

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

FILED  
DES MOINES, IOWA  
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BERNICE THOMPSON,

Defendant.

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CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CRIMINAL No. 99-177

ORDER REGARDING MOTIONS FOR  
JUDGMENT OF ACQUITTAL AND NEW  
TRIAL

Before the Court are Defendant Bernice Thompson's Combined Motions for Judgment of Acquittal and New Trial.

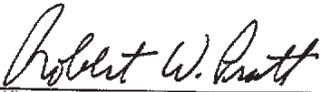
A district court properly denies a motion for a judgment of acquittal if "there is substantial evidence justifying an inference of guilt irrespective of any countervailing testimony that may be introduced." *United States v. Gomez*, 165 F.3d 650, 654 (8th Cir. 1999) (quoting *United States v. Armstrong*, 16 F.3d 289, 292 (8th Cir.1994)). Upon reviewing and considering the evidence presented at trial, the Court finds that there was substantial evidence in the record justifying an inference of Defendant's guilt as to the crimes of which she was convicted. There was conflicting evidence permitting conflicting inferences. In sum, there is no legally sufficient grounds for the Court to substitute its own judgment for that of the jury.

On a defendant's motion for new trial, a court may grant a new trial to a defendant if the interests of justice so require. *See* F.R.Cr.P. 33. Defendant Bernice Thompson was afforded a full and fair jury trial in accordance with her constitutional rights. Based on the evidence presented at trial, the Court does not find that the interest of justice requires the granting of a new trial.

WHEREFORE Defendant Bernice Thompson's Combined Motions for Judgment of Acquittal and New Trial are hereby DENIED.

IT IS SO ORDERED.

Dated this 2nd day of March, 2000.

  
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ROBERT W. PRATT  
U.S. DISTRICT JUDGE