

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>CRIMINAL ACTION</b>
	)	<b>No. 10-20071-03-KHV</b>
	)	
<b>VAJRA A.J. ROBINSON,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

On May 19, 2010, a grand jury charged defendant with manufacture and conspiracy to manufacture 100 or more marijuana plants in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii) and 18 U.S.C. § 2 (Counts 1 and 2) and being an unlawful user of a controlled substance in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2) (Count 4). See Indictment (Doc. #1). On October 25, 2010, a jury found defendant guilty on Count 4. As to Counts 1 and 2, the jury reported that it was unable to reach a verdict. The Court declared a mistrial on Counts 1 and 2. This matter is before the Court on defendant's Renewed Motion For Judgment Of Acquittal And Memorandum In Support Thereof (Doc. #96) filed December 1, 2010. For reasons set forth below, the Court finds that defendant's motion should be overruled.

**Legal Standards**

In considering a motion for judgment of acquittal pursuant to Rule 29, Fed. R. Crim. P., the Court cannot weigh the evidence or consider the credibility of witnesses. See Burks v. United States, 437 U.S. 1, 16 (1978). Rather, the Court must view the evidence in the light most favorable to the government and determine whether the record contains sufficient evidence from which a jury might properly find defendant guilty beyond a reasonable doubt. United States v. White, 673 F.2d

299, 301 (10th Cir. 1982). The jury may base its verdict on both direct and circumstantial evidence, together with all reasonable inferences that can be drawn therefrom, in the light most favorable to the government. See United States v. Hooks, 780 F.2d 1526, 1531 (10th Cir. 1986). Acquittal is proper only if the evidence implicating defendant is nonexistent or is so meager that no reasonable jury could find guilt beyond a reasonable doubt. United States v. Fleming, 19 F.3d 1325, 1328 (10th Cir. 1994) (citing White, 673 F.2d at 301)).

### **Analysis**

Defendant argues that the government presented insufficient evidence to establish the crimes charged, e.g., manufacture and conspiracy to manufacture marijuana and being an unlawful user of a controlled substance in possession of a firearm. The Court finds to the contrary. The evidence included testimony by co-defendant Christopher Feaster that defendant participated extensively in growing marijuana in the basement of Feaster's home. Further, defendant and two of his girlfriends testified that defendant used marijuana during the time that he possessed a firearm. Viewing all reasonable inferences from the direct and circumstantial evidence in a light most favorable to the government, a reasonable jury could easily find defendant guilty on all three counts.

**IT IS THEREFORE ORDERED** that defendant's Renewed Motion For Judgment Of Acquittal And Memorandum In Support Thereof (Doc. #96) filed December 1, 2010 be and hereby is **OVERRULED**.

**Trial is set for January 31, 2011 at 9:30 a.m.**

Dated this 29th day of December, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge