

**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 OXFORD COUNTY
UNIFIED CRIMINAL DOCKET**

REPLY BRIEF OF THE APPELLANT JAMES PETERS

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ARGUMENT

I. THE STATE MISCHARACTERIZES BOTH THE CORPUS DELICTI STANDARD AND THE RECORD EVIDENCE

The State’s response to Mr. Peters’s corpus delicti argument rests on two fundamental errors: (1) an overstatement of what constitutes “independent evidence” of a crime under Maine law, and (2) a conflation of medical tragedy and neglect-style conditions with proof that a *crime* occurred.

A. Corpus Delicti Requires Independent Evidence of Criminal Agency — Not Merely Injury or Illness

The State repeatedly emphasizes that the corpus delicti burden is “low” and akin to probable cause. That is true as far as it goes, but it is not the end of the inquiry. Even under that low threshold, the State must present independent evidence that a crime — not merely harm — occurred. *State v. Curlew*, 459 A.2d 160, 164 (Me. 1983); *State v. Hagar*, 2019 ME 97, ¶¶ 21–24.

Here, stripped of Mr. Peters’s statements, the State’s evidence shows only that Joyce Brackett was gravely ill at the end of her life. The State’s own medical witness testified that her cause of death was heart disease,

with advanced atherosclerosis, and that several of her conditions — including sepsis and a urinary tract infection — would not have been apparent to a layperson. That evidence does not independently establish criminal agency.

Critically, the corpus delicti doctrine is not satisfied by evidence that is equally consistent with non-criminal explanations, including advanced age, terminal illness, or end-of-life decline. See *Curlew*, 459 A.2d at 164. The State’s approach effectively collapses corpus delicti into a showing that “something bad happened,” which is not the law.

B. The Trial Court Improperly Relied on Evidence That Presupposed a Legal Duty

The State’s corpus delicti argument also improperly presumes the existence of a legal duty of care, relying on the same evidence it later cites to prove that duty. But when endangerment is premised on a failure to act, § 555 requires proof of a legal duty as part of the offense definition. 17-A M.R.S. § 555(2)(A).

Evidence suggesting dependency or illness does not, standing alone, establish that *someone with a legal duty* committed a crime. The State

cannot bootstrap corpus delicti by assuming the very duty that is hotly contested on appeal.

II. THE STATE’S “ASSUMED DUTY” THEORY IMPERMISSIBLY CONVERTS AFFECTION AND COHABITATION INTO CRIMINAL LIABILITY

The core dispute in this appeal is not whether Joyce Brackett was vulnerable at the end of her life; it is whether James Peters had a legal duty of care within the meaning of § 555, such that his failure to act could constitute a Class C felony.

A. Section 555 Does Not Criminalize Informal Caregiving or Intimate Relationships

The State argues that Mr. Peters “assumed responsibility in whole or in part” for Joyce’s care and that a legal duty may therefore be inferred. § 555(2)(A). But the statute does not say that *any* assistance, cohabitation, or emotional support creates a legal duty. If it did, countless spouses, partners, friends, and adult children would be exposed to felony liability whenever a loved one declined medical care.

The Law Court has cautioned against precisely this type of overreach. As *State v. Lamson* explains, only a person with a positive legal duty may be convicted based on a failure to act. 640 A.2d 1076, 1083 n.4 (Me. 1994). Section 555 does not impose strict liability on those who live with, love, or help an aging partner.

Here, there was no guardianship, no power of attorney, no health-care directive, no marriage, and no court-imposed duty. Joyce Brackett retained her autonomy and repeatedly expressed her refusal to seek medical care. Treating Peters's acts of compassion as evidence of assumed legal duty impermissibly penalizes humane behavior.

B. The State's Evidence Shows Assistance — Not the Assumption of Legal Control

The State relies heavily on Mr. Peters's statements that he helped Joyce with daily tasks. But assistance is not synonymous with legal responsibility. Maine's omission-based criminal statutes require proof of a duty "imposed by law," not by circumstance or emotion. See 17-A M.R.S. § 103-B(2)(B); *State v. McKinney*, 588 A.2d 310, 311 (Me. 1991).

Nothing in the record shows that Mr. Peters exercised legal control over Joyce's medical decisions, restricted her access to others, or

affirmatively prevented her from seeking care. To the contrary, the evidence shows that Joyce adamantly opposed hospitalization — a decision she was legally entitled to make.

C. The State Failed to Prove the Required Mental State

Even if a duty could somehow be inferred, the State was still required to prove that Mr. Peters intentionally or knowingly endangered Joyce's welfare. § 555(1)(B). The State's evidence, at most, suggests that Mr. Peters was overwhelmed, inexperienced, and confronted with a rapidly deteriorating situation.

Negligence, mistake, or poor judgment is not enough where a statute requires intentional or knowing conduct. The State's theory reduces criminal intent to hindsight disagreement with how an untrained layperson handled an end-of-life crisis.

III. THE STATE UNDERSTATES THE UNFAIRLY PREJUDICIAL EFFECT OF THE PHOTOGRAPHS

The State's Rule 403 argument fails to grapple with the central prejudice posed by the photographs: they invited the jury to decide this case emotionally, not legally.

A. The Photographs Were Minimally Probative of the Disputed Issues

The State contends that the photographs were probative of dependency, knowledge, and neglect. But none of those elements turned on what Joyce looked like after she was removed from the home, cleaned, and photographed in a hospital setting.

Dependency and duty were legal questions; intent and knowledge were mental-state questions. Graphic images of an elderly woman's injuries did little to resolve those issues and instead served primarily to inflame.

B. The Risk of Conviction Based on Sympathy Was Substantial

“Rule 403 guards against evidence that would move jurors to decide a case on an improper basis—commonly an emotional one—rather than on proof.” *State v. Marquis*, 2017 ME 104, ¶¶ 29. This risk was acute here, where the State's case depended heavily on jurors reacting viscerally to images rather than carefully parsing the statutory elements.

The fact that the trial court limited the number of photographs does not cure the Rule 403 problem. The governing inquiry is not how many photographs were admitted, but whether their probative value was substantial enough to justify the risk of unfair prejudice. Where a graphic

image is cumulative of testimonial evidence or adds little to the resolution of a disputed issue, even a single photograph may overwhelm reasoned deliberation and invite an emotional verdict.

The Law Court has made clear that when the evidentiary value of a gruesome image is “tenuous” or merely cumulative, its admission may constitute an abuse of discretion notwithstanding the small number of images used. *State v. Conner*, 434 A.2d 509, 512–13 (Me. 1981) (recognizing that admission of a single graphic photograph with minimal probative value was improper, though harmless on that record). The Court has likewise cautioned that the “potential for prejudicial inflammation of the emotions of the jurors” inherent in gruesome images requires close scrutiny, and that admission “might well be error” where probative value is marginal. *State v. Woodbury*, 403 A.2d 1166, 1169 (Me. 1979).

Here, the photographs were not necessary to establish any contested element. Dependency and legal duty were questions of law; intent and knowledge were mental-state questions. Because the images added little beyond already-detailed medical testimony, their prejudicial impact substantially outweighed their probative value under M.R. Evid. 403.

CONCLUSION

The State's brief underscores the central flaw in this prosecution: it seeks to transform a tragic end-of-life scenario into a felony by redefining compassion as criminal duty and hindsight as intent. Maine law does not permit such an expansion of criminal liability.

For these reasons, the conviction should be vacated, and judgment entered for the Appellant.

Dated: January 5, 2026

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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:

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