

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:07CR192

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

**GOVERNMENT'S MEMORANDUM IN OPPOSITION  
TO DEFENDANT BACKSTROM'S RENEWED  
MOTION FOR A SEVERANCE**

Comes now the United States by and through the United States Attorney's Office for the Northern District of Mississippi and submits this its Response in Opposition to Defendant Backstrom's Renewed Motion for Severance and would show unto the Court the following:

1.

The defendant Backstrom seeks to renew his motion for severance with a rehash of his previous arguments, all of which have been considered by the Court and rejected. There is nothing in the renewed motion that articulates ". . . the most compelling prejudice against which the trial court would be unable to afford protection." United States v. Perez, 489 F.2d 51 (5<sup>th</sup> Cir. 1973), cert. denied, 417 U.S. 945 (relying on Opper v. United States, 348 U.S. 84, 95 (1954)).

2.

The United States incorporates by reference its previously submitted Memorandum Brief in Opposition to Defendant Backstrom and Zachary Scruggs' Motion for Severance Pursuant to Rule 14 of the Federal Rules of Criminal Procedure [109].

### **Conclusion**

Rule 14 of the Federal Rules of Criminal Procedure places the issue of severance within the sound discretion of the trial court. This Court has previously considered this motion and denied same pursuant to well established law of the Fifth Circuit Court of Appeals and the Supreme Court of the United States. The renewed motion offers no basis upon which this Court should change its previous ruling. The renewed motion for severance should be denied.

Respectfully submitted,

JIM M. GREENLEE  
United States Attorney

*/s/ Thomas W. Dawson*

By:

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*/s/ Robert H. Norman*

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**CERTIFICATE OF SERVICE**

I, THOMAS W. DAWSON, First Assistant United States Attorney, hereby certify that I electronically filed the foregoing **GOVERNMENT'S MEMORANDUM IN OPPOSITION TO DEFENDANT BACKSTROM'S RENEWED MOTION FOR A SEVERANCE** 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 13th day of March, 2008.

/s/ Thomas W. Dawson  
THOMAS W. DAWSON  
First Assistant United States Attorney