UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v. ORDER
Crim. No. 11-228 (MJD/JJK)

Patrick Joseph Kiley (03),

Defendant.

David J. MacLaughlin and Tracy L. Perzel, Assistant United States Attorneys, Counsel for Plaintiff.

H. Nasif Mahmoud, McKenzie, Wilkes & Mahmoud, and David E. Zins, Counsel for Defendant Patrick Kiley.

This matter is before the Court on Defendant Patrick Kiley's second motion for judgment of acquittal pursuant to Rule 29 of the Federal Rules of Criminal Procedure.

"Rule 29 (a) provides that the district court 'must enter judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction.'" United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006).

A district court must consider a motion for judgment of acquittal with "very limited latitude" and must neither assess the witnesses' credibility

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> nor weigh the evidence. Rather, the district court must view the evidence in the light most favorable to the government, resolving evidentiary conflicts in the government's favor and accepting all reasonable inferences drawn from the evidence supporting the jury's verdict.

United States v. Johnson, 474 F.3d 1044, 1048 (8th Cir. 2007) (citations omitted).

Applying this standard to the evidence presented at trial, the Court finds that sufficient evidence has been presented as to each charge against Defendant Kiley. Accordingly, the motion will be denied.

IT IS HEREBY ORDERED that Defendant Patrick Kiley's Motion for Judgment of Acquittal [Doc. No. 296 and 298] is DENIED.

Date: June 12, 2012

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court