

# **EXHIBIT 31**

AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR AN EXTENSION OF ORDER AUTHORIZING  
INTERCEPTION OF WIRE COMMUNICATIONS

Your affiant, William P. Delaney, being duly sworn, deposes and states as follows:

(1) I am a law enforcement officer of the United States, that is, special agent with the Federal Bureau of Investigation within the meaning of Title 18, United States Code, Section 2510(7), and as such am empowered by law to conduct investigations of and make arrests for offenses in violation of the United States Code, including those offenses enumerated in Title 18, United States Code, Section 2516.

(2) I have been employed as a special agent with the United States Department of Justice, Federal Bureau of Investigation, for 11 years. I am presently assigned to the Jackson Division of the Federal Bureau of Investigation and investigate cases involving violations of federal law including offenses of bribery (18 U.S.C. § 666), honest services wire fraud (18 U.S.C. §§ 1343 and 1346), and money laundering (18 U.S.C. § 1956).

(3) I have had extensive experience in investigation of public corruption and other white collar crime investigations and have participated in all normal methods of criminal investigations, including but not limited to visual surveillance, electronic surveillance, general questioning of witnesses and subjects, the use of search warrants, informants, cooperating witnesses, pen registers and other sophisticated investigative techniques.

**Purpose of this Affidavit**

(4) This affidavit is being submitted in support of an application pursuant to Title 18, United States Code, Section 2518, which seeks an extension of an order authorizing the interception of wire communications of Timothy Balducci and others known and unknown over a cellular telephone communications device. The subscriber and telephone are described as follows: Timothy R. Balducci: # 662-416-4243, mobile cellular telephone service by AT&T, formerly Cingular Wireless, IMSI # 310410016154428, billing address P. O. Box 1771, New Albany, MS 38652.

(5) It is further requested that in the event cellular telephone conversations are transferred outside the territorial jurisdiction of the Court, interceptions may take place in any other jurisdiction within the United States. Furthermore, it is requested that the authorization apply not only to the above-referenced cellular telephone number, but also to any changed telephone numbers or any other telephone number subsequently assigned to or used by the instrument bearing the same IMSI number as the target's cellular telephone during the pendency of authorization under the application and order supported by this affidavit.

(6) I am the case agent in this investigation and have participated in all aspects of the investigation to date and am completely familiar with the offenses to be enumerated in this affidavit.

(7) On the basis of my participation in this investigation to date and on the basis of information and statements from a credible cooperating witness, I submit that the facts contained in this affidavit show that:

- (a) There is probable cause to believe that Timothy R. Balducci, Richard "Dickie" Scruggs, Steven A. Patterson, Presley L. Blake, a/k/a "P.L.," Beau Buse, "Sid" LNU and others as yet unknown, are in the process of committing and will continue to commit violations of Title 18, United States Code, Section 666 (bribery of a state official), Title 18, United States Code, Section 1343 and 1346 (honest services wire fraud), and Title 18, United States Code, Section 1956 (money laundering).
- (b) There is probable cause to believe that particular cellular wire communications of Timothy R. Balducci and others as yet known and unknown concerning the above offenses, will be obtained through interception of such communications to and from the target cellular telephone number listed above. In particular, these communications are expected to be verbal discussions of the specifics of the above offenses under investigation, including the nature, extent and methods of the corrupt giving and agreeing to give anything of value to a state official with the intent to influence or reward a state official for official action in violation of 18 U.S.C. § 666; the nature, extent and methods of the use of wire communications to commit a fraud as defined by 18 U.S.C. § 1346; the nature, extent and methods of any actions that would violate the money laundering section, Title 18, United States Code, Section 1956; the identities and roles of any accomplices, aiders and abettors or co-conspirators in their participation in illegal activities. In addition, the wire communications sought to be intercepted are expected to constitute admissible evidence of the commission of the above-described offenses.
- (c) Normal investigative procedures have been employed and as will be seen below that further normal investigative procedures are likely to fail to produce the evidence needed to establish conspiracy to violate the above statutes as well as the substantive offenses themselves.
- (d) There is probable cause to believe that the current cellular telephone number mentioned above is being and will continue to be used in the commission of the above-described offenses.
- (8) Since this affidavit is being submitted for the limited purpose of securing extension

of authorization for the interception of wire communications, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for an order authorizing interception of wire communications. The applications and affidavits for orders to intercept wire communications referenced in paragraph (9) below are incorporated by reference herein.

(9) Based on a check of the records of the FBI as of October 15, 2007, two previous applications have been made to a judge for the authorization to intercept, or for the approval of interception of wire or electronic communications involving the persons or specified cellular telephone number specified in this affidavit. On September 25, 2007, the U. S. District Court for the Northern District of Mississippi issued an order authorizing interception of wire communications on the subject cellular telephone. On October 16, 2007, the U. S. District Court for the Northern District of Mississippi issued an order authorizing interception of wire communications for land line telephone 662-534-9803, subscribed to by Steven A. Patterson, 306 Apple Street, New Albany, Mississippi 38652. I know of no other such applications involving the persons or telephones specified.

#### **Summary of the Investigation**

(10) On March 15, 2007, a civil law suit was filed in the Circuit Court of Lafayette County, Mississippi, and styled Jones, et al. v. Scruggs, et al., being Civil Action No. LO7-135. This lawsuit concerns a dispute over division of approximately \$26.5 million in legal fees. On March 28, 2007, attorney Tim Balducci placed a telephone call to State Circuit Judge Henry Lackey, the judge assigned the Jones, et al. v. Scruggs, et al. lawsuit. Mr. Balducci requested a private meeting with the judge. Later that day, Mr. Balducci met with Judge Lackey in his chambers in Calhoun City, Mississippi. Mr. Balducci is not a party to or an attorney for any party in the lawsuit, nor has he any discernable interest in the lawsuit. During the course of the conversation, Mr. Balducci made corrupt overtures to Judge Lackey, who reported the corrupt attempt to federal officials and is cooperating with the investigation. In private meetings with the circuit judge, Mr. Balducci implied receipt of benefits and rewards to the circuit judge in return for an outcome of the lawsuit favorable to Scruggs. Mr. Balducci explained the details of the lawsuit and told the judge he would consider it a personal favor if the judge would enter an order dismissing the "vicious and almost slanderous and personal allegations or complaints" and the remainder of the lawsuit could be sent to arbitration. Mr. Balducci then said that he had something he wanted to "run by the judge" and stated that when Judge Lackey "got ready to lay down the gavel, hang up your robe" that he wanted the judge to consider becoming "of counsel" with his firm. At the conclusion of the meeting, Judge Lackey called the U. S. Attorney's office and reported the matter to two senior AUSAs. Thereafter, with the consent and cooperation of Judge Lackey, additional meetings and telephone conversations were conducted with Mr. Balducci. On May 3, 2007, Judge Lackey had a telephone conversation with Mr. Balducci at Mr. Balducci's office wherein Mr. Balducci reaffirmed his offer to the judge of his becoming "of counsel" to a new firm that Mr. Balducci was putting together with various former public officials. Mr. Balducci also told Judge Lackey that "they had changed their strategy" and would

rely on a motion to compel binding arbitration. They believed they could handle the matter best in this way. Judge Lackey indicated that he would need to meet and discuss the matter with Mr. Balducci. A meeting was arranged on May 9, 2007, and in the interim on May 4, 2007, Mr. Balducci had faxed a proposed order compelling arbitration in the Jones, et al. v. Scruggs, et al case. On May 4, 2007, Mr. Balducci called Judge Lackey, that conversation being recorded and they discussed the proposed order compelling arbitration that had been faxed from Balducci to Judge Lackey. A further meeting on May 9, 2007, was set and on that date Mr. Balducci met with Judge Lackey. During the course of that conversation, which was recorded with the consent of Judge Lackey, Mr. Balducci confirmed that the previous order he had faxed to the judge was what Mr. Scruggs wanted. At that time Mr. Balducci stated that his relationship with Dick (Scruggs) is such that "he and I can talk very privately about these matters and I have the fullest confidence that if the court, you know, is inclined to rule . . . in his favor everything will be good." Mr. Balducci further affirmed that ". . . the only person in the world outside of me and you that has discussed this is me and Dick." Mr. Balducci further stated that "they ain't . . . but three people in the world that have had this conversation . . . and two of them are in this room." Mr. Balducci went on to say that the only other person that's not in the room is Scruggs and that "he and I, um, how shall I say, over the last five or six years there are bodies buried that, that you know, that, that he and I know where . . . where are and, and my, my trust in his, mine and him and his and mine and me I'm sure are the same." Shortly thereafter the meeting concluded.

