

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

UNITED STATES OF AMERICA

V.

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

RICHARD F. "DICKIE" SCRUGGS,  
DAVID ZACHARY SCRUGGS,  
SIDNEY A. BACKSTROM, AND  
STEVEN A. PATTERSON

**ORDER**

Came on to be considered this day the motion of Anthony L. Farese, counsel of record for defendant David Zachary Scruggs, moving the court to allow his withdrawal as counsel for said defendant. Mr. Farese cites as reasons in support of his motion that his withdrawal will not prejudice David Zachary Scruggs or the government and that the defendant has indicated an intent of hiring other counsel and has terminated Mr. Farese's services. Upon review of the record, however, the court finds that the defendant has not moved to substitute counsel; nor has any other attorney attempted to make an entry of appearance on behalf of David Zachary Scruggs, and if this motion were granted at this time, while Richard F. Scruggs would have five attorneys of record, Zachary would be left undefended. No further reasons are presented for the basis of this motion.

Because David Zachary Scruggs would be left with no attorney of record if the court were to grant the motion at this time and because the court will not sanction any action that would be grounds by the defendants for a future motion for a trial continuance, the court finds that Mr. Farese's motion to withdraw should be denied until such time as a new attorney makes an entry of appearance on behalf of David Zachary Scruggs and the court is assured that this motion is not made for delay.

Also on this date, attorney Kenneth H. Coghlan has filed an entry of appearance on behalf of defendant Richard F. “Dickie” Scruggs and requests notice of all future filings in this case. The record herein shows that Mr. Coghlan previously represented Richard F. Scruggs’ co-defendant, Steven A. Patterson. Mr. Coghlan moved to withdraw from that representation and to substitute attorney Hiram Eastland, Jr., on December 17, 2007. The motion was granted by Magistrate Judge Allan Alexander on December 20. Now Mr. Coghlan wants to reenter the case on behalf of Richard F. Scruggs.

Before Mr. Coghlan will be approved as attorney of record for Richard F. Scruggs, the court must receive an explanation as to why such action would not be prejudicial to Patterson if at a later date Patterson were to testify against Mr. Coghlan’s present client, Richard F. Scruggs, and thereby be subject to cross-examination by his former attorney in this case. The reverse situation would be of equal concern – that is, in the event Scruggs is called upon to testify against Patterson, his team of attorneys, including Mr. Coghlan, would have a conflict of interest by the knowledge they have gained through Mr. Coghlan’s representation of Patterson.

For the foregoing reasons, it is **ORDERED AND ADJUDGED**

that Anthony L. Farese’s Motion to Withdraw as Attorney of Record for David Zachary Scruggs is **DENIED** at this time; and

that Kenneth H. Coghlan’s Entry of Appearance on behalf of Richard F. “Dickie” Scruggs is not approved.

This, the 9<sup>th</sup> day of January, 2008.

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