

Randall Crater requested a new trial.

The prosecutors have failed to produce the required evidence against Defendant Randall Crater.



Tampa, Florida Nov 1, 2022 ([Issuewire.com](https://www.issuewire.com)) - Defendant Randall Crater has requested the Honorable Court, under Federal Rule of Criminal Procedure 29(a), for a judgment of acquittal on all Counts in the MBC case. In the alternative, the defendant called for a new trial under the Federal Rule of Criminal Procedure 33. In this case, the government failed to prove that My Big Coin was not a cryptocurrency.

In this case, the government's mischaracterization of the evidence misled the jury into believing that My Big Coin was not a cryptocurrency when, in fact, the government never proved this fact with any positive evidence. Even more disturbing, however, is that by proclaiming without proving that My Big Coin was not a cryptocurrency, the government shifted the burden of proof on this critical fact to Mr. Crater, and the Court permitted the government to do so.

Furthermore, the government failed to prove that Mr. Crater acted with the specific intent to defraud. The government's case rested on two fundamentally flawed allegations that Mr. Crater willfully participated in a scheme to defraud, and Mr. Crater did so with the requisite specific intent to defraud. Even a review of the evidence in the light most favorable to the government demonstrates that the government failed to prove either of these facts.

Speaking on the matter, an attorney for the defendant said, "This improper argument was not only based on unsupported evidence but further undermined the court's instruction to the jury that Mr. Crater has no burden of proof and is not required to testify. Any evidence in the case supported neither of these claims by the government. Each error discussed in this motion constitutes a basis for a new trial. And, collectively, their aggregate effect was to deny Mr. Crater a fair trial. Thus, the Court should grant Mr. Crater a new trial on all counts under Rule 33 of the Federal Rules of Criminal Procedure."

The government's presentation of proof was notable for its failure to show that anyone associated with Mr. Crater believed or indicated that they knew they were participating in a scheme to defraud. Moreover, given the numerous communications between Mr. Crater and others, it is noteworthy that the government offered no evidence of a "smoking gun" communication. Instead, the evidence showed that Mr. Crater acted in good faith and thus could not have had the specific intent to defraud. For example, the government did not prove that Mr. Crater knew that My Big Coin was not backed by gold.

Instead, the defense presented evidence that William Donahue and John Roche misled Mr. Crater into believing that My Big Coin was backed by gold. The government also failed to prove that My Big Coin did not have a relationship with Mastercard. Furthermore, it could not present sufficient evidence to show that the wire transfers outlined in the Indictment involved "criminally derived property".



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