On May 21, 2007, a telephone conversation, again recorded with the consent of Judge Henry Lackey, took place between Judge Lackey and Mr. Balducci. During this conversation, Judge Lackey asked for reconfirmation about who knew about Mr. Balducci's approach to the judge concerning the order resolving the case in Mr. Scruggs' favor. Mr. Balducci assured Judge Lackey that nobody other than Balducci and Scruggs know of the arrangement suggested by Balducci to Judge Lackey.

On September 18, 2007, Judge Henry Lackey had a telephone conversation with Mr. Balducci which was recorded pursuant to consent of Judge Lackey. During the course of the conversation Judge Lackey told Mr. Balducci that he has been thinking about ". . . this thing with Mr. Scruggs and 'em and . . . I want to help him any and every way I can." Then Judge Lackey asked if "if I help them would they help me?" to which Mr. Balducci responded, "I think, no question, that would happen, yessir, no question." Mr. Balducci then said, "I think if, you know, we have to, we have to work something out, you know . . . down the road, down the road, and I think but that's, that's, uh, I think that's absolutely, absolutely in the cards." Mr. Balducci further said, "and, and listen, I'm, I'm the one that needs to handle that, you know. . . I'm the one that needs to handle the whole thing, yessir." Judge Lackey told Mr. Balducci to "talk to your man and, and just, you know, whatever you need to do holler back at me." Mr. Balducci responded that ". . . I mean, I can tell you, I know that I can get that done. . . and, uh, I mean, you know, you want to just leave that to my discretion or do you want, want to give me some kind of ideas of what I need to do, what I need to do." Judge Lackey concluded the conversation by telling Mr. Balducci just to think about and get back with him sometime when they can talk behind closed doors. Mr. Balducci then said that he will try to meet with Judge Lackey on

Friday.

Later on September 20, 2007, Judge Lackey placed a call to the subject cellular phone being used by Tim Balducci (662-416-4243). The purpose of this call was to arrange a meeting on September 21 to work out the details of what was to be provided to Judge Lackey in return for an order resolving the case in favor of Mr. Scruggs. A short time later, Mr. Balducci placed a call from the subject cellular telephone (662-416-4243) to Judge Lackey's office in Calhoun City, Mississippi, wherein the arrangements for the September 21 meeting were made. The FBI verified these calls from the pen register/trap and trace reports based on an order in place since August 27, 2007.

On September 21, 2007, Mr. Balducci arrived at Judge Lackey's office in Calhoun County, Mississippi, for a meeting with the judge concerning how a payment would be made to the judge in return for the order resolving the case in Mr. Scruggs' favor. This meeting was recorded with the consent of Judge Lackey. When the subject matter of what "help" Judge Lackey would need he suggested \$40,000 in cash to which Mr. Balducci agreed. The judge then said that the payment could be \$20,000 up front and another \$20,000 later but he needed to have this resolved before October 1. Again, Mr. Balducci agreed and said that would be no problem. Judge Lackey told Mr. Balducci that he could bring the order that he (Scruggs) wants signed. Judge Lackey emphasized again that he would not deal with anyone other than Mr. Balducci because he trusted Mr. Balducci. Balducci told Judge Lackey he would call him about meeting the following week, at which time payment would be made and the court ordered delivered. At 10:08 a.m. Judge Lackey placed a call to Special Agent Delaney and advised that Mr. Balducci had left the office. At 10:08 a.m. a call was placed from Mr. Balducci's cell phone (662-416-4243) to 662-281-1212, a listing for the Scruggs Law Firm. The call's duration was 4.02 minutes. Again this call was verified by the FBI utilizing the aforementioned pen register/trap and trace reports.

(11) On the morning of September 27, 2007, at approximately 10:00 A.M. Timothy R. Balducci met with Circuit Judge Henry L. Lackey in the judge's chambers in Calhoun City, Mississippi, at which time Balducci delivered a proposed order disposing of the aforementioned civil case and referring same to arbitration. At the same time Balducci delivered an envelope to Judge Lackey containing \$20,000.00 in cash. This meeting and conversation were recorded with the consent of Judge Lackey. During the course of this meeting, Balducci tells Judge Lackey that this cash did not come from any bank and that he (Balducci) had not gotten where he has gotten in life without having a "slush fund". An additional \$20,000.00 in cash would be delivered by Balducci at a later date and at that time Judge Lackey would provide the signed order disposing of the civil case.

(12) At approximately 11:44 A.M. on the morning of September 27, 2007, Balducci, using the target cellular telephone, places a call to Steve Patterson and tells Patterson that the issue is "Done. Handled. All is well". When questioned by Patterson, Balducci tells Patterson "well heh, what I can tell you is from this trip this morning, all is done and all is handled and all

is well". Balducci also tells Patterson that follow up has been done by me (Balducci) and indicates he has met with Scruggs and although "P.L." and Scruggs had not talked Balducci told Scruggs that "P.L." will be giving you (Scruggs) a call soon. Surveillance (physical) corroborates that Balducci left the Judge's Chambers and traveled to Oxford and went into the Scruggs Law Firm.

(13) On October 10, 2007, Steven A. Patterson placed a call to the cell phone of Timothy R. Balducci and requested Balducci to find out when the "order" would be signed. Balducci asked Patterson is there a problem with the deal and Patterson responds that "P.L." wants to know. A short time later, Balducci placed a call to Circuit Judge Henry L. Lackey and asks when could he pick up the "sweet potatoes" (order). Judge Lackey indicated probably by the end of the week. Within a few moments Balducci placed a call to Patterson and told him that the situation will be taken care of.

(14) The next meeting for the final payment of \$20,000.00 in cash and the delivery of the signed order by the Circuit Judge is tentatively scheduled for Wednesday, October 17, 2007. On the morning of October 18, 2007, Steven A. Patterson placed a call to Timothy R. Balducci at the target cellular telephone and wanted to know what was going on with the "order." Patterson told Balducci that he has talked to Scruggs about "fifteen times and gotta talk to him again." Balducci said that he, too, needs to call Scruggs. On the same morning Timothy R. Balducci, utilizing the target cellular telephone, placed a call to state Circuit Judge Henry Lackey and left a message both on Judge Lackey's cell phone and his office phone regarding the "order." A short time thereafter, Judge Lackey placed a call to Timothy R. Balducci on the target cellular phone at which time an agreement to meet that day was arranged. Later that day Timothy R. Balducci placed a call from the target cellular telephone to Judge Lackey and stated that he was "on his way." At approximately 3:45 p.m. Timothy R. Balducci met with Judge Lackey in his chambers and delivered an envelope containing \$10,000 in cash to the judge and retrieved an order signed by the judge in favor of the Scruggs Law Firm. Timothy R. Balducci told the judge that he would have the rest of the payment to him next week.

(15) On October 18, 2007, Steven A. Patterson placed a call to Timothy R. Balducci at the target cellular telephone wherein Balducci was told he needed to go to Oxford and that "order" needed to be on "Dickie's desk" and that Balducci was to pick up a package from Scruggs' desk. On October 18, 2007, Richard "Dickie" Scruggs placed a call to Steven A. Patterson wherein it was discussed that the package picked up by Balducci contained a check for \$40,000, ostensibly for "voir dire" on Katrina cases.

(16) Timothy R. Balducci was physically surveilled on October 18, 2007, entering the Scruggs Law Office in Oxford, Mississippi, and exiting the office carrying a package. It is anticipated that the final delivery of the remaining \$10,000 in cash to the judge will take place on Wednesday, October 24, 2007.

(17) Since the signed order (copy) given to Balducci and delivered to Scruggs Office on October 18, 2007, will not be entered in the court file nor mailed to the parties, the co-

conspirators' anxiety will heighten and the likelihood of incriminating conversations will increase. Coupled with the final payment date of October 24, and the possibility of confrontation with Balducci, critical conversations over the target phone will take place. Moreover, Patterson has said in intercepted conversations that he intends to leave the country for 3 or 4 weeks beginning the end of the week of October 26, 1007. Therefore, after the final payment, direct conversation over the target cell phone between Balducci and Scruggs is more likely, given the "middleman" Patterson will be unavailable.

On the afternoon of October 18, Timothy R. Balducci placed a call from the target cell telephone to someone named "Sid" at cell number 662-801-2892. Balducci tells "Sid" that he has dropped off the "papers we have been waiting on at your office" and that things look good for the people the firm hired. Balducci further says that he (Balducci) has a "advance copy" and that others will get it later. Balducci further states that he had to go "south to pick up the papers and then went to Oxford." Balducci further tells "Sid" that "Dick" hired him to handle the voir dire on the Jackson County Katrina case and as a reviewer of other juries and that he (Balducci) had been paid \$40,000 and that he had picked up that check today.

Again, late on the afternoon of October 18, Timothy R. Balducci, using the target cell telephone, called 662-534-1944 (Balducci's office in New Albany) and asked for Beau Buse. When Buse came on the line, Balducci told him "the eagle has landed." Buse says "good." Balducci further tells Buse that he is still on the square in Oxford.

These two calls, made from the target cell telephone, indicate that the conspiracy and knowing participants may be expanding. Moreover, the use of code words and cryptic expressions clearly referring to the bribe payment in return for the order favorable to Scruggs and the tendency to reach out to persons immediately before and after bribe payment meetings demonstrate the need to extend the order authorizing the interception of wire communications with respect to the target cell telephone. Additionally, the "Sid" to whom Balducci called on the target cell telephone is believed to be a member of the Scruggs Law Firm.

In addition to the instant wiretap, an order for wire communication intercept on a land line telephone of Steven A. Patterson was ordered on October 16, 2007 (662-534-9803) which has developed scope and participants in the conspiracy as have the instant wiretap. There are persons and roles that are as yet unidentified and undefined. Balducci is in contact with persons not in contact with Patterson and thus an extension would assist in discovering roles and participants in the conspiracy.

(18) Investigative techniques including consensually monitored conversations of meetings and telephone conversations have established circumstantial connection between Mr. Balducci, Mr. Scruggs, Mr. Patterson and Mr. Blake with respect to the violations of federal criminal law. However, it is the contents of the conversations between Mr. Balducci and other potential co-conspirators that is needed and the investigation to date has shown that the use by Mr. Balducci of the target cell phone number in both setting up meetings with Judge Lackey, immediate contact with the Scruggs Law Firm at the conclusion of the "agreement" meeting utilizing the target cell phone number, and sustained use of the target cell phone with other co-

conspirators after meetings and payment of bribe money in return for the "order" favorable to Scruggs.

No other investigative method that would not expose the existence of the investigation other than an order allowing for the extension interception of wire communications made to and from the target cellular telephone number will produce the necessary evidence.

The normal investigative techniques considered but rejected as likely to fail and/or exposure of the undercover operation presently existing are as follows:

1. Pen Register/Trap and Trace orders. An application and order for a pen register/trap and trace was made and an order entered August 27, 2007, and has produced records of telephone calls between the target cellular telephone and other phones providing circumstantial evidence of connections between the target subjects. However, it is the contents of the conversations that will provide critical evidence and such evidence cannot be obtained through the use of pen register/trap and trace orders. Toll records along will not demonstrate the breadth of the conspiracy or the membership. Additionally, there are calls made from the target cellular telephone to numbers which are as yet unidentified, and which are not being contacted by co-conspirator Patterson.
2. Use of informants and sources. As can be seen from the factual rendition above, this is an ongoing undercover operation with the only source being the state circuit judge who immediately reported to the U. S. Attorney's office the attempt to influence a case pending before his court. From the recorded conversations between the source and one of the target subjects, it has been stated that no one other than the source and the target subjects know of the "arrangements" between the source and the target subjects. There are no additional informants or sources that could provide the evidence sought by this application. Likewise, given the ongoing undercover investigation, the introduction of any undercover officer as a third party at this stage of the investigation would have a detrimental effect on the investigation and, in all likelihood, expose the investigation prematurely. However, if Balducci or Patterson is confronted and agrees to cooperate with the investigation while it is still "undercover," the interception of wire communications will be reconsidered at that time. If not, then critical conversations may continue on the target cellular telephone.
3. Search warrants. As previously indicated, this is an ongoing undercover operation. The use of any search warrants would immediately alert all other co-conspirators and change the investigation from covert to overt before the completion of the bribe payments for official action by the state official. In essence, any overt investigative method would sabotage this

investigation. We will apply for search warrants for at least two locations (Balducci's office and Scruggs' office) that have been identified as possible locations for documentary evidence when the investigation is no longer covert.

4. Grand jury subpoenas. As previously stated, this investigation is an ongoing undercover operation that normal overt investigative methods such as grand jury subpoenas (whether financial records or testimony would be sought) would expose and essentially end the investigation. We have utilized one subpoena for toll records from BellSouth in Atlanta, since exposure of the investigation with the subpoena was low risk. There will be an appropriate time for the use of grand jury subpoenas (Renasant Bank and Balducci Firm account and the \$40,000 check) and possibly search warrants (Scruggs Law Firm and Balducci's office), but only after the undercover phase of the investigation has been concluded. As previously stated, no normal investigative method will produce the evidence needed and maintain operational security other than an order authorizing the intercept of wire communications as set forth in this application.
5. Physical surveillance. Physical surveillance has very limited usefulness in an investigation as unique as this undercover operation. Some physical surveillance has been employed but, given the rural, small town locations, the risk of exposure is high and the likelihood of obtaining meaningful evidence slight. Physical surveillance intended to show face to face meetings between the co-conspirators is impossible, and even if successful would only show that meetings took place. Balducci has been physically surveilled (air and ground) before and after payoff meetings and observed entering and leaving the Scruggs Law Firm before and after the payoff meetings. To the extent possible physical surveillance will continue around the final payoff meeting, but is otherwise exhausted as an investigative technique.
6. Trash searches. Given the facts of this investigation, and in particular the statements that the payoff money was not withdrawn from a bank, but came from a "slush fund" the likelihood of discarded bank documents or other documentary evidence gleaned from trash searches is remote. Also, given the rural nature and small town atmosphere as referred to in paragraph 5 above, risk of exposure of the undercover investigation is a paramount concern. Trash searches at the Scruggs Law Firm and Balducci's firm would not likely produce meaningful evidence, given the shredding practice of most law firms. Trash searches at co-conspirators' homes is not feasible given the locations and likelihood of exposure.
7. Pole cam. Much like paragraph 5 above, a pole camera would only record

the comings and goings of persons at the respective law offices. Because of the location of the respective law offices, risk of exposure regarding installation is significant, and even if installed without exposure, evidence advancing the goals of the investigation is not likely to be gained using pole cameras.

