

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

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:10CR186-MHT
)	
MILTON E. McGREGOR,)	
RONALD E. GILLEY,)	
THOMAS E. COKER,)	
ROBERT B. GEDDIE JR.,)	
JARROD D. MASSEY)	
LARRY P. MEANS,)	
JAMES E. PREUITT,)	
QUINTON T. ROSS JR.,)	
HARRI ANNE H. SMITH,)	
JARRELL W. WALKER, JR., and)	
JOSEPH R. CROSBY)	

AMENDED ORDER

Pending before the Court is Defendant Quinton Ross’ *Motion to Amend Conditions of Release* (Doc. 117, filed 10/15/10). The Court heard arguments on the motion on October 18, 2010. For good cause shown, it is **ORDERED** that the motion is **GRANTED in part and DENIED in part** as set forth below.

Defendant Ross and ten other individuals were indicted on October 1, 2010 in a sixty-five page indictment alleging claims of bribery and conspiracy. As a matter of law, the return of the indictment establishes probable cause to support the allegations. Defendant Ross had his initial appearance on October 4, 2010 and the Court entered an *Order Setting Conditions of Release*. See Doc. 55. Defendant Ross challenges two of the conditions initially imposed

by the Court. *See* Doc. 117. Specifically, Defendant Ross challenges conditions “(j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution...” and “(w) the defendant shall audio record any conversations with any elected official or a declared candidate for public office. The defendant shall submit the recording to the supervising pretrial officer at the end of each week along with certification that all conversations have been recorded.” *Id.* As mentioned in the hearing, the Court also intended Condition (w) to include recording conversations with registered lobbyists. Consequently, Condition (w) of the original order is modified to include registered lobbyists.

Upon consideration of arguments by counsel, the Court finds that Conditions (j) and (w) as currently worded unduly impede Defendant Ross and his attorney in the preparation of his defense. Therefore, the Court excludes from the definition of contacts in Condition (j), any contacts between Defendant Ross and any witness where counsel for Defendant Ross is present and the meeting pertains to case preparation. For purposes of Condition (j), a witness is anyone whom counsel for Defendant Ross may choose to interview in case preparation whether or not such person testifies in a subsequent hearing or trial and any other person whom the United States identifies to Defendant Ross through Counsel that it may call as a witness, whether or not such person testifies in a subsequent hearing or trial. In addition, the recording requirement imposed by Condition (w) does not apply to contacts between the

Defendant, his counsel, and the witness when the meeting pertains to case preparation.¹ Further, unless later ordered by the Court, the modification to condition (j) does not require the United States to tender a witness list to defendant Ross. The United States conceded during the hearing the alleged victim of the crimes set forth in the indictment is not a specific individual.

The Pretrial Services Officer may modify the release conditions imposed upon any other defendants in *United States v. Milton McGregor, et al.*, Crim. Act. No. 2:10-cr-186-MHT (M.D. Ala. 2010) consistent with this Order upon oral or written request by counsel for the defendants. The remaining requests for modification outlined in the *Motion to Amend Conditions of Release* (Doc. 117) are **DENIED**.

DONE this 21st day of October, 2010.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE

¹ This information was inadvertently omitted from the first order and is the reason for this amended order. In addition, while this is specific to Defendant Ross, the Court is docketing this order in all defendants' docket sheets so they are aware of the procedure for applying for the same relief.