

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR. NO. 2:10cr186-MHT
)	
JAMES E. PREUITT,)	
)	
Defendant.)	

MOTION TO EXTEND DEADLINE TO FILE
MOTION TO SUPPRESS AND MEMORANDUM OF LAW
UNTIL FEBRUARY 11, 2011

COMES NOW the Defendant, James E. Preuitt, and respectfully requests this Honorable Court to grant him a brief extension of seven (7) days from February 4, 2011 to file his Motion to Suppress All Evidence Consisting of, or Derived from, Intercepted Communications as well as a Memorandum of Law. As grounds in support of this Motion, Mr. Preuitt states as follows:

1. The original deadline for filing motions is Friday, February 4, 2011.
2. The Government has recently produced the following material information to Defendant Preuitt:
 - a. On Friday, January 21, 2011, the Government provided 3942 pages of VoiceBox session history reports for non-pertinent calls. (There are approximately 1500 pages of VoiceBox Session History Reports

for Non-Pertinent calls in the 3,942 pages that pertain to calls dealing with Mr. Gilley.)

- b. On Monday, January 31, 2011, the Government provided 3777 pages of VoiceBox session history reports for pertinent calls. (Approximatley 927 pages deal with calls with Mr. Gilley. Of the 3,777 pages 1475 calls deal with Mr. McGregor.)

There are calls that were intercepted between Mr. Gilley and Mr. Preuitt as well as Mr. McGregor and Mr. Preuitt.

This information had been previously requested by Mr. Gilley in correspondence dated November 22, 2010 and in his Motion to Compel.

3, All of the above information is material and directly relevant to Mr. Preuitt's analysis of whether the Government seized evidence beyond that authorized by the wiretap order(s) and whether the Government unreasonably executed the wiretap order. Specifically, all of this information provides specific information as to how such calls –including non-pertinent and privileged calls- were handled by the Government, including if such calls were monitored, how long such monitoring took place, if such calls were recorded, how many agents listened to the calls and if a synopsis of such call was done.

4. The Government's production, particularly the information produced this week, has placed an undue burden on Mr. Preuitt to analyze and incorporate this material information into his anticipated Motion to Suppress.

5. Preuitt is not asking for an extension of any deadlines with respect to the other motions due on February 4, 2011. The only extension sought is for the Motion to Suppress and Memorandum of Law in support thereof.

6. The Government has stated it opposes Mr. Gilley's request for such relief. Mr. Preuitt does not know of any prejudice the Government will suffer as a result of the requested one (1) week extension, particularly given the large number of other motions that will be filed on February 4, 2011.

WHEREFORE THE PREMISES considered, the below signed attorney respectfully asks this Honorable Court to extend Mr. Preuitt's deadline to file his Motion to Suppress and Memorandum of Law from February 4, 2011 to February 11, 2011.

Respectfully submitted this the 2nd day of February, 2011.

/s Ronald W. Wise
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 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 all Counsel of record.

/s Ronald. Wise
OF COUNSEL