

STATE OF MAINE

v.

JOSEPH R. ST. ARNAUD

Submitted on Briefs May 24, 2012  
Decided May 29, 2012

Panel: SAUFLEY, C.J., and MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Joseph R. St. Arnaud appeals from a judgment of conviction entered by the Superior Court (York County, *Brodrick, J.*) on a jury verdict finding him guilty of terrorizing (Class D), 17-A M.R.S. § 210(1)(A) (2011), and refusing to submit to arrest (Class D), 17-A M.R.S. § 751-B(1)(B), (C) (2011).<sup>1</sup> Contrary to St. Arnaud's contention, the court did not clearly err or abuse its discretion in admitting a recording of his 911 call in evidence, because the statements he made on the call were relevant and not unfairly prejudicial. *See* M.R. Evid. 402, 403; *State v. Gurney*, 2012 ME 14, ¶ 36, 36 A.3d 893; *State v. Turner*, 2001 ME 44, ¶ 5, 766 A.2d 1025. Furthermore, the statements were admitted for a proper purpose and not to show that he acted in conformity with a propensity to make threats. *See* M.R. Evid. 404; *Turner*, 2001 ME 44, ¶ 5, 766 A.2d 1025.

The entry is:

Judgment affirmed.

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<sup>1</sup> The complaint and the judgment cite 17-A M.R.S. § 751-A, which was repealed and replaced by section 751-B. P.L. 2009, ch. 449 §§ 1-2 (effective Sept. 12, 2009). The portions of the two sections applicable to this appeal are substantively identical. *See* 17-A M.R.S. § 751-B(1)(B), (C) (2011); 17-A M.R.S. § 751-A(1) (2008).

**On the briefs:**

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York County Superior Court docket number CR-2010-2712  
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