

**MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

LAW DOCKET NO: ARO-26-100

STATE OF MAINE

Appellee

v.

JUSTIN OUELLETTE

Appellant

*ON APPEAL FROM THE SUPERIOR COURT FOR
AROOSTOOK COUNTY*

APPELLANT’S BRIEF

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FACTUAL AND PROCEDURAL HISTORY

Aroostook County Grand Jury indicted Mr. Doucette on June 9, 2022, for one count of Class A, Gross Sexual Assault, and one count of Class B, Unlawful Sexual Contact. *See Appendix at p. 9.*

The charges arose from a single incident in April of 2020 in Van Buren. *See Rule 11 Transcript, at p. 18.* One of the minor victims, who was ten at the time, told investigators that she had gone to take a shower at her aunt's house where she was visiting and that she was nude in the bathroom when Ouellette entered the bathroom. *Id., at p. 19.* She claimed that Mr. Ouellette made sexual comments, but did not have any physical contact with the victim. *Id.* When the victim exited the bathroom, Ouellette was on the bed with no clothes on. *Id.* The victim told investigators that her aunt told her to get on top of Ouellette and that she would take her to the park if she did so. *Id.* The victim described getting on top of Mr. Ouellette and rocking back and forth with his private going in and out of her and that Ouellette got on top of her and was rocking back and forth with his private inside of her. *Id.*

Victim 1's younger sister, who was 7 at the time, also interviewed with investigators. *Id., at p. 20.* She told investigators that Mr. Ouellette had been taking a shower and pulled back the curtain to reveal himself to her. *Id.* She further stated that she observed her sister on top of Mr. Ouellette and "hump" him by

moving up and back and around. *Id.* During this time, the girls' aunt encouraged Victim 2 to touch Ouellette's private. *Id.*

The victims' aunt, Katie Netto was also charged and convicted of sex offenses for her role in the incident. *Id.* Netto told investigators that she arranged for Ouellette to come to her home and that Ouellette had not ever met the two girls. *Id.* She indicated that she had sex with Ouellette in front of the girls and that Victim 1 got on top of Ouellette, but she did not believe Ouellette was erect and that the girls only touched his private parts. *Id., at p. 21.*

Detectives also interviewed Mr. Ouellette in the presence of his father, who is Mr. Ouellette's legal guardian. *Id.* Mr. Ouellette acknowledged that he had gone to Netto's on the date in question and that he had taken a shower, with the girls taking a shower after. *Id.* He admitted that he exposed himself to both girls and that they went into Netto's bedroom and he lay on the bed. *Id.* He told detectives that he and Netto had sex in front of the two girls and that Victim 1 got on top of him. *Id.* He did not believe his penis went inside of her. *Id., at pp. 21-22.* He admitted that both girls touched his penis. *Id.*

Dr. Mia Ricardo, PhD. conducted a Title 15 competency exam of Mr. Ouellette on January 29, 2025. *See*

Dr. Ricardo reported that "He did not demonstrate signs of discomfort with topics that would typically violate social norms, such as discussion of explicit

sexual behavior. To the contrary, Mr. Ouellette would smile and discuss these topics lightheartedly as though unaware of the typical social norms the conversation was violation. This appeared secondary to a lack of knowledge regarding the sensitivity of the topics, rather than an overt intentional disregard for social boundaries.” *See Title 15 Report of Dr. Ricardo.*

With regard to his competency, Dr. Ricardo concluded that despite his ability to *factually* understand legal proceedings, Mr. Ouellette “demonstrated deficits in his capacity to apply that information in a rational manner to his own legal circumstances.” *Id.* “Mr. Ouellette’s assessment of his legal situation, approaches to legal strategy, and realistic appraisal of the role of his co-defendant in his own legal case was impaired by concrete and inflexible thinking patterns secondary to developmental and cognitive deficits present since birth (i.e., Intellectual Developmental Disorder and Autism Spectrum Disorder). In addition, Mr. Ouellette was not amenable to my attempts to challenge his thinking and improve his cognitive flexibility. He did not incorporate my feedback into his considerations and remained fixed and inflexible in his understanding of his legal cases.” *Id.* She further concluded: “It is likely Mr. Ouellette’s cognitive rigidity, secondary to his developmental and cognitive disorders, would interfere with his ability to assist his attorney in defense formulation in a reasonable and reality-based manner.” *Id.*

Ultimately, Dr. Ricardo concluded that it was her clinical opinion “that at the time of the current evaluation, Mr. Ouellette did not demonstrate all of the abilities typically associated with competence to stand trial. Specifically, it is my clinical opinion that Mr. Ouellette demonstrated the capacity to understand the nature and object of the proceedings but lacked the capacity to comprehend his own condition in reference to these proceedings and lacked the capacity to assist his attorney in a rational and reasonable manner.” *Id.*

The Court held a testimonial competency to proceed hearing on June 18, 2025. *See Appendix, at p. 8.* At that hearing, the parties stipulated to the admission of Dr. Ricardo’s Competency to Proceed Report dated February 18, 2025, and Dr. Ricardo provided live video testimony. *Id.* The Court heard absolutely no testimony that controverted Dr. Ricardo’s opinions and no evidence that Mr. Ouellette was competent to proceed.

