

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

UNITED STATES OF AMERICA

PLAINTIFF

VERSUS

CRIMINAL ACTION NO: 3:07CR00192 NBB-SAA

**RICHARD F. "DICKIE" SCRUGGS;
DAVID ZACHARY SCRUGGS;
SIDNEY A. BACKSTROM; TIMOTHY
R. BALDUCCI; STEVEN A. PATTERSON;**

DEFENDANTS

**MOTION FOR ACCESS TO PRESENTENCING LETTERS
CONCERNING DEFENDANTS**

COMES NOW Gulf Publishing Company, Inc. ("Gulf Publishing") which publishes the *Sun Herald* newspaper in South Mississippi and files this its Motion for Access to Presentencing Letters Concerning Defendants and in support would show it understands that members of the public have written letters to the Court to be considered as it determines and pronounces sentencing of Defendants Richard F. "Dickie" Scruggs, David Zachary Scruggs, Sidney A. Backstrom, Timothy A. Balducci and Steven A. Patterson.

Gulf Publishing would further show that nothing, including Rule of Criminal Procedure 32 and Uniform Local Rule 83.6, prohibits the Court from allowing access to the press and public to letters written to the Court concerning factors in favor of or against Defendants as the Court considers sentencing the Defendants.

Gulf Publishing would further show that the public should learn and Gulf Publishing should be free to report about the basis for the sentences the Court is about to pass upon the Defendants in this case, which is of extreme public interest and which involves members of the Mississippi State Bar pleading guilty to influencing or attempting to influence a judge in related

civil litigation. While such letters of recommendation or condemnation from the public to the Court may be off the record and not actually “filed”, allowing the public to learn at least a part of the basis for the terms of Defendants’ sentences educates the public in this highly important and closely followed case and fosters confidence in the judicial process.

In further support of the motion Gulf Publishing cites *McClatchy Newspapers, Inc. v. United States District Court*, 288 F. 3d 369 (9th Cir. 2002) for the proposition that proffer letters offered by a criminal defendant in connection with his motion to reduce his criminal sentence should be made available to the press and public since their subject matter was of “legitimate public interest”. *McClatchy Newspapers*, 374.

Gulf Publishing therefore requests the Court to allow access to presentencing letters written on behalf of or against the Defendants prior to the sentencing of each Defendant, and in the alternative, Gulf Publishing requests that these letters be made exhibits to the sentencing hearing and thereafter filed with the Clerk so that Gulf Publishing and the public may have access to them.

Respectfully submitted, this the 17th day of June, 2008.

GULF PUBLISHING COMPANY, INC.

By Its Attorneys,

WATKINS LUDLAM WINTER & STENNIS, P.A.

By: s/Henry Laird
Henry F. Laird, Jr., Esq.
hlaire@watkinsludlam.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the foregoing Motion for Access to Pre-Sentencing Letters Concerning Defendants by using the ECF system which sent notification of such filing to the following:

Jan Nielsen Little

KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111-1704
Email: jlittle@kvn.com

Brook Dooley

KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111-1704
Email: bdooley@kvn.com

John W. Keker

KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111-1704
Email: jkeker@kvn.com

Travis LeBlanc

KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111-1704
Email: tleblanc@kvn.com

Warren A. Braunig

KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111-1704
Email: wbraunig@kvn.com

William Monroe Quin, II

The Quin Firm, PLLC
P O Box 16368
Jackson, MS 39236
601-957-7811
Email: wquin@quinlaw.com

Nathan F. Garrett

GRAVES BARTLE & MARCUS, LLC
1100 Main Street, Suite 2600
Kansas City, MO 64105
Email: ngarrett@gbmkc.com

Todd P. Graves

GRAVES BARTLE & MARCUS, LLC
1100 Main Street, Suite 2600
Kansas City, MO 64105
Email: todd.graves@pobox.com

Christopher Tarver Robertson

SCRUGGS LAW FIRM
P.O. Box 1136
Oxford, MS 38655
Email: chrisrobertson@scruggsfirm.com

David Lee Martin

MIKE MOORE LAW FIRM, LLC
10 Canebrake Blvd., Suite 150
Flowood, MS 39232
Email: lm@mikemoorelawfirm.com

Edward D. Robertson, Jr.

BARTIMUS FRICKLETON ROBERTSON
GORN
11150 Overbrook Road, Suite 200
Leawood, KS 66211

Mary D. Winter

BARTIMUS FRICKLETON ROBERTSON
GORN
11150 Overbrook Road, Suite 200
Leawood, KS 66211

Michael C. Moore
MIKE MOORE LAW FIRM, LLC
10 Canebrake Blvd., Suite 150
Flowood, MS 39232
Email: mm@mikemoorelawfirm.com

Frank W. Trapp
PHELPS DUNBAR
P.O. Box 23066
Jackson, MS 39225-3066
Email