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

UNITED STATES OF AMERICA,	)	
	)	
P1aintiff,	)	
	)	**No. 2:10 -CR-186-MHT**
v.	)	
	)	**ORAL ARGUMENT REQUESTED**
RONALD GILLEY, et. al.	)	
	)	
Defendants.	)	

BRIEF OF RONALD E. GILLEY
IN SUPPORT OF MOTION TO DISMISS COUNTS UNDER 18 U.S.C. § 666 AND 18 U.S.C. §§ 1341, 1343, 1346 & 2 ON THE GROUNDS THAT, AS APPLIED, THE STATUTES VIOLATE GILLEY'S RIGHTS TO FREE SPEECH AND DUE PROCESS

Comes now Defendant Ronald E. Gilley and submits this brief in support of his motion to dismiss counts under 18 U.S.C. § 666 ("Federal Programs Bribery") and 18 U.S.C. §§ 1341, 1343, 1346 & 2 ("Honest Services Bribery") because, as applied to Gilley's making campaign contributions, the statutes violate Gilley's rights of free speech and association and are unconstitutionally vague.

I. AS APPLIED TO GILLEY'S MAKING OF CAMPAIGN CONTRIBUTIONS,[1] FEDERAL PROGRAMS BRIBERY AND HONEST SERVICES BRIBERY VIOLATE GILLEY'S RIGHTS TO FREE SPEECH AND FREEDOM OF ASSOCIATION UNDER THE FIRST AMENDMENT.

A. The Supreme Court has recognized that making political contributions is a core First Amendment activity.

According to the Supreme Court, the First Amendment "has its fullest and most urgent application . . . to the conduct of campaigns for political office." *Buckley v. Valeo,* 424 U.S. 1, 15 (1976). Furthermore, making a campaign contribution is a "fundamental First Amendment

[1] For the sake of brevity, "making campaign contributions" is used throughout this brief to encompass both financial donations and in-kind campaign support.

activit[y]." *Buckley, v. Valeo,* 424 U.S. 1, 14. In addition to the First Amendment right to freedom of speech, the First Amendment right to association is also implicated in the choice to make a campaign contribution: "Making a [campaign] contribution, like joining a political party, serves to affiliate a person with a candidate. In addition, it enables like-minded persons to pool their resources in furtherance of common political goals."[2] *Buckley*, 424 U.S. at 23.

Also, constituents must be free to communicate with their representatives, or they cannot ascertain the representatives' positions and make informed choices about whom to support. "In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential." *Buckley*, 424 U.S. at 14-15. "Under our Constitution it is We The People who are sovereign. The people have the final say. The legislators are their spokesmen. The people determine through their votes the destiny of the nation. It is therefore important -- vitally important -- that all channels of communications be open to [The People] during every election." *Citizens United v. FEC,* 130 S.Ct. 876, 901 (2010) (internal quotations omitted).

Thus, the right of constituents such as Gilley to enter into discussions with their representatives to determine where their representatives stand on the issues is essential to holding representatives accountable to the people and is quintessential political speech. "The right of citizens to inquire, to hear, . . . and to use information . . . is a precondition to enlightened self-government and a necessary means to protect it." *Citizens United*, 130 S.Ct. at 898. "Speech is

[2] It is worth noting that the "political goal" pursued by Gilley was to see legislation passed which would have given the voters of Alabama the opportunity to vote on whether they wanted to amend the State Constitution to allow electronic bingo. Doc. 3, Indictment ¶ 21. The legislation's only immediate financial benefit was that it would have allowed electronic bingo to continue in the state "until a public referendum was held on the Constitutional Amendment." *Id.*

an essential mechanism of democracy, for it is the means to hold officials accountable to the people." *Citizens United*, 130 S.Ct. at 898.

Therefore, a constituent who wants to determine exactly where a candidate stands on an issue so that the constituent can contribute his money to the candidate most committed to the constituent's cause is exercising a core First Amendment right. But when would-be donors fear risk of criminal penalties, such speech is chilled. Under the First Amendment, when a speaker says something less or other than he would have otherwise because of the fear of prosecution, speech is "chilled" and burdened. "[V]ague laws . . . inhibit protected expression by inducing citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked." *Buckley*, 424 U.S. at 41 n.48 (internal citations and quotations omitted).

B. The explicit quid pro quo requirement of *McCormick v. United States*, 500 U.S. 257 (1991), for campaign contributions is inadequate to protect the First Amendment rights of a constituent donor such as Gilley.

While Federal Programs Bribery and Honest Services Bribery may or may pass constitutional muster in other circumstances,[3] as applied to a constituent's making campaign contributions, these laws burden political speech because the would-be contributor cannot be sure exactly what conduct or intention is criminal and will thus fear to risk making a contribution at all.

This is because the concept of bribery does not translate well into the context of campaign contributions. In general, "[b]ribery requires intent 'to influence' an official act or 'to be influenced' in an official act." *U.S. v. Sun-Diamond Growers of California*, 526 U.S. 398, 404-05 (1999). When applied to campaign contributions, this definition proves difficult to apply

[3] Gilley contends that Federal Programs Bribery and Honest Services Bribery are unconstitutionally vague as applied to him and that both provisions suffer other infirmities as well. However, for the sake of argument for purposes of this motion only, Gilley assumes that Federal Programs Bribery and Honest Services Bribery outside the campaign contribution context would raise no due process or other constitutional issue.

because influence is an essential characteristic of the "give and take" between constituents and their elected officials in a representative democracy. The "downside" of our representative form of government is that "[f]avoritism and influence are [un]avoidable." *McConnell v. FEC*, 540 U.S. 93, 297 (2003) (opinion of Kennedy, J.) *overruled on other grounds, Citizens United v. FEC*,130 S.Ct. 876 (2010). This is because, as Justice Kennedy explained in *McConnell*, "Democracy is premised on responsiveness." *McConnell*, 540 U.S. at 297 (opinion of Kennedy, J.). "It is in the nature of an elected representative to . . . favor the voters and contributors who support [certain] policies. *It is well understood that a substantial and legitimate reason, if not the only reason, . . . to make a contribution to[] one candidate over another is that the candidate will respond by producing those political outcomes the supporter favors.*" *McConnell*, 540 U.S. at 297 (opinion of Kennedy, J.) (emphasis added).

The Supreme Court has acknowledged that "[m]oney is constantly being solicited on behalf of candidates, who run on platforms and who claim support on the basis of their views and what they intend to do or have done." *McCormick v. United States*, 500 U.S. 257, 272 (1991). In other words, it is not illegal for a candidate to request money from donors because of, for example, his support or opposition of proposed legislation, conduct which, in some sense is an "exchange" of money for influence:

> Serving constituents and supporting legislation that will benefit the district and individuals and groups therein is the everyday business of a legislator. It is also true that campaigns must be run and financed. Money is constantly being solicited on behalf of candidates, who run on platforms and who claim support on the basis of their views and what they intend to do or have done. Whatever ethical considerations and appearances may indicate, to hold that legislators commit the federal crime of extortion when they act for the benefit of constituents or support legislation furthering the interests of some of their constituents, shortly before or after campaign contributions are solicited and received from those beneficiaries, is an unrealistic assessment of what Congress could have meant by making it a crime to obtain property from another, with his

> consent, "under color of official right." To hold otherwise would open to prosecution not only conduct that has long been thought to be well within the law but also conduct that in a very real sense is unavoidable so long as election campaigns are financed by private contributions or expenditures, as they have been from the beginning of the Nation.

McCormick v. United States, 500 U.S. 257, 272.

Because the exchange of money and influence is part and parcel of representative government, in *McCormick,* the Supreme Court held that to convict an elected official for extortion/bribery under the Hobbs Act, the Government must prove what might be called a "heightened" quid pro quo.[4] Because some exchange of money for influence is "unavoidable," the Government must prove that the elected official received the contribution "in return for an **explicit** promise or undertaking by the official to perform or not to perform an official act [because] [i]n such situations the official asserts that his official conduct will be **controlled** by the terms of the promise or undertaking." *McCormick*, 500 U.S. at 273 (emphasis added). In other words, under *McCormick*, where a campaign contribution is at issue, it would not be enough for the elected official to be "influenced" in an official act. Instead, he must have **explicitly** promised to be **controlled** by the receipt of the campaign contribution. *Id.*

McCormick was a Hobbs act case and the only defendant was the public official. However, Gilley is not a public official: he is the constituent donor. Thus, this case presents the issue of how or whether to apply the standard announced in *McCormick* to a constituent donor

[4] Although it is a vacated opinion and thus of no precedential value, in *United States v. Siegelman,* 561 F.3d 1215 (11th Cir. 2009), the Eleventh Circuit acknowledged that because "the bribery, conspiracy and honest services mail fraud convictions in this case [were based on a campaign contribution] they impact the first Amendment's core values – protection of free political speech and the right to support issues of great public importance. It would be a particularly dangerous legal error from a civic point of view to instruct a jury that they may convict a defendant for his exercise of either of these constitutionally protected activities. In a political system that is based upon raising private contributions for campaigning for public office and for issue referenda, there is ample opportunity for that error to be committed." *United States v. Siegelman,* 561 F.3d 1215, 1224 (11th Cir. 2009) (vacated by *Siegelman v. United States,* 130 S. Ct. 3542 (2010) and *Scrushy v. United States*, 130 S. Ct. 3541 (2010).

being prosecuted under Federal Programs Bribery and Honest Services Bribery. Gilley contends that, because he is the constituent rather than the elected official, the heightened quid pro quo standard of *McCormick* is inadequate to protect his political speech.

McCormick's heightened quid pro quo requirement may be good as far as it goes, *i.e.*, as applied to legislators, but the discussion in *McCormick* demonstrates the limitation of that case to an elected official: "A moment's reflection should enable one to distinguish, at least in the abstract, a legitimate solicitation form the exaction of a fee for a benefit conferred or an injury withheld. . . [A] public official may not *demand payment* as inducement of the promise to perform . . . an official act." *McCormick*, 500 U.S. at 273 (internal quotations omitted) (emphasis added).

First, although an elected official cannot condition his official action on the receipt of a campaign contribution, a constituent such as Gilley has the right to condition his campaign contribution on the representative's official action. A citizen has the constitutional right to condition his campaign contribution on the candidate's stated intention to take a certain position on an issue. *McConnell*, 540 U.S. at 297 (opinion of Kennedy, J.) ("It is well understood that a substantial and legitimate reason, if not the only reason . . . to make a contribution to one candidate over another is that the candidate will respond by producing those political outcomes the supporter favors."). Second, a constituent such as Gilley has a First Amendment right to find out where the official stands and to try to sway the representative. Thus, the rights and responsibilities of the representative and the constituent are not symmetrical.

Given the First Amendment protection of the constituent's efforts to gage a candidate's degree of support for causes the constituent cares about so that the constituent may direct his money accordingly, it becomes clear that the line between the protected and arguably non-

protected speech of a constituent donor would be absurdly narrow. For example, consider these possible statements by a constituent to his representative:

a. "If you will vote for Bill A, I will give you a $ 100,000 campaign contribution."
b. "If you are going to vote for Bill A, I will give you a $ 100,000 campaign contribution."
c. "If you support Bill A, then I believe you are a good American, and I support good Americans. I want to give good Americans a $ 100,000 campaign contribution."

The gist and intent of all of these statements is the same, *i.e.*, that the donor wants to donate $100,000 to a candidate who is going to support Bill A. However, only the first statement is even arguably an explicit quid pro quo. This is because only the first statement arguably asks the representative to do something in return for the contribution. The second statement's use of "are going to" instead of "will" changes the statement from arguably being an offer of a quid pro quo to a statement implying, at most, a willingness to support the representative because of what he *already* plans to do. If a representative is already going to vote for Bill A and receives a contribution based on his intention to do so, there is no quid pro quo. *See McCormick*, 500 U.S. at 272 ("Money is constantly being solicited on behalf of candidates, who run on platforms and who claim support on the basis of their views and *what they intend to do* or have done.").

As the example demonstrates, a constituent wanting to exercise his First Amendment right to speak by making a campaign contribution and directing that contribution to the representative most likely to support issues important to the constituent would need to contact a lawyer and a grammarian if he wishes to be sure to avoid criminal penalties. This constitutes a "chill upon speech that is beyond all doubt protected." *Citizens United*, 130 S.Ct. at 896. This "drawing of fine distinctions" to separate legal speech from illegal speech "is precisely what

Wisconsin Right to Life[5] sought to avoid." *Id.* This is why the application of Federal Programs Bribery and Honest Services Bribery to a constituent making campaign contributions is unconstitutional.

In *Citizens United*, the Supreme Court reasoned that where indeterminate factors would have to be applied on a case-by-case basis to determine if the law at issue had been violated, political speech would be chilled. As the court explained, "[Speech] is [of] primary importance… to the integrity of the election process. As additional rules are created for regulating political speech, any speech arguably within their reach is chilled." *Citizens United*, 130 S.Ct. at 895. "First Amendment standards . . . must give the benefit of any doubt to protecting rather than stifling speech." *Citizens United*, 130 S.Ct. at 891 (internal quotations omitted).

C. The application of Federal Programs Bribery and Honest Services Bribery to a constituent making a campaign contribution places an unconstitutional burden on core political speech by requiring courts to apply an intent test and/or narrowly drawn distinctions. The Supreme Court has held that such indeterminate tests cannot give speakers a bright line test or "safe harbor" and thus violate their First Amendment rights.

In *Wisconsin Right to Life* and *Citizens United*, as shown below, the Supreme Court made clear that political speech must be protected by predictable, bright-line tests because otherwise, especially where the speaker may go to jail, speakers will choose not to speak at all rather than risk finding themselves on the wrong side of a line which is invisible or unclearly demarcated.

In *Wisconsin Right to Life*, the issue was whether a campaign reform act which prohibited issue ads during certain periods preceding federal elections violated the free speech rights of a corporation when applied to the corporation's issue advocacy ads. Applying strict scrutiny, the

[5] *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007).

Supreme Court struck down the law because it burdened political speech. *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 468.

The Supreme Court explained that the only permissible tests for distinguishing protected from unprotected speech must provide certainty, *i.e.*, "a safe harbor," for those wishing to engage in political speech. Thus, a test turning on the speaker's intent is not acceptable: "[W]e decline to adopt a test for as-applied challenges turning on the speaker's intent . . . The test to distinguish constitutionally protected political speech from [non-protected] speech . . . should provide a safe harbor for those who wish to exercise First Amendment rights." *Wisconsin Right to Life*, 551 U.S. at 468.

The Court explained that a test turning on the speaker's intent did not "remotely fit the bill" of protecting "uninhibited, robust, and wide-open" debate on public issues. *Id.* This is because "No reasonable speaker would choose to [engage in the speech at issue] if its only defense to a criminal prosecution would be that its motives were pure. An intent-based standard blankets with uncertainty whatever may be said, and offers no security for free discussion." *Id.* (internal quotations omitted).

In *Wisconsin Right to Life*, the Supreme Court rejected the intent-based test because "[f]ar from serving the values the First Amendment is meant to protect, an intent-based test would chill core political speech." *Id.* In that case, even the FEC agreed that a "constitutional standard that turned on the subjective sincerity of a speaker's message would likely be incapable of workable application." *Id.*

In addition, following *Wisconsin Right to Life* in holding to the principle that First Amendment freedoms must be protected by bright-line tests, in *Citizens United*, the Supreme Court refused to draw fine distinctions because, just like an intent test, a test based on fine

distinctions does not provide political speakers with certainty about whether their speech is protected: "Courts, too, are bound by the First Amendment. We must decline to draw, and then re-draw, constitutional lines based on the particular media or technology used to disseminate political speech from a particular speaker." The Court explained that "[t]he interpretive process itself would create an inevitable, pervasive, and serious risk of chilling protected speech pending the *drawing of fine distinctions that, in the end, would themselves be questionable.* First Amendment standards, however, "must give the benefit of any doubt to protecting rather than stifling speech." *Citizens United*, 130 S.Ct. at 891 (internal quotations omitted) (emphasis added).

D. Laws that burden political speech are subject to strict scrutiny.

"[P]olitical speech must prevail against laws that would suppress it, whether by design or inadvertence. Laws that burden political speech are 'subject to strict scrutiny,' which requires the Government to prove that the restriction 'furthers a compelling interest and is narrowly tailored to achieve that interest.'" *Citizens United*, 130 S.Ct. at 898 (quoting *Wisconsin Right to Life*, 551 U.S. at 464 (*opinion of Roberts, C.J.*)).

For example, in *Citizens United*, the Supreme Court applied strict scrutiny to laws and regulations which prohibited corporations from making "electioneering communications"[6] within a certain period preceding federal elections. The electioneering communication at issue in *Citizens United* was a film critical of Hillary Clinton, who was at that time a candidate for the democratic party's presidential nomination. Applying strict scrutiny, the Supreme Court

[6] "An electioneering communication is 'any broadcast, cable, or satellite communication' that 'refers to a clearly identified candidate for Federal office' and is made within 30 days of a primary election, § 434(f)(3)(A), and that is 'publicly distributed,' 11 CFR § 100.29(a)(2), which in 'the case of a candidate for nomination for President ... means' that the communication '[c]an be received by 50,000 or more persons in a State where a primary election ... is being held within 30 days,' § 100.29(b)(3)(ii)." *Citizens United*, 130 S.Ct. at 881.

overruled two prior precedents[7] to hold the regulations which prohibited the distribution of the film unconstitutional under the First Amendment.

In contrast, in *Buckley*, the Supreme Court did not apply strict scrutiny to contribution limits because, although the contributions were political speech, a dollar limit did not burden the speech. Contribution limits "entail[] only a marginal restriction upon the contributor's ability to engage in free communication. A limitation on the amount of money a person may give to a candidate . . . does not in any way infringe the contributor's freedom to discuss candidates and issues." *Buckley*, 424 U.S. at 20-21.

II. BECAUSE, AS APPLIED TO A CONSTITUENT VOTER, FEDERAL PROGRAMS BRIBERY AND HONEST SERVICES BRIBERY BURDEN POLITICAL SPEECH, THE GOVERNMENT HAS THE BURDEN TO SHOW THAT THE STATUTES CAN SURVIVE STRICT SCRUTINY.

A law that subjects would-be campaign donors to criminal punishment burdens political speech. Thus, such a law is subject to strict scrutiny. *See Citizens United*, 130 S.Ct. at 898. As such, the application of Federal Programs Bribery and Honest Services Bribery to Gilley cannot be upheld unless, as applied, the laws further a compelling interest and are narrowly tailored to achieve that interest. *Citizens United*, 130 S.Ct. at 898.

"Under strict scrutiny, the *Government* must prove that [the challenged application of a statute] furthers a compelling interest and is narrowly tailored to achieve that interest." *Wisconsin Right to Life*, 551 U.S. at 464 (emphasis in original).