Dr. Ricardo testified consistent with her report that Mr. Ouellette was not competent and not likely to be restored to competency. *See Competency Hearing Transcript, generally.* When asked on cross examination if Mr. Ouellette appeared to understand how a trial worked, testimony and presentation of evidence, Dr. Ricardo responded: “Factually. He did. When it came to a more in-depth appreciation, it’s a different conversation.” *Id., at pp. 6:25-7:5.* Likewise, when asked if Mr. Ouellette appeared to understand that verdicts are based on testimony

and evidence given by both sides, Dr. Ricardo answered: “Yes, and as I noted factually, he had a grasp on that at a different capacity than appreciating it.” *Id.*, at p. 7:18-23.

Similarly, when asked whether Mr. Ouellette understood and appreciated the potential consequences of a guilty verdict, including a prison sentence and probation, Dr. Ricardo responded: “To an extent. There were deficits in his appreciation of the likelihood of that sort of outcome, although, factually, he could understand” *Id.*, at pp. 8:25-9:5.

With regard to understanding about his co-defendant, Dr. Ricardo testified that “He was highly confused about his co-defendant and frequently conflated his circumstances with hers, indicating that if he made a particular move in - - legal move in his case, that it would have an impact on hers.” *Id.*, at p. 10:7-16.

Dr. Ricardo further testified that: “...he factually was intact. Where he was lacking in his capacities was the rationale, understanding, and the appreciation. So essentially, that comprehension of the information and the application of it to his case. While factually his attorney could assist him in learning factual information, comprehension and appreciation are cognitive capacities that cannot necessarily be educated.” *Id.*, at p. 15:1-8. Upon questioning from Mr. Ouellette’s counsel, Dr. Ricardo offered the following: “In my clinical opinion, Mr. Ouellette’s capacities were impinged upon with respect to appreciation, so the rational understanding of

the charges and his ability to make reasonable decisions in cooperation with his counsel. While he did possess a clear factual understanding, his ability to then apply that information and use that information to make decisions is where he was demonstrating the most significant deficits.” *Id.*, at pp. 23:25-24:17. **“While a defendant could easily acquiesce to a defense attorney’s recommendations, in particular, individuals with intellectual disabilities tend to accept, and agree, and acknowledge without having an in-depth or detailed understanding of what is actually happening in their specific circumstances.”** *Id.*, at p. 25:15-21(*emphasis added*).

After hearing and review of Dr. Ricardo’s report, the Court found that Mr. Ouellette, who was born in 1985, has a history of cognitive and developmental disorders since birth. *Appendix*, at p. 9. In Kindergarten, he was assessed for cognitive and psychiatric disorders and diagnosed with Autism Spectrum Disorder and Intellectual Disability, “among others.” *Id.* Mr. Ouellette received special education services throughout his schooling, has been employed minimally and receives Social Security Disability benefits. *Id.* He resides with his father, who is his guardian for financial and medical decisions. *Id.*

The Court relied on one conclusion of Dr. Ricardo that “despite his cognitive issues, Mr. Ouellette demonstrated an intact capacity to *factually* understand legal proceedings (e.g., the roles of legal personnel, the adversarial nature, plea options),

in reaching its conclusion that Mr. Ouellette was competent to stand trial. *Id.* “The court agrees, and finds, that Mr. Ouellette is capable of understanding the nature and object of the charges and proceedings against him.” *Id.* “Mr. Ouellette’s responses to Dr. Ricardo’s questions demonstrate that he is aware of the evidence in the state’s case and that he is able to recall detailed information pertaining to the allegations in the discovery regarding incidents alleged to have occurred five years ago.” *Id.*, at pp. 9-10. When he spoke with Dr. Ricardo, Mr. Ouellette insisted that he believed the evidence the State had against him would not be sufficient to convict him, which the Court suggested was indicative of his understanding of the issues¹. *Id.*, at p. 10.

