

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

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	CR. NO. 2:10cr186-MHT
MILTON E. MCGREGOR,	)	
THOMAS E. COKER,	)	
ROBERT B. GEDDIE, JR.,	)	
LARRY P. MEANS,	)	
JAMES E. PREUITT,	)	
QUINTON T. ROSS, JR.,	)	
HARRI ANNE H. SMITH,	)	
JARRELL W. WALKER, JR.,	)	
and	)	
JOSEPH R. CROSBY,	)	
	)	
Defendants.	)	
_____	)	

**UNITED STATES' RESPONSE TO COURT ORDER REGARDING EXHIBITS FOR  
USE WITH WITNESS PHILIP HARROD, AND DEFENDANT MCGREGOR'S  
MOTION FOR FOUNDATION FOR SUMMARY WITNESS TESTIMONY**

The United States, through undersigned counsel, hereby responds to the Court's request on June 21, 2011, that the United States respond to defendant Milton McGregor's Motion for Foundation for Summary Witness Testimony, disclose the specific exhibits that it intends to use with witness Philip Harrod, and explain why it desires to use the exhibits.

As a threshold matter, Philip Harrod is not a summary witness. Throughout the government's case-in-chief, the defense has attacked the credibility of numerous witnesses when they testified regarding key financial relationships and transactions. Utilizing independent evidence (that is, evidence procured through financial institutions and state entities, rather than parties to this case), the United States will prove that the financial relationships and transactions did, in fact, occur. Mr. Harrod's testimony will tie the independent evidence to this case, and make it understandable

for the jury. As such, his testimony will neither duplicate nor summarize prior testimony, and is direct evidence which in some instances rebuts defense claims.

Moreover, the Court should reject defendant McGregor's request for a special limiting instruction to the jury to distinguish Mr. Harrod's testimony from expert testimony. Such an instruction is unwarranted, and has no basis in the law. The United States does not intend Mr. Harrod to serve as a stand-in for a financial expert; he will merely explain—on a purely factual basis—the financial records and transactions in question. Because his testimony will not offer the opinions or conclusions that are the hallmarks of expert testimony, there is no danger that the jury will endow it with undue significance.

The exhibits that the United States intends to use with Mr. Harrod can be grouped into 17 categories, and are listed below:<sup>1</sup>

1. Payments to Brad Unruh by defendant McGregor and Jarrod Massey to help corroborate testimony by government witnesses. *Government Exhibits 1237, 1238.*
2. Proof that defendant Joseph R. Crosby received monthly \$3,000 payments from defendant McGregor, as evidenced by defendant Crosby depositing the payments into his bank. *Government Exhibits 1186, 1258.*
3. Legislative Research Service Operations Manual, which contains provisions prohibiting

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<sup>1</sup> Counsel for defendant McGregor has indicated that they are willing to stipulate to the authenticity of these exhibits, which will surely expedite Mr. Harrod's testimony. Even if the defense does not stipulate to authenticity, however, the United States anticipates that it should be able to complete Mr. Harrod's direct examination with lightning speed—perhaps in as few as two hours, barring unwarranted objections.

defendant Crosby from accepting money from defendant McGregor. *Government Exhibits 1134.*

4. Proof of payments by Ronald Gilley to Mantra Governmental totaling \$810,000, including three Mantra Governmental invoices to Mr. Gilley for \$270,000 apiece, *Government Exhibits 1011, 1013, 1015*, and nine exhibits consisting of 10 checks showing the payments of the invoices, *Government Exhibits 1012, 1014, 1016, 1017, 1020, 1023, 1022 A, 1024 A, 1038, and 1006*.<sup>2</sup>
5. Fiscal Note from the Alabama State Senate certifying that the financial transactions at issue would have been worth more than \$5,000. *Government Exhibit 1273.*
6. Records of money received by Mr. Gilley from Gaughan Gaming, IGT, Multimedia, Robert and Russell Wright, and Ted Graham. *Government Exhibits 1284, 1285, 1262, 1261, 1281, 1282, 1283, 1279, and 1280.*
7. Bank account information reflecting that four \$50,000 checks that Mr. Gilley paid to defendant Harri Anne Smith were, in fact, deposited into the banks of the respective political action committees listed as payees on the checks. ***Government Exhibits 1065***.<sup>3</sup>

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<sup>2</sup> The Court has already admitted exhibits that are underlined and appear in bold-face font.

