



MINNESOTA JUDICIAL TRAINING UPDATE



MOTION FOR JUDGMENT OF ACQUITTAL TEN BASIC FACTS

MOTIONS FOR JUDGMENT OF ACQUITTAL ARE MADE IN ALMOST ALL CRIMINAL CASES. IT IS IMPORTANT FOR NEW JUDGES TO UNDERSTAND THE DYNAMICS AND STANDARDS TO APPLY IN RULING ON SUCH A MOTION. Rule 26.03 Subd 18



1. At the close of evidence for either party, the defendant may move for, or the court on its own may order, a judgment of acquittal on one or more of the charges if the evidence is insufficient to sustain a conviction. *Minnesota Rule of Criminal Procedure 26.03, Subd 18(1)*.
2. A defendant's motion for acquittal is procedurally equivalent to a motion for a directed verdict. The test for granting a motion for a directed verdict is whether the evidence is sufficient to present a fact question for the jury's determination, after viewing the evidence and all resulting inferences in favor of the state. *Paradise v. City of Minneapolis, 297 N.W.2d 152, 155 (Minn. 1980)*.
3. A motion for directed verdict should be granted only where the evidence, viewed in the light most favorable to the government, is such that a reasonably minded jury must have a reasonable doubt as to the existence of any of the essential elements of the crime charged. *United v. Richards, 967 F.2d 1189, 1196 (8th Cir. 1992)*.

SOURCE: Professor Stephen Simon, U of M Law School.

4. The motion for judgment of acquittal is typically made by the defense at the end of the state's case after the state has rested. If made at that time the court may not reserve decision of the motion. *Rule 26.03, Subd 18(2)*.
5. The prohibition against reserving ruling on a motion to acquit is important. Given the presumption of innocence and the state's burden to prove the offense, a defendant has no obligation to present any evidence and should not be put at risk of providing evidence that fills gaps in the state's case. *State v. Slaughter, 691 N.W.2d 70 (Minn. 2005)*.
6. The sufficiency of the evidence standard does not contemplate the court determining the weight and credibility of the evidence but instead requires the court to view the evidence in the light most favorable to the state. *Id.*
7. If the motion is made at the close of defendant's case, the court may reserve ruling on the motion, submit the case to the jury, and rule before or after verdict. If the court grants the motion after a verdict of guilty, the court must make written findings stating the reasons for the order. *Rule 26.03, Subd 18(2)*.
8. When a motion for judgment of acquittal is made, it is proper for the trial judge to ask the defense attorney where proof beyond a reasonable doubt is lacking.
9. It is within the district court's discretion to allow the state to reopen its case after a motion for judgment of acquittal is made. *State v. Daniels, 361 N.W.2d 819, 831 (Minn. 1985)*
10. The state can only reopen after a motion for judgment of acquittal is made if the request to do so is made before the trial court rules on the motion. Once the motion is granted, double jeopardy has attached and the state is precluded from reopening.