behalf when she could not. (State's Ex. 77; State's Ex. 77A at 40.) Peters described how Joyce was no longer ambulatory after her December 2020 fall, and that she relied on him to pick her up out of bed and place her in her recliner. (State's Ex. 77; State's Ex. 77A at 48.) First responders who discovered Joyce on February 10 testified that Joyce could not move or speak. (Tr.1.65.) It was reasonable to infer from their description of her condition that she had not been able to move or speak for at least several days, if not weeks.

Second, the trial record was replete with evidence that Peters had assumed responsibility for the care of Joyce. This evidence, in turn, permitted the jury to infer that Peters had a legal duty, and that therefore his failure to act could satisfy the elements of 17-A M.R.S. § 555(1)(B). Peters admitted directly to detectives that Joyce relied on him. On February 11, 2021, detectives asked Peters, “You’re her sole caregiver, right?” Peters responded, “Yeah.” (State’s Ex. 77; State’s Ex. 77A at 45.) It was Peters who shopped for the couple and the only one of the two who drove. (State’s Ex. 77; State’s Ex. 77A at 24, 48.)

Peters described to detectives how, at least for a time, he tried to clean Joyce of feces and urine, feed her, and give her fluids. (State’s Ex. 77; State’s Ex. 77A at 14, 37.)) He explained how he tried to clean her buttocks but gave up because of her severe hemorrhoids. (State’s Ex. 77; State’s Ex. 77A at 47.) Peters claimed that he had tried his best to make Joyce comfortable, describing his search for a “recipe.” (State’s Ex. 77; State’s Ex. 77A at 26.) He stated, “I was trying to get a recipe, ah, and I’d tell her, ‘You wait, I’m gonna get that recipe so that you’re gonna be comfortable, even if you do poop and pee.’” (State’s Ex. 77; State’s Ex. 77A at 26.) Asked what he meant by “recipe,” he stated, “Recipe making her as comfortable through all this as I could.” (State’s Ex. 77; State’s Ex. 77A at 26.)

However self-serving they may be, these statements, taken in conjunction with other record evidence, were more than sufficient for a rational jury to find that Peters assumed responsibility, either in whole or in part, for Joyce, and infer a legal duty therefrom. The trial court did not err in finding that the totality of the record evidence was sufficient for a rational jury to find that the State had proved each element of the crime beyond a reasonable doubt.

**III. The trial court did not abuse its discretion in admitting certain photos of Joyce Brackett that were highly probative of Peters's guilt.**

Finally, Peters argues that the trial court abused its discretion by admitting certain photographs of Joyce, taken at the hospital on February 11 and during her autopsy on February 15. (Blue Br. 18-19.) He contends that these photographs had minimal evidentiary value but were unduly prejudicial, inflammatory, and cumulative. (Blue Br. 19.) Contrary to Peters's contentions, the trial court took prophylactic steps to limit the possibility that these exhibits would induce an emotional response from the jury. The photos admitted into evidence were appropriate, relevant, and highly probative of Peters's guilt. The trial court did not abuse its discretion in admitting this evidence.

**a. Preservation & legal standard**

Peters initially objected in writing to the admission of "autopsy photos" of Joyce Brackett on February 14, 2021, and expanded his objection to include

photos of Joyce taken in the hospital in an off-the-record chambers conference on March 5, 2021.<sup>5</sup> The objection is therefore preserved. *See State v. Allen*, 2006 ME 21, ¶ 9, 892 A.2d 456 (motion in limine sufficient to preserve objection to photographs). “The issue of whether to admit photographs that are offered in evidence is a matter for the sound discretion of the justice presiding at trial.” *State v. Crocker*, 435 A.2d 58, 75 (Me. 1981); *see also Allen*, 2006 ME 21 at ¶ 10; *State v. Marquis*, 2017 ME 104, ¶ 27, 162 A.3d 818.

