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Man from Lacey being retried on rape charge

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A former Red Wind Casino bartender whose 2010 rape conviction was overturned on appeal is being retried on the charge in Thurston County Superior Court.

Marcos Lozano's second-degree rape conviction was overturned in March when the state Court of Appeals ruled that the jury in Lozano's case should not have heard evidence that two women had accused Lozano of raping them in two separate incidents.

At the 2010 trial, the jury acquitted Lozano of raping a 21-year-old woman after a night of drinking in a Lacey bar but convicted Lozano of raping the other woman at his apartment while she was unconscious.

Both incidents allegedly occurred at Lozano's Lacey apartment in February 2009.

In March, the Court of Appeals overturned Lozano's conviction, stating that the trial judge's justification for joining two separate allegations of rape into a single trial relied on a statute that the state Supreme Court has since declared is unconstitutional.

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