

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CASE NO. 2:10-cr-186-MHT

THOMAS E. COKER,)

Defendant.)

**TOM COKER’S REPLY TO GOVERNMENT RESPONSE
TO MOTION TO COMPEL PRODUCTION OF COMPLETE 302s
OF JARROD MASSEY**

Comes now Tom Coker, by and through his undersigned counsel, and replies to the Government’s Response (Doc. 309) to Coker’s Motion to Compel Production of Complete 302s of Jarrod Massey (Doc. 303) as follows:

1. The Government does not dispute Coker’s entitlement to these documents but instead seeks to delay production until “no later than January 31, 2011” (absent a sufficient showing to justify additional withholding). As a basis for this request, the Government represents that the redacted portions pertain to an “ongoing criminal investigation”.

2. Coker is clearly entitled to unredacted copies of these documents and any delay in providing them will hinder Coker’s preparedness for trial. As the Government has

provided copies to the Court, the Court is aware that massive portions (including entire pages) have been redacted, some of which are directly related to Coker. (For example, on page 10 of Massey's first proffer, the first full paragraph has a redaction of a sentence which specifically mentions Coker.)¹

3. However, given the Government's representation about the ongoing investigation, Coker agrees to the granting of his motion, with a delayed production date of no later than January 31, 2011.

WHEREFORE, Coker moves this Court to compel the Government to produce complete unredacted 302s of Jarrod Massey no later than January 31, 2011.

Respectfully submitted,

/s/ David McKnight

David McKnight

ASB-6258-G63S

BAXLEY, DILLARD, DAUPHIN

MCKNIGHT & JAMES

2008 Third Avenue South

Birmingham, Alabama 35233

Telephone: 205.271.1100

Fax: 205.271.1108

Email: dmcknight@baxleydillard.com

¹ Based on the Government's response, Coker is under the assumption that the Court has been provided these 302s. If this assumption is incorrect, Coker requests the opportunity to submit them underseal before the Court rules on this motion.

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 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/ David McKnight

Of Counsel