

1 matters in a manner which supports the verdict. That is
2 after all what they did, is render a verdict against the
3 defendant.

4 So based on the testimony offered at trial, a
5 rational trier of fact could have found the essential
6 elements of conspiracy to kidnap and murder Drug
7 Enforcement Agent Camarena beyond a reasonable doubt,
8 therefore, this motion, in the view of the Court, should be
9 denied for those reasons.

10 We have three separate motions filed under Rule
11 33. The first is a motion under Rule 33 for a new trial
12 based upon the verdict being against the weight of the
13 evidence.

14 Well, I think by what I have just said, I do not
15 believe the verdict to have been against the weight of the
16 evidence. In fact, the verdict would be well-supported by
17 the evidence presented if the evidence is believed. And
18 the jury believed it.

19 The Court's conclusion is that a new trial should
20 not be granted on the grounds that the verdict is against
21 the weight of the evidence.

22 Now, Federal Rule 33 provides that the Court may
23 grant a new trial to a defendant if required in the
24 interest of justice, and places the burden on a defendant
25 in a motion for new trial to persuade the Court that the