

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. :
 :
KENNETH WILLIAMS :

CRIMINAL NO. 05-125-01

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 2, 2007

After a brief trial, the jury rendered a verdict convicting the defendant of possessing a large quantity of crack cocaine with intent to distribute. The verdict was rendered on March 19, 2007. On March 29, 2007, retained counsel for the defendant filed two separate motions, one seeking judgment of acquittal and the other seeking a new trial. The motions are identical, except for the relief requested, and set forth only the following basis in support of the motion,

“Defendant submits that the evidence presented at trial, even if accepted in the light most favorable to the government, fails to establish each and every element of the crime; and, as such, the verdict of the jury was not supported by sufficient and substantial evidence.”

The defendant’s motions do not comply with Local Rule of Criminal Procedure 47.1 (which requires the filing of a supporting memorandum), and neither side has arranged for a transcript of the trial testimony.

Rather than rule on the pending motions on the basis of these technicalities, I consider it preferable to rule on the

merits of the motions, based upon the outline of the evidence supplied by counsel for the government, which is in complete accord with my own recollection of the trial testimony. The government presented testimony from a cooperating witness, who telephoned the defendant and arranged for the purchase of a large quantity of crack cocaine. Defendant was arrested when he appeared at the appointed rendezvous, with a large quantity of crack cocaine in his possession. The suggestion that this evidence did not prove the crime charged cannot be taken seriously. The motion for a new trial does not allege trial error, but is based solely upon the alleged insufficiency of the government's evidence. Both motions will be denied.

An Order follows.