This Court has “articulated the three determinations that a court should make when it rules on the admissibility of photographs.” *Allen*, 2006 ME 21 at ¶ 10. When challenged as unfairly inflammatory pursuant to M.R. Evid. 403, “photographs are admissible if they are (1) accurate depictions; (2) relevant; and (3) if their probative value is not outweighed by any tendency toward unfair prejudice.” *Id.*

Photos that are gruesome or graphic are not per se inadmissible. “The law is well settled that the mere fact that a photograph is gruesome is not a reason for its non admission. The presiding justice has great latitude and discretion in determining the admissibility of photographs and unless there is shown an

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<sup>5</sup> The parties appeared before Justice Woodman on March 5, 2025, for a consolidated motion and housekeeping conference. (App. 8.) The parties discussed Peters’s motion to exclude photos in chambers, and no electronic recording or transcript was created at that time. The State corresponded with representatives of the Office of Transcript Operations on November 25, 2025, who confirmed after diligent search that no record of the chambers conference exists.

abuse of discretion, his ruling will not be disturbed on exceptions.” *State v. Coty*, 229 A.2d 205, 214 (Me. 1967); *see also Crocker*, 435 A.2d at 76 (“Gruesomeness, however, does not alone make photographs inadmissible.”).

**b. State’s photographic exhibits of Joyce**

Before trial, the State alerted Peters to its intention to offer as many as 23 color photos of the still-living Joyce taken by Detective Lauren Edstrom at Maine Medical Center on February 11, 2021. These photos included images of bruises and abrasions to Joyce’s extremities and torso, of pressure wounds to her coccyx and heel, and of the necrotic wound in her jaw. These photos depicted Joyce after she had been thoroughly cleaned by hospital staff. The State similarly expressed its intention to offer as many as 11 photos of Joyce’s body taken during the course of her autopsy, as well as two X-Rays of her upper body.

Peters alleges in his appellate brief that “the trial court failed to limit the number or scope of images . . . .” (Blue Br. 19.) That is untrue. The trial court and the parties discussed the issue at length in-chambers on March 5, 2025, and the court specifically instructed the State which of the proffered photos it would admit, would not admit, or would admit only if edited. In making these determinations, the court acknowledged that some of the photos were graphic

and expressed its intention that only the photos absolutely necessary to the State's case would be admitted.

At trial, the State offered and the court admitted only 11 photos of Joyce at the hospital (Tr.I.153-54; *see* State's Exs. 6, 8, 10, 14, 18, 20, 21, 23, 24, 26, 29.) The State offered and the court admitted only a single image from the autopsy, which was an X-Ray. (Tr.II.46-47; *see* State's Ex. 42.)

**c. The probative value of the admitted photographs was not substantially outweighed by risk of unfair prejudice.**

Peters does not argue on appeal that any of these photographic exhibits do not depict Joyce or her injuries accurately. Nor does he directly challenge their relevance. He relies primarily on an argument that their probative value was substantially outweighed by the risk of unfair prejudice. (Blue Br. 19.)

i. Relevance and accuracy

These photographs were relevant to multiple elements of the charged crime. First, they were relevant to the jury's determination of whether Joyce was a dependent person within the meaning of 17-A M.R.S. § 555(2)(B). These images illustrated the State's argument that, although no one but Peters was there to see Joyce's condition in her final months and weeks, she must have "suffer[ed] from a significant limitation in mobility, vision, hearing or mental functioning or [was] unable to perform self-care because of advanced age or

physical or mental disease, disorder or defect.” The photos of her injuries, taken just hours after she was rescued from 351 Main Street, aided the jury in finding whether Joyce necessarily must have been dependent upon another person due to one or more of those named infirmities.

Second, the photos were relevant to the jury’s determination of whether Peters acted intentionally or knowingly in endangering Joyce’s welfare. 17-A M.R.S. § 555(1)(B). The outward, visible symptoms of Joyce’s injuries and illnesses supported the State’s contention that Peters, living in close quarters with Joyce, had to have known about her deteriorating condition because he could see her wounds, sores, and other injuries.

Nor can there be any argument that these photographic exhibits were not accurate depictions of Joyce in the hours after she was removed from Peters’s care. Detective Edstrom testified that she took the photos on the morning of February 11, less than 24 hours after first responders carried Joyce from her home. (Tr.I.151.) Edstrom testified to their accuracy and authenticity. (Tr.I.154.)

ii. Prejudice and probative value

These photographs were undoubtedly prejudicial to Peters. They were not, however, unduly prejudicial, and carried substantial probative value. Peters had isolated Joyce from the outside world while her health declined, and

he failed to provide her necessary care. These photos were one of the jury's few windows into what Joyce must have endured in her final weeks. The trial court, therefore, did not abuse its discretion in admitting this limited subset of photos.