The Supreme Court has explained that, even where alleged corruption of public officials is concerned, "The remedies enacted by [Congress] must comply with the First Amendment;

[7] The Supreme Court held (1) the Government cannot restrict political speech because the speaker is a corporation, overruling *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990); and (2) the federal statute barring independent corporate expenditures for electioneering communications violated the First Amendment, overruling *McConnell v. Federal Election Com'n*, 540 U.S. 93 (2003).

and, it is our law and our tradition that more speech, not less, is the governing rule." *Citizens United*, 130 S.Ct. at 910-11.

III. AS APPLIED TO A CONSTITUENT MAKING CAMPAIGN CONTRIBUTIONS, FEDERAL PROGRAMS BRIBERY AND HONEST SERVICES BRIBERY ARE UNCONSTITUTIONALLY VAGUE, IN VIOLATION OF THE FIFTH AMENDMENT RIGHT TO DUE PROCESS.

Even if *McCormick's* heightened quid pro quo requirement is read into the statutes, Federal Programs Bribery and Honest Services Bribery are unconstitutionally vague as applied to campaign contributions by a constituent as demonstrated in Section I. B. of this brief, no one can be sure exactly which speech will fall outside the First Amendment protection. "'No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes.'" *City of Chicago v. Morales*, 527 U.S. 41, 59 (1999) (quoting *Lanzetta v. New Jersey*, 306 U.S. 451, 453 (1939)).

Even a statute which does not burden First Amendment activities "may be impermissibly vague because it fails to establish standards for the police and public that are sufficient to guard against the arbitrary deprivation of liberty interests." *City of Chicago v. Morales*, 527 U.S. 41, 52 (citing *Kolender v. Lawson*, 461 U.S. 352, 358 (1983)).

For example, in *Skilling v. United States*, 130 S.Ct. 2896 (2010), the Supreme Court recently held that the the Honest Services Bribery provision of 18 U.S.C. § 1346 was unconstitutionally vague because the outer limits of the conduct prohibited by the statute could not be defined. *Skilling v. United States*, 130 S.Ct. 2896, 2931. The Court explained that, without a narrowing construction, the statute failed to meet the "two due process essentials": "a penal statute [must] define the criminal offense [1] with sufficient definiteness that ordinary people can understand what conduct is prohibited and [2] in a manner that does not encourage

arbitrary and discriminatory enforcement." *Skilling*, 130 S. Ct. at 2927-28 (internal quotations omitted).

"What renders a statute vague is . . . the indeterminacy of precisely what . . . fact [must be established to show guilt]." *United States v. Williams*, 553 U.S. 285, 306 (2008). Thus, the application of Federal Programs Bribery and Honest Services Bribery to campaign contributions by constituents would be unconstitutionally vague even under "run-of-the-mill" vagueness. But a more stringent vagueness standard applies to statutes which burden political speech: "when [a] statute infringes on constitutionally protected rights, such as the right to free speech or of association, the Supreme Court has said that a more stringent vagueness standard should apply." *U.S. v. Di Pietro*, 615 F.3d 1369, 1371 n.2 (11th Cir. 2010) (citing *Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). When a statute "imposes criminal penalties in an area permeated by First Amendment interests," then the statute's language must be precise in defining exactly what conduct is proscribed. *Buckley*, 424 U.S. at 40-41 (internal quotations omitted); *see also, City of Chicago v. Morales*, 527 U.S. 41 (1999).

IV. CONCLUSION

In summary, Gilley contends that the Federal Programs Bribery and Honest Services Bribery counts against him which are based on campaign contributions are due to be dismissed for violation of the First and Fifth Amendments. As applied to campaign contributions by a constituent, Federal Programs Bribery and Honest Services Bribery violate the First Amendment because it is impossible to define the line between speech which is constitutionally protected and that which is criminal under those statutes with sufficient clarity and predictably. Clarity and predictably are required because otherwise, speakers will choose to err on the side of caution and refrain from engaging in speech which is central to our representative form of government, *i.e.*,

trying to "influence" our representatives to champion the causes we care about. The Supreme Court has said that in such a situation, speech must win out.

