

STATE OF MAINE

AROOSTOOK, SS.

SUPREME JUDICIAL COURT

SITTING AS THE LAW COURT

DOCKET #: ARO-26-0100

STATE OF MAINE

APPELLEE

V.

JUSTIN OUELLETTE

APPELLANT

ON APPEAL FROM THE SUPERIOR COURT

AROOSTOOK COUNTY

****BRIEF OF APPELLEE****

STATE OF MAINE

Todd R. Collins
8th Prosecutorial District
144 Sweden Street
Caribou, Maine 04736
todd@aroostook.me.us
(207) 498 – 2557

**Attorney for the Appellee /
State of Maine**

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STATEMENT OF FACTS AND PROCEDURAL HISTORY

The Appellee accepts most of the Appellant's recitation of the basic procedural history, but not in two separate and important aspects. First, the victims' accounts of Ouellette's conduct at *Appendix 18- 22* demonstrate more agency and involvement in the events than his later assertions to the psychologist and the trial court, as does him initially denying law enforcement that he knew or had ever met either girl at all, (A. at 21). And secondly, Ouellette's repeated assertion that the Trial Court had "no evidence" upon which to find him competent. Appellant's Brief, at 7, 14. The Trial Court's order identifies both the evidence it considered and the findings it made from that evidence. (A. 23-25.)

Ouellette was charged with Gross Sexual Assault and Unlawful Sexual Contact. (A. 26.) At the request of defense counsel, the Trial Court ordered a competency evaluation. After two earlier appointments did not occur because Ouellette reportedly did not receive notice of them, Dr. Mia Ricardo examined him in person on January 29, 2025. Her State Forensic Service report was admitted by stipulation at a hearing held on June 18, 2025, and Dr. Ricardo testified by video. (A. 23.)

The Trial Court recognized Ouellette's lifelong cognitive and developmental limitations. Ouellette had been diagnosed with autism spectrum disorder and intellectual disability, received special education services, received Social Security Disability benefits, lived with his father, and relied upon his father as guardian for financial and medical decisions. (A. 24.) The Trial Court did not ignore or minimize any of those facts. It was found, however, that those facts did not prevent Ouellette from understanding the case or working with his attorney. (A. 24-25.)

Dr. Ricardo reported that Ouellette demonstrated an intact factual understanding of the roles of legal personnel, the adversarial nature of the proceeding, and the available plea options. (A. 24.) The Trial Court further found that Ouellette understood that he faced two criminal charges,

that he had trial rights, that a judge or jury could decide his case, and that the State carried a defined burden of proof. He understood the difference between an arraignment and a trial and how a trial worked. His recollection was reality-based and there was no evidence of psychosis. (A. 24.)

Ouellette also understood his own position in the case. He recalled detailed information about allegations that were approximately five years old; understood the evidence against him; identified what he believed to be weaknesses in that evidence, including the lack of DNA evidence; and understood that his position and the position of his co-defendant could affect one another. Although he did not use the legal terms "duress" or "compulsion," he explained his belief that the co-defendant coerced or duped him and was more culpable. (A. 24-25.) This was not a delusion or a defense unrelated to the evidence. It was a consistent defense based upon Ouellette's account of what happened.

The Trial Court also interacted with Ouellette during the more than two and one-half years that the case had been pending. Ouellette appeared when required, answered the Court's questions appropriately, understood the role of his attorney, expressed confidence in counsel, and wanted counsel's advice. Although Ouellette lived in Van Buren and his attorney practiced in Lewiston, they communicated by telephone and video and maintained a collaborative relationship. The Trial Court found that Ouellette could express opinions, help plan strategy, identify witnesses, follow testimony, identify contradictions, understand instructions and advice, and make decisions from alternatives that were explained to him. (A. 25.)