In its decision, and at the Rule 11, the Court gave considerable consideration to Mr. Ouellette’s attendance at court when required to do so (with his father), that he was polite and respectful in his interactions with the court and that his responses to inquiries from the court indicate that he understood the conversation and was able to answer appropriately.² *Id.* The Court disregarded Dr. Ricardo’s conclusions regarding Mr. Ouellette’s ability to comprehend his condition in reference to the charges nor to his ability to adequately work with his attorney. *Id.* The Court concluded that “Mr. Ouellette is capable of conducting his defense in cooperation

¹ This is the same belief he expressed multiple times at his Rule 11, as discussed below.

² The audio of the Rule 11 proceeding should be part of the court record, so that the Court can actually hear the entire colloquy between the Court and Mr. Ouellette.

with his counsel in a rational and reasonable manner.” “He can comprehend instructions and advice from his attorney.” “Mr. Ouellette is capable of understanding the nature and object of the charges and proceedings against him, of comprehending his own condition thereto, and of conducting his defense in cooperation with his counsel in a rational and reasonable manner.” *Id.*

Mr. Ouellette has always maintained that he was coaxed and taken advantage of by Netto. *Transcript of Rule 11, at p. 23.* He maintained that Netto took advantage of his cognitive disabilities to coax him into doing the things he did that day. *Id.*

At the time of the Rule 11, Mr. Ouellette addressed the Judge. *Id., at p. 25.* He told the Judge “Katie had put-had put a pillow over my head from - -from the bed. And after I got don showering, she told me to come out of the bathroom naked. I didn’t do this on my own free will. She - - she force me into doing this.” *Id.* “She told me to get on - - she told me to get on the bed as I was. And the only time that pillow ever came off is when I had sex with Katie.” “When - -when - - when - -when - -when the pillow went back on, I didn’t even know what was going on. My - -my - -my eyes were all covered up. I couldn’t even see anything.” *Id.*

When the Judge further inquired about whether Ouellette believed a jury could find him guilty, he stated: “I don’t think so. But - - but - -but I’m going to tell you one other thing. [Victim 1] backed up my story in the interview with Luke

Dyer. She backed up my story and what I told Luke Dyer. She had - - she had backed up my story.” *Id.*, at p. 26.

When asked what part of the story, Ouellette answered: “The - - the part where - - where - - where Katie forced me to - - to come out of the bathroom naked. And - - and - - and - - and I believe she put [Victim 1] on top of me because I - - I couldn’t see anything. I didn’t know what was going on.” *Id.*

When the Judge asked Ouellette again whether he believed that if he had gone to trial, that there is a good possibility that a jury would have found him guilty, Ouellette replied: “I don’t think so. Because we’re - -...” *Id.*, at p. 27. When counsel then inquired if the jury believed what the girl said, does he believe he could be found guilty, Mr. Ouellette finally responded: “Yeah, I - - I do.” And then he explained that if they found him guilty, he would go to jail and the plea allowed him to not go to jail which was his reason for taking the plea. *Id.*

After her inquiry with Mr. Ouellette, the Judge addressed Mr. Ouellette’s father, Gary Ouellette, Mr. Ouellette’s legal guardian. *Id.*, at p. 28. When Gary Ouellette appeared confused by the Judge’s question, counsel inquired as to whether he had any concerns about his son’s understanding of what was going on. *Id.* Gary Ouellette indicated he did not. *Id.* However, when asked whether Justin understood all of the Court’s questions, Gary responded: “I don’t believe all of it, but most of them, I would say.” *Id.*, at p. 33. He explained to the Judge why the

Probate Court had appointed him guardian and that he has to tell Justin what to do a lot of the time, “because sometimes he don’t understand what he’s doing.” *Id.*, at p. 34.

Counsel was asked if he had anything to add to the proceeding. The full colloquy between counsel and the Court is contained in the Rule 11 Transcript, at pp. 29-32. Of importance, counsel noted that Dr. Ricardo had indicated her surprise that the Court had found Mr. Ouellette competent. *Id.* Counsel also indicated that it was the first time for a client to enter a plea of guilty where the client had a legal guardian and has been deemed incompetent by a Probate Court. *Id.* Counsel expressed being in a difficult position of advising Mr. Ouellette on his options, since he was very likely to lose at trial and face a significant jail sentence, where the plea allowed him no jail time at all³. *Id.* Counsel reiterated his concerns regarding Mr. Ouellette’s competency and the Court’s prior ruling, indicating that the conditional plea was the best option, although not a great one, for Mr. Ouellette. *Id.*

The Court ultimately determined that Mr. Ouellette’s was competent to enter the plea and that he did so knowingly and voluntarily. *Id.*, at pp. 36-37. The Court

³ Because the victim of the gross sexual assault was under age 12 at the time of the act, the sentencing analysis under *Hewey* required the Court to set the basic period of imprisonment under step one of the analysis at a term of at least 20 years and the final sentence of any term of years.

sentenced Mr. Ouellette to 12 years, all suspended, with 12 years of probation and lifetime SORNA registration. *Id.*, at p. 47.