For the same reasons, the prosecution of a constituent for a campaign contribution under Federal Programs Bribery and Honest Services Bribery violates the Fifth Amendment right to due process. Gilley's right to due process protects him from being prosecuted under statutes which would require him to speculate, at the risk of going to jail, about exactly what is prohibited. In addition, because what is prohibited cannot be defined, prosecutions will be arbitrary.

Thus, for all the reasons stated herein, the counts of the indictment under Federal Programs Bribery and Honest Services Bribery which are based on campaign contributions by Gilley are due to be dismissed.

ORAL ARGUMENT REQUESTED

Respectfully submitted,

/s/ G. Douglas Jones
G. Douglas Jones
ASB-3880-s82g

OF COUNSEL:
Thomas J. Butler (ASB-7790-T75T)
Anil A. Mujumdar (ASB-2004-l65m)
Haskell Slaughter Young & Rediker, LLC
1400 Park Place Tower
2001 Park Place
Birmingham, AL 35203
Phone: (205) 251-1000
gdj@hsy.com

Sandra Payne Hagood (ASB-0360-S73H)
7660 Fay Avenue
Suite H-526
La Jolla, CA 92307
Phone: 858-245-5741
sandra@hagoodappellate.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 4th day of February, filed the foregoing with the Clerk of Court via CM/ECF and an electronic copy of the same has been sent to the following:

Louis V. Franklin, Sr.
Assistant U. S. Attorney
131 Clayton Street
Montgomery, Alabama 36104
Louis.franklin@usdoj.gov

Stephen P. Feaga
U.S. Attorney's Office
P.O. Box 197
Montgomery, AL 36101-0197
Steve.feaga@usdoj.gov

Peter J. Ainsworth
U.S. Department of Justice
Public Integrity Section
1400 New York Avenue-NW 12th Floor
Washington, DC 20005
Peter.Ainsworth@usdoj.gov

Eric Olshan
U.S. Department of Justice
Public Integrity Section
1400 New York Avenue-NW 12th Floor
Washington, DC 20005
Eric.olshan@usdoj.gov

Barak Cohen
U.S. Department of Justice
Public Integrity Section
1400 New York Avenue-NW 12th Floor
Washington, DC 20005
Barak.cohen@usdoj.gov

Brenda Morris
U.S. Department of Justice
Public Integrity Section
1400 New York Avenue-NW 12th Floor
Washington, DC 20005
Brenda.Morris@usdoj.gov

Emily Rae Woods
U.S. Department of Justice
Public Integrity Section
1400 New York Avenue-NW 12th Floor
Washington, DC 20005
Rae.woods@usdoj.gov

Joe Espy, III
MELTON, ESPY & WILLIAMS, PC
P.O. Box Drawer 5130
Montgomery, AL 36103
jespy@mewlegal.com

William M. Espy
MELTON, ESPY & WILLIAMS, PC
P.O. Box Drawer 5130
Montgomery, AL 36103
wespy@mewlegal.com

Benjamin J. Espy
MELTON, ESPY & WILLIAMS, PC
P.O. Box Drawer 5130
Montgomery, AL 36103
bespy@mewlegal.com

Fred D. Gray
Waiter E. McGowan
GRAY, LANGFORD, SAPP
McGOWAN, GRAY, GRAY
& NATHANSON, P.C.
P.O. Box 830239
Tuskegee, AL 36083-0239
fgray@glsmgn.com
wem@glsmgn.com

Robert D. Segall
COPELAND, FRANCO, SCREWS & GILL, P.A.
P.O. Box 347
Montgomery, Alabama 3610 1-0347
segall@copelandfranco.com

