

STATE OF MAINE

v.

TIMOTHY HUBNER

Submitted on Briefs July 19, 2012  
Decided July 31, 2012

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, GORMAN, and  
JABAR, JJ.

MEMORANDUM OF DECISION

Timothy Hubner appeals from a judgment of conviction for theft by unauthorized taking or transfer (Class C), 17-A M.R.S. § 353(1)(A), (B)(4) (2011), entered in the Unified Criminal Docket (Cumberland County, *Eggert, J.*). Contrary to Hubner's contention, the court did not exceed its discretion in allowing the State to join for purposes of trial the theft charge with a robbery charge from a separate indictment. *See* U.C.D.R.P.-Cumberland County 8(a), (c); *State v. Cook*, 2010 ME 81, ¶ 16, 2 A.3d 313; *State v. Pierce*, 2001 ME 14, ¶¶ 12-13, 770 A.2d 630. There was also sufficient evidence presented at trial on which a reasonable jury could find that Hubner committed each element of theft beyond a reasonable doubt, including the value of the stolen items. *See* 17-A M.R.S. §§ 353(1)(A), (B)(4), 361-A(1) (2011); *State v. Cook*, 2010 ME 85, ¶¶ 7, 10, 2 A.3d 333; *State v. Thibeault*, 390 A.2d 1095, 1102 (Me. 1978).

The entry is:

Judgment affirmed.

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**On the briefs:**

Sarah A. Churchill, Esq., Strike, Goodwin & O'Brien, Portland, for appellant Timothy Hubner

Stephanie Anderson, District Attorney, and Tracy J. Leadbetter, Asst. Dist. Atty., Prosecutorial District No. Two, Portland, for appellee State of Maine

Cumberland County Unified Criminal Docket docket number CR-2010-8860  
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