

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

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:10cr186-MHT
MILTON E. MCGREGOR,)	(WO)
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)	

ORDER

In United States v. Diez, 515 F.2d 892 (5th Cir. 1975), the former Fifth Circuit stated:

"Defendants contend that, even if made during the conspiracy, several of the statements made by DeGuzman and Garrett to the IRS agents cannot be considered in furtherance of the conspiracy. Defendants argue that since the statements were consistent with the Government's position at trial, they must be considered as true; and true statements do not further a conspiracy to deceive. A statement need not be false

in every detail, however, in order to have been made in furtherance of a conspiracy to conceal and defraud. Deception rarely takes the form of an uninterrupted series of lies. A fair reading of the agents' interviews with DeGuzman and Garrett convinces us that, taken as a whole, the coconspirators' statements were deceptive in design, especially when considered in conjunction with the versions of the facts related to the agents by Palori, Diez and the others during the investigation. The truthfulness of isolated parts of the statements does not affect this conclusion."

Id. at 898-99 (emphasis added).

The court wants the parties to address in writing by 7:30 a.m. tomorrow why this quote does or does not stand for the proposition that all of agent George Glaser's testimony about defendant James E. Preuitt's alleged statements should come in, as long as taken as a whole, defendant Preuitt's statement can be viewed as trying to mislead the authorities, meaning that it was made in furtherance of the alleged conspiracy. In short, it is

not necessary to parse the specific allegedly misleading part from the other parts.

DONE, this the 20th day of July, 2011.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE