

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

V.

CRIMINAL CASE NO. 3:07CR192-B-A

RICHARD "DICKIE" SCRUGGS,  
DAVID ZACHARY SCRUGGS,  
SIDNEY A. BACKSTROM,  
TIMOTHY R. BALDUCCI,  
STEVEN A. PATTERSON

DEFENDANTS

**ORDER**

Came on to be considered this day, the motion of the defendants in the above-styled and numbered cause, moving the court to reschedule the trial of this cause, previously set by order of the court to begin on January 22, 2008.

The court has considered said motion and the reasons cited in support thereof and the response filed by the government.

In the scheduling order entered on December 5, 2007, the court ordered all discovery by all parties to be completed by December 27, 2007. The defendants, in their December 17 motion for a continuance, describe at some length what discovery material the government has not produced; however, the deadline at the time of the defendants' filing had not arrived, and in the government's response filed on December 20, 2007, it states that "[a]lthough the discovery deadline is still six days away, the government has voluntarily made the bulk of discovery in this case," and what "minor" evidence remains will be made probably well within the deadline previously established. The government also advises that the defendants have furnished no discovery to the government as of December 17, 2007. Therefore, the court finds no persuasive grounds for a trial continuance based on discovery issues; however, the defendants advise the court that they may employ experts to examine the electronic surveillance evidence and the

photographic evidence, and also state that they may file extensive motions asking for suppression of the searches and the Title III wire taps, motions to dismiss the indictment, and other discovery motions.

The government states in its response that this case is not a complicated one and is rather straightforward, and with the cadre of attorneys who have now made appearances in this case<sup>1</sup> and are available to work on the case, the motion practice should move smoothly and without delay. The defendants, however, certainly have the right to file all pretrial motions they deem appropriate, and in view of their statement to the court about the extensive motion practice they are considering, the court is of the opinion that more time can reasonably be granted between the deadline for discovery completion, and the filing and disposing of all pretrial motions prior to the preparation for trial.

Therefore, the previous scheduling order is amended as follows:

1. The deadline for discovery completion remains at December 27, 2007;
2. All pretrial motions and any briefs are to be filed by January 21, 2008;
3. Pretrial motions will be heard if necessary and ruled on by February 11, 2008; and counsel are advised to keep the dates of January 21 to February 11 open for any necessary hearings;
4. The trial is rescheduled for February 25, 2008.

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<sup>1</sup>At last count fourteen attorneys have made appearances and are actively involved in the case – eleven for the defendants, three for the government.

In consideration of the unusual public interest in this case, all parties and attorneys are directed to remain mindful of and in compliance with the local court rules and the ABA Rules of Professional Conduct relating to extrajudicial statements by parties and attorneys and their agents.

The granting of this continuance is done to serve the “ends of justice” and “outweigh[s] the best interest of the public and the defendant[s] in a speedy trial.” 18 U.S.C.A. § 3161(h)(8)(A).

It is further **ORDERED** that the delay from this date until commencement of trial shall be excluded from all computations relative to the Speedy Trial Act pursuant to 18 U.S.C. Section 3161(h)(8)(A).

**SO ORDERED AND ADJUDGED**, this the 21<sup>st</sup> day of December, 2007.

*/s/ Neal Biggers*  
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**NEAL B. BIGGERS, JR.**  
**SENIOR U.S. DISTRICT JUDGE**