

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 3:07CR192-NBB-SAA

RICHARD F. SCRUGGS

**MOTION TO RESET SENTENCING HEARING**

**COMES NOW**, Defendant Richard F. Scruggs to move the Court for an order resetting his sentencing hearing to June 27, 2008, at 10:00 a.m.

In an Amended Order Setting Sentencing Hearing dated May 29, 2008, this Court set Mr. Scruggs's sentencing hearing for July 2, 2008, at 10:00 a.m. *See* Doc. No. 195. John W. Kecker, lead counsel for Mr. Scruggs, currently has a trial set to begin on July 1, 2008, in the United States District Court for the Central District of California in Los Angeles, in the case of *Televisa, S.A. de C.V. v. Univision Communications, Inc.*, Case No. CV 05-3444 PSG (MANx). Thus, Mr. Kecker is not available to attend Mr. Scruggs's sentencing on July 2, 2008.

Mr. Scruggs therefore respectfully requests that the Court reset his sentencing hearing for June 27, 2008, at 10:00 a.m., a date when his lead counsel is available. Mr. Scruggs is not requesting that any other deadline in the Court's Amended Order of May 29, 2008, be reset. By this motion, Mr. Scruggs knowingly and voluntarily waives the 35-day requirement in Federal Rule of Criminal Procedure 32(e)(2).

Counsel for Mr. Scruggs has spoken with counsel for the government, who indicated that, if the Court was inclined to reset the sentencing hearing, the government would not object. Similarly, counsel for Mr. Scruggs has spoken with the Probation Officer handling Mr. Scruggs's case, and he indicated that he does not oppose resetting the sentencing.

Counsel for Mr. Scruggs has also conferred with counsel for co-defendants David Zachary Scruggs and Sidney A. Backstrom. Counsel for Mr. Scruggs understand that Mr. Backstrom does not object to resetting his sentencing to June 27, 2008, and that Mr. Backstrom will be filing a joinder in this request. However, counsel for Mr. Zach Scruggs are not available on June 27, 2008, and thus object to moving his sentencing to June 27, 2008.

For the foregoing reasons, Mr. Scruggs requests that the Court reset his sentencing hearing for 10:00 a.m. on June 27, 2008.

Respectfully submitted, this the 3d day of June 2008.

By: /s/ John W. Keke  
John W. Keke (*Pro Hac Vice*)  
Jan Nielsen Little (*Pro Hac Vice*)  
Brook Dooley (*Pro Hac Vice*)  
Travis LeBlanc (*Pro Hac Vice*)  
Warren A. Braunig (*Pro Hac Vice*)  
KEKER & VAN NEST, LLP  
710 Sansome Street  
San Francisco, California 94111  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

*Counsel for Defendant  
Richard F. Scruggs*

**CERTIFICATE OF SERVICE**

I, Brook Dooley, do hereby certify that I have electronically filed the foregoing **Motion to Reset Sentencing Date** with the Clerk of the Court using the ECF system, which sent notification for such filing to Thomas W. Dawson, Assistant United States Attorney, Robert H. Norman, Assistant United States Attorney, David Anthony Sanders, Assistant United States Attorney, Frank W. Trapp, J. Rhea Tannehill, Jr., Todd P. Graves and Nathan F. Garrett.

This, the 3d day of June 2008.

/s/ Brook Dooley  
Brook Dooley