

**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.)

OBJECTION TO “RECOMMENDATION OF THE MAGISTRATE JUDGE”
(DOC. 862), RECOMMENDING DENIAL OF MOTIONS TO DISMISS
REGARDING 18 U.S.C. § 666 (DOC. 443)

James E. Preuitt hereby respectfully objects to the recommendation of the Honorable Wallace Capel, Jr., in which Judge Capel recommended denial of Mr. Preuitt’s Motions to Dismiss the charges that are based (either directly or through a “conspiracy” charge) on 18U.S.C. § 666. Mr. Preuitt’s Motion was document number 443. Judge Capel’s recommendation is document 862. These charges should be dismissed because the Indictment alleges only conduct that is outside the scope of § 666, when that statute is properly construed and kept within constitutional bounds.

Mr. Preuitt hereby adopts the arguments and the grounds for the objections as contained in Defendant McGregor’s Objection to “Recommendation of the Magistrate Judge” Recommending Denial of Motions to Dismiss Regarding 18 U.S.C. § 666. (Doc. 917).

RESPECTFULLY SUBMITTED this the 18th day of April, 2011.

/s/ Ronald W. Wise
RONALD W. WISE, WIS0904
Attorney for James E. Preuitt
2000 Interstate Park Drive
Suite 105
Montgomery, Alabama 36109
(334) 260-0003
Telephone: (334) 260-0003
Fax: (334) 260-8005
E-Mail: ronwwise@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 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 the following:

Justin Shur
Brenda K. Morris
Emily Rae Woods
Lewis Franklin
Steve Feaga

Federal Bureau of Investigation
One Commerce Street, Suite 500
Montgomery, Alabama 36101

G. Doug Jones
Haskell Slaughter Young & Rediker
2001 Park Place North
Suite 1400
Birmingham, Alabama 35203

David McKnight
Baxley, Dillard, Dauphin, McKnight
& Barclift
2008 Third Avenue South
Birmingham, Alabama 35233

H. Lewis Gillis
Thomas Means Gillis & Seay
P.O. Drawer 5058
Montgomery, Alabama 36103

J.W. Parkman, III
Parkman, Adams & White
505 20th Street North, Suite 825
Birmingham, Alabama 35203

Susan G. James
600 South McDonough Street
Montgomery, Alabama 36104

Thomas M. Goggans
2030 East Second Street
Montgomery, Alabama 36106

Joe Espy, III
Drawer 5130
Montgomery, Alabama 36130

Jack Sharman
Lightfoot, Franklin & White
400 20th Street North
Birmingham, Alabama 35203

William N. Clark
Redden Mills & Clark
505 North 20th Street, Suite 940
Birmingham, Alabama 35203

/s/ Ronald W. Wise
OF COUNSEL