

STATE OF MAINE

v.

DALVIN PEGUERO

Argued April 11, 2024  
Decided May 14, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Dalvin Peguero appeals from a judgment of conviction for aggravated trafficking of scheduled drugs (Class A), 17-A M.R.S. § 1105-A(1)(M) (2024), entered by the trial court (Somerset County, *Mullen, C.J.*) following a jury trial.<sup>1</sup> Contrary to Peguero's contentions, the court did not clearly err or abuse its discretion in admitting limited evidence concerning the activities of an accomplice, *see State v. Souther*, 2017 ME 184, ¶ 7, 169 A.3d 927, nor did it err in denying Peguero's motion to suppress after finding that the search of a camper by law enforcement officers was authorized by a search warrant, *see State v. Jandreau*, 2022 ME 59, ¶ 15, 288 A.3d 371.

Furthermore, on this record, where Peguero raised no objection in the trial court to the jury's conduct, did not ask that the jury be polled, and did not move for a new trial after the jury returned a verdict in less than five minutes,

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<sup>1</sup> The court also entered judgment on one count of criminal forfeiture, 15 M.R.S. § 5826 (2022). The statute has been amended, but not in a way that affects this appeal. P.L. 2023, ch. 196, § 1 (effective Oct. 25, 2023).

we discern no obvious error in the court's failure to order a new trial sua sponte. *See State v. Chase*, 2023 ME 32, ¶ 13, 294 A.3d 154; *State v. Cheney*, 2012 ME 119, ¶ 20 n.3, 55 A.3d 473; *Williams v. Iverness Corp.*, 664 A.2d 1244, 1247 n.3 (Me. 1995); *Folsom v. Great Atl. & Pac. Tea Co.*, 521 A.2d 678, 679 (Me. 1987) ("We have previously stated that standing alone the period of time taken by a jury to complete its deliberations is not enough to support a finding of misconduct necessitating a new trial.").

Finally, we conclude that there is ample evidence in the record to support the jury's verdict and the court's resulting judgment. *See State v. Thistle*, 2024 ME 6, ¶ 24, --- A.3d ---; *State v. Paquin*, 2020 ME 53, ¶ 36, 230 A.3d 17 ("It is well established that credibility determinations are within the sole province of the jury."), *abrogated on other grounds by State v. Armstrong*, 2020 ME 97, 237 A.3d 185.

The entry is:

Judgment affirmed.

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Aaron M. Frey, Attorney General, and Jason Horn, Asst. Atty. Gen. (orally), Office of the Attorney General, Augusta, for appellee State of Maine