UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	**CR. NO. 2:10cr186-MHT**
	)	
QUINTON T. ROSS, JR.	)	

QUINTON T. ROSS, JR.'S RESPONSE TO "UNITED STATES' PARTIAL OBJECTION TO THE MAGISTRATE'S REPORT AND RECOMMENDATION REGARDING THE HONEST SERVICES CHARGES"[1]

The Government has objected in part (doc. no. 919) to the April 4, 2011 Recommendation of the Magistrate Judge (doc. no. 863) regarding the various defendants' motions to dismiss the indictment's "honest services" fraud charges, specifically the Magistrate Judge's ruling, as argued by Defendants, that "any honest-services bribery must involve a personal benefit to the 'offender.'" Objection (doc. no. 919), at 2 (quoting Recommendation (doc. no. 863), at 8).

As basis for its objection, the Government claims that, "[j]ust as with bribery and extortion payments under other corruption statutes, bribery under the honest services statute may be accomplished by providing a thing of value to a third party, such as a campaign committee, and need not involve a 'personal benefit' to the offender." Objection (doc. no. 919), at 2. This objection is flawed in various ways.

[1] Senator Ross previously (doc. no. 948) objected to the Magistrate Judge's April 4, 2011 report and recommendation (doc. no. 863), in which Judge Capel recommended the denial of various defendants' motions to dismiss the counts in the indictment based on "honest services" fraud, specifically including Mr. Ross' motion to dismiss such charges (doc. no. 471). By responding to the Government's objection to the Magistrate Judge's "honest services" recommendation, Mr. Ross does not waive, but instead expressly preserves and incorporates by reference in this response, all arguments he made in his own appeal of and objections to the same recommendation.

The Recommendation correctly noted that in order to avoid holding the "honest services" law unconstitutionally vague, the Supreme Court in *Skilling v. United States*, ___ U.S. ___, 130 S.Ct. 2896, 2929-33 (2010), saved the law by dramatically cutting back its scope, to its pre-*McNally* "core" of bribes or kickbacks[2], of the sort that formed the bulk of pre-*McNally* reported decisions.[3] Recommendation (doc. no. 863), at 2-4; *see* Brief in Support of Motion to Dismiss (doc. no. 472), at 5-12. And, the Recommendation, at least implicitly, agreed with Mr. Ross and other defendants that "no campaign contribution bribery-kickback case[] w[as] specifically identified as a pre-McNally core case." Recommendation (doc. no. 863), at 3; *see, e.g.,* Ross Brief in Support of Motion to Dismiss (doc. no. 472), at 3.

In moving to dismiss the honest services charges, Mr. Ross and the other defendants had argued that the term "bribery," as that term is used in *Skilling* to refer to remaining "solid core" of "honest services" doctrine, encompassed only personal self-enrichment schemes, not campaign contributions or in-kind political support. *See, e.g.,* Ross Brief in Support of Motion to Dismiss (doc. no. 472), at 7-13. In turn, the specific finding to which the Government objects follows directly from the Magistrate Judge's recognition that the *Skilling* Court's discussion of the development of honest-services doctrine "speaks in terms of enrichment for the offender" and that "[t]he cases cited in *Skilling* as core cases also describe cases of personal enrichment." Recommendation (doc. no. 863), at 8.

---

[2] *McNally v. United States*, 483 U.S. 350, 107 S.Ct. 2875 (1987), as identified in *Skilling*, 130 S.Ct. at 2929-33 (2010).

[3] "In the main, the pre-McNally cases involved fraudulent schemes to deprive another of honest services through bribes or kickbacks supplied by a third party who had not been deceived. Confined to these paramount applications, §1346 presents no vagueness problem." *Skilling*, 130 S.Ct. at 2928.

Although its arguments are not internally consistent – and, indeed, several of the cases it cites for a given proposition either (a) fail to support the proposition, (b) support the opposite conclusion, or (c) undercut a different Government proposition – the Government by its objection seeks primarily to recast a campaign contribution or other political support (in the absence of any supporting case law) as a pre-*McNally* honest services "bribe." Objection (doc. no. 919), at 2, 4. Regardless of how the Government seeks to do this, each argument fails.

As a threshold matter, the Government fails to cite a single pre-*McNally* "*honest services*" fraud case in which a "core" bribery-kickback scheme involved pure campaign contributions or in-kind support. The reason is simple: there were none.

The holding of the *Skilling* Court concerning the permissible scope of the "honest services" law could not be clearer: "To preserve the statute without transgressing constitutional limitations, we now hold that §1346 criminalizes *only* the bribe-and-kickback core of the pre-*McNally* case law." 130 S.Ct. at 2931 (emphasis in original). And, as we argued in our own objection to the "honest services" recommendation, the lack of any campaign contribution case that was identified as a pre-*McNally* core case –as necessary to not only reflect Congressional intent in amending the "honest services" statute, but also cabin that amendment of the statute within constitutional bounds -- *does* render alleged campaign contribution bribery cases invalid as being outside that core.

As we have noted previously, *e.g.*, Ross Objection regarding "honest services" recommendation (doc. no. 948), at 6-11, campaign contributions and other political advocacy expenditures are protected by the First Amendment to the Constitution. Just last year, the Supreme Court emphasized and expanded the First Amendment protections

for political spending. *Citizens United v. Federal Election Commission*, ___ U.S. ___, 130 S.Ct. 876 (2010). This is not to say that the First Amendment protection of political spending or contributions is absolute; but it is to say that there are vital First Amendment interests at stake in cases involving campaign contributions and issue-advocacy contributions, issues that make such cases very different from cases involving payments to officials personally.

Courts have often distinguished between campaign contributions and actual "bribes," even in situations where it is alleged that the campaign contributions were linked too closely with some official actions. *See*, *e.g.*, *Green Party of Conn. v. Garfield*, 616 F.3d 189, 199-200 (2nd Cir. 2010) ("the Connecticut General Assembly enacted the CFRA's ban on contractor contributions in response to a series of scandals in which contractors illegally offered bribes, 'kick-backs,' and campaign contributions to state officials in exchange for contracts with the state."); *McComish v. Bennett*, 605 F.3d 720, 724 (9th Cir. 2010) ("A sting operation caught state legislators on videotape accepting campaign contributions and bribes in exchange for agreeing to support gambling legislation.") In other words, the word "bribe" in its most natural usage does not include campaign contributions.

Given this very large and well-recognized distinction between personal enrichment and campaign contributions, it is unsurprising to find that cases involving campaign contributions are not encompassed within *Skilling*'s "solid core" of pre-*McNally* "honest services" doctrine. There was no pre-*McNally* settled understanding that an official or a citizen contributor could be charged with mail- or wire fraud based on an alleged connection between true campaign contributions and an official action.

Even the Government, in its brief to the Supreme Court in *Skilling*, framed its suggested understanding of "honest services" bribery doctrine in terms of *personal enrichment* of officials – without any hint that campaign contributions were at the core of what the doctrine covered. The Government argued in *Skilling*, "Schemes to deprive others of 'the intangible right of honest services' require that a public official, agent, or other person who owes a comparable duty of loyalty breaches that duty by secretly acting in his own financial interests while purporting to act in the interests of his principal." *See* Government Brief in *Skilling*, p. 39 (emphasis supplied).[4] At the same page of the Government's brief, the Government described the impermissible motivation as a "personal financial interest." *Id*. (emphasis supplied). And on the next page: "his [i.e., the defendant's] own interests," id., p. 40. And page 42: "whether the office-holder has placed his self-interest above that of the public."

And at page 51 of the Government's brief, and perhaps most strikingly given the way the Supreme Court ultimately disposed of the case, the Government conceded: "the vast majority (if not all) pre-*McNally* honest-services cases did involve self-enrichment schemes." (emphasis supplied). The Government thus admitted that the pre-*McNally* caselaw was almost entirely, and maybe even literally entirely, about "self-enrichment schemes." *Id.* This would make up the "core" as the Supreme Court described it in *Skilling*. That is what "bribery" means within the core of *Skilling*. Even according to the Government's own description, there was no settled pre-*McNally* understanding that an official or campaign contributor could be jailed on account of a connection between a campaign contribution and an official act. Most, if indeed not literally all, of the pre-

[4] http://www.justice.gov/osg/briefs/2009/3mer/2mer/2008-1394.mer.aa.pdf .

McNally "bribery" cases were about personal "self-enrichment" of officials; they were not about campaign contributions.

This is further borne out by the long footnote in the Government's *Skilling* brief, which the Supreme Court then expressly invoked in its discussion of the pre-*McNally* "bribery" caselaw. In the words of the Supreme Court, the Government "cit[ed] dozens of examples" of pre-*McNally* "bribery or kickback" honest services cases. *Skilling*, 130 S.Ct. at 2930, citing Government Brief, p. 42 and n.4. This, according to the Court, was a reflection of the doctrine's "solid core," which is what the Court allowed to survive. *Skilling*, 130 S.Ct. at 2930.

Looking to the cited portion of the Government's brief, we find those dozens of examples, elucidating what the pre-*McNally* "solid core" was. These are the cases that the Government itself chose to identify as representing "bribes or kickbacks" cases prior to *McNally*, *see* Government Brief, p.42; and the Supreme Court relied on this listing. And here is the striking and dispositive thing: none of them was a case charging a campaign contribution as a bribe or kickback. They were, in the phrase quoted above from the Government's brief, self-enrichment cases – envelope-full-of-cash cases, and the like. Twenty-nine cases, selected by the best minds in the Justice Department as representing bribery and kickback "honest services" cases pre-*McNally* – and none of them held that a true campaign contribution amounts to an "honest services" bribe.[5]

[5] Some of them mention campaign contributions, but not in ways that conflict with our statements in the text above. *See*, *e.g.*, *U.S. v. Pecora*, 693 F.2d 421 (5th Cir 1982) (a brief mention of a conversation about possible contributions regarding a millage campaign, though with no finding or holding of any relationship between that and the $9,000 cash bribe to the Sheriff and District Attorney); *U.S. v. Craig*, 573 F.2d 455 (7th Cir. 1977) (tens of thousands of dollars in cash-stuffed envelopes, given to officials in exchange for legislation); *id.* at 494 (reflecting the Government's theory was that this was *not* campaign contributions, and the Government's argument to the jury that a defendant's assertion that he received money as a campaign contribution was a fabrication);

If there were any pre-*McNally* "honest services" case premised on a campaign contribution as a supposed bribe, it would have been outside the "core" of honest services bribery as the Government identified it, and as the Supreme Court accepted it, in *Skilling*. After all, the Supreme Court recognized in *Skilling* that there were some pre-*McNally* cases that were outside the "core." Not every pre-*McNally* case survives *Skilling*; only the "core" survives.

Therefore, based on *Skilling*, the proper holding in this case is that a campaign contribution (financial or in-kind) is just not an "honest services" bribe after *Skilling*. The application of "honest services" law to campaign contribution cases, through the assertion that someone linked an official action too closely to a political contribution, is one of those aggressive post-*McNally* prosecutorial arguments that the Supreme Court buried in *Skilling*. The "bribery and kickbacks" core of pre-*McNally* law, which the Supreme Court allowed to survive, was a core of cases about personal self-enrichment, not about campaign contributions. And, the two types of cases are very different in their legal implications, largely by virtue of the First Amendment interests that are so important in contribution-related cases.

The cases cited by the Government in its objection as "recogniz[ing] the propriety of prosecutions involving campaign-contribution-based bribery schemes," Objection (doc. no. 919), at 3, in fact do no such thing. First, at least two of the three cases, properly viewed, did *not* involve convictions based on campaign contributions. In *Evans*

U.S. v. Barrett, 505 F.2d 1091, 1094-97 (7th Cir. 1974) (reflecting that the case was about payments given to the official personally in valises and envelopes full of cash; there seems to have been a request above and beyond that for a political contribution, followed by the funny retort (met with a smile by the official) that the valises and envelopes full of cash were political contributions); *U.S. v. Isaacs*, 493 F.2d 1124, 1132, 1134 (7th Cir. 1974) (occasionally mentioning campaign contributions, though noting that none of them was charged as having been improper).

v. United States, 504 U.S. 255 (1992), involving a prosecution of a county official under the Hobbs Act, defendant Evans received $7,000 in cash, which he did not report as a campaign contribution or as income on his federal income tax return; and a check, payable to his campaign, for $1,000, which he did report as a campaign contribution. The Court viewed the jury as rejecting Evans' claim that the $7,000 in cash was a campaign contribution. 504 U.S. at 257. The Court granted review to decide "whether an affirmative act of inducement by a public official, such as a demand, is an element" of extortion under color of official right. *Id.* at 256. Nowhere else in the Court's opinion or analysis does it refer to the case as involving campaign contributions, or as turning on any such characterization, in any way.

Similarly, in *United States v. Brewster*, 506 F.2d 62 (D.C. Cir. 1974), involving a prosecution of a United States Senator under 18 U.S.C. §201 (bribery of public officials and witnesses), the indictment alleged and the evidence showed that defendant received money, paid to an ostensible campaign committee but then transferred to his personal account (or simply paid to him personally without going through the campaign account), for his personal use in order to influence his action on pending proposed postal rate legislation. 506 F.2d at 65, 66. Significantly, although not relevant to the scope of permissible prosecution under the "honest services" statute, in rejecting defendant's argument that the federal public official bribery statute was unconstitutionally overbroad because it reached legitimate campaign contributions protected by the First Amendment, the court of appeals distinguished between bona fide contributions and payments for personal benefit related to an official act, in terms much closer to our position than to that of the Government:

> [A] public official's acceptance of a thing of value unrelated to the performance of any official act and all bona fide contributions directed to a lawfully conducted campaign committee or other person or entity are not prohibited by [18 U.S.C. §] 201(g). What is outlawed is only the knowing and purposeful receipt by a public official of a payment, *made in consideration of an official act*, for *himself*.

Id. at 77 (emphasis added).

Furthermore, the vacated decision in the third case cited by the Government on this point, *United States v. Siegelman*, 561 F.3d 1215 (11th Cir. 2009), *vacated and remanded*, 130 S.Ct. 3542 (2010) (remanding for further consideration in light of *Skilling*), cannot presently be considered even persuasive support for the propriety of prosecutions involving campaign-contribution-based bribery schemes.[6] Indeed, contrary to the Government's suggestion, *see* Objection (doc. 919), at 3-4, the issue whether there can be any "honest services" charges based on campaign contributions in light of *Skilling* – which the Government cites *Siegelman* as ***establishing*** here, *see id*. -- is at the heart of Governor Siegelman's pending appeal, squarely presented and awaiting decision before the Eleventh Circuit on remand. *See* Brief of Appellant Governor Don Siegelman, on Remand from Supreme Court of the United States, at 15-41 (excerpts attached as Exhibit A); Reply Brief of Appellant Governor Don Siegelman, on Remand from Supreme Court of the United States, at 2, 4-12 (excerpts attached as Exhibit. B).

The Government likewise misconstrues, or at least overstates, *Skilling's* citation to other "federal statutes proscribing – and defining – similar crimes," and three specific cases under those statutes, in limiting the contours of the "honest services" statute, particularly as related to the purpose for which those statutes and cases are cited by the Government. *See* Objection (doc. no. 919), at 2-3; *Skilling*, 130 S.Ct. at 2933-34.

[6] Having been vacated, the panel opinion obviously cannot be deemed controlling or precedential.

Skilling referred to such statutes (and by implication, the cited cases) as helping provide "content" to limit the risk of "arbitrary prosecutions" from the "honest services" prohibition of bribes and kickbacks being "stretched out of shape." 130 S.Ct. at 2933.

But, the Court did *not* state that every element defining bribery under those other statutes and the specific cases cited was thereby automatically imported into §1346. To the contrary, the specific portions of the three cases cited by the Court, *see id.* at 2934, all address the extent to which a benefit received, or a series of benefits received, must be connected to a specific official act – and ***not***, contrary to the Government's claim, *see* Objection (doc. no. 919), at 2-3, whether personal benefit to the public official is required for bribery when a campaign contribution is involved.[7] *See United States v. Ganim*, 510 F.3d 134, 147-149 (2nd Cir. 2007); *United States v. Whitfield*, 590 F.3d 325, 352-53 (5th Cir. 2009); *United States v. Kemp*, 500 F.3d 257, 281-286 (3rd Cir. 2007).

The Government's reliance on the *Skilling* Court's citation of *Whitfield* as "endors[ing] the viability of honest services prosecutions premised on bribes that were paid in the form of campaign contribution," without "show[ing] a distinct personal benefit to the public official," Objection (doc. no. 919), at 4, is likewise misplaced. Neither *Whitfield* nor any of the other cases cited by the Government in its objection – as cases all decided ***after*** *McNally* – can be considered as helping define the **pre**-*McNally*

[7] Neither *Ganim* nor *Kemp* involved any claim that the benefits extended to public officials were campaign contributions, but even if such a claim had been asserted, the evidence in both cases supported a finding that public officials received personal benefits. The defendant in *Ganim* acknowledged receiving personal benefits, but claimed the donors provided them "out of friendship or legitimate lobbying activity," not in exchange for official acts. *Ganim*, 510 F.3d at 140. As to the donor defendants in *Kemp* who appealed an "honest services" bribery conviction, the court of appeals held that a reasonable jury "certainly could have found" that personal loans defendants made to a public official and his friends "were not advanced in the usual course of business and were instead extended to [them] solely because of [the official's] position." *Kemp*, 500 F.3d at 284.

core of "honest services" bribery and kickback cases that survives *Skilling*.[8] Moreover, as noted in the preceding paragraph, the purpose for which *Skilling* cited *Whitfield* (based on the particular pages cited) was ***not*** the viability of honest services prosecutions based on campaign contributions (in the absence of personal benefits), but apparently instead the extent of any connection needed between "ongoing bribery schemes" and any particular official act(s) in order to sustain a bribery conviction. *See Skilling*, 130 S.Ct. at 2934 (citing, *inter alia*, *Whitfield*, 590 F.3d at 352-53). And, even if the **post**-*McNally*, ***pre***-*Skilling* decision in *Whitfield* could be seen as helping to define the **pre**-*McNally* bribery-and-kickback core of "honest services" that **survived** *Skilling*, both judge defendants in *Whitfield* received financial assistance from the donor defendant that could not in any way be "characterize[d] … as having anything to do with their respective electoral campaigns," 590 F.3d at 353. Accordingly, *Whitfield* either refutes, or at minimum provides no support for, the Government's claim that bribery based on campaign contributions can be prosecuted as "honest services" fraud after *Skilling* without any need to show personal benefit.[9] *See* Objection (doc. no. 919), at 4.

---

[8] As the foregoing discussion suggests, to try to help define the permissible scope (if any) of campaign-contribution-based prosecutions under the "honest services" statute, the Government has pointed to cases (including, under the Government's reading, *Brewster* and *Evans*) that deal with the possibility of prosecutions based on campaign contributions under ***other*** statutes, such as the federal public official bribery statute (*Brewster*) or Hobbs Act (*Evans*). *See* Objection (doc. no. 919), at 3-4. But, that argument misses the mark, because it attempts to evade the Supreme Court's reasoning in *Skilling*. In *Skilling*, the Supreme Court saved the "honest services" statute by attributing to Congress an intent to resuscitate the pre-*McNally* solid core of "honest services" law – not an intent to use "honest services" to cover things that had previously been prosecuted instead under *other* laws.

[9] Given the actual allegations in the indictment in this case, the Government's argument that "payments for the personal benefit of third parties may constitute bribery" -- at least as "third parties" is normally understood (*e.g.*., as including a wife or girlfriend, *see* Objection (doc. no. 919), at 3 (citing *United States v. Mandel*, 591 F.2d 1347 (4th Cir. 1979), and *United States v. Brown*, 540 F.2d 364 (8th Cir. 1976)) – is a red herring, as there are no allegations in the indictment that any defendant solicited, was offered, or received any payment for the personal benefit of any third party. (And, as the Magistrate Judge correctly noted, even *Mandel* and

In sum, as shown above, the pre-*McNally* bribery core of "honest services" law encompasses only personal self-enrichment, not campaign contributions or in-kind political support. Applying the view of the Government and the Magistrate Judge to construe personal benefit for "honest services" purposes as including campaign contributions would run afoul of the pre-*McNally* "core" to which the Supreme Court limited that statute. This is so whether -- as the Government (incorrectly) contends -- any isolated pre-*McNally* "honest services" decision found the statute satisfied by things of value provided for the benefit of "third parties" (as opposed to the defendant), and

---

Brown, cited by the Government in its Objection for the specific proposition that "honest services cases prior to *McNally* also included things of value provided for the benefit of third parties," Objection (doc. no. 919), at 3, "involved personal enrichment" of the defendant. Recommendation (doc. no. 863), at 8.)

As to Senator Ross himself, the only "benefit" the indictment even hints that he received was an increase in his campaign fund. (Unlike many of his co-defendants, Senator Ross is *not* accused of requesting, being offered, accepting, or agreeing to accept anything other than "pure" campaign contributions – no fundraising help, no campaign appearances by country music stars, no political polls, no media buys, no offers to pay money to any candidate opposing him to withdraw from the race, no promises of business patronage, no other "thing of value" or benefit of any kind.)

The "honest services" charges (including all the incorporated paragraphs), and indeed the indictment as a whole, likewise are devoid of any well-pleaded, specific factual allegations showing or supporting a conclusion that Senator Ross enriched himself, or had any purpose to enrich himself, through any such campaign contribution – or that any such contribution was treated, by either the asserted donor or Senator Ross, as anything but a campaign contribution. (*See, e.g.,* Indictment, ¶¶ 118-123, 125-127, 131) (all referring to "campaign contribution" or "campaign contributions"). And, nowhere does the indictment state any facts to show or suggest that Senator Ross benefited personally or in any way from any campaign contribution. The indictment's sole reference of any kind regarding any personal benefit to Senator Ross -- the conclusory allegation that "a purpose of the conspiracy [was] for members and staff of the Alabama Legislature, including [Ross and four other defendants], to enrich themselves by corruptly accepting payments, campaign contributions, and offers of payments and campaign contributions," Indictment, ¶ 30 – is not even part of the "honest services" charges (by incorporation or otherwise).

Whether a payment or other benefit to a "third party" satisfies any benefit requirement for an "honest services" bribery conviction, and whether the "campaign committee" of an elected official, such as Senator Ross, can properly be deemed such a "third party" – a strained argument at best, given that the recipient campaign ***fund*** is intended for use (with limited permissible exceptions) in the campaign of the official himself – are mere distractions from, or attempts to run around, the primary question at issue here: whether the "honest services" statute permits prosecution based on campaign contributions. As shown above, the answer to that question is "no."

whether an elected official's "campaign committee" can properly be deemed such a "third party."

