

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

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
	:	
v.	:	NO. 94-196
	:	
	:	
MELVIN WILLIAMS	:	

MEMORANDUM-ORDER

Presently before the Court is defendant Williams’s Motion for Judgment of Acquittal, the United States Reply in Opposition, as well as defendant’s Reply thereto.

In considering a motion for a judgment of acquittal pursuant to Fed.R.Civ.P. 29(c), the District Court determines if the evidence presented at trial was insufficient as a matter of law to support the conviction. United States v. Carter, 966 F. Supp. 336 (E.D.Pa. 1997). “Because it is the jury’s special province to weigh conflicting testimony, determine credibility and draw factual inferences, a motion for acquittal after a jury verdict of guilty may be granted only when the relevant evidence is insufficient to prove all the elements of the charged offense.” United States v. Beck, 615 F.2d 441 (7th Cir. 1980); see also United States v. Iafelice, 978 F.2d 92, 94 (3d Cir. 1992) (in determining a post-verdict motion for judgment of acquittal the district court “must view the evidence in the light most favorable to the jury verdict and presume that the jury properly evaluated credibility of witnesses, found the facts, and drew rational inferences.”).

In the present case, defendant argues that “[t]he evidence adduced at trial was

insufficient to sustain a [guilty] verdict on Count One which charged a Hobbs Act conspiracy, in violation of 18 U.S.C. § 1951, as the government failed to prove facts sufficient to prove any interstate nexus.” (Def.’s Mot. For J. Of Acquittal, at 2.)

Defendant argues that because the record is “devoid of the identity of a single drug dealer, the address of a single drug dealer that had allegedly been robbed or any drug quantity,” the government failed to prove “the potential of an effect on interstate commerce.” (Id.) Thus, the issue is whether there was sufficient evidence to prove the potential of an effect on interstate commerce.

The Court initially recognizes that drug trafficking affects interstate commerce. United States v. Orozco, 98 F.3d 105, 107 (3d Cir. 1996). Moreover, interference with a drug dealer’s business is a violation of the Hobbs Act because of the interstate character of drug dealing. United States v. Cox, 942 F.2d 1282, 1286 (8th Cir. 1991), cert. denied, 503 U.S. 921 (1992). Accordingly, a conspiracy to rob drug traffickers or their customers has the potential to affect interstate commerce. See United States v. Jones, 30 F.3d 276, 285 (2d Cir.), cert. denied, 513 U.S. 1028 (1994) (robbery of proceeds intended for purchase of cocaine affected interstate commerce).

At trial in the present case, the government presented sufficient evidence through the testimony of Thurston Cooper, and statement of Melvin Williams for the jury to find that Cooper, Williams and others participated in hundreds of armed robberies of drug dealers. Cooper testified that Williams and his “squad” targeted drug dealers for their robberies because of William’s belief that drug dealers would not report the robberies to the police and because of the mistaken belief that federal agents and prosecutors would not be interested in prosecuting them for their robberies of drug

dealers. Williams's own statement given to the Philadelphia Police indicated that the people from whom they had collected guns "might have had an idea" that the group intended to go rob a drug dealer.

Moreover, defendant's argument that Tremaine Jackson's corroborating testimony is insufficient as a matter of law, must fail. In order to establish that the testimony of a witness is incredible as a matter of law, "the testimony must be unbelievable on its face, physically impossible for the witness to observe, or contrary to the laws of nature." United States v. Emerson, 128 F.3d 557 (7th Cir. 1997) (quoting United States v. Davis, 15 F.3d 1393, 1398 (7th Cir. 1994)). The lack of credibility of a witness will not render such testimony incredible as a matter of law "even where the testimony is totally uncorroborated and came from an admitted liar, convicted felon, large-scale drug dealing, paid government informant." Id.

In the case at hand, though the defendant argues that Jackson is incredible as a matter of law, his testimony was nonetheless, believable on its face; the incidents and events he described of his personal knowledge could have occurred, and it was up to the jury to decide if they, in fact, did occur. Jackson's testimony delved into great detail about his eagerness to join the squad, his antics to gain the squad's attention and respect, and his steadily increasing roles in the squad after his eventual acceptance. Finally, nothing in Jackson's testimony is "contrary to the laws of nature." At trial, Jackson spoke of drug dealing, robberies, and "squad politics." Thus, though the defendant argues that Jackson admitted lying to the Court and lying to stay out of prison, it was for the jury to determine how much weight to give the testimony of Tremaine Jackson.

Defendant argues further that if there was insufficient evidence as to count one, then there was also insufficient evidence to sustain convictions for counts two through six. Count two charged conspiracy to assault and kill federal agents. Counts three and four charged the attempted killing of the federal agents. Counts five and six charged assaulting, resisting, and impeding federal agents.

However, as discussed above, there was sufficient evidence for the jury to convict under count one. Moreover, the testimony of Jackson provided factual support for the government allegations that the defendant issued an order to shoot the FBI agents. Furthermore, Cooper's testimony identifies Williams as the leader of the group. Cooper also testified that when he asked the defendant if he had actually given the order to shoot, the defendant replied, "bosses give orders."

From the trial testimony of Cooper and Jackson, and from the defendant's police statement, the jury had sufficient evidence from which it could find the defendant guilty of the offenses charged in the indictment. Moreover the Court is required to presume that the jury properly evaluated the credibility of those witnesses and statements, correctly found the facts, and drew rational inferences. Accordingly, the defendant's post-trial Motion for Judgment of Acquittal will be denied.

An appropriate order follows.