The later Rule 11 proceeding was consistent with those findings. Ouellette gave a detailed account of his defense and identified a specific witness statement that he believed corroborated it. (Rule 11 Tr. 25-27.) When the question was put to him directly - whether the jury could find him guilty if it believed what the victim said - he acknowledged that it could. He understood that a conviction could send him to prison and that the negotiated disposition avoided immediate incarceration. Ouellette understood that the negotiated disposition meant no upfront jail time and

confirmed that was why he was pleading guilty. (Rule 11 Tr. 27-28.) His father stated that Ouellette understood most, though not all, of the Court's questions, but identified no question that needed further explanation. (Rule 11 Tr. 33-35.) The Trial Court found Ouellette competent to make the plea decision, found the plea knowing and voluntary, and explained that Ouellette's ability to identify and discuss his defense formed part of the competency finding. (Rule 11 Tr. 37-38.)

ISSUE PRESENTED

Whether the Trial Court clearly erred when it found that Ouellette failed to prove, by a preponderance of the evidence, that he was incompetent to proceed?

INTRODUCTION

A determination of competency is a finding of fact that is reviewed for clear error. *State v. Gerrier*, 2018 ME 160, ¶ 13, 197 A.3d 1083. A criminal defendant is presumed competent and the party seeking a finding of incompetence bears the burden of proving it by a preponderance of the evidence. *Id.* ¶¶ 8-12. The Law Court *must affirm* the Trial Court's determination if the record contains competent evidence supporting the Trial Court's ruling. *State v. Knights*, 482 A.2d. 436, 439 (Me. 1984) (emphasis added).

The Appellant's brief expressly concedes that the Trial Court makes the ultimate decision, but its argument depends upon the opposite proposition. It asks the Law Court to treat Dr. Ricardo's opinion as controlling because she is a trained forensic psychologist and the Trial Court is not. Appellant's Brief, at 14-15. That would make competency a medical determination by the evaluator rather than a legal determination by the Court. The law is the opposite. The evaluator examines the defendant and provides clinical information and an opinion. The Trial Court applies the

governing legal standards and determines whether the defendant is competent. 15 M.R.S. § 101-D(1), (5); *State v. Gerrier*, 2018 ME 160, ¶¶ 8-9, 197 A.3d 1083.

The Trial Court considered Dr. Ricardo's report and testimony, the facts and observations contained in the evaluation, its own sustained interactions with Ouellette, and the working relationship between Ouellette and his attorney. That evidence shows that Ouellette understood the charges, the Court, the trial process, the evidence, the possible consequences, and his own defense. It also shows that he trusted counsel, sought counsel's advice, identified witnesses and evidence, and could make decisions when the alternatives were explained to him. The record may have permitted a different finding. It does not compel one.

ARGUMENT

1. Competency is a legal determination for the Trial Court, not a medical determination for an evaluator.

Competency to stand trial is not a medical diagnosis. It is legal determination of whether a defendant possesses the functional abilities required by law. The Legislature assigns the roles accordingly. The State Forensic Service examines the defendant and reports its evaluation to the Court. The Trial Court holds a hearing, receives the relevant testimony, and determines competency. 15 M.R.S. § 101-D(1), (5). *Gerrier* says the same thing: "the court must determine" competency, and "the court is obligated to make" the competency determination. 2018 ME 160, ¶¶ 8-9.

The Appellant acknowledges that allocation of responsibility in one sentence but then asks the Law Court to disregard it. He emphasizes that Dr. Ricardo was a neutral, trained forensic psychologist and asks why the Title 15 process exists at all if a "non-psychologist" jurist may

disagree with her. Appellant's Brief, at 14-15. The necessary premise is that an evaluator's conclusion controls unless another evaluator contradicts it. That is not Maine law. It would turn the evaluation into an expert veto and the competency hearing into a formality.

In *State v. Knights*, an expert psychologist testified that the defendant did not understand the legal consequences of his actions and could not assist his attorney. 482 A.2d 436, 440 (Me. 1984). No other expert contradicted that opinion. *Id.* The Law Court nevertheless held that the Trial Court was not required to accept it because the weight and credibility of expert testimony belonged to the factfinder and other evidence in the record supported competence. *Id.* at 439-40.

