

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 V.) CR NO. 2:10cr186-MHT
)
 LARRY P. MEANS,)
)
 Defendant.)

MOTION TO SUPPRESS OF DEFENDANT LARRY P. MEANS

Defendant, Larry P. Means, respectfully moves the Court to suppress all wiretap recordings and any evidence that the Government has derived from them. In support of this motion, Means incorporates by reference the contents, arguments, and authorities of Defendant Milton McGregor's Motion to Suppress and his accompanying Brief and Evidentiary Exhibits and further states as follows:

1. Means has statutory standing to request that the Court suppress all wiretap recordings that captured his communications. *See* 18 U.S.C. § 2518(10)(a); 18 U.S.C. §2510(11); 1st, 4th, 5th, and 6th Amendments to the U.S. Constitution.

2. The Government's interceptions, including those involving Means stretched beyond judicial authorization and were unlawfully intercepted.

3. Having failed to pursue meaningfully any effort at minimization, the monitoring

agents violated the law and the instructions regarding the range of permissible conversations to intercept, to review, and to record.

4. Expansively and arbitrarily designating innocuous telephone calls as “pertinent” resulted in an overly-broad and unreasonable interception of subsequent telephone calls, including those involving Means, which violated the law.

In short, the Government systematically failed to minimize interceptions. Accordingly, Defendant Means respectfully moves the Court to suppress all wiretap recordings and any evidence that the Government derived from those recordings.

Dated this 11th day of February, 2011.

s/ William N. Clark
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following and all counsel of record electronically on this the 11th day of February, 2011.

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s/ William N. Clark
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