

SEP 09 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISRAEL ARAIZA,

Defendant - Appellant.

No. 09-50432

D.C. No. 2:09-cr-00130-R-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Argued and Submitted September 1, 2011
Pasadena, California

Before: ALARCÓN, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Israel Araiza argues that the district court erred in taking a partial verdict.

The taking of a partial verdict is reviewed for abuse of discretion. *See United*

States v. Ross, 626 F.2d 77, 81 (9th Cir. 1980). The jury had been deliberating for

less than two hours, there was no indication that the jury was deadlocked with

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

respect to any of the counts, and neither party requested a partial verdict—indeed, defense counsel objected to the taking of the partial verdict. Under these circumstances, there was insufficient justification to take a partial verdict.

Because we conclude that the district court abused its discretion when it took the partial verdict, we need not address Araiza’s other arguments.

REVERSED and REMANDED.