David Martin
COPELAND, FRANCO, SCREWS & GILL, P.A.
P.O. Box 347
Montgomery, Alabama 3610 1-0347
martin@copelandfranco.com

Shannon Holliday
COPELAND, FRANCO, SCREWS & GILL, P.A.
P.O. Box 347
Montgomery, Alabama 3610 1-0347
holliday@copelandfranco.com

Sam Heldman
THE GARDNER FIRM, P.C.
2805 31st Street NW
Washington, DC 20008
sam@heldman.net

Stewart D. McKnight
Baxley, Dillard, Dauphin, McKnight & Barclift
2008 Third Avenue South
Birmingham, AL 35233
dmcknight@bddmc.com

Joel E. Dillard
Baxley, Dillard, Dauphin, McKnight & Barclift
2008 Third Avenue South
Birmingham, AL 35233
jdillard@bddmc.com

William J. Baxley
Baxley, Dillard, Dauphin, McKnight & Barclift
2008 Third Avenue South
Birmingham, AL 3523
bbaxley@bddmc.com

Brett M. Bloomston
Attorney at Law
1330 21st Way South, Ste 120
Birmingham, AL 35205
brettbloomston@hotmail.com

William N. Clark
Stephen W. Shaw
Redden Mills & Clark
505 North 20th Street, Suite 940
Birmingham, AL 35203
wnc@rmclaw.com
sws@rmclaw.com

Ron W. Wise
Attorney at Law
200 Interstate Park Drive, Suite 105
Montgomery, AL 36109
ronwise@aol.com

H. Lewis Gillis
Thomas Means Gillis & Seay
P.O. Drawer 5058
Montgomery, AL 36103
hlgillis@tmgslaw.com

Latasha M. Nickle
Thomas Means Gillis & Seay
P.O. Drawer 5058
Montgomery, AL 36103
lameadows@tmgslaw.com

Tyrone C. Means
Thomas Means Gillis & Seay
P.O. Drawer 5058
Montgomery, AL 36103
tcmeans@tmgslaw.com

J. W. Parkrnan, III
Parkman, Adams & White
505 20th Street North, Suite 825
Birmingham, AL 35203
parkman@parkmanlawfirm.com

Richard M. Adams
Parkman, Adams & White
505 20th Street North, Suite 825
Birmingham, AL 35203
adams@parkmanlawfirm.com

William C. White, II
Parkman, Adams & White
505 20th Street North, Suite 825
Birmingham, AL 35203
wwhite@parkmanlawfirm.com

Susan G. James
Denise A. Simmons
Susan G. James & Associates
600 S. McDonough Street
Montgomery, AL 36104
sgjamesandassoc@aol.com
dsimlaw@aol.com

Thomas M. Goggans
Attorney at Law
2030 East Second Street
Montgomery, AL 36106
tgoggans@tgoggans.com

Samuel H. Franklin
Jackson R. Sharman, III
LIGHTFOOT, FRANKLIN
& WHITE, L.L.C.
The Clark Building
400 North 20th Street
Birmingham, AL 35203
sfranklin@lightfootlaw.com
jsharman@lightfootlaw.com

Joseph J. Basgier, III
Bloomston & Basgier
1330 21st Way South, Suite 120
Birmingham, AL 35235
joebasgier@gmail.com

John M. Englehart
Englehart Law Office
9457 Alysbury Place
Montgomery, AL 36117-6005
jmenglehart@gmail.com

Joshua L. McKeown
The Cochran Firm Criminal Defense-
Birmingham LLC
505 20th Street North
Suite 825
Birmingham, AL 35203
jmckeown@parkmanlawfirm.com

Jeffery Clyde Duffey
Law Office of Jeffery C. Duffey
600 South McDonough Street
Montgomery, AL 36104
jcduffey@aol.com

/s/ G. Douglas Jones
OF COUNSEL