ISSUE PRESENTED

I. Whether the trial court’s determination of Ouellette’s competency was clear error.

SUMMARY OF THE ARGUMENT

The Court clearly erred in determining that Mr. Ouellette was competent to stand trial and to enter a plea of guilty to very serious charges. Dr. Ricardo’s opinion regarding Mr. Ouellette’s incompetency was clear and unrefuted. She specifically testified directly contrary to all of the court’s findings. The Court had no expert opinion contradicting Dr. Ricardo and had no basis for its finding of competency other than the Court’s very limited interactions with Mr. Ouellette.

While the Court does have the ultimate decision making over the competency finding and is free to disregard an expert’s opinion regarding the same, there is simply no reasonable explanation for rejecting Dr. Ricardo’s opinion. Dr. Ricardo was not hired by the defense to provide a “favorable” opinion. She was hired through the Title 15 state forensic process, as a neutral evaluator. It begs the question that if non-psychologist jurists are going to disregard trained forensic psychologists, then why have the Title 15 process at all?

As will be argued below, Autism Disorder is a very unique diagnosis. Individuals with Autism often appear very intelligent, as they are often able to recite back what has been told to them. However, just like Dr. Ricardo explained, many such individuals, while having the ability to recite terms and words, do not necessarily fully understand the meaning and logical reasoning of what those terms mean in application.

Just because Mr. Ouellette appeared at each of his court appearances, accompanied by his guardian ad litem, does not mean he would have appeared had he not had his father to remind him. Similarly, just because he could recite to the Court what his attorneys told him about the legal system and his rights does not mean he understood the true application of the system and his rights.

As the result of his disabilities, Mr. Ouellette was and is incompetent to stand trial and/or enter a plea.

ARGUMENT

Whether a person is competent to stand trial implicates his or her due process rights. *See State v. Gerrier*, 2018 ME 160, ¶ 7, 197 A.3d 1083, 1085–86 (*citing Thursby v. State*, 223 A.2d 61, 66 (Me. 1966)). Article 1, section 6 of the Constitution of Maine provides, “In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at the election of the accused.” *Id.*, 2018 ME at ¶ 7, 197 A.3d at 1085. In order to safeguard this

constitutional right, the defendant must be “capable of understanding the nature and object of the charges and proceedings against him, of comprehending his own condition in reference thereto, and of conducting in cooperation with his counsel his defense in a rational and reasonable manner.” *Id.*, 2018 ME at ¶ 7, 197 A.3d at 1086 (*citing Thursby*, 223 A.2d at 66).

In the majority of states, a defendant in a criminal case is presumed competent to stand trial. *Id.*, at ¶ 8, 197 A.3d at 1086 (*citations omitted*). Although Maine's competency statutes do not state the presumption outright, courts infer its existence from case law and the procedures established by the Legislature through which a defendant's competency may be challenged. *Id.* Because “the initial responsibility of raising the question of incompetence of the accused to stand trial is on his counsel,” it becomes his duty to “promptly bring the matter to the attention of the court.” *Id.* That responsibility is not limited to defense counsel, however, because the court also has a duty to order an inquiry into the defendant's ability to proceed with the case if it “learns from observation, reasonable claim or credible source that there is genuine doubt of defendant's mental condition to comprehend his situation or make his defense.” *Id.*; *see also* 15 M.R.S. § 101-D(1). Ultimately, if the defendant's competency is challenged, the court must determine whether the defendant is incompetent pursuant to 15 M.R.S. § 101-D(5). *Id.*

Under section 101-D(5), the court is obligated to make a competency determination “upon the motion of the attorney for the defendant or upon the court's own motion.” *Id.*, at ¶ 9, 197 A.3d at 1086. If, after conducting a hearing, the court determines that the defendant is incompetent to stand trial, it “shall continue the case until such time as the defendant is determined by the court to be competent.” *Id.* The statute is therefore framed in terms of a finding of incompetency, further demonstrating a legislative approach that in Maine an accused is presumed to be competent. *Id.* At the hearing, the burden of proof falls on the party seeking the determination of incompetency. *Id.* It is likely that in most cases that party will be the defendant. *Id.*, 2018 ME at ¶ 9, 197 A.3d at 1087; *See also Medina v. California*, 505 U.S. 437, 446, 112 S.Ct. 2572, 120 L.Ed.2d 353 (1992) (stating that placing this burden on the defendant does not offend the principles of due process).

The party seeking the determination of incompetence must prove by a preponderance of the evidence that the defendant is incompetent to proceed. *Id.*, 2018 ME at ¶ 10, 197 A.3d at 1087. “For the defendant, the consequences of an erroneous determination of competence are dire.... By comparison to the defendant's interest, the injury to the State of the opposite error—a conclusion that the defendant is incompetent when he is in fact malingering—is modest.” *Id.*, 2018 ME at ¶ 11, 197 A.3d at 1088.

The court's determination of a defendant's competency is a factual one that the Law Court reviews for clear error. *Id.*, 2018 ME 160, ¶ 13, 197 A.3d at 1088 (citing *State v. Lewis*, 584 A.2d 622 (Me. 1990)). The Law Court will affirm a determination of competency “if the record contains competent evidence supporting the lower court's ruling.” *Id.* (quoting *See State v. Knights*, 482 A.2d 436, 439 (Me. 1984)).

In determining whether a defendant is able to assist counsel, a court may consider:

“The ability of the defendant to communicate and cooperate with counsel; his ability to maintain a collaborative relationship with his attorney and assist in planning legal strategy; whether he maintains a consistent defense; his ability to recall and relate facts concerning his actions and whereabouts at certain times; his ability to identify witnesses and help counsel locate and examine them; his ability to comprehend instructions and advice, and make decisions based on well-explained alternatives, including the entering of pleas and waiving of rights; his ability to follow and interpret witnesses' testimony to inform counsel of contradictions or errors; and his ability to testify himself, if necessary, and be cross-examined.”

Id. (quoting *State v. Haraden*, 2011 ME 113, ¶ 7 n.3, 32 A.3d 448).

Appellant understands that the defendant in *Gerrier* possessed similar disabilities as does Mr. Ouellette, but suggests that *Gerrier* does not stand for the broad sweeping proposition that any similarly situated defendant is competent to stand trial and/or enter a plea. To the extent that it does so, this Court should revisit that decision.

Individuals with Autism and intellectual disabilities are unique individuals in that they can retain and recite information that is provided to them, while as Dr. Ricardo testified, not necessarily fully comprehending the meaning and nuances of what they are reciting.

Autism is categorized as a neurodevelopmental disorder. *See* Cea, Christine, *Autism and the Criminal Defendant*, St. John's Law Review, Volume 88, Number 2, p. 497 (Summer 2014). (*citing* AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 50 (5th ed. 2013)(“DSM 5”). Neurodevelopmental disorders are characterized by impairment in areas such as personal, social, academic, or occupational functioning. *Id.* (*citing* DSM 5).

“Many individuals with autism spectrum disorder (ASD), intellectual developmental disorder (IDD), or ADHD may appear superficially intact—able to recite legal terms or provide rehearsed answers—yet struggle to apply legal concepts meaningfully, engage in reciprocal communication, or make rational decisions in their own case. That gap between rote knowledge and functional capacity is precisely what a forensic evaluation must address.”

See Fetterolf, Frank, M.D., “How is Competency to Stand Trial Assessed in Defendants with Intellectual Impairments, like Autism,” <https://www.legalpsychiatrist.com/faq/assessing-competency-to-stand-trial-in-defendants-with-neurodevelopmental-disorders>

“A defendant with ASD may interpret questions literally or fail to grasp social nuance in attorney–client discussions. An individual with

IDD may memorize terminology but lack the ability to reason about plea options or the role of the prosecutor.” *Id.*

In this case, while Mr. Ouellette may have been able to interact with the court during court appearances and was able to recite back what his attorneys and the court told him regarding his rights, he did not possess the ability to fully comprehend and understand those rights and his options. This is clear by his fixation on the fact that he believed that he would not get in trouble if his co-defendant did and that he was coaxed into committing the crime. This Court has the opinions of Dr. Ricardo and the audio of the Rule 11 proceeding. One need only review those items to conclude that Mr. Ouellette did not fully grasp the court proceedings.

Because Mr. Ouellette was incompetent at the time of his plea, he should be allowed to withdraw his plea and have the trial court issue an order that he is incompetent.

CONCLUSION

In conclusion, for the above stated reasons, this Court should vacate Mr. Ouellette’s conviction.

DATED: July 16, 2026

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CERTIFICATE OF SERVICE

I, Verne Paradie, Jr., hereby certify that on July 16, 2026, I served a copy of this Brief and Appendix via email on:

Todd Collins, District Attorney

DATED: July 16, 2026

/s/ Verne E. Paradie, Jr.

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