UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v. ORDER
Crim. No. 11-228

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 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 motion for judgment of acquittal should be granted only 'if there is no

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interpretation of the evidence that would allow a reasonable jury to find the defendant guilty beyond a reasonable doubt.'" Id. (quoting United States v. Gomez, 165 F.3d 650, 654 (8th Cir. 1999)). Applying this standard to the evidence presented thus far, the Court finds that sufficient evidence has been presented as to each charge against Defendant Kiley to warrant the case to go to the jury.

IT IS HEREBY ORDERED that Defendant Patrick Kiley's Motion for Judgment of Acquittal [Doc. No. 289] is DENIED.

Date: June 4, 2012

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