

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,)	
LARRY P. MEANS,)	
JAMES E. PREUITT,)	
HARRI ANNE H. SMITH,)	
JARRELL W. WALKER, JR.,)	
and)	
JOSEPH R. CROSBY,)	
)	
Defendants.)	
_____)	

UNITED STATES’ NOTICE REGARDING EXPERT TESTIMONY

The United States, through undersigned counsel, hereby files this Notice Regarding Expert Testimony, pursuant to the Court’s September 8, 2011 Scheduling Order (see Dkt. No. 1800 at 2), and Rule 16 of the Federal Rules of Criminal Procedure.

The government intends to call the following expert witnesses in its case-in-chief:

- **James Sumner, Director of the Alabama Ethics Commission**

James Sumner, the Director of the Alabama Ethics Commission (“the Commission”), will testify generally about the nature and purpose of statements of economic interest, including who is required to file them; what information they contain; the level of specificity that is required; how they are filed and maintained; who has access to them; the certification requirement; the warnings about the consequences of deliberately submitting false or misleading information; the use of the statements of economic interest in the public domain; and the applicable rules and procedures governing such statements. He will testify about the

Commission's role and responsibilities concerning the statements of economic interest, including reviewing the reports, providing ethics advice, investigating alleged violations of ethical rules, imposing discipline, and referring matters to law enforcement.

Mr. Sumner will testify about whether defendant Crosby was required to file the statements of economic interest. Mr. Sumner will authenticate the statements of economic interest submitted by defendant Crosby and will testify about his review of those forms. Mr. Sumner will testify that Crosby's initial failure to disclose the thousands of dollars provided to him by defendant McGregor was a violation of the reporting requirements.

Mr. Sumner will explain the ethics training and advice made available to state employees and also explain various provisions of state law that prohibit the use of public employment for personal gain; the offer or receipt of things of value for the purpose of influencing official action; and the offer or receipt of money in exchange for assistance on matters concerning the legislature. He will testify that it is a violation of law for a state employee to accept monetary payments from a private citizen for doing his government work. Mr. Sumner will also testify about disciplinary actions the Commission could have taken had Crosby provided truthful and complete disclosure of his receipt of thousands of dollars from McGregor.

Mr. Sumner will testify generally about the registration and reporting requirements for lobbyists in the State of Alabama and explain the ethics training and advice that is made available to lobbyists. He will testify that Crosby never registered as a lobbyist and will authenticate the lobbyist reports submitted by defendants McGregor and Coker.

Mr. Sumner's opinions will be based on his knowledge, training, and experience with ethics laws and the evidence introduced at trial. Exhibit A discusses Mr. Sumner's background and qualifications.

- **Cynthia J. Beckum, Officer from the Internal Revenue Service**

Ms. Cynthia J. Beckum, an officer from the Internal Revenue Service, will testify generally as to what constitutes reportable income and valid claims for deductions under the United States tax laws. She will testify generally about the nature and purpose of 1099 forms, including who is required to file them; what information they contain; how they are filed and maintained; and who has access to them. Ms. Beckum will testify generally about what constitutes a valid business deduction under the tax laws and how such deductions are reported. She will explain the warnings and consequences associated with false or misleading reporting of information to the IRS. She will discuss the tax materials submitted by McGregor, Crosby, Monica Cooper, and William Covington and provide opinions about those tax returns and the alleged false or misleading information contained therein.

Ms. Beckum's opinions will be based on her knowledge, training, and experience with the United States tax laws and the evidence introduced at trial. The government will produce Ms. Beckum's *curriculum vitae* to the defendants on or before the November 14, 2011 exhibit deadline.

The government reserves the right to amend or substitute this expert witness notice due to, among other things, additional evidence, issues raised in any defense case, or for purposes of presenting the government's rebuttal case.

Date: November 7, 2011

Respectfully Submitted,

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

JACK SMITH
Chief
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By: /s/Emily Rae Woods
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CERTIFICATE OF SERVICE

I certify that on November 7, 2011, I provided lead counsel of record with the foregoing filing via the electronic case filing system.

/s/Emily Rae Woods
Emily Rae Woods

EXHIBIT “A”

**BIOGRAPHICAL SKETCH
FOR
JAMES L. (JIM) SUMNER, JR.**

Currently, Mr. Sumner is the Director of the Alabama Ethics Commission. He was appointed to the position by the Commission in April, 1997. Mr. Sumner holds an additional appointment as a Deputy Attorney General.

From October, 1987 to April, 1997, Mr. Sumner served as Assistant to the Vice Chancellor for External Affairs of the University of Alabama System. The UA System is comprised of campuses in Tuscaloosa, Birmingham and Huntsville. At that time, the System had over 43,000 students, 18,500 employees and an annual budget exceeding \$1.35 billion.

From January to October, 1987, Mr. Sumner served as Vice President/Legislative Affairs for the Alabama Hospital Association.

Mr. Sumner was the Executive Assistant to the Lieutenant Governor and served as Chief of Staff in the Lieutenant Governor's Office from January, 1983 to January, 1987.

From January, 1979 to May, 1982, Mr. Sumner served as Corporate Secretary and in-house counsel of Royal Cup, Inc. of Birmingham, the largest coffee roaster in the South.

Mr. Sumner served as an Assistant Attorney General from October, 1974 to January, 1979.

Mr. Sumner is a native of Jasper, Alabama and attended Jasper public schools and Walker County High School.

He was graduated from the University of Alabama in 1970 with a Bachelor of Science Degree.

In 1974, Mr. Sumner received his Doctor of Jurisprudence Degree from Cumberland School of Law at Samford University.

Before joining the Attorney General's staff, Mr. Sumner served for three years as Administrative Assistant to the Chairman of the Democratic Party in Alabama, Robert S. Vance. Vance was later appointed by President Carter to the U. S. Court of Appeals for the Eleventh Circuit.

Mr. Sumner holds membership in the American Bar Association and the Alabama State Bar Association.

In 2007, Mr. Sumner was awarded the Douglass Cater Public Service Award by the Department of Political Science and Public Administration at Auburn University at Montgomery.

Mr. Sumner was named 2011 James T. Pursell, Sr. Distinguished Fellow in Ethics by the College of Business at Auburn University.

He is married to Deanna Benefield Sumner of Huntsville and they have three adult children: Matthew, Amelia and Aaron.