

STATE OF MAINE

v.

RAUL C. ZEPEDA

Submitted On Briefs December 11, 2007

Decided January 17, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, and MEAD, JJ.

MEMORANDUM OF DECISION

Raul C. Zepeda appeals from a judgment of conviction for gross sexual assault (Class A), 17-A M.R.S. § 253(1)(B) (2007), and unlawful sexual contact (Class C), 17-A M.R.S. § 255-A(1)(E) (2007), entered in the Superior Court (Androscoggin County, *Delahanty, J.*) following a jury trial. Contrary to Zepeda's contention, the court neither erred nor exceeded its discretion in denying his motion for a new trial on the ground of juror misconduct. *See* M.R. Evid. 606(b); *State v. Sheldon*, 2000 ME 193, ¶ 7, 760 A.2d 1083, 1085; *see also Tanner v. United States*, 483 U.S. 107, 116-27 (1987). Further, the court committed no error at sentencing in failing to allow cross-examination of sentencing materials, and acted within its discretion in giving *some* consideration—although less weight than

a prior conviction—to the existence of a pending warrant for Zepeda’s arrest in another state. See M.R. Evid. 1101(b)(4); *Dowling v. Bangor Hous. Auth.*, 2006 ME 136, ¶ 23, 910 A.2d 376, 384.

The entry is:

Judgment affirmed.

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