To construe personal benefit or enrichment for "honest services" fraud purposes as including campaign contributions would render the "honest services" statute unconstitutionally vague and overbroad because such a reading would sweep in considerable protected political conduct. *See McCormick v. United States*, 500 U.S. 257, 272-73 (1991). And, more specifically, adopting such a view of personal benefit for "honest services" purposes, in the absence of allegations showing an explicit *quid pro quo* between contributions and one or more official acts, would violate Due Process and the First Amendment. *See id.*

Respectfully submitted,

H. LEWIS GILLIS (GIL001)
TYRONE C. MEANS (MEA003)

OF COUNSEL:

THOMAS, MEANS, GILLIS & SEAY, P.C.
3121 Zelda Court
Montgomery, Alabama 36103-5058
Telephone: (334) 270-1033
Facsimile: (334) 260-9396
hlgillis@tmgslaw.com
tcmeans@tmgslaw.com

/s/ Mark Englehart
MARK ENGLEHART (ENG007)

OF COUNSEL:

ENGLEHART LAW OFFICES
9457 Alysbury Place
Montgomery, Alabama 36117-6005
Telephone: (334) 782-5258
Facsimile: (334) 270-8390
jmenglehart@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 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 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 Justin V. Shur Peter J. Ainsworth Brenda Morris Eric Olshan Barak Cohen Emily Rae Woods Edward T. Kang U.S. Department of Justice Public Integrity Section 1400 New York Avenue-NW 12th Floor Washington, DC 20005 Justin.Shur@usdoj.gov Peter.Ainsworth@usdoj.gov Brenda.Morris@usdoj.gov Eric.olshan@usdoj.gov Barak.cohen@usdoj.gov Rae.woods@usdoj.gov Edward.kang@usdoj.gov Robert D. Segall David Martin Shannon Holliday Clayton R. Tartt Ashley N. Penhale COPELAND, FRANCO, SCREWS & GILL, P.A. P.O. Box 347	Joe C. Espy, III William M. Espy Benjamin J. Espy MELTON, ESPY & WILLIAMS, PC P.O. Box Drawer 5130 Montgomery, AL 36103 jespy@mewlegal.com wespy@mewlegal.com bespy@mewlegal.com Fred D. Gray Walter 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 David McKnight William J. Baxley Joel E. Dillard Baxley, Dillard, Dauphin, McKnight & Barclift 2008 Third Avenue South Birmingham, AL 3523 dmcknight@bddmc.com bbaxley@bddmc.com jdillard@bddmc.com Brett M. Bloomston Joseph J. Basgier, III Bloomston & Basgier 1330 21st Way South, Suite 120 Birmingham, AL 35235 brettbloomston@hotmail.com joebasgier@gmail.com

Montgomery, Alabama 3610 1-0347
segall@copelandfranco.com
martin@copelandfranco.com
holliday@copelandfranco.com
tartt@copelandfranco.com
penhale@copelandfranco.com

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

James W. Parkman, III
Richard Martin Adams
William C. White, II
Parkman, Adams & White
505 20th Street North, Suite 825
Birmingham, AL 35203
parkman@parkmanlawfirm.com
adams@parkmanlawfirm.com
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

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

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

G. Douglas Jones
Thomas J. Butler
Anil A. Mujumdar
Haskell Slaughter Young & Rediker, LLC
1400 Park Place Tower
2001 Park Place
Birmingham, AL 35203
Phone: (205) 251-1000
gdj@hsy.com
tb@hsy.com
aam@hsy.com

Sandra Payne Hagood (ASB-0360-S73H)
7660 Fay Avenue
Suite H-526
LaJolla, CA 92307
sandra@hagoodappellate.com

David J. Harrison
Post Office Box 994
306 South Academy Street
Geneva, Alabama 36340
davidjharrison@centurytel.net

Jeremy S Walker
Haskell Slaughter Young & Gallion, LLC
305 South Lawrence Street
Montgomery, Alabama 36104
jsw@hsy.com

James D. Judkins Larry Dean Simpson Judkins, Simpson, High & Schulte P.O. Box 10368 Tallahassee, FL 32302 jjudkins@readyfortrial.com lsimpson@readyfortrial.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/ Mark Englehart_____
MARK ENGLEHART