

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)
)
 v.) 1:12-cr-00027-JAW
)
CAROLE SWAN, and)
MARSHALL SWAN,)
)
 Defendants.)

**ORDER OVERRULING THE DEFENDANTS’ AND THE GOVERNMENT’S
OBJECTIONS TO THE MAGISTRATE JUDGE’S ORDER GRANTING IN
PART AND DENYING IN PART CAROLE SWAN’S MOTION TO SEVER
AND MARSHALL SWAN’S MOTION FOR RELIEF FROM PREJUDICIAL
JOINDER**

The United States Magistrate Judge issued an Order on December 12, 2012 granting in part and denying in part Defendant Carole Swan’s motion to sever and Defendant Marshall Swan’s motion for relief from prejudicial joinder. (ECF No. 86). Following her decision, both the Government and the Defendants filed objections with the Court. On, January 2, 2013, Ms. Swan filed her objections to the Magistrate Judge’s Order (ECF No. 96), and on January 18, 2013, the Government filed its response to those objections (ECF No. 99). On January 11, 2013, Mr. Swan objected to the Magistrate Judge’s decision (ECF No. 97), and the Government responded on January 25, 2013 (ECF No. 101). The Government filed its objections to the Order on January 2, 2013 (ECF No. 94), and Ms. Swan filed a response on January 22, 2013 (ECF No. 100).

I have reviewed and considered the Magistrate Judge’s Order together with the entire record under Rule 59(a)’s clearly erroneous or contrary to law standard;

and I concur with the Magistrate Judge's decisions for the reasons set forth in her Order, and determine that no further proceeding is necessary. FED. R. CRIM P. 59(a).

1. It is therefore ORDERED that the Order of the Magistrate Judge (ECF No. 86) is hereby AFFIRMED.
2. It is further ORDERED that Carole Swan's Objection to the Magistrate Judge's Decision Regarding Severance Pursuant to Rule 8(a) (ECF No. 96) be and hereby is OVERRULED.
3. It is further ORDERED that Marshall Swan's Objection to the Magistrate Judge's Order on Motion for Relief from Prejudicial Joinder (ECF No. 97) be and hereby is OVERRULED.
4. It is further ORDERED that the Government's Objection to the Order Severing the Extortion Counts on the Grounds of Prejudicial Joinder (ECF No. 94) be and hereby is OVERRULED.

SO ORDERED

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 26th day of February, 2013

Defendant (1)

CAROLE SWAN

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Defendant (2)

MARSHALL SWAN

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Plaintiff

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