

STATE OF MAINE

v.

STEPHANIE STARK

Submitted on Briefs June 4, 2009

Decided June 11, 2009

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

MEMORANDUM OF DECISION

Stephanie Stark appeals from a judgment of conviction entered in Superior Court (Penobscot County, *Brodrick, A.R.J.*) upon a jury finding her guilty of two counts of gross sexual assault (Class B), 17-A M.R.S. § 253(2)(D) (2008); one count of unlawful sexual contact (Class C), 17-A M.R.S. § 255-A(1)(B) (2008); two counts of assault (Class D), 17-A M.R.S. § 207(1)(A) (2008); and two counts of unlawful sexual touching (Class D), 17-A M.R.S. § 260(1)(A) (2008).

Contrary to Stark's contention, the court did not abuse its discretion in ordering the joinder of charges stemming from allegations that took place on separate dates and with separate victims. *See State v. Pierce*, 2001 ME 14, ¶ 12, 770 A.2d 630, 634 ("The court has wide discretion in deciding [whether to order joinder and severance], and its decision is not grounds for new trial unless prejudice and abuse of discretion are shown."). Additionally, the court did not abuse its discretion in refusing to grant more than eight peremptory challenges for Stark and her co-defendant Peter Mills to share. *See State v. Rollins*, 2008 ME 189, ¶ 19, 961 A.2d 546, 551 (stating that we review the supervision of peremptory challenges for an abuse of discretion); *State v. Chattley*, 390 A.2d 472, 478 (Me. 1978) ("[W]hen more than one defendant are jointly indicted and tried, they are entitled *jointly and not severally* to the eight peremptory challenges."). Last, we do not review Stark's challenge to the illegality of her sentence because the sentence review panel had already denied her leave to appeal and the alleged illegality is not clear from the face of the record. *See State v. Winslow*, 2007 ME 124, ¶ 27, 930 A.2d 1080, 1087; 15 M.R.S. § 2152 (2008) ("If leave to appeal is

denied, the decision of the [sentence review] panel shall be final and subject to no further review.”).

The entry is:

Judgment affirmed.

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