

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	CASE NO. 1:06 CR 00367
UNITED STATES OF AMERICA	:	
	:	
Plaintiff	:	<u>ORDER</u>
	:	
-vs-	:	
	:	
FAYEZ "ALEX" DAMRA, et al.,	:	
	:	
Defendants	:	
-----	:	

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 U.S. DISTRICT COURT
 CLEVELAND

UNITED STATES DISTRICT JUDGE LESLEY WELLS

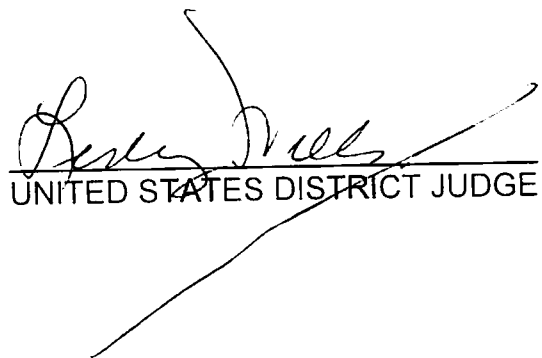
At the conclusion of all the evidence in the trial of this matter, the Court, upon appropriate motion from defendant Fayez "Alex" Damra, reviewed the record pursuant to Fed. R. Evid 801(d)(2)(e). See also Docket Nos. 68, 74. The Court was asked to determine, as a factual matter, whether the prosecution has shown, by a preponderance of the evidence, all the requisites for the admissibility of an unavailable co-conspirator's statements and acts. The Court has received that evidence.

The Court, hereby, concludes the prosecution has borne its burden of proof and finds the unavailable co-conspirator evidence introduced to the jury admissible and available for presentation to the jury pursuant to Rule 801(d)(2)(e). Fed. R. Evid.

104(a); United States v. Vinson, 606 F.2d 149, 152-53 (6th Cir. 1979); United States v. Maliszewski, 161 F.3d 992, 1007 (6th Cir.1998), cert. denied, Villareal v. United States, 119 S.Ct. 1126 (1999).

Accordingly, the Rule 801 evidence will be presented to the jury.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE