

(Bill Morrison) “I also take the position, though, there is no evidence before the jury that George High knew that there was a cash transaction reporting requirement. And I contrast this to the evidence that the jury does have, and it is somewhat difficult for me to take this position because of the *family relationship* but I think I am obligated to point it out to the court in helping the court make its decision. There is evidence before the jury that Virginia High was aware of a cash transaction reporting requirement because of the statement she made to Anna Mae Grazette concerning the structuring of these transactions as it relates to taxes.”

Before we begin an analysis of the insufficiency of the evidence against George High, let us review a comment made by the District Court at George High's sentencing that catches the spirit of George High's argument before this Court. At sentencing, the issue of whether or not George High should be assessed a 2 level increase based upon a special skill was argued. **The District Court in commenting on Mr. High's participation in the alleged conspiracy stated as follows:**

I think in this case, if I remember the evidence correctly, while *you* may assume or infer that Mr. High used some special skill, I think the boss in this thing and the one using the special skill was Mrs. High, according to the evidence. Now, *you* may infer that Mr. High being there and all of that might lead to the inference that he ran the ballgame. I don't think he did. I think Mrs. High did it. And he may have had the skill to do it, and in reality may have done it. But I don't believe the evidence, I don't believe the evidence would support enhancing the guideline range here on Mr. High. (R20-7)

George High's position is that, at best, he was merely present during the commission of a crime and that the jury found him guilty based mostly on the fact that he was married to Co-Defendant, Virginia High. Of course, their *marital relationship* is not sufficient to establish George High's guilt.

The government's evidence showed that the following pieces of real estate were purchased by various individuals (non of whom was George High) on behalf of several of the conspirators. These properties are dealt with separately below.

**4070 Cascade Road:**

This property was purchased by Virginia High, using 33 checks drawn on 6 separate banks.

(R6-10-26) The closing attorney was Robert Burroughs. The money for this purchase came from Alex Gracia. The property was not placed in George High's names nor was George High at the actual closing. (R6-12)

**426 Payton Road:**

This property was purchased by Virginia High on June 19, 1990 using 5 cashiers checks totalling \$36,300.00. George W. High was not present at the closing. (R6-40-48) The money for this purchase came from Sims Jinks. (R12-177-181)

**5648 Hunters Chase:**

This property was purchased with money provided by Anna Mae Grazette and it was placed in Ms. Grazette's name. (R6-117-118, R1029-53). Virginia High represented Ms. Grazette at the closing. George High was not present.

**2151 Peachtree Street, Unit 905:**

This piece of property was purchased in the name of Virginia High. George High was present at the closing but he did not take any part in the transaction. (R6-149). As in the previous cases, the money for this particular transaction came from drug proceeds.

**4775 Riversound Drive**

This piece of property was purchased in the name of Virginia High. During part of the transaction, it became necessary for Virginia High to payoff a prior lien holder. Virginia High and George High went to the lienholder's office and presented a serious of checks and cash to the lienholder. George High was present and when an issue arose as to a personal check, he produced approximately \$34,000.00 in cash which was taken by the lienholder in partial satisfaction of the lien. (R13-69-75)

**3776 Panola Rd**

This piece of property was acquired by Sims Jinks on/or about June 22, 1989. (R6-123-134) George High represented Sims Jinks at this transaction. The jury acquitted George High of this transaction.