

## Court date postponed for convicted killer in 1993 Norwich double murder

By John Barry



Michael Bernier

Bernier's attorney, Norman Pattis, for about the past two years has pursued and is continuing to pursue the possibility that appeals decisions in state courts could apply to Bernier's case and make him eligible for earlier prison release.

A court appearance Thursday by a convicted killer on his bid to shorten his 60-year sentence has been delayed at the request of his attorney.

Michael Bernier, now 39 years old, was 15 in 1993 when he shot and killed a Norwich classmate, David Cluny, and Cluny's mother, Elaine

Cluny.

In 1995, Bernier was tried as an adult and convicted. He was sentenced to 30 years in prison for each murder for a total sentence of 60 years.

Bernier appealed his sentence in 2015 as unconstitutional with his

appeal based on U.S. Supreme Court rulings that ban life sentences for juvenile defendants.

But since then, state Supreme Court and Appellate Court rulings and a state law make Bernier eligible for parole after he serves 30 years of his sentence in 2023. The parole hearing would not guarantee his

release, but if he is denied, Bernier can reapply for new hearings every two years for the rest of his sentence.

Bernier's attorney, Norman Pattis, for about the past two years has pursued and is continuing to pursue the possibility that appeals decisions in state courts could apply to Bernier's case and make him eligible for earlier prison release.

A discussion by attorneys on the issue, originally scheduled for Thursday in New London Superior Court, is now expected to be taken up March 9.

Assistant State's Attorney Lawrence Tytla said he believes Bernier won't get out of prison at the earliest until 2023.

"By statute, he's been made parole eligible," Tytla said. "The bottom line, I think that's the only relief he's eligible for." ■