

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
vs. )  
 )  
MA-RI-AL CORPORATION, d/b/a BEAVER )  
MATERIALS, CORP.; )  
CHRIS A. BEAVER; and )  
RICKY J. BEAVER, a/k/a RICK BEAVER, )  
Defendants. )

IP 06-61-CR-01 M/F

-02

-03

**ORDER ON DEFENDANTS' MOTION FOR JUDGMENT OF ACQUITTAL  
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 29(c)**

Pending is a Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29(c) ("Rule 29(c)") in favor of all three defendants. On November 16, 2006, a jury convicted all three defendants of the price fixing charge in Count I of the Indictment. Defendants challenge the sufficiency of the evidence.

In assessing such a motion this Court must draw all inferences in favor of the prosecution and uphold the verdict unless no rational jury could have convicted under the reasonable doubt standard. This Court is reminded by *United States v. Curtis*, 324 F.3d 501, 507 (7<sup>th</sup> Cir. 2003), and *United States v. Seawood*, 174 F.3d 986, 987 (7<sup>th</sup> Cir.1999), that such a challenge is a formidable task.

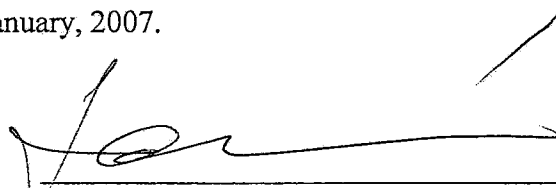
The evidence from the co-conspirators concerning the attendance at the meetings and the knowledge of the conspiracy and its goals was worthy of belief by the jury. The jury heard evidence that Allyn Beaver, representative of defendant Corporation was aware of the communication with conspirators concerning price fixing. The testimony of Scott Hughey about the activities of Chris

and Ricky Beaver substantially supported the verdict of the jury. The jury was entitled to make, and did make, credibility decisions in favor of prosecution witnesses.

**CONCLUSION**

For these reasons and for the reasons stated by the Court on the record when it denied defendants' Rule 29(c) motion at the close of the prosecution's case, this post trial motion of defendants is **DENIED**.

IT IS SO ORDERED this 23 day of January, 2007.



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LARRY J. McKINNEY, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Distributed to:

Frank J. Vondrak  
USDOJ ANTITRUST DIVISION  
209 South LaSalle, Suite 600  
Chicago, IL 60604

James H. Voyles  
VOYLES ZAHN PAUL HOGAN & MERRIMAN  
One Virginia Ave, Suite 700  
Indianapolis, IN 46204

Jeffrey Lockwood, Esq.  
EISELE, LOCKWOOD & WILLIAMS  
Paradigm Place  
200 East 11<sup>th</sup> Street, Suite 100A  
Anderson, IN 46016