<sup>3</sup> The Court has already admitted part of this exhibit.

8. Wire transfers and checks from defendant McGregor to Mr. Gilley proving that Mr. Gilley testified truthfully when his contractual agreement with defendant McGregor was admitted into evidence. *Government Exhibits 1245, 1252, 1242, 1243, 1244, 1246, 1248, 1249, 1250, and 1251.*
9. Proof that defendants Means, Smith, and Ross received \$25,000 each from defendant McGregor. *Government Exhibits 1176, 1190, 1052, 1288, 1049 A, 1049 C, 1191, and 1311.*
10. Bank records proving that Mr. Gilley wired \$25,000 to Michael Sullivan, who withdrew \$15,000 in cash from the wire transfer the same day, in order to corroborate Mr. Gilley's testimony that Mr. Sullivan received the money so that it could be paid to Senator Bobby Singleton in exchange for allowing defendant Smith to abort her anti-gambling bill. *Government Exhibits 1239, 1240, 1240 A, 1269, and 1270.*
11. Records establishing that Mr. Gilley made payments to Xpress Holdings, a company owned by Ted Graham, which in turn made payments to MMV Consulting, which was owned by defendant Jarrell Walker, *Government Exhibits 1253, 1254, 1254 A-G, 1255, 1287 A, and 1287 B-H*, and one check and one wire transfer from Mr. Gilley to MMV Consulting, showing that Mr. Gilley was paying defendant Walker, *Government Exhibits 1287 I, 1287 J, and 1292.*
12. Two government exhibits that defendant Quinton Ross has requested not be made public

pending argument.

13. Records demonstrating how much defendant McGregor paid defendant Thomas Coker during the period of the charged conspiracy. *Government Exhibits 1314 A and 1314 B.*
14. Records demonstrating how much defendant McGregor paid defendant Robert Geddie during the period of the charged conspiracy. *Government Exhibits 1313.*
15. Records from the Alabama Ethics Commission proving that defendant Coker was a lobbyist for defendant McGregor, the medical-association political action committee that provided defendant Ross's campaign with \$10,000, and the Alabama Beverage Association; and records from the Alabama Ethics Commission proving that defendant Geddie was a lobbyist for defendant McGregor. *Government Exhibits 1312 A-C.*
16. A \$10,000 check from a medical-association political action committee to defendant Ross's campaign account. **Government Exhibit 1185.**
17. Approximately 100 checks written by defendant McGregor on December 23 and December 29, 2009, to 52 different political action committees. *Government Exhibits 1162 and 1163.*

For the reasons described herein, the government requests that the Court permit Mr. Harrod to testify regarding the financial matters and exhibits referenced above.

Respectfully submitted,

LANNY A. BREUER  
Assistant Attorney General, Criminal Division  
Attorney for the United States  
Acting Under Authority of 28 U.S.C. § 515

JACK SMITH, Chief  
Public Integrity Section

By: /s/  
Barak Cohen  
Trial Attorney  
Public Integrity Section  
U.S. Department of Justice  
1400 New York Ave., NW, 12th Floor  
Washington, DC 20005

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2011, I provided, via electronic mail, a copy of the foregoing to all counsel of record in this matter.

/s/ \_\_\_\_\_  
Barak Cohen  
Trial Attorney  
Public Integrity Section  
U.S. Department of Justice  
1400 New York Ave., NW, 12th Floor  
Washington, DC 20005