

**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.)	

**TOM COKER'S MOTION TO DISMISS
BASED ON GRAND JURY INSTRUCTIONS**

COMES NOW the defendant, Tom Coker, by and through his attorney of record and hereby asks that the Indictment against him be dismissed based on the lack of or erroneous jury instructions given to the Grand Jury that returned the Indictment in this case.

Tom Coker, by and through his attorney of record, hereby adopts and incorporates by reference, as if fully set out herein the arguments and points of Law contained in the Motion to Dismiss Based on Grand Jury Instructions filed by Milton C. McGregor (Document 1212 filed June 1, 2011).

WHEREFORE, PREMISES CONSIDERED, the Defendant, Tom Coker, asks this Honorable Court to allow him to adopt the arguments and points of Law contained in Document 1212, grant this Motion, dismiss the Indictment against him, and further grant the relief sought therein.

Respectfully submitted this the 3rd day of June, 2011.

/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

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 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:

Robert D. Segall
Shannon L. Holliday
J. David Martin
Ashley Nicole Penhale
Clayton Rushing Tartt
Copeland, Franco, Screws & Gill, P.A.
P.O. Box 347
Montgomery, AL 36101-0347

Joseph C. Espy, III
Benjamin J. Espy
William M. Espy
Melton, Espy & Williams, P.C.
P.O. Drawer 5130
Montgomery, AL 36103

Ron W. Wise
Attorney at Law
200 Interstate Park Drive, Suite 105
Montgomery, AL 36109

Fred D. Gray
Walter E. McGowan
Gray, Langford, Sapp, McGowan
Gray, Gray & Nathanson, P.C.
P.O. Box 830239
Tuskegee, AL 36083-0239

Samuel H. Heldman
The Gardner Firm, P.C.
2805 31st Street NW
Washington, DC 20008

Louis V. Franklin
Stephen P. Feaga
U.S. Attorney's Office
P.O. Box 197
Montgomery, AL 36101

Justin Shur
Brenda K. Morris
Emily Rae Woods
Barak Cohen
Eric Olshan
Edward T. Kang
U.S. Department of Justice
1400 New York Ave, NW 12th Floor
Washington, DC 20005

Samuel H. Franklin
Jackson R. Sharman, III
Jeffrey P. Doss
Lightfoot, Franklin & White LLC
400 20th Street North
Birmingham, AL 35203

James P. Judkins
Larry D. Simpson
Judkins, Simpson, High & Schulte
1102 North Gadsden Street
Tallahassee, FL 32303

William N. Clark
Stephen Wesley Shaw
Redden Mills & Clark, LLP
505 North 20th Street, Suite 940
Birmingham, AL 35203

H. Lewis Gillis
Tyrone Carlton Means
Thomas Means Gillis & Seay
P.O. Drawer 5058
Montgomery, AL 36103

John Mark Englehart
Englehart Law Offices
9457 Alysbury Place
Montgomery, AL 36117-6005

Thomas M. Goggans
Attorney at Law
2030 East Second Street
Montgomery, AL 36106

J. W. Parkman, III
Joshua Logan McKeown
Richard Martin Adams
William Calvin White, II
Parkman, Adams & White, LLC
505 20th Street North, Suite 825
Birmingham, AL 35203

Susan G. James
Denise A. Simmons
Susan G. James & Associates
600 South McDonough Street
Montgomery, AL 36104

Jeffery C. Duffey
Law Office of Jeffery C. Duffey
600 South McDonough Street
Montgomery, AL 36104

/s/ David McKnight
Of Counsel