

STATE OF MAINE
AROOSTOOK, ss.

UNIFIED CRIMINAL DOCKET
Docket No. AROCD-CR-19-20145
AROCD-CR-19-20151
AROCD-CR-20-20072
AROCD-CR-20-30159

STATE OF MAINE,)
)
v.) **ORDER ON MOTION FOR**
) **RELIEF FROM JOINDER**
LYLE BERNIER,)
Defendant)

Defendant has been charged by way of indictment in the above captioned matters as follows:

AROCD-CR-19-20145

1. Domestic Violence Assault – Class C

- a. Dated alleged: May 20, 2019
- b. Location alleged: Eagle Lake
- c. Alleged victim: Leslie Collagan

AROCD-CR-19-20151

1. Violation of Condition of Release – Class C

- a. Dated alleged: May 23, 2019
- b. Location alleged: Eagle Lake
- c. Alleged contact: Leslie Collagan

AROCD-CR-20-20072

1. Domestic Violence Stalking – Class D

- a. Dated alleged: March 12, 2020
- b. Location alleged: Eagle Lake
- c. Alleged victim: Leslie Collagan

2. Violation of Condition of Release – Class C

- a. Dated alleged: March 12, 2020
- b. Location alleged: Eagle Lake
- c. Alleged contact: Leslie Collagan

AROCD-CR-20-30159

1. Violation of Condition of Release – Class C

- a. Dated alleged: August 13, 2019
- b. Location alleged: Houlton
- c. Alleged contact: Leslie Collagan

2. Domestic Violence Stalking – Class C

- a. Dated alleged: August 13, 2019
- b. Location alleged: Houlton
- c. Alleged victim: Leslie Collagan

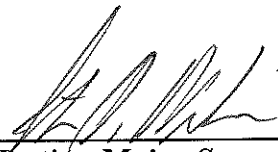
The State filed a document entitled “Notice of Joinder, M.R.U.CRIM.P. 8(b)” dated October 27, 2021 purporting to “automatically” join all four of the cases set forth above. In response to the filing by the State, the Defendant filed a Motion for Relief from Joinder on October 28, 2021.

The court notes that the “Notice of Joinder” cites Rule 8(b), which relates to the “prosecution against two or more *defendants*” rather than a single defendant facing “two or more *indictments*, informations, or complaints” as referenced in Rule 8(c). *M.R.U.CRIM.P. 8*.

“While the joinder of offenses and defendants in a single pleading under Rule 8(a) and (b) is initially a matter of prosecutorial discretion, the decision on a motion to consolidate under Rule 8(c) is committed solely to the discretion of the court.” See, *1 ME. CRIM.PRAC. Rev.Ed. Issue 0(1992)*. Therefore, the filing of the “Notice of Joinder” was ineffective to consolidate the matters for trial. The matters shall proceed to trial in due course, beginning with AROCD-CR-19-20145.

The Defendant’s Motion for Relief from Joinder is denied as not ripe.

Date: 12/12/2022



Justice, Maine Superior Court