

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

**UNITED STATES OF AMERICA, )**

)

)

**Plaintiff,**

)

**vs.**

)

**NO: 2:10-cr-186-MHT-001**

)

**JARROD MASSEY,**

)

)

**Defendants.**

)

**OBJECTION TO ORAL REQUEST OR SUBPOENA BY JARRELL WALKER  
SERVED UPON THE LEE COUNTY JAIL AND MONTGOMERY CITY JAIL  
AND MOTION TO QUASH**

COMES NOW, JARROD MASSEY, in objection to the subpoena heretofore served by Defendant Jarrell Walker, upon the Lee County Jail and Montgomery City Jail, and says, as follows:

1. Upon information and belief, counsel for defendant Jarrell Walker issued a non-party, trial subpoena for the production of recordings of jail phone calls upon the Lee County Jail and Montgomery City Jail, pertaining to calls made by Jarrod Massey while incarcerated in those respective facilities.
2. No specific mention as to the nature of the phone calls that have been requested by Defendant Walker.
3. Defendant Walker’s subpoena to the Lee County Jail and Montgomery City Jail is overbroad, immaterial, seeks information which is irrelevant to

this litigation, and it is not reasonably calculated to lead to the discovery of admissible evidence. *See, R. 17(c), Federal Rules of Criminal Procedure*. Further, there has been no offering by Defendant Walker that his request meets the threshold requirements laid out in U.S. v. Nixon, 418 U.S. 683 (1974); (1) that the items sought are relevant, (2) admissible, and (3) specific in nature. *Id.* at 700.

4. Moreover, Defendant Walker's requested subpoena seeks information which is invasive of the attorney-client privilege and the spousal privilege. *See, R. 501, et seq., Federal Rules of Evidence*.

WHEREFORE, PREMISES CONSIDERED, Jarrod Massey, objects to the subpoena served upon the Lee County Jail and Montgomery City Jail, and respectfully requests the Court to enter an order quashing said subpoena.

**Respectfully Submitted,**

s/Brett M. Bloomston  
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s/Joseph J. Basgier, III  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record, by electronic filing, this the 5th day of July, 2011.

s/Brett M. Bloomston  
**OF COUNSEL**