

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 21-cr-108(PAM/TNL)

Plaintiff,

v.

RULE 29 MOTION AND MEMORANDUM
FOR JUDGMENT OF ACQUITTAL-
POST TRIAL

Thomas Lane,

Defendant.

MOTION

The Defendant, Thomas Lane, through his counsel, Earl Gray, moves the Court for a judgment setting aside the jury verdict and entering an acquittal to Count III of the indictment.

MEMORANDUM

The verdict of a jury must be sustained if there is substantial evidence, viewing the evidence most favorable to the Government to support it. Glasser v. United States, 315 U.S 60, 80(1992). However when the evidence does not support the verdict beyond a reasonable doubt the Court must acquit. United States v. Wright, 835 F.2d 1245 (8th Circuit 1987).

In this case there is no evidence beyond a reasonable doubt to support the verdict. In fact, the evidence established that Defendant Thomas Lane provided timely medical services and did so without “deliberate indifference” or “willfulness” as defined in the Court’s instruction.

The Defendant supplements this memo with the defense motion and memorandum in support of judgment of acquittal pursuant to Rule 29(a) previously filed.

Based on the foregoing, the judgment of conviction must be set aside and an acquittal entered.

Dated this 28th day of February, 2022.

Respectfully submitted,

s/Earl P. Gray
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