

A judge in U.S. District Court has denied Sheriff Chris Eaton's request for a judgment of acquittal or for a new trial.

Chief Justice Joseph H. McKinley, Jr, in a 13 page ruling issued this (Tue) afternoon, denied the motion filed on behalf of Eaton, saying the Court finds that the United States presented sufficient evidence from which a reasonable jury could find that Eaton acted with the intent to prevent the communication of truthful information to federal law enforcement officers related to the possible commission of a a federal offense when he directed both Runyon and Minor to provide false information about the knife. The Court finds that Eaton's request for a new trial based on these arguments is denied.

On May 9, Eaton was found guilty of Counts 4 and 5, charging him with tampering with a witness, specifically, Steve Runyon and Adam Minor. The jury returned not guilty verdicts on all other counts charged against Eaton and the other defendants, Aaron Bennett and Eric Guffey.

Eaton's motion for acquittal argued that (1) the evidence did not establish a violation of tampering with a witness or an informant as alleged in Counts 4 and 5; (2) There is an absence of unanimity as to the verdict on Count 5; (3) the jury should have been instructed on the affirmative defense contained in the violation of tampering with a witness or an informant and (4) a constellation of other issues resulted in a miscarriage of justice.

Eaton raised three issues for grounds for granting a new trial on Counts 4 and 5. First he was acquitted of all remaining charges, and was acquitted of all conduct which would underlie any effort to tamper with a witness and therefore the verdicts are inconsistent. The court finds that based on evidence presented at trial, a reasonable juror could believe that while there was not sufficient evidence to convict Eaton on the unreasonable use of force charges, there was sufficient evidence to believe that Eaton engaged in witness tampering.

Therefore Eaton would not be entitled to a new trial.

Eaton also argues that the prosecutor's comments during the United States' rebuttal argument inappropriately referenced Eaton's election not to testify and that this contributed to a

miscarriage of justice that warrants reversal of his conviction and a new trial. The court finds that if any of the comments were improper they were not so flagrant as to require reversal.

Eaton and Minor are both scheduled for sentencing on Thursday, August 1 at 9am.