

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

UNITED STATES,

Plaintiff,

v.

JARRELL W. WALKER, JR.,

Defendants.

CASE NO. 2:10-cr-00186-MHT-WC

**DEFENDANT JARRELL W. WALKER, JR.'S MOTION TO QUASH GOVERNMENT'S
SUBPOENA TO CUSTODIAN OF RECORDS OF MMV CONSULTING**

Defendant Jarrell W. Walker, Jr. respectfully moves the Court for entry of an order quashing the Subpoena in a Criminal Case issued by the Government to the Custodian of Records of MMV Consulting on June 30, 2011, and in support thereof states as follows:

1. The Government served the above-referenced subpoena on Mr. Walker on Thursday afternoon, June 30, 2011, during a break in the trial proceedings seeking:

All original records for MMV Consulting, LLC from 1997 to the present, relating to Ronnie Gilley (to include all his (Gilley's) personal and or other business entities), Claude Graham, Ted Graham, Graham Brothers Construction Co., Specialized Services, Inc., and the State of Georgia Ethics Commission, including but not limited to, any correspondence, engagement letters, expenditures, invoices, and payments

Id.

2. Mr. Walker seeks to quash the subpoena as being unduly burdensome and oppressive with respect to its temporal scope (1997 to the present), insofar as this request bears no reasonable limitation as to the time period of the alleged conspiracy. The time period of the charged conspiracy is 2009-2010. Any records outside that time period are not relevant pursuant Federal Rule of Evidence 401, nor is it likely to lead to any relevant evidence.

3. Mr. Walker also seeks to quash the subpoena as being unduly burdensome and oppressive with respect to its topical scope, particularly in that this material could have been sought by the Government at any time since the filing of the Indictment of this matter. The Government is seeking to use the subpoena for discovery purposes, and discovery deadlines have expired in this case. Equally important, much of the material sought by the subpoena is in the possession of the Government (by Walker himself providing the records to the Government previously or by the Government's previously issued subpoenas to third parties) or is in the possession of third parties outside of Walker's custody and control. Mr. Walker does not even have many of the records the subpoena seeks.

4. The issuance of this subpoena to Mr. Walker is also unduly burdensome given the fact that the Government sought this material on short notice, requiring Mr. Walker to collect any material over the July 4th holiday period and on days during which he was required to be in court for the trial of this matter. Given these time constraints, the requirement that Mr. Walker search for these records at this point is highly oppressive.

5. For the reasons set forth above, Mr. Walker requests that the Court quash the Subpoena to MMV Consulting.

Dated: July 5, 2011

Respectfully submitted,

/s/ Susan G. James
Susan G. James
E-mail: sgjamesandassoc@aol.com
Denise A. Simmons
E-mail: dsimlaw@aol.com
M. Geron Gadd
New York Bar No. 4356465
Admitted *Pro Hac Vice*
E-mail: mgerongaddsgja@gmail.com
SUSAN G. JAMES & ASSOCIATES
600 South McDonough Street
Montgomery, Alabama 36104

Telephone: (334) 269-3330
Facsimile: (334) 263-4888

Jeffery C. Duffey
E-mail: jcduffey@aol.com
LAW OFFICE OF JEFFERY C. DUFFEY
600 South McDonough Street
Montgomery, Alabama 36104
Telephone: (334) 834-4100

Counsel for Defendant Jarrell W. Walker, Jr.

CERTIFICATE OF SERVICE

I HERBY CERTIFY that the foregoing Motion to Quash was served ECF Filing and electronic mail on all counsel of record listed below this 5th day of July, 2011.

Justin V. Shur
Justin.shur@usdoj.gov
Eric Olshan
Eric.olshan@usdoj.gov
Barak Cohen
Barak.cohen@usdoj.gov
Brenda K. Morris
Brenda.morris@usdoj.gov
Emily Rae Woods
rae.woods@usdoj.gov
Edward T. Kang
Edward.kang@usdoj.gov
UNITED STATES DEPARTMENT OF JUSTICE
1400 New York Avenue
Washington, DC 20005

Louis V. Franklin, Sr.
Louis.franklin@usdoj.gov
Stephen P. Feaga
Steve.feaga@usdoj.gov
UNITED STATES' ATTORNEYS' OFFICE
P.O. Box 197
Montgomery, Alabama 36101-0197

Robert D. Segall
segall@copelandfranco.com
Shannon L. Holliday
holliday@copelandfranco.com
David Martin

martin@copelandfranco.com
Ashley N. Penhale
penhale@copelandfranco.com
Clayton R. Tartt
tartt@copelandfranco.com
COPELAND, FRANCO, SCREWS & GILL, P.A.
P.O. Box 347
Montgomery, Alabama 36101-0347
Telephone: (334) 834-1180
Facsimile: (334) 834-3172

Joe Espy, III
jespy@mewlegal.com
Benjamin J. Espy
bespy@mewlegal.com
William M. Espy
wespy@mewlegal.com
MELTON, ESPY & WILLIAMS, P.C.
P. O. Drawer 5130
Montgomery, Alabama 36103
Telephone: (334) 263-6621
Facsimile: (334) 263-7252

Fred D. Gray
fgray@glsmgn.com
Walter E. McGowan
wem@glsmgn.com
GRAY, LANGFORD, SAPP, McGOWAN,
GRAY, GRAY & NATHANSON, P.C.
P.O. Box 830239
Tuskegee, Alabama 36083-0239
Telephone: (334) 727-4830
Facsimile: (334) 727-5877

Sam Heldman
sam@heldman.net
THE GARDNER FIRM, P.C.
2805 31st Street NW
Washington, D.C. 20008
Telephone: (202) 965-8884
Facsimile: (202) 318-2445

William J. Baxley
bbaxley@bddmc.com
David McKnight
dmcknight@baxleydillard.com

Stewart D. McKnight
Joel E. Dillard
Jdillard@bddmc.com
BAXLEY, DILLARD, DAUPHIN, MCKNIGHT & BARCLIFF
2008 Third Avenue South
Birmingham, Alabama 35233

Jackson R. Sharman, III
jsharman@lightfootlaw.com
Jeffrey P. Doss
jdoss@lightfootlaw.com
Samuel H. Franklin
Sfranklin@lightfootlaw.com
LIGHTFOOT, FRANKLIN & WHITE
400 20th Street North
Birmingham, Alabama 35203

James P. Judkins
jjudkins@readyfortrial.com
Larry D. Simpson
Lsimpson@readyfortrial.com
JUDKINS, SIMPSON, HIGH & SCHULTE
1102 North Gadsden Street
Tallahassee, Florida 32303

Ron W. Wise
ronwise@aol.com
ATTORNEY AT LAW
200 Interstate Park Drive, Suite 105
Montgomery, Alabama 36109

H. Lewis Gillis
hlgillis@tmgsllaw.com
Tyrone C. Means
tcmeans@tmgsllaw.com
THOMAS MEANS GILLIS & SEAY
P.O. Drawer 5058
Montgomery, Alabama 36103

Mark Englehart
jmenglehart@gmail.com
ENGLEHART LAW OFFICES
9457 Alysbury Place
Montgomery, Alabama 36103

J.W. Parkman III

parkman@parkmanlawfirm.com
Richard M. Adams
Adams@parkmanlawfirm.com
Joshua L. McKeown
jmckeown@parkmanlawfirm.com
William C. White, II
wwhite@parkmanlawfirm.com
PARKMAN, ADAMS & WHITE
505 20th Street North, Suite 825
Birmingham, Alabama 35203

Thomas M. Goggans
tgoggans@tgoggans.com
ATTORNEY AT LAW
2030 East Second Street
Montgomery, Alabama 36106

/s/ Susan G. James
Susan G. James