

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.	)	

**DEFENDANT TOM COKER’S SECOND MOTION TO DISMISS**  
**(REGARDING “HONEST SERVICES” CHARGES)**

Defendant Tom Coker respectfully moves to dismiss Counts 23 through 33. These are the charges under 18 U.S.C. §§ 1341 and 1343, premised on “honest services” allegations under 18 U.S.C. § 1346. As shown in the accompanying brief, the Indictment “fails ... to state an offense” in this regard, Fed. R. Crim. P. 12(b)(3)(B), and so these charges should be dismissed.

Respectfully submitted,

/s/ David McKnight  
David McKnight  
BAXLEY, DILLARD, DAUPHIN  
MCKNIGHT & JAMES  
2008 Third Avenue South  
Birmingham, Alabama 35233  
Telephone: 205.271.1100  
Fax: 205.271.1108  
Email: [dmcknight@baxleydillard.com](mailto:dmcknight@baxleydillard.com)

**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/ David McKnight

Of Counsel