

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 :
 v. : 3:99CR264(AHN)
 :
 LYLE JONES :

RULING ON DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL AND/OR
DISMISSAL OF INDICTMENT; AND MOTION FOR CLARIFICATION
REGARDING DENIAL OF MOTION TO DISMISS FOR DOUBLE JEOPARDY
AND PROSECUTORIAL MISCONDUCT DURING TRIAL

Defendant Lyle Jones has filed the above-referenced motions [docs. # 1299, 1317] in which he asks the court to revisit its ruling that denied a previously filed motion for judgment of acquittal [doc. # 1269]. For the reasons discussed below, the motion for clarification is granted [doc. # 1317], but the motion for judgment of acquittal and/or dismissal of indictment is denied [doc. # 1299].

PROCEDURAL HISTORY

Defendant Lyle Jones was one of five defendants tried before this court in October and November 2002. After the jury was unable to return a verdict, the court declared a mistrial on November 20, 2002. Defendants Lyle Jones, Leslie Morris, and Lance Jones subsequently filed motions for

judgment of acquittal [docs. # 1257, 1261, 1269], which were denied on January 21, 2003.¹

Defendant Lyle Jones, however, has submitted a document styled as a "letter brief" and entitled "Motion for Judgment of Acquittal and/or Dismissal of Indictment" [doc. # 1299]. Defendant also has filed a motion requesting that the court clarify its reasons for denying the previously filed motion for judgment of acquittal, particularly with respect to the issues of prosecutorial misconduct and double jeopardy [doc. # 1317].

DISCUSSION

Defendant Jones makes three basic arguments in his "letter brief." First, he asserts that there was insufficient evidence presented at trial to allow the jury to deliberate on certain counts in the indictment. Second, he contends that the record reveals the government engaged in prosecutorial misconduct during the presentation of evidence and in its summation at trial. Third, he claims that a retrial would violate his right against double jeopardy. After reviewing

¹ The retrial of the five defendants was transferred to the Honorable Peter C. Dorsey. The retrial is scheduled to begin on March 3, 2003.

the trial record and Defendant's "letter brief," the court finds no merit to Defendant's claims.

First, the court finds that the evidence contained in the trial record precludes the court from granting a motion for judgment of acquittal. The applicable standard for evaluating a motion brought under Federal Criminal Rule 29 is whether the court, after viewing the evidence in the light most favorable to the prosecution, concludes that "any 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). In consideration of the trial exhibits and testimony adduced from more than thirty witnesses, the court finds that there was ample evidence from which a rational trier of fact could have found Defendant guilty of all elements of the offenses with which he was charged in the indictment. Thus, the court rejects Defendant's motion for judgment of acquittal and/or to dismiss the indictment.

Second, the court finds that based on the trial record, Defendant has not shown that the government engaged in prosecutorial misconduct. Defendant alleges that the government subjected him to cooperating witnesses who testified falsely, particularly with respect to the murder of Anthony Scott, an offense for which Defendant denies any

involvement. The indictment, however, does not charge him with that offense. More important, the government called Defendant's father, Lyle Jones, Sr., in its case-in-chief to serve as an exculpatory witness for the Defendant with respect to that murder. In addition, the government's summation at the close of trial does not contain any evidence of prosecutorial misconduct.

Third, the court rejects Defendant's contention that retrial of Defendant will violate his right against double jeopardy. No jeopardy attaches when the jury is discharged after it is unable to agree upon a verdict. United States v. Ustica, 847 F.2d 42, 48 (2d Cir. 1988) (retrial permitted following mistrial for hung jury). In this case, the court discharged the jury because it was unable to agree upon a verdict on any count with respect to any defendant. Consequently, Defendant's double jeopardy claim is meritless.

CONCLUSION

For the reasons discussed above, the motion for clarification is granted [doc. # 1317], but the motion for judgment of acquittal and/or dismissal of indictment is denied [doc. # 1299].

SO ORDERED this 28th day of February, 2003, at Bridgeport, Connecticut.

Alan H. Nevas
United States District Judge