

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLAN SANKEY,

Defendant.

ORDER

04-CR-0128-C-01

Defendant Allan Sankey has renewed his motion for judgment of acquittal following the jury's verdict. Defendant was found guilty of one count of a four-count indictment. He believes that he would not have been found guilty on this count had it not been for the response the court made to an inquiry from the jury. The jury sent a note asking what effect a finding of not guilty on all counts would have on defendant's obligation to pay back the proceeds of the loan he obtained from the government (allegedly on fraudulent grounds). I responded to the note by saying essentially that the matter was not something the jury should consider. Defendant thinks now that the jury found him guilty on one count simply to insure the collection of the loan and not because it believed him guilty of that count.

Defendant's belief is simply conjecture. It is not possible to know what the jury

thought when it reached its verdict. In any event, the only way in which a court can overturn a jury verdict is by finding that no "rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Jackson v. Virginia, 443 U.S. 307, 319, (1979). Defendant has adduced no evidence on which I could make that finding in this case. Therefore, the jury's verdict must stand.

ORDER

IT IS ORDERED that defendant Allan Sankey's renewed motion for judgment of acquittal is DENIED.

Entered this 29th day of November, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge