

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2003-0639, State of New Hampshire v. Michael Ceasar, the court on April 20, 2005, issued the following order:**

Following a jury trial, the defendant, Michael Ceasar, was convicted on five counts of aggravated felonious sexual assault. On appeal, he contends that the trial court erred when it permitted the victim to testify about the defendant's violent, threatening and abusive conduct. We affirm.

The admissibility of evidence is a matter within the trial court's broad discretion; absent an unsustainable exercise of discretion, we will not overturn its decision. State v. DiNapoli, 149 N.H. 514, 518 (2003). The defendant argues that because much of the contested evidence concerned behavior that occurred after the assaults began, its probative value concerning coercion was outweighed by its prejudice. We will assume without deciding that this argument has been preserved for our review.

The record reflects that, of the defendant's five convictions, four involved coercion as an element. Two of the indictments set forth assaults that took place on December 4, 2000; two alleged assaults that took place no earlier than November 1999. While the date of some of the defendant's threats was not identified, others clearly predated the assaults involving coercion. The trial court could therefore properly have found that the acts were "continuous and ongoing, and implicit at the time of the offenses in question." State v. Kulikowski, 132 N.H. 281, 287 (1989). Because they established a continuing atmosphere of fear and coercion, they were relevant to explain the victim's compliance; their relevance was not substantially outweighed by the danger of unfair prejudice. That they may not have occurred at the same time as the indicted assaults, and that the victim may not have specifically testified that any coercive act was directly linked to any sexual assault, does not alter our conclusion.

*Affirmed.*

NADEAU, DALIANIS and DUGGAN, JJ., concurred.

**Eileen Fox,  
Clerk**

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Page Two of Two

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