

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CR. NO. 2:10cr186-MHT
)	
v.)	
)	
MILTON E. MCGREGOR,)	
THOMAS E. COKER,)	
ROBERT B. GEDDIE, JR.,)	
LARRY P. MEANS,)	
JAMES E. PREUITT,)	
QUINTON T. ROSS, JR.,)	
HARRI ANNE H. SMITH,)	
JARRELL W. WALKER, JR., and)	
JOSEPH R. CROSBY,)	
)	
Defendants.)	

**DEFENDANT GEDDIE’S RENEWED OBJECTIONS
AND REQUESTS FOR JURY INSTRUCTIONS**

Defendant Robert B. Geddie, Jr., renews his Objections and Requests for Jury Instructions and says:

1. Defendant Geddie renews his previously made objections and requested jury instructions as set forth in the attached Exhibit A.
2. Defendant Geddie renews his previously made objection to the redaction of the Indictment and request for jury instruction as set forth in the attached Exhibit B.
3. Defendant Geddie adopts the objections and requests for jury instructions and objections to the redacted indictment made in writing and orally by the other defendants, to the extent applicable to Defendant Geddie.

Respectfully submitted,

s/ James P. Judkins

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Attorneys for Robert B. Geddie, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ James P. Judkins

JAMES P. JUDKINS

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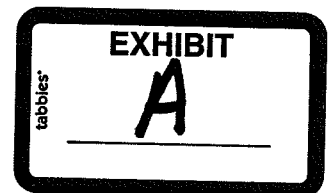
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DEFENDANT GEDDIE’S OBJECTIONS AND REQUESTED INSTRUCTIONS

Defendant Robert B. Geddie, Jr. objects to the Court’s charge on the offense of Obstruction of Justice (Count 39) and states the following:

1. The Court’s charge on Count 39 does not include all of the elements of the offense. The four elements of the offense upon which the jury should be instructed are set forth in *United States v. Mintmire*, 507 F.3d 1273, 1289 (11th Cir. 2007) and *United States v. Friske*, 640 F.3d 1288, 1291 (11th Cir. 2011)(applying the *Mintmire* elements to a prosecution under 18 U.S.C. §1512(c)(2)).



2. Defendant Geddie requests the Court to charge the jury on Count 39 as follows:

Count 39
Obstruction of Justice

It is a federal crime to try to influence, obstruct, or impede an official proceeding corruptly, or attempt to do so. Geddie is charged in Count 39 with violating 18 U.S.C. § 1512(c)(2) by obstructing or attempting to obstruct an official proceeding.

The defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

First: there was an official proceeding taking place, in this case, a grand jury investigation; and

Second: the defendant engaged in conduct which constituted a substantial step toward the commission of the crime of obstruction of an official proceeding; and

Third: the defendant acted corruptly, that is with an improper purpose and to engage in conduct knowingly and dishonestly with the specific intent to subvert, impede or obstruct the grand jury investigation; and

Fourth: the natural and probable effect of the defendant's conduct would be the interference with the due administration of justice.

The government does not have to prove that the official proceeding was in fact influenced or obstructed or impeded in any way. It only has to prove that the defendant corruptly tried to influence, obstruct, or impede the proceeding, and that the natural and probable effect of the defendant's acts would be to interfere with the due administration of justice.

3. Defendant Geddie further requests the Court to instruct the jury on Count 39:

A defendant who was not personally subpoenaed has no obligation to produce documents to a grand jury or otherwise vouch for the accuracy of those records.

Authority: *United States v. Moon*, 718 F.2d 1210, 1236 (2nd Cir. 1983) (“There would be no problem with the government’s contention had it introduced proof before the petit jury to the effect that Kamiyama had not only produced the questionable documents, but had also affirmatively vouched for their accuracy.”)

4. In addition, Defendant Geddie adopts the objections and requested jury instructions submitted by co-defendant McGregor.

Respectfully submitted,

s/ James P. Judkins

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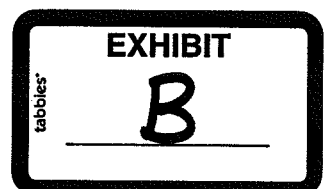
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**DEFENDANT GEDDIE’S OBJECTION TO REDACTED INDICTMENT
AND REQUEST FOR ADDITIONAL JURY INSTRUCTION**

Defendant Robert B. Geddie, Jr., objects to the Court’s proposed redaction of the Indictment and, in support would show:

1. Defendant Geddie objects to the redacted Indictment being provided to the jury during deliberations. Since the Court has determined that, nevertheless, the redacted Indictment would be sent back with the jury, Defendant Geddie notes the following:

A. Throughout the redacted Indictment there are references to Legislator 1, Legislator 2, and Legislator 3, without otherwise identifying them. Because the redacted Indictment lumps Legislator 1, 2, and 3 together in numerous paragraphs, for example, paragraphs 29, 31, and 32, it creates the very real likelihood of jury confusion.



B. This Court has determined that, as a matter of law, the evidence is insufficient to constitute bribery in connection with the circumstances surrounding the Barry Mask incident. In this regard, the redacted Indictment would nevertheless permit the jury to find that Defendant Geddie was a member of the conspiracy based upon the Mask bribery allegations.

2. Having now reviewed the redacted Indictment, it is apparent that an additional instruction should be given to the jury. While the jury can consider the Barry Mask incident as “evidence,” the jury should be instructed the Mask incident alone is insufficient evidence of any defendant’s involvement in the conspiracy or a scheme to defraud. Thus, the Court should instruct the jury as follows:

The evidence of the incident involving Representative Barry Mask does not constitute bribery as I have defined that offense in these instructions. For that reason, I instruct you, although you may consider that evidence in your deliberations, that evidence alone is insufficient to establish a defendant’s involvement in a conspiracy to commit bribery or a scheme to defraud.

3. In addition, Defendant Geddie objects to the inclusion in Count 39 (paragraph 242) of the redacted Indictment of the phrase “and that the other two clients had no knowledge of and did

not authorize such contributions.” This language is misleading because it suggests that the consent or knowledge of Protective Life and Great Southern Wood was needed for the contributions to be made. Moreover, the government offered no evidence concerning those clients’ lack of knowledge or lack of authorization. The phrase should therefore be stricken.

Respectfully submitted,

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