The circumstances in *State v. Perkins* are even more pronounced. A psychiatrist and two clinical psychologists all concluded that the defendant was not competent. 518 A.2d 715, 716 (Me. 1986). Their own testing and observations also showed, however, that the defendant understood the charge against him, the role of the jury, the identity and function of his attorney, and that a guilty verdict could result in imprisonment. *Id.* The Law Court relied upon those underlying facts and upheld the finding of competence despite the conclusions of all three experts. *Id.*

Why have the Title 15 process at all? Because it provides the Trial Court with the specialized clinical information needed to decide the legal question. The report is evidence; it is not a judgment. It assists the Trial Court; it does not replace it. If an evaluator's conclusion controlled unless another expert disagreed, the hearing and judicial determination required by section 101-D would be empty formalities, and *Knights*, *Perkins*, and *Gerrier* would have been decided the other way.

Nor did the Trial Court attempt to diagnose Ouellette or substitute medical judgment for Dr. Ricardo's. It accepted her description of his diagnoses, limitations, and cognitive inflexibility. The dispute was what her factual observations established under the legal standard. Those observations included an intact factual understanding, a detailed and reality-based memory, and an understanding of courtroom roles, the adversarial process, plea options, the evidence, and the

possible consequences of the proceeding. (A. 24-25.) The Trial Court weighed those facts together with its own observations and its findings concerning Ouellette's relationship with counsel. That weighing was not the practice of psychology. It was the exercise of the judicial responsibility assigned and required by law.

2. Competent evidence supports the Trial Court's finding.

Once those roles are properly kept distinct, the remaining question is the one *Gerrier* requires: whether competent evidence supports the Trial Court's finding. It does.

A defendant is competent when he is "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." *Gerrier*, at ¶ 7 (quoting *Thursby v. State*, 223 A.2d 61, 66 (Me. 1966)).

In determining whether a defendant can rationally assist counsel, a Trial Court may consider his ability to communicate and cooperate with counsel; maintain a collaborative relationship; help plan a legal strategy; maintain a consistent defense; recall and relate facts; identify witnesses; understand advice and make decisions from well-explained alternatives; follow testimony and identify contradictions; and testify, if necessary. *Haraden v. State*, 2011 ME 113, ¶ 7 n.3, quoted in *Gerrier*, ¶ 13.

The Trial Court applied those functional considerations to this defendant and this case. It did not equate Ouellette's ability to recite legal words with actual understanding. It examined what Ouellette understood and what he could do.

First, Ouellette understood the nature and object of the proceedings. He knew the charges and the available pleas; understood the roles of the judge, jury, attorneys, and witnesses; distinguished an arraignment from a trial; understood that the State carried a burden of proof; and

knew the evidence against him. (A. 23.) During the Rule 11 proceeding, he understood that the jury could convict him if it believed the victim, that a conviction could result in imprisonment, and that the negotiated disposition avoided immediate incarceration. (Rule 11 Tr. 27.) These were not legal phrases repeated by rote. They were case-specific facts applied to a decision that Ouellette was required to make.

Second, Ouellette understood his own condition in relation to the case. He recalled detailed allegations that were approximately five years old, identified a perceived weakness in the State's evidence, understood how the position of his co-defendant affected him, explained his claim that he had been coerced or duped, and identified a witness statement that he believed supported that defense. (A. 23-24; Rule 11 Tr. 23, 25-27.) Whether the defense was likely to succeed is not a measure of competence. The relevant point is that the defense was consistent, related to the evidence, and grounded in reality.

Nor did Ouellette's reluctance to abandon that defense compel a finding of incompetence. In *State v. Lewis*, the Trial Court's concern was the defendant's ability to cooperate rationally because he was "extremely persistent" in portraying himself, rather than the alleged victim, as the true victim. 584 A.2d 622, 624-25 (Me. 1990). The Law Court upheld the finding of competence because it was not clearly erroneous. Ouellette's continued belief that he was coerced may affect the wisdom of his defense; it does not demonstrate an inability to understand the case.

Finally, Ouellette could work with his attorney in a rational and reasonable manner. He understood counsel's role, trusted counsel, sought counsel's advice, communicated despite the distance between Van Buren and Lewiston, and maintained a collaborative relationship. He could relate facts, identify witnesses, express opinions, follow testimony, identify contradictions, and make choices after the alternatives were explained to him. (A. 23-24.) Competency does not require a defendant to possess sophisticated legal judgment, understand every question

immediately, or always agree with counsel. It requires a functional ability to understand and cooperate. The Trial Court found that ability on this record.

