

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA            )  
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                                                  )            Docket No. 2:18-cr-00063-GZS  
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DANIELS, et al.                         )

**DEFENDANT MR, LLC’S NOTICE OF JOINDER IN MOTION TO DISMISS BASED  
ON DESTRUCTION OF EVIDENCE FILED BY BRIAN BILODEAU  
AND BRIAN BILODEAU, LLC**

NOW COMES, Defendant MR, LLC (“MR”), by and through its undersigned attorneys, and hereby joins the Motion to Dismiss based on the destruction of evidence filed by Brian J. Bilodeau and Brian Bilodeau, LLC (Docket No. 402) (“Mr. Bilodeau’s Motion to Dismiss”) and asks the Court to dismiss Counts 12 and 25 of the Superseding Indictment for the following reasons:

1. MR and Mr. Bilodeau are both named in Count 12 (Manufacturing a Controlled Substance) of the Superseding Indictment (Docket No. 82). MR is separately named in Count 25 (Manufacturing a Drug Involved Premises) of the Superseding Indictment based on the same set of allegations forming the basis for Count 12. As described in Mr. Bilodeau’s Motion to Dismiss, the Government premises Count 12 on its seizure of purported marijuana plants located at 230 Merrow Road in Auburn, Maine that have since been destroyed.

2. By way of brief background, in the fall of 2016, MR purchased 230 Merrow Road, a warehouse that was being leased by Defendant Brian Bilodeau and sub-leased to two licensed marijuana caregivers for the purpose of cultivating medical marijuana in compliance with Maine law. Understanding the pre-existing cultivation to be an established and legitimate operation, MR intended to have no involvement with the grow other than as a landlord. Apart from \$10,000 monthly rent payments, MR did not receive any proceeds from, or pay any of the

expenses associated with, the marijuana cultivation at 230 Merrow Road.

3. MR joins Mr. Bilodeau's Motion to Dismiss based on the destruction of the marijuana plants seized from 230 Merrow Road and respectfully requests that the Court dismiss Counts 12 and 25 of the Superseding Indictment. As more fully explained in Mr. Bilodeau's Motion to Dismiss, without evidence that the marijuana cultivation located at 230 Merrow Road was not in compliance with Maine's medical marijuana program, the caregivers at 230 Merrow Road have been deprived of powerful exculpatory evidence showing they were in compliance with Maine's medical marijuana program. As a mere landlord with no involvement in the actual grow at its property, evidence that the marijuana cultivation at 230 Merrow Road was in compliance with Maine's medical marijuana program – or appeared on its face to be in compliance to a landlord not involved in the actual grow itself – is evidence that MR was not knowingly involved in the illegal manufacture of marijuana as alleged in Count 12 of the Indictment and that MR did not maintain 230 Merrow Road for purposes of manufacturing marijuana *unlawfully* as alleged in Count 25..

4. To avoid needless repetition of the facts and law, and because the facts and law set forth in Mr. Bilodeau's Motion to Dismiss are the same facts and law applicable to Counts 12 and 25 of the Superseding Indictment, MR joins in and incorporates by reference Mr. Bilodeau's Motion to Dismiss and all exhibits thereto and requests that it be permitted to participate in all briefing, hearing and arguments with respect to that Motion.

**WHEREFORE**, for the reasons set forth in the Motion to Dismiss based on the destruction of evidence filed by Defendants Brian Bilodeau and Brian Bilodeau, LLC (Docket No. 402), Defendant MR, LLC respectfully requests that the Court dismiss Counts 12 and 25 of the Superseding Indictment.

Dated at Portland, Maine this 11th day of July, 2019.

/s/ Thimi R. Mina  
Thimi R. Mina

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*Counsel for Defendant MR, LLC*

**CERTIFICATE OF SERVICE**

I, Alfred C. Frawley IV, hereby certify that on this 11th day of July, 2019, I electronically filed the foregoing **NOTICE OF JOINDER IN MOTION TO DISMISS BASED ON DESTRUCTION OF EVIDENCE FILED BY BRIAN BILODEAU AND BRIAN BILODEAU, LLC** which shall send notification of such filing to counsel of record for all parties.

Dated: July 11, 2019

/s/ Alfred C. Frawley IV

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