

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:07CR192

DAVID ZACHARY SCRUGGS,

**MOTION OF THE UNITED STATES TO ALLOW DISCLOSURE
OF CERTAIN EVIDENCE TO THE PROSECUTION AND INVESTIGATIVE
TEAM AND TO REQUIRE ANY OBJECTIONS TO SUCH DISCLOSURE BE MADE
PRIOR TO DISCLOSURE**

Comes now the United States, by and through Frederick H. Godwin, Assistant United States Attorney and Laurence J. Laurenzi, First Assistant United States Attorney, for the Western District of Tennessee, on behalf of the United States Attorney's Office for the Northern District of Mississippi, and hereby moves this court to enter an order allowing the undersigned Assistant United States Attorneys to disclose certain evidence, seized pursuant to a search warrant, to the investigative and prosecution team in this case, and further moves for an order requiring any objections to such disclosure to be made prior to the date set for disclosure.

MEMORANDUM IN SUPPORT

1. Factual Background

On November 27, 2007 agents of the Federal Bureau of Investigation executed a federal search warrant at the Scruggs Law Firm in Oxford, Mississippi. Pursuant to that search warrant, duplicate images were made of various computers and electronic storage media at that location. Those images were turned over to FBI Computer Analysis Response Team (CART) agents who were not otherwise involved in this investigation. The CART agents, who are specially trained in the searches of computers, searched those computers and electronic storage media for items that

were responsive to the search warrant. When the CART agents had completed their analysis, they turned the responsive documents, over to Assistant United States Attorneys Laurence J. Laurenzi and Frederick H. Godwin of the Western District of Tennessee. AUSA's Godwin and Laurenzi reviewed the documents, found them to be responsive to the search warrant, and on March 13, 2007 accompanied an FBI agent who made an inventory and return to U.S. District Judge Neal Biggers. That inventory and return included copies of the responsive documents, which were returned in hard copy form, and stamped SCRUGGS0001-0395 (inclusive).

Also on March 13, 2007 duplicates of the inventory, return and the documents numbered SCRUGGS0001-0395 were sent by FedEx to defense attorneys for the then remaining defendants. No member of the prosecution or investigative team in the Northern District of Mississippi has seen, in hard copy or digital form, any of these documents. Nor has there been any disclosure been made of the contents of the documents to any members of the investigative or prosecution team.

2. Relief Sought

The United States respectfully moves this court to enter an order allowing the undersigned Assistant United States Attorneys to turn over, for use in this case, in digital and paper form, documents stamped SCRUGGS0001-0395 (inclusive) to the investigative and prosecution team handling this case on March 21, 2008.

The United States also respectfully moves this court to order that, if the remaining defendant has any objections to any of these documents being turned over to the investigative and prosecution team in the Northern District of Mississippi on March 21, 2008 for use in this case, that he file such objections with the court prior to March 21, 2008. If the defendant files such objections with the court prior to March 21, 2008, the undersigned Assistant United States Attorneys will make no disclosure of contents of documents stamped SCRUGGS0001-0395 to the investigative and

prosecution team until such time as the court rules upon those objections.

Respectfully submitted,

DAVID KUSTOFF
United States Attorney
Western District of Tennessee

By: /s/LAURENCE LAURENZI
First Assistant United States Attorney
Tennessee Bar No.: 009529

By: /s/FREDERICK H. GODWIN
Assistant United States Attorney
Tennessee Bar No.: 011501

CERTIFICATE OF SERVICE

I, FREDERICK H. GODWIN, First Assistant United States Attorney, hereby certify that I electronically filed the foregoing **Motion of the United States to Allow Disclosure of Certain Evidence to the Prosecution and Investigative Team and to Require Any Objections to Such Disclosures Made Prior to Disclosure** with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This the 14th day of March, 2008.

/s/ Frederick H. Godwin
FREDERICK H. GODWIN
Assistant United States Attorney