

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CR. NO. 2:10cr186-MHT
)	
RONALD E. GILLEY,)	
)	
Defendant.)	

**JOINT REPORT REGARDING RONALD E. GILLEY’S
ABILITY TO PREPARE FOR TRIAL WHILE INCARCERATED**

As ordered by the Court (Ct. Doc. 644), counsel for the Parties have conferred in good faith regarding a joint assessment of Defendant Ronald E. Gilley’s (“Defendant” or “Mr. Gilley”) ability to adequately prepare for trial while incarcerated. Counsel have conferred, as well as visited the Montgomery City Jail (“Jail”) on February 23, 2011, where the Defendant is now incarcerated, and we report as follows:

1. The Defendant is currently housed in an eight man cell which contains a television and a telephone which he can use at anytime. Since his incarceration, there have been three men housed in the cell with the Defendant. As of February 23, 2011, there is only one man currently sharing the eight man facility with Mr. Gilley.

2. During counsel’s visit on February 23, 2011, counsel was informed that Mr. Gilley can be moved immediately to a single person cell sequestered from the general population. This sequestered unit consists of four (4) cells sharing a single common area. Here Mr. Gilley can review and maintain documents provided to him by his attorneys in his cell. Mr.

Gilley will have access to these documents 24 hours a day. He can also keep in his cell a CD player to which he will have access 24 hours a day. In addition, the Jail has agreed to safeguard all of Mr. Gilley's legal documents that are kept in his cell. Outside of the private cell area, the Defendant has access to a bench and a small table on which to review documents. To the extent that other inmates are housed in one of the other cells on this block, Mr. Gilley must share the bench and table in the common area with those other inmates on the unit, however, no other inmate will be allowed to use the common area while the Defendant is using the space and vice versa.

3. The defendant may maintain a CD player in his private cell to review any audio recordings. In addition, the Jail has agreed to safeguard the CD player for the defendant at his request. The defendant is allowed to receive additional replacement batteries to be stored by the facility and furnished to Mr. Gilley upon request.

4. The Defendant may have daily access to one of two private conferences room, other than his cell, to meet with his attorneys. Assuming these private conference rooms are not being utilized by other inmates and their counsel, the Defendant is allowed to meet with his attorneys seven days a week for as long as they need from 7:00 am to 8:00 pm Monday thru Friday, and 10:30 am to 8:00 pm on the weekends. Defendant may also listen to recordings and review documents in the conference room in the presence of his counsel. The only times the Defendant may be excluded from meeting with his attorneys are during meal times. Should the Defendant work through a meal time due to preparation for trial with his attorneys, the Jail has agreed to keep the Defendant's meal for him. He will receive his meal/meals at the completion of his attorney meeting.

5. The Defendant may have access to a computer in the presence of his attorneys in the private conference room. Upon his attorneys' request the Jail will grant approval for non-attorney representatives from Mr. Gilley's defense team to meet with him . The computer will not be kept in the Jail facilities. The computer must exit the Jail with the member of the defense team.

6. The private cell does not have immediate and unlimited access to a telephone. However, the Defendant will be allowed to make one telephone call per day at a time of his choosing. Upon written request from Mr. Gilley's counsel, the Jail will consider, and likely approve, two telephone calls each day so that he may talk to both his family and his attorneys.

7. The Defendant can receive mail from his attorneys, as well as mail materials to his attorneys.

Government's Position

The Government maintains that the Jail accommodations are more than adequate to allow the Defendant time and privacy to review case materials, safeguard the materials, and to communicate with his attorneys daily. Argument in support of the Government's position will be contained in its forthcoming Response to Defendant's Motion for Revocation of Detention Order.

Defendant's Position

Even with the implementation of these new conditions, Mr. Gilley maintains his position set forth in his Motion for Revocation of Detention Order (Ct. Doc. 639), regarding the impact of incarceration on his trial preparation. Mr. Gilley's counsel will be prepared to discuss this issue further with the Court either through a reply brief in support of his Motion for Revocation of Detention Order or in argument at a hearing or any telephone conference that is set in regards to this issue.

Respectfully submitted this the 24th day of February, 2011.

For the government: /s/ Brenda K. Morris
BRENDA K. MORRIS
Senior Litigation Counsel

/s/ Louis V. Franklin
LOUIS V. FRANKLIN
Assistant United States Attorney

For the defense: /s/ Thomas Butler
THOMAS BUTLER
Attorney for Gilley

/s/ Anil A. Mujumdar
ANIL A. MUJUMDAR
Attorney for Gilley

CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing using the Court's CM/ECF system, which will send a notice to all attorneys of record this 24th day of February, 2011..

/s/ Louis V. Franklin, Sr.
LOUIS V. FRANKLIN, SR.
Assistant United States Attorney