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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NOV 17 1994

LUTHER D. THOMAS, Clerk
By: *[Signature]*
Deputy Clerk

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION
v.)	
)	NO. 1:92-cr-182-RLV-4
GEORGE W. HIGH,)	
)	
Defendant.)	

O R D E R

This matter is before the court on George High's motion for judgment of acquittal or, in the alternative, motion for a new trial.

With respect to count 14, the defendant relies on the Supreme Court's decision in *Ratzlaf v. United States*, ___ U.S. ___, 114 S.Ct. 655 (1994). The court notes that the defendant was not sentenced on that count.

In *Ratzlaf*, the Supreme Court held that in order for a person to be convicted of "willfully" violating the antistructuring law, 31 U.S.C. § 5324, "the government must prove that the defendant acted with knowledge that his conduct was unlawful." 114 S.Ct. at 657. The government acknowledges that the charge given in this case was similar, if not identical, to the charge given by the district court in *Ratzlaf*.¹ As such, the government also concedes

¹ This court charged, in relevant part:
I charge you that the government need not prove the defendant was aware of the illegality of money structuring in order to convict the defendant of that offense under Title 31, United States Code § 5324(3). The government need only prove that the defendant was aware of the bank reporting requirement for currency transactions in excess of \$10,000 and sought to evade

that the defendant is entitled to a new trial as to that count. Accordingly, the defendant's motion for a new trial with respect to count 14 is GRANTED.

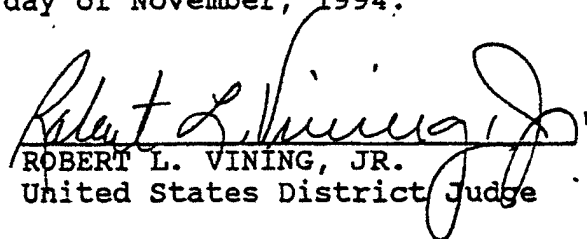
The defendant argues with respect to counts 1, 13, 14, and 15 that the government failed to introduce sufficient evidence. This court addressed that issue during the trial on two separate occasions and denied the motion each time. The court finds that the government presented sufficient evidence on which a jury could find that the defendant was guilty.

The defendant also argues that he is entitled to a new trial on counts 3 and 9, the gun counts, because the court failed to grant him a severance with respect to those counts. The court reaffirms its earlier ruling on the severance question.

Finally, the defendant argues that he is entitled to a new trial because the court did not give an instruction on the good faith defense. Such an instruction was unwarranted, however, as the defendant failed to present evidence in support of that defense.

Based on the foregoing, the defendant's motion for a judgment of acquittal is DENIED; the defendant's motion for a new trial is GRANTED as to count 14 and DENIED as to all other counts.

SO ORDERED, this 16th day of November, 1994.


ROBERT L. VINING, JR.
United States District Judge

those requirements through money structuring.