Gerrier provides the closest comparison. *Gerrier* had an intellectual disability, autism spectrum disorder, and significant mood issues. 2018 ME 160, ¶¶ 4, 14. A psychologist warned that those conditions significantly impaired his ability to demonstrate the full range of competency skills. *Id.* ¶ 14. The Law Court upheld the competency finding because the record nonetheless showed a functional understanding of the proceeding and an ability to work with counsel. *Id.* ¶ 15. The record here supports the same conclusion.

The Appellant has identified evidence from which the Trial Court could have reached a different result. But clear error review does not permit the Law Court to replace the Trial Court's factual judgment merely because another inference was possible. Because competent evidence supports the finding, it must be upheld. *Gerrier*, ¶¶ 13-15; and *Knights*, at 439.

3. Ouellette's diagnosis and general literature do not establish clear error.

The Appellant's discussion of autism establishes a valid general point: a person's ability to repeat facts may not always establish a rational understanding of it. Appellant's Brief, at 18-20. The Trial Court did not rule otherwise. It expressly considered Ouellette's autism, intellectual disability, other diagnoses, special education history, and cognitive limitations. (A. 23.) It then examined whether those limitations prevented him from understanding this case and working with this attorney. (A. 24-25.)

A diagnosis does not decide competency by itself. "[A] defendant may be both mentally ill and competent to stand trial." *Gerrier*, 2018 ME 160, ¶ 15 (quoting *State v. Ledger*, 444 A.2d 404, 419 (Me. 1982)). The same reasoning applies to cognitive or developmental disability. The Trial

Court must look beyond the label and determine what the defendant can understand and do. That is exactly what the Trial Court did here.

The father's guardianship for financial and medical decisions was likewise relevant, but it did not resolve the separate question of criminal competency. The Trial Court considered the guardianship. (A. 23.) The Rule 11 record did not present an unqualified endorsement from his father. His initial answers about Ouellette's understanding were equivocal. (Rule 11 Tr. 28-29.) He later said that Ouellette understood most, though not all, of the Court's questions, but identified no question that needed further explanation that day. (Rule 11 Tr. 33-35.) The Trial Court weighed that information with the rest of the evidence.

The general academic and internet materials cited for the first time on appeal do not provide case-specific evidence about Ouellette. See M.R. App. P. 7A(a)(2)(A). Those materials may explain why an individualized evaluation is important, but they do not establish that Ouellette lacked abilities the Trial Court found from the forensic evaluation, its own observations, and the record.

Finally, the Appellant asks the Law Court in one sentence to "revisit" *Gerrier*. Appellant's Brief, at 18. An issue mentioned only in passing, without developed argument, is waived. *Mehlhorn v. Derby*, 2006 ME 110, ¶ 11. In any event, *Gerrier* did not create a categorical rule that defendants with autism are competent. It required the same individualized review that the Trial Court performed in this case.

CONCLUSION

Competency is a legal determination for the Trial Court. Dr. Ricardo's evaluation supplied clinical information and an opinion; it did not displace the Trial Court's duty to decide. The Trial Court considered the expert report and testimony, the observations underlying Dr. Ricardo's opinion, its own experience with Ouellette, and Ouellette's relationship with his attorney.

Competent evidence supports its finding that Ouellette understood the proceedings and could rationally assist counsel. The competency finding and the resulting judgment should be upheld.

DATED: ____ July 29, 2026 ____, 2026

/s/ Todd R. Collins
Todd R. Collins, Maine Bar No. 008970
District Attorney
Prosecutorial District No. 8
144 Sweden Street
Caribou, Maine 04736
(207) 498-2557
Attorney for the Appellee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief of Appellee was forwarded this date to Verne E. Paradie, Jr., Esq., counsel for the Appellant, by email and by the method required by the Maine Rules of Appellate Procedure.

DATED: ____ July 29, 2026 ____, 2026

/s/ Todd R. Collins
Todd R. Collins, Maine Bar No. 008970
District Attorney
Prosecutorial District No. 8
144 Sweden Street
Caribou, Maine 04736
(207) 498-2557
Attorney for the Appellee