(18) The requirement regarding minimization of the interceptions will be strictly followed. Before interception begins, a meeting will be held for all monitoring agents wherein the requirements of minimization will be provided including instructions on the attorney/client privilege since Mr. Balducci is an attorney at law. A memorandum regarding minimization will be provided to all monitoring agents as well as a copy for the Court order authorizing interception. A copy of that order and minimization memorandum will be posted at a listing site. Before an individual begins to intercept communications, he or she will sign a form indicating that he or she has read the affidavit, the court's order authorizing the interceptions and the minimization memorandum, and that he or she is familiar with the contents of the order and will intercept communications in compliance with the Court's order.

All wire communications will be minimized in accordance with Chapter 119 of Title 18, United States Code. Based on affiant's experience in monitoring communications, and that of other monitoring and supervising agents, many of the criminal conversations may occur during and/or be a part of an otherwise innocent conversation. Lengthy conversations that appear to be non-pertinent will be periodically monitored to determine if the conversation has become criminal in nature.

All intercepted conversations will be recorded and all recordings will be securely preserved. Logs will be prepared regarding the date and time of each call and the parties involved and the subject of the call and if and when minimization occurred.

(19) This affidavit is in support of an application for extension of authorization to intercept wire communications for a period not to exceed thirty (30) days. It is requested pursuant to Title 18, United States Code, Section 2518(5), that the period of authorization be measured from the earlier of the day on which the investigative or law enforcement officers first began to conduct an interception under this Court's order or ten days after the order is entered.


Given that the target telephone is cellular, it can be easily taken and used outside the jurisdiction of the Court. It is requested that, in the event the target cellular telephone is transferred outside the jurisdiction of this Court, interception may continue to take place in any other jurisdiction within the United States. It is further requested that the authorization sought herein will apply not only to the target cellular telephone but to any subsequent changed number assigned to the instrument bearing the same electronic serial number as the target cellular telephone.

(20) Any expenses necessarily incurred pursuant to a court order under 18 U.S.C. § 2518(4)(e) relating to technical assistance rendered to the government by a communications service provider or other persons, will be processed by the Federal Bureau of Investigation for


payment by the United States unless the Court should direct otherwise.

**Conclusion**

Your affiant believes that the facts alleged herein establish probable cause to believe that the subjects of this investigation are engaged in ongoing criminal activity and that the evidence sought will likely provide critical evidence solidifying this investigation.

  
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WILLIAM F. DELANEY  
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me, this the 24<sup>th</sup> day of Oct, 2007.

  
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SENIOR U. S. DISTRICT JUDGE  
Northern District of Mississippi

## **EXHIBIT 32**

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

**FILED**  
**OCT 24 2007**  
DAVID CHEWS, CLERK  
By J. Adam  
Deputy

IN THE MATTER OF THE  
APPLICATION OF THE UNITED  
STATES OF AMERICA FOR AN  
ORDER: (1) AUTHORIZING THE  
INSTALLATION AND USE OF  
A PEN REGISTER AND A  
TRAP AND TRACE DEVICE

DISTRICT COURT NO. 3:07 MC 19  
(Under Seal)

**ORDER**

This matter is before the Court pursuant to a written and sworn application under 18 U.S.C. §§ 2703, 3122, 3123, and 3127 and Rule 41 of the Federal Rules of Criminal Procedure by an attorney for the government, the United States Attorney for this district, applying for an order continuing the original authorization in an order dated August 27, 2007 for historical records for a period of sixty days from the date of this Order and the continued use of a pen register and a trap and trace device. After considering the matter, the court finds as follows:

(a) Pursuant to 18 U.S.C. §§ 2703(c)(1)(B) and (d), the court finds that the information contained in the Application has offered reasonable grounds to believe that crimes have been committed, to wit: violations of 18 U.S.C. §666; 18 U.S.C. §1343; 18 U.S.C. §1956; that the requested records and information of an electronic communications device assigned to telephone number 662-416-4243, a cellular telephone number serviced by AT&T, formerly Cingular Wireless, will lead to further evidence of those crimes; and that the information likely to be received from the proposed disclosure of the requested records and information will assist the investigative agency in the ongoing investigation. The Court also finds that the application sets forth specific articulable facts to reasonably believe that the subjects of the investigation are engaged in the attempted bribery of a state circuit judge in violation of Title 18 U.S.C. §666, wire fraud in violation of Title 18 U.S.C. § 1343 and money laundering in violation of 18 U.S.C. § 1956.

It is ordered, consistent with the provisions of 18 U.S.C. §§ 2703(e) and 3124(d), that no cause of action shall lie against the provider for complying with this order.

(b) The court authorizes the continued use of a pen register to record or decode dialing, routing, addressing or signaling information dialed from telephone number 662-416-4243, to record the date and time of such dialings or transmissions, and to record the length of time the telephone receiver in question is off the hook for incoming or outgoing calls for a period of sixty days from the date of the order;

(c) The court authorizes the continuation of a trap and trace device on 662-416-4243 to capture and record the incoming electronic or other impulses which identify the originating numbers or other dialing, routing addressing or signaling information reasonably likely to identify the sources of wire or electronic communications and to record the date, time and duration of calls created by such incoming impulses, without geographical limits, for a period of sixty days from the date of this Order;

(d) The court permits the use of such a pen register and trap and trace device on any changed telephone number(s) subsequently assigned to an instrument being the same IMSI, MIN, IMEI, MSID or ESN as the target telephone, or any changed IMSI, MIN, IMEI, MSID or ESN subsequently assigned to the same telephone numbers as the target telephone or any additional changed telephone number(s) and/or IMSI, MIN, IMEI, MSID or ESN, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone number as 662-416-4243;

(e) AT&T, formerly Cingular Wireless, shall notify agents of the Federal Bureau of Investigation, upon oral or written requests, of any and all changes (including additions, deletions and transfers) in service regarding the target telephone to include telephone numbers and subscriber information (published and non-published) associated with these service changes;

(f) The court directs that the furnishing of information, facilities and technical assistance necessary to accomplish the installation and operation of the pen register and trap and trace device by AT&T, formerly Cingular Wireless, occur unobtrusively and with a minimum of interference with the services that are accorded the persons with respect to whom the installation and use is to take place with reasonable compensation upon request of the provider to be paid by the Federal Bureau of Investigation for reasonable expenses incurred in providing such facilities and assistance;

(g) The Court orders that AT&T, formerly Cingular Wireless, and or any other wireless or hardline telecommunications company provide the Federal Bureau of Investigation with subscriber information, including the names, addresses, credit and billing information of the subscribers, published and non-published, for the telephone numbers being dialed to and from 662-416-4243, for a period of sixty days from the date of this Order. The Court finds that the applicant has certified that the information likely to be obtained by such installations and uses is relevant to the Federal Bureau of Investigation's investigation.

IT IS ORDERED, pursuant to 18 U.S.C. § 3123, that agents of the Federal Bureau of Investigation are authorized to direct AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications company, to continue the operation of a pen register, on telephone number 662-416-4243 incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted to said telephone number and to record the dates and times of such calls or pulsings and the duration of such incoming calls and impulses, and to provide the Federal Bureau of Investigation subscriber information for calls dialed or pulsed to said telephone number, that is, the names and addresses of subscribers of AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications provider for the telephone numbers captured

(f) The court directs that the furnishing of information, facilities and technical assistance necessary to accomplish the installation and operation of the pen register and trap and trace device by AT&T, formerly Cingular Wireless, occur unobtrusively and with a minimum of interference with the services that are accorded the persons with respect to whom the installation and use is to take place with reasonable compensation upon request of the provider to be paid by the Federal Bureau of Investigation for reasonable expenses incurred in providing such facilities and assistance;

(g) The Court orders that AT&T, formerly Cingular Wireless, and or any other wireless or hardline telecommunications company provide the Federal Bureau of Investigation with subscriber information, including the names, addresses, credit and billing information of the subscribers, published and non-published, for the telephone numbers being dialed to and from 662-416-4243, for a period of sixty days from the date of this Order. The Court finds that the applicant has certified that the information likely to be obtained by such installations and uses is relevant to the Federal Bureau of Investigation's investigation.

