

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

UNITED STATES OF AMERICA,  
PLAINTIFF,

v.

JARRELL W. WALKER, JR.,  
DEFENDANT.

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\* CASE NO. 2:10-cr-00186-MHT-WC-10

**DEFENDANT JARRELL WALKER, JR.'S BRIEF IN SUPPORT OF DISCLOSURE OF  
PRIVILEGED AND NON-PERTINENT TELEPHONE INTERCEPTS**

Comes now, the Defendant, Jarrell W. Walker, Jr., and hereby moves for extension of time to file Brief in Support of Disclosure of Privileged and Non-pertinent Telephone Intercepts and in support thereof states as follows:

The Defendant, Jarrell W. Walker, Jr., would urge immediate disclosure of all non-pertinent and privileged telephone intercepts discussed in the October 28, 2010 by the Government. The Government has deemed these “possibly privileged” and “non-pertinent” by their own volition and should not now be able to back-peddle in order to determine whether they missed something in the conversation that they would deem *Brady/Giglio*. Title 18 U.S.C. §2511 outlaws the interception of any oral communication of a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying expectation. Electronic surveillance must be conducted in such a way to minimize interception of communications not otherwise subject to interception. 18 U.S.C. §2518(5). The standards for reviewing challenges to the Government’s minimization efforts is set forth in *Scott v. United States*, 436 U.S. 128 (1978).

If an immediate disclosure of all “possibly privileged” and “non-pertinent” calls is not deemed sufficient for this Court, then Defendant Walker would urge this Court to follow the procedures set out in the Federal Rules of Civil Procedure 53(a)(1)(C) and/or 28 U.S.C. §636(b)(2) which addresses the use of special masters in discovery in civil cases.

Respectfully submitted,

s/Susan G. James

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Bar No: ASB7956J64S

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Louis Franklin  
Assistant United States Attorney  
P.O. Box 197  
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Respectfully submitted,

s/Susan G. James  
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