

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

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:10cr186 – MHT
)	
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.)	
JOSEPH R. CROSBY)	
)	
Defendants.)	
_____)	

GOVERNMENT’S PROPOSED RESPONSE TO THE JURY’S AUGUST 6, 2011 NOTE

The United States of America, through undersigned counsel, proposes the following response to the jury’s August 6, 2001 note:

The “unlawful plan” used on page 14 of the court’s instructions refer to the plan alleged in paragraphs 28A and B of the Indictment.

As I previously instructed you, the government does not have to prove that all the people named in the indictment were members of the plan, or that those who were members made any kind of formal agreement. Also, the government does not have to prove that all the members of the conspiracy joined the conspiracy at the same time. The government does not have to prove that the members planned together all the details of the plan or the “overt acts” that would be carried out in an effort to commit the intended crime. The government does not have to prove that the members planned together all the details of the plan or the “overt acts” that would be

carried out in an effort to commit the intended crime. The heart of a conspiracy is the making of the unlawful plan itself followed by the commission of any overt act. The government does not have to prove that the conspirators succeeded in carrying out the plan.

In addition, as I previously instructed you, where the word “and” is used in the indictment to charge a defendant with different means by which the crime was committed, the government need only prove one of those means. For example, in Paragraph 28A, the government need only prove beyond a reasonable doubt that the unlawful plan was to corruptly give, offer, or agree to give money or other thing of value to Alabama State legislators and legislative staff, as agents of the State of Alabama, with intent to influence or reward them in connection with pro-gambling legislation, even though the indictment uses the word “and” instead of “or.”

Respectfully submitted,

JACK SMITH
Chief

By: /s/ Justin V. Shur
JUSTIN V. SHUR
Deputy Chief
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CERTIFICATE OF SERVICE

I HERBY CERTIFY that on this date, I caused the foregoing motion to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendants.

DATED: August 6, 2011

/s/ Justin V. Shur
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