

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1806

United States of America,

Appellee,

v.

Joseph Matthew Deveraux, also known
as Joe Deveraux, also known as
Joseph Miles Followstheroad,

Appellant.

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Appeal from the United States
District Court for the
District of North Dakota.
[UNPUBLISHED]

Submitted: October 2, 2001
Filed: October 3, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

A jury found Joseph Deveraux guilty of three counts of aggravated sexual abuse of a child under the age of twelve, in violation of 18 U.S.C. §§ 1153 and 2241(c), and five counts of sexual abuse of a minor between the ages of twelve and sixteen, in violation of 18 U.S.C. §§ 1153 and 2243(a). The district court¹ sentenced him to 235 months imprisonment and 3 years supervised release, and denied his

¹The Honorable Patrick A. Conmy, United States District Judge for the District of North Dakota.

subsequent Federal Rule of Criminal Procedure 33 motion for a new trial. Deveraux appeals the denial of his Rule 33 motion.

We conclude that the district court did not abuse its discretion in denying the motion, see United States v. Zuazo, 243 F.3d 428, 431 (8th Cir. 2001) (standard of review), or in denying the motion without an evidentiary hearing. See United States v. Provost, 969 F.2d 617, 619-20 (8th Cir. 1992) (standard of review), cert. denied, 506 U.S. 1056 (1993). See United States v. Miner, 131 F.3d 1271, 1273-74 (8th Cir. 1997) (stating that courts view recantations “with suspicion,” particularly in child-sexual-abuse cases, “‘where recantation is a recurring phenomenon’ such as ‘when family members are involved and the child has feelings of guilt or the family members seek to influence the child to change her story’”) (citation omitted).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.