Some of the images of Joyce taken at the hospital and later at her autopsy were necessarily graphic because of the severe neglect to which Peters had subjected Joyce. The trial court acknowledged the possibility of prejudicial effect in the March 5 chambers conference and took affirmative steps to limit any undue prejudice. The court advised the parties preliminarily that, of the 23 proffered hospital photos identified as possible exhibits by the State, only 11 were likely to be admitted, either because the others were too gruesome or because they were cumulative of other photos.<sup>6</sup> The trial court similarly expressed its inclination not to allow any of the autopsy photos, apart from X-Ray images, unless redacted or edited to reduce their prejudicial effect. Both attorneys for the State took contemporaneous notes of the trial court's preferences and pared down the State's exhibit list accordingly. The State did not ultimately offer any of the autopsy photos at trial, apart from a single X-Ray image of Joyce's head and neck. (Tr.II.47; State's Ex. 44.)

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<sup>6</sup> Davita Briggs testified that she debrided and cleaned Joyce's wounds at Rumford Hospital before Joyce was transported to Maine Medical Center in Portland, where the photos were taken. (Tr.I.88-91.) For this reason, the photos of Joyce actually depict her in a better and less grotesque state than when first responders found her immediately after Peters's neglect.

Each of these photos had substantial probative value. They assisted the jury in its determination of whether Joyce would have been dependent upon others for her care in her final weeks and days; whether her health, safety, or welfare had been endangered by neglect; and whether Peters knew that his inaction was endangering Joyce. They were also helpful to the jury in weighing the credibility of Peters, who claimed in statements to law enforcement that he had been ignorant of the severity of Joyce’s injuries. (State’s Ex. 77; State’s Ex. 77A at 32.) The jury saw an undated photo of Joyce in her brown recliner, taken at 351 Main Street, depicting her in much better health. (Tr.I.189; State’s Ex. 1.) It was helpful for the jury to compare these images when evaluating Peters’s claims that Joyce had concealed her injuries from him. (State’s Ex. 77; State’s Ex. 77A at 10.)

Contrary to Peters’s argument, these photos were not merely cumulative of the testimony of Joyce’s treating physicians or the deputy medical examiner. “[P]hotographs add a dimension not present in a verbal, clinical description of injuries, which is often precisely why they have probative value . . . .” *State v. Allen*, 2006 ME 21, ¶ 16, 892 A.3d 456. The fact that demonstrative exhibits dovetail with medical testimony does not reduce their probative value. *See State v. Crocker*, 435 A.2d 58, 76 (Me. 1981) (holding victim photos not cumulative where “pictures conveyed relevant information to the jury in a

much more complete and meaningful form than could the almost clinical words of the doctors and nurses.”).

Peters stated repeatedly in interviews with detectives that Joyce wished to die at home, that he was merely acquiescing to that preference when he neglected her care so drastically, and that he was ignorant of the severity of her illnesses until it was too late. (State’s Ex. 77; State’s Ex. 77A at 10, 30-31, 52-53; State’s Ex. 80; State’s Ex. 80A at 37, 42.) He continues to downplay her condition on appeal by characterizing the challenged photographs as merely depicting the “natural indignities of aging.” (Blue Br. 19.) These lines of argument are exactly why it was crucial for the jury to see images of Joyce’s injuries, even if limited in scope, and why the trial court did not abuse its discretion in admitting them. Joyce was indeed suffering from indignities, but they were not natural. She was suffering from multiple critical illnesses, illnesses that Peters permitted to run rampant by totally neglecting Joyce’s care. These photographs were critical evidence in proving those facts.

### **CONCLUSION**

For all the foregoing reasons, the judgment of conviction should be affirmed.

Respectfully submitted,

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DATED: December 18, 2025

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**CERTIFICATE OF SERVICE**

I, Charles M. Boyle, Assistant Attorney General, certify that I have emailed a copy of the foregoing "BRIEF OF THE APPELLEE" to Appellant's attorney of record, James Howaniec, Esq.

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