

STATE OF MAINE

v.

LUIS M. RODRIGUEZ

Argued October 9, 2002
Decided October 23, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Luis Rodriguez appeals from a judgment of conviction of four counts of gross sexual assault (Class A), 17-A M.R.S.A. § 253(1)(A) (Supp. 2001), entered after a jury trial in the Superior Court (Cumberland County, *Cole, J.*). The State asks us to vacate the sentence and remand for resentencing, based on its allegation that Rodriguez misrepresented his name and lack of criminal record at trial and sentencing. We deny the State's motion, which is unsupported by authority. Contrary to Rodriguez's contentions, (1) the court did not exceed the bounds of its discretion in its voir dire of prospective jurors on issues of racial prejudice, *see*

State v. Turner, 495 A.2d 1211, 1213 (Me. 1985); (2) Rodriguez did not demonstrate a violation of his right to a jury drawn from a fair cross-section of the community, *see State v. Anaya*, 456 A.2d 1255, 1258-61 (Me. 1983); and (3) the court did not abuse its discretion or commit obvious error in limiting attempts by Rodriguez to impeach the character of the victim with what the court correctly determined to be collateral evidence, *see* M.R. Evid. 608(a)-(b); *State v. Walker*, 506 A.2d 1143, 1148 (Me. 1986); *State v. Kim*, 2001 ME 99, ¶ 5, 773 A.2d 1051, 1054. Because Rodriguez has not pressed his appeal of his sentence and his two appeals from the court's denial of his motion for a new trial, we dismiss those appeals for want of prosecution. *Bourke v. City of South Portland*, 2002 ME 155, ¶ 2 n.1, --- A.2d ----, ----.

The entry is:

Motion to vacate sentence and remand for resentencing denied; judgment of conviction affirmed; appeals from sentence and denial of new trial dismissed.

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