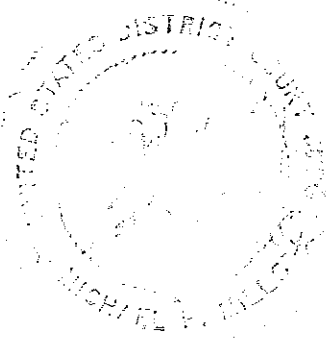
IT IS ORDERED, pursuant to 18 U.S.C. § 3123, that agents of the Federal Bureau of Investigation are authorized to direct AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications company, to continue the operation of a pen register, on telephone number 662-416-4243 incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted to said telephone number and to record the dates and times of such calls or pulsings and the duration of such incoming calls and impulses, and to provide the Federal Bureau of Investigation subscriber information for calls dialed or pulsed to said telephone number, that is, the names and addresses of subscribers of AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications provider for the telephone numbers captured.

thereon, for a period of sixty days from the date of the order.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(b)(2), that AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications company are authorized to have furnished to the Federal Bureau of Investigation and such other federal law enforcement agents as the United States Attorney may have designated all information, facilities and technical assistance necessary to accomplish said continued operations, unobtrusively and with minimum interference to services accorded persons whose telephones are to be subjects of the devices, and shall furnish the results of the pen register, trap and trace and direct connection/dispatch services and subscriber information to the Federal Bureau of Investigation and such other federal agents as the United States Attorney may have designated, at reasonable intervals during regular business hours for the duration of the Order. The Federal Bureau of Investigation will compensate AT&T, formerly Cingular Wireless, and/or any other wireless or hardline telecommunications company, for expenses reasonably incurred in complying with this Order.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d), that this Order and all applications, docket entries and other references thereto be sealed until otherwise ordered by the Court, and that AT&T, formerly Cingular Wireless, and or any other wireless or hardline telecommunications company shall not disclose the existence of the pen register, trap and trace, direct connection/dispatch services and subscriber to any other person, unless or until otherwise ordered by the Court.

ORDERED this the 24<sup>th</sup> day of October, 2007.



W. H. POZELL  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

## **EXHIBIT 33**

**FILED**

GAO 93 (Rev. 12/03) Search Warrant

NOV 16 2007

UNITED STATES DISTRICT COURT

NORTHERN

District of MISSISSIPPI

DAVID CREWS, CLERK  
By *[Signature]*  
Deputy

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

The Scruggs Law Firm, P.A.  
120A Courthouse Square  
Oxford, Mississippi 38655

SEARCH WARRANT

Case Number:

TO: S/A William P. Delaney and any Authorized Officer of the United States

Affidavit(s) having been made before me by S/A William P. Delaney, FBI who has reason to believe  
Affiant

that on the person of, or  on the premises known as (name, description and/or location)  
The Scruggs Law Firm, P.A., 120A Courthouse Square, Oxford, Mississippi 38655

in the Northern District of Mississippi there is now  
concealed a certain person or property, namely (describe the person or property)

SEE ATTACHMENT "A"

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described  
is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 11/26/2007  
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the  
search  in the daytime — 6:00 AM to 10:00 P.M. | at anytime in the day or night as I find reasonable cause has been  
established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person  
or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to  
NEAL B. BIGGERS, Senior U. S. District Judge as required by law.

U.S. Magistrate Judge (Rule 41(f)(4))

CERTIFIED TRUE COPY ATTEST  
David Crews, Clerk of Court  
United States District Court  
Northern District of Mississippi  
By *[Signature]*  
11-16-2007  
Deputy Clerk

11/16/07 @ 2:40 p.m.  
Date and Time Issued

at Oxford, Mississippi  
City and State

Neal B. Biggers, Senior U. S. District Judge  
Name and Title of Judge

*[Signature]*  
Signature of Judge

AO 93 (Rev. 12/03) Search Warrant (Reverse)

<b>RETURN</b>		<b>Case Number:</b>	
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH	
INVENTORY MADE IN THE PRESENCE OF			
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT			
<b>CERTIFICATION</b>			
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.			
_____			
Subscribed, sworn to, and returned before me this date.			
_____		_____	
Signature of Judge		Date	

## SEARCH WARRANT ATTACHMENT A

### LIST OF ITEMS TO BE SEIZED

1. The hard copy of Circuit Judge Henry Lackey's order disposing of the lawsuit styled Jones, et al v. Scruggs, et al, (Civil Action No. L0-135 in the Circuit Court of Lafayette County, Mississippi).
2. Any and all e-mail communications created, transmitted, received or stored in furtherance of this conspiracy, including but not limited to the May 4 and November 2, 2007, e-mail communications described in the Affidavit for Search Warrant.
3. Evidence of the fact that the May 4, 2007, and September 27, 2007, proposed orders are contained in a computer or computer medium or were prepared by the Scruggs Law Firm and any evidence of their receipt or propagation. Any computers and computer software and hardware (including laptop computers, desktop computers, servers, routers), digital storage devices such as hard drives, Zip disks, and floppy disks, as defined in more detail below, and computer software that were or may have been used to create the order disposing of the law suit styled Jones, et al v. Scruggs, et al, (Civil Action No. L0-135 in the Circuit Court of Lafayette County, Mississippi).

- a. Computer Hardware

Computer hardware consists of all equipment that can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. This includes any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, transistor-like binary devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- b. Digital Storage Devices

Any and all tapes, cassettes, cartridges, streaming tape, commercial software and hardware, computer disks, disk drives, monitors, computer printers, modems, tape drives, thumb drives, disk application programs, data disks, system disk operating systems, magnetic media floppy disks, tape systems and hard drive and other computer related operation equipment, in addition to computer photographs, Graphic Interchange formats and/or photographs, slides or other visual depictions of such Graphic Interchange format equipment which may be, or are used to send, receive, or store documents in an electronic

format.

c. Computer Software

Computer software is digital information that can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).

d. Computer-related Documentation

Computer-related documentation consists of written, recorded, printed, or electronically stored material that explains or illustrates how to configure or use computer hardware, software, or other related items.

e. Computer Passwords and Other Data Security Devices

Computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates as a sort of digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates “test” keys or “hot” keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or “booby-trap” protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the “computer personnel”) will make an initial review of any computer equipment and storage devices to determine whether these items can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve the data.

If the computer equipment and storage devices cannot be searched on-site in a reasonable amount of time, then the computer personnel will determine whether it is practical to copy the data during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve the data.

If the computer personnel determine it is not practical to perform an on-site search or make an on-site copy of the data within a reasonable amount of time, then the computer equipment and storage devices will be seized and transported to an appropriate law enforcement laboratory for review. The computer equipment and storage devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

In searching the data, the computer personnel may examine all of the data contained in the computer equipment and storage devices to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will need to seize and search the following items, subject to the procedures set forth above:

a. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;

b. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

c. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, thumb drives, and personal digital assistants;

d. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.

e. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

f. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

g. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

## **EXHIBIT 34**

FILED

AO 93 (Rev. 12/03) Search Warrant

UNITED STATES DISTRICT COURT

NOV 26 2007

NORTHERN

District of MISSISSIPPI

By: *David Crews*  
Deputy Clerk

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

The Scruggs Law Firm, P.A.  
120A Courthouse Square  
Oxford, Mississippi 38655

SEARCH WARRANT

Case Number:

TO: S/A William P. Delaney and any Authorized Officer of the United States

Affidavit(s) having been made before me by S/A William P. Delaney, FBI who has reason to believe  
Affiant

that on the person of, or  on the premises known as (name, description and/or location)  
The Scruggs Law Firm, P.A., 120A Courthouse Square, Oxford, Mississippi 38655

in the Northern District of Mississippi there is now  
concealed a certain person or property, namely (describe the person or property)

SEE ATTACHMENT "A"

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 12/1/2007

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search  in the daytime — 6:00 AM to 10:00 P.M. | at anytime in the day or night as I find reasonable cause has been established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to NEAL B. BIGGERS, Senior U. S. District Judge as required by law.

U.S. Magistrate Judge (Rule 41(f)(4))

CERTIFYING STAMP  
I hereby certify that the foregoing is a true copy of the original thereof now in my office.

Attest 11/26/07  
David Crews, Clerk

By: *Autw Marie*  
Deputy Clerk

11/26/07 @ 1:45 P.M.  
Date and Time Issued

at Oxford, Mississippi  
City and State

Neal B. Biggers, Senior U. S. District Judge  
Name and Title of Judge

*Neal Biggers*  
Signature of Judge

AO 93 (Rev. 12/03) Search Warrant (Reverse)

<b>RETURN</b>		Case Number:	
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH	
INVENTORY MADE IN THE PRESENCE OF			
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT			
<b>CERTIFICATION</b>			
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.			
_____			
Subscribed, sworn to, and returned before me this date.			
_____		_____	
Signature of Judge		Date	

## SEARCH WARRANT ATTACHMENT A

### LIST OF ITEMS TO BE SEIZED

1. The hard copy of Complainant Circuit Judge Henry Lackey's pretextual order supposedly disposing of the lawsuit styled Jones, et al v. Scruggs, et al, (Civil Action No. L0-135 in the Circuit Court of Lafayette County, Mississippi).
2. Any and all e-mail communications created, transmitted, received or stored in furtherance of this conspiracy, including but not limited to the May 4 and November 2, 2007, e-mail communications described in the Affidavit for Search Warrant.
3. Evidence of the fact that the May 4, 2007, and September 27, 2007, proposed orders are contained in a computer or computer medium or were prepared by the Scruggs Law Firm and any evidence of their receipt or propagation. Any computers and computer software and hardware (including laptop computers, desktop computers, servers, routers), digital storage devices such as hard drives, Zip disks, and floppy disks, as defined in more detail below, and computer software that were or may have been used to create the order disposing of the law suit styled Jones, et al v. Scruggs, et al, (Civil Action No. L0-135 in the Circuit Court of Lafayette County, Mississippi).

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- b. Digital Storage Devices

Any and all tapes, cassettes, cartridges, streaming tape, commercial software and hardware, computer disks, disk drives, monitors, computer printers, modems, tape drives, thumb drives, disk application programs, data disks, system disk operating systems, magnetic media floppy disks, tape systems and hard drive and other computer related operation equipment, in addition to computer photographs, Graphic Interchange formats and/or photographs, slides or other visual depictions of such Graphic Interchange format

equipment which may be, or are used to send, receive, or store documents in an electronic format.

c. Computer Software

Computer software is digital information that can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).

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Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the "computer personnel") will make an initial review of any computer equipment and storage devices to determine whether these items can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve the data.

If the computer equipment and storage devices cannot be searched on-site in a reasonable amount of time, then the computer personnel will determine whether it is practical to copy the data during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve the data.

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that falls within the list of items to be seized set forth herein.

In searching the data, the computer personnel may examine all of the data contained in the computer equipment and storage devices to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will need to seize and search the following items, subject to the procedures set forth above:

- a. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;
- b. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;
- c. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, thumb drives, and personal digital assistants;
- d. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.
- e. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;
- f. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and
- g. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

## **EXHIBIT 35**

FD-302 (Rev. 10-6-95)

- 1 -

**FEDERAL BUREAU OF INVESTIGATION**

Date of

transcription

Investigation on

at

Date dictated

File #

by

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your

agency;

it and its contents are not to be distributed outside your agency.

09/27/2007

The following is a recorded telephone conversation between  
TIM BALDUCCI and STEVE PATTERSON on September 27, 2007:

09/27/2007

Jackson, Mississippi

(telephonically)

194A-JN-32354

09/27/2007

SA WILLIAM P. DELANEY/jrb

TIM BALDUCCI

09/27/2007

2

On  
, Page

TIM BALDUCCI: Hello?

STEVE PATTERSON: Hey.

BALDUCCI: Must have ESPN.

PATTERSON: (laughs)

BALDUCCI: (Unintelligible)

PATTERSON: (talking simultaneously) Well, tell me what you...I was gon', one thing I wanted to tell you before I forget it, if, if you stop by, particularly since you stoppin' by there to see DICKIE...

BALDUCCI: Uh-huh.

PATTERSON: ...um, I mentioned very cryptically to P.L...

BALDUCCI: Yep.

PATTERSON: ...one day last week that I have...

BALDUCCI: Yep.

PATTERSON: ...(clears throat) I had a pretty good problem that I had solved...

BALDUCCI: Yep.

PATTERSON: ...and I was gonna go ahead and solve it...

BALDUCCI: Yep.

PATTERSON: ...what should I do? And he said solve it and if you need help, let me know.

BALDUCCI: Well, that's exactly what I was gonna tell him today, is that I was just gonna tell him that I've taken care of somethin' you and I have gotten handled...

PATTERSON: Mm-hmm.

BALDUCCI: TIM BALDUCCI

...and uh, that 11/17/2007 gonna get3  
uh, you to talk to P.L. and let  
P.L. visit with him at some  
point.

PATTERSON:

I've already done that. I mean,  
all I've, P.L. doesn't know  
what it's about or anything.  
He just, he does the amount,  
but...

BALDUCCI:

Ok. What'd you tell him?

PATTERSON:

Forty.

BALDUCCI:

Ok, so you didn't pad it?

PATTERSON:

No. Uh...

BALDUCCI:

Great job. Way to go.

PATTERSON:

Yeah, I just told him the  
truth.

BALDUCCI:

Alright.

PATTERSON:

And I said...

BALDUCCI:

Ok.

PATTERSON:

...do I go ahead and take care  
of it or what? And he said  
yeah, go ahead and take care of  
it.

BALDUCCI:

Yeah. Alright. Fine.

PATTERSON:

I said, well we've already  
taken care of half of it.

BALDUCCI:

Yeah. Ok. Well, I'ma just  
reinforce that...

PATTERSON:

Yeah.

BALDUCCI:

...this mornin'.

PATTERSON:

Ok.

BALDUCCI:

Um, I just stopped by his  
office um, to pick up that  
thing that SID had gotten for  
me...

PATTERSON:

Mm-hmm.

BALDUCCI: TIM BALDUCCI

...um, and I called BETHIE 4  
(phonetic) and she said he's  
gonna be there this mornin'...

PATTERSON:

Ok.

BALDUCCI:

...so, I'm gonna go back on my  
way back through...

PATTERSON:

Mm-hmm.

BALDUCCI:

...and I'ma...

PATTERSON:

Oh, you're on, you're over  
there now?

BALDUCCI:

Uh-huh. I'm leaving Oxford  
now...

PATTERSON:

Ok.

BALDUCCI:

...heading south.

PATTERSON:

Ok.

BALDUCCI:

And um, so what I'ma do is I'ma  
come back through here, I'ma  
stop and see him. I'm gonna  
lead with this issue and then  
I'm gonna tell him I need you  
to make two calls.

PATTERSON:

Yeah.

BALDUCCI:

And get him to make those two  
phone calls.

PATTERSON:

Yeah. Uh, mention IUPE to him.

BALDUCCI:

Ok.

PATTERSON:

And uh, see what his reaction  
is.

BALDUCCI:

Ok.

PATTERSON:

I think it'll be very positive.

BALDUCCI:

Ok.

PATTERSON:

Uh, did you ever talk to Z  
(phonetic)?

BALDUCCI:

The mother fucker never called  
me back STEVE. You know, he  
called me on my cell phone. He

was on his. I tried to talk to  
him for about 20 or 27 minutes... 5

On  
, Page

PATTERSON:

Yeah, you told (UI)

BALDUCCI:

...and I said, Z, I just, I cannot communicate with you. I'm gettin' every third word you're sayin'.

PATTERSON:

Mm-hmm.

BALDUCCI:

He said, well I'll be home in about twenty or thirty minutes. I'll call you back. And the mother fucker never called me back.

PATTERSON:

Alright, do you have your call with uh, guys in Richmond?

BALDUCCI:

Yeah, I did. I did.

PATTERSON:

Any names?

BALDUCCI:

(UI) Uh, he, you know, frankly what they were saying, what he was saying, DONALD MCKETCHEN sayin' that uh, that the way that the bill is being marked right now, that in the Senate that they're gonna get around the cap he thinks. And he's supposed to be faxin' me this morning some dead man's documents about the Senate markings. So...

PATTERSON:

So, but in other words, what he was sayin' was good news?

BALDUCCI:

Good news. And what he was sayin', though, is (UI)...

PATTERSON:

He might not be accurate, but good news.

BALDUCCI:

Well he, I think it is, 'cause he's got fuckin'...

PATTERSON:

Ok.

BALDUCCI:

...documents and he was tellin' me, you know, I think my intell may be better in pressure than yours...

PATTERSON:TIM BALDUCCI

Mm-hmm.

09/27/2007

6

On  
, Page

BALDUCCI:

...from what you got on the House side...

PATTERSON:

Mm-hmm.

BALDUCCI:

...and he said, you know, if this is the case, we really need to push on the Senate bill and he was telling me the message was you guys gotta get your man in line on the House side if this comes out of the Senate.

PATTERSON:

Yeah, well we, we can handle that.

BALDUCCI:

And that's, I said, look you know, we...

PATTERSON:

That's done.

BALDUCCI:

...we all for, we all for gettin' the best bill...

PATTERSON:

Yeah.

BALDUCCI:

...to the floor. So.

PATTERSON:

Yeah, that's done.

BALDUCCI:

So yeah, so it's...

PATTERSON:

(UI) that's good news. Alright. And are they gonna meet us up there three o'clock Saturday?

BALDUCCI:

Yeah, and here's what we're gon' do. I've been on the phone with BIDEN this mornin', that would be JIM BIDEN. I'm not tryin' to be like JOEY.

PATTERSON:

(laughs) (UI)

BALDUCCI:

And um, you and I, the plan now is, me, you and NORMAN are gonna leave at eight o'clock from New Albany Saturday.

PATTERSON:

Yeah.

BALDUCCI:

So, I'll come pick you up Saturday morning...

PATTERSON:TIM BALDUCCI

Ok. 09/27/2007 7

On  
, Page

BALDUCCI: ...at your house, and we'll leave from eight, at eight o'clock from New Albany Saturday, and we're gonna get there around noon, and we're gonna meet the BIDENS around noon.

PATTERSON: Ok.

BALDUCCI: Then we're gonna meet the black farmers at three.

PATTERSON: Ok.

BALDUCCI: And we're gonna go to the dinner at seven.

PATTERSON: Is JIMMY...

BALDUCCI: (UI)

PATTERSON: ...and them going to the dinner with us?

BALDUCCI: I don't know yet.

PATTERSON: Ok.

BALDUCCI: I don't know yet. Then um, we may or may not meet with STITH (phonetic) just me and you Sunday morning.

PATTERSON: Ok.

BALDUCCI: JIMMY...

PATTERSON: That'd be fine, anyway

BALDUCCI: ...and SARAH, yeah, JIMMY and SARAH can't stay...

PATTERSON: Yeah.

BALDUCCI: ...but um, we may or not, dependin' that he's gonna talk to STITH...

PATTERSON: Ok.

BALDUCCI: ...and let us know, so.

PATTERSON: Ok. That'd be good.

FD-302a (Rev. 11-6-97) - 32354

Continuation of FD-302 of

BALDUCCI: TIM BALDUCCI

On  
, Page

So either we're gonna meet with  
STITH Sunday mornin' and come  
home or either we're gonna do  
nothin', just get up and come  
home...

PATTERSON:

Come home Sunday mornin'. Yeah,  
ok. Alright, good enough. That,  
that's good plan.

BALDUCCI:

Yeah.

PATTERSON:

Call me durin' the day.

BALDUCCI:

Alright. Bye.

PATTERSON:

Bye. (hangs up)

(END OF CONVERSATION)

## **EXHIBIT 36**

FD-302 (Rev. 10-6-95)

- 1 -

**FEDERAL BUREAU OF INVESTIGATION**

Date of

transcription

Investigation on

at

Date dictated

File #

by

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10/11/2007

The following is a recorded telephonic conversation between  
TIM BALDUCCI and HENRY LACKEY on October 10, 2007:

10/10/2007

Jackson, Mississippi

(telephonically)

194A-JN-32354

10/11/2007

SA WILLIAM P. DELANEY

(Rings several times)

HENRY LACKEY:

Hello?

TIM BALDUCCI:

Uh, Hey Judge, It's Tim.

HENRY LACKEY:

Hey, Hee..Hee..He..

TIM BALDUCCI:

How ya doing buddy?

HENRY LACKEY:

Doing good...

TIM BALDUCCI:

Good..good..You got just  
a second?

HENRY LACKEY:

Have plenty of time.

TIM BALDUCCI:

Good..um..Listen, I was  
just calling to uh..ask  
you you know uh..I was  
gonna get those sweet  
potatoes delivered to my  
friend down there..

HENRY LACKEY:

Oh..yeah!

TIM BALDUCCI:

And I was just wondering  
do you have any idea when  
you might get those that  
that bushels of sweet  
potatoes..uh..down  
there..uh where I can get  
em..uh.. over to him?

HENRY LACKEY:

Okay? Uh..Ah., Let  
me..uh., I will,  
..Uh..Yeah, Yeah..it ta  
should be..uh..should be  
tomorrow or the next day,  
if that's okay?

TIM BALDUCCI:

Naw, that's fine. He was  
just asking me uh, uh  
about it you know it..

HENRY LACKEY:

Sure..sure..

TIM BALDUCCI:

..and when, when, I might  
have that uh ready to be

On  
, Page

HENRY LACKEY:

Well..

TIM BALDUCCI:

..I told him I'd just a call and check on it just to make sure so you figured by the end of the week it'll...

HENRY LACKEY:

Oh yeah..Yes sir.

TIM BALDUCCI:

..they'll..probably be ready.

HENRY LACKEY:

Yes, sir.

TIM BALDUCCI:

Oh, Okay..well good..good.

HENRY LACKEY:

Alright, I think that's right..

HENRY LACKEY:

Uh, how have you've been doing?

TIM BALDUCCI:

I'm great..I'm doing good. How about yourself?

HENRY LACKEY:

Alright, When you cuttin out?..cutting out?

TIM BALDUCCI:

Uh, I'm leaving Friday... leaving Friday.

HENRY LACKEY:

Oh, Ha Ha, I'm telling you...uh..well, I..

TIM BALDUCCI:

But, I'll be back.

HENRY LACKEY:

I..I envy you to..

TIM BALDUCCI:

Ha Ha.

HENRY LACKEY:

..be able to uh to do that, uh, I tell ya that's that that'll be alot of fun.

TIM BALDUCCI:

Uh, huh.

HENRY LACKEY:

Is it..

TIM BALDUCCI:

It's gonna be a nice little trip. But I'll

TIM BALDUCCI

I'll see ya when I get  
back.. 10/10/2007

On  
, Page

HENRY LACKEY:

Okay..

TIM BALDUCCI:

Listen..I appreciate you  
uh taking care of that  
and..uh.

HENRY LACKEY:

Yeah, sure.

TIM BALDUCCI:

..listen, uh, let me know  
uh if I need to get back  
up with you too, okay...  
causes I..I..I'm uh I've  
got uh...

HENRY LACKEY:

I think..uh..

TIM BALDUCCI:

I've got..got..I'm..uh..

HENRY LACKEY:

I think..uh..

TIM BALDUCCI:

I've gotta see ya about  
finishing up on that other  
deal so..uh..

HENRY LACKEY:

Okay..alright..

TIM BALDUCCI:

..so..uh..let me know..uh

HENRY LACKEY:

I..I..I'll do that..thank  
you so much..Bud..uh..

TIM BALDUCCI:

Thank you..I appreciate  
you..okay..

HENRY LACKEY:

Uh, huh..

TIM BALDUCCI:

okay..

HENRY LACKEY:

See ya now..

TIM BALDUCCI:

Bye, bye.

HENRY LACKEY:

Uh, huh, bye, bye..

TIM BALDUCCI:

Thank you.

(both hang up)

FD-302a (Rev. 11-6-97) - 32354

Continuation of FD-302 of TIM BALDUCCI

10/10/2007

5

On  
, Page

## **EXHIBIT 37**

FD-302 (Rev. 10-6-95)

- 1 -

**FEDERAL BUREAU OF INVESTIGATION**

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01/24/2008

The following is a recorded telephone conversation between  
TIMOTHY BALDUCCI and SID BACKSTROM on October 31, 2007:

10/31/2007

Jackson, Mississippi

(telephonically)

194A-JN-32354

01/24/2008

SA WILLIAM P. DELANEY/jrb

FD-302a (Rev. 11-16-97) 152954

Continuation of FD-302 of

TIM BALDUCCI

10/31/2007

2

On  
, Page

TIMOTHY BALDUCCI:

(Unintelligible) (UI)

VICKIE (LAST NAME UNKNOWN) (LNU):

Good afternoon, SCRUGGS LAW FIRM.

UNIDENTIFIED MALE (UM):

(talking in background) Uh (UI)?

BALDUCCI:

Yeah.

UM:

I just thought he (UI)

BALDUCCI:

Hey?

VICKIE (LAST NAME UNKNOWN) (LNU)

Hello?

BALDUCCI:

Uh, is SID there?

VICKIE (LAST NAME UNKNOWN) (LNU)

Yes. May, I say who's calling?

BALDUCCI:

Hey, it's TIM.

VICKIE (LAST NAME UNKNOWN) (LNU)

Hey, TIM. How are ya?

BALDUCCI:

I'm good, VICKIE. How you doin' hon?

VICKIE (LAST NAME UNKNOWN) (LNU)

Good. Hold on.

BALDUCCI:

Good. Thanks. Hang on one second. Just go up that gate right there when you get out, don't get out yet...

(beeping sound)

BALDUCCI:

...just, when you do, just go right up there.

SID BACKSTROM:

What up, super dog?

BALDUCCI:

What's happenin', huckleberry?

BACKSTROM:

Uh, not a lot.

BALDUCCI:

Um, you gonna be there tomorrow?

BACKSTROM:

Uh, I think so. I'm, I'm debate...

BALDUCCI:

Alright.

(beeping sound)

BACKSTROM:

...I'm trying to (laughs), trying to beg off doing a

On  
, Page

BALDUCCI:

Alright. Um, alright, I need to see you tomorrow. I've got an agenda of some items I need to (UI), I need about a hour's worth of your undivided...

BACKSTROM:

Oh my...

BALDUCCI:

...time and attention.

BACKSTROM:

...GOD. An hour?

BALDUCCI:

(talking simultaneously) Naw, but listen...yeah, about an hour and some of my agenda has the possibility of making you some money.

BACKSTROM:

Really?

BALDUCCI:

Really, so unlike most of the meetings when I come over there that are geared toward making me money...

BACKSTROM:

Mm-hmm.

BALDUCCI:

...this one, this meeting, a small portion of this meeting has to do with making you some money.

BACKSTROM:

(laughs)

BALDUCCI:

(laughs) How you like that?

BACKSTROM:

A small portion. I like that.

BALDUCCI:

A small portion (laughs).

BACKSTROM:

Yeah.

BALDUCCI:

Alright.

BACKSTROM:

Uh...

BALDUCCI:

If you're gonna be around, I'ma come over there. I'll be there, I'll come over there some time mid morning, maybe we can hook up.

BACKSTROM:

Uh ok. Um, I wanted to ask you too...oh, um, about that thing

that you been working on, the  
jury research 10/31/2007

On  
, Page

BALDUCCI: Yeah?

BACKSTROM: Um, I, I still haven't gotten that document...

BALDUCCI: Yeah...

BACKSTROM: ... (UI)

BALDUCCI: ...uh, I know. I'm, that's, that's why I'ma be over there tomorrow.

BACKSTROM: Yeah. Yeah, and there's...

BALDUCCI: That's why I'ma, that's, that's why I'ma be your way tomorrow, so.

BACKSTROM: Yeah.

BALDUCCI: That's one of the things we'll get hammered out tomorrow.

BACKSTROM: Yeah. And DICK's about to melt down 'cause, you know, you know why.

BALDUCCI: Oh...

BACKSTROM: (laughs)

BALDUCCI: ...absolutely.

BACKSTROM: (laughs)

BALDUCCI: Absolutely, but no, I'm, I'm gettin' that, gettin' that handled in the mornin'...

BACKSTROM: Yeah.

BALDUCCI: ...as a matter of fact.

BACKSTROM: Yeah. Yeah.

BALDUCCI: That, that's what I, why I'll be over yonder, so.

BACKSTROM: Good. Um...

BALDUCCI: (UI)

BACKSTROM: Ok, um, hey, did you get my

On  
, Page

BALDUCCI: Absolutely.

BACKSTROM: You comin'?

BALDUCCI: Absolutely. Wouldn't miss it for, for anything.

BACKSTROM: That's awesome. Um, are you gonna stay in your apartment?

BALDUCCI: (sighs) Uh, I don't know, because I think, damnit, I think we've already let some, somebody have dibs on it, so.

BACKSTROM: Really?

BALDUCCI: Yeah, um...

BACKSTROM: Are you rentin' it out or just lettin' friends use it or somethin'?

BALDUCCI: No, like some, I think uh, somebody's already, you know, a friend is already asked and comin' up for the weekend for the ball game. He's already asked to stay there, so...

BACKSTROM: Mm-hmm.

BALDUCCI: ...think I'm out.

BACKSTROM: Mm-hmm.

BALDUCCI: (UI) checked on it.

BACKSTROM: (talking simultaneously) Wow. Kicked out of your own place. That's tough to do.

BALDUCCI: That sucks, doesn't it.

BACKSTROM: (laughs)

BALDUCCI: Yeah. Alright, but I'll uh, I'll be over there tomorrow.

BACKSTROM: Alright, man. See ya.

BALDUCCI: Appreciate you. Bye.

BACKSTROM: Alright. Bye. (hangs up)

FD-302a (Rev. 11-6-97) - 32354

Continuation of FD-302 of TIM BALDUCCI

10/31/2007

6

On  
, Page

(END OF RECORDING)

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