

STATE OF MAINE

v.

DOMINIC NERVAL

Submitted on Briefs September 27, 2017  
Decided October 12, 2017

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and  
HUMPHREY, JJ.

#### MEMORANDUM OF DECISION

Dominic Nerval appeals from a judgment of conviction of two counts of aggravated drug trafficking, 17-A M.R.S. § 1105-A(1)(E)(1) (2016), and one count of criminal forfeiture, 15 M.R.S. § 5826 (2016), entered by the trial court (Androscoggin County, *L. Walker, J.*), following a jury trial. Contrary to Nerval's contentions, the court properly denied his motion for judgment of acquittal when it concluded that the aggravating factor for the drug trafficking crime—trafficking drugs within 1,000 feet of a designated "safe zone"—did not require defendant's actual knowledge of his proximity to the safe zone. The court also properly denied Nerval's motion for new trial because he failed to prove that there was a reasonable probability that the introduction of his iPhone into evidence at trial would have produced a different verdict. *See State v. Twardus*, 2013 ME 74, ¶ 32, 72 A.3d 523.

The entry is:

Judgment affirmed.

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Rory A. McNamara, Esq., Drake Law, LLC, Berwick, for appellant Dominic Nerval

Janet T. Mills, Attorney General, and David W. Fisher, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee State of Maine

Androscoggin County Superior Court docket number CR-2014-789  
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