

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, *

PLAINTIFF, *

V. * CR. No. 2:10CR186-MHT

JARRELL W. WALKER, JR., *

DEFENDANT. *

MOTION FOR JUDGEMENT OF ACQUITTAL AFTER TRIAL

Now comes the defendant, Jarrell W. Walker, Jr., by counsel, and moves the Court to enter a judgment of acquittal after trial pursuant to Rule 29, F.R.Crim.P., on the ground that there was insufficient evidence for any reasonable jury to convict Mr. Walker.

1. On August 11, 2011, a jury verdict of not guilty was returned as to Mr. Walker on Counts 23 through 33 of the Indictment. No verdict was reached on Counts 1 and 8. (Doc. 1671) The verdict was entered by the Court on August 12, 2011, and a mistrial was declared on counts 1 and 8. (Doc. 1683) Count 1 charges conspiracy under 18 U.S.C. § 371 to violate 18 U.S.C. § 666. Count eight charges federal program bribery and aiding and abetting under 18 U.S.C. § 666(a)(2) and (2).

2. Rule 29(c)(2) provides in part that: "If the jury has failed to return a verdict, the court may enter a judgment of acquittal."

3. Insufficient evidence was presented by the Government from which a reasonable jury could be convinced beyond a reasonable doubt that Mr. Walker was guilty of the offenses charged in Counts 1 and 8 of the Indictment.

4. Mr. Walker adopts and incorporates each and every ground previously set forth by him during the trial of this matter, including the previously filed motions for acquittal (Docs. 1544, 1580 and 1597).

5. Mr. Walker further adopts and incorporates each and every ground for acquittal previously raised by co-defendants during the trial of this matter, as well as the grounds for acquittal raised by co-defendants post-trial.

6. The evidence presented did not reasonably prove each element of the remaining charged offenses to a reasonable juror beyond a reasonable doubt, therefore a judgment for acquittal should be entered in Mr. Walker's favor on the remaining counts 1 and 8.

WHEREFORE, Mr. Walker requests this Court will grant

his motion as requested herein.

Dated this the 25th day of August, 2011.

s/Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for Defendant
Walker
600 South McDonough Street
Montgomery, AL 36104
Phone: 334-834-4100
Fax: 334-834-4101
email: jcduffey@aol.com
Bar No. ASB7699F67J

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to Justin Shur, USDOJ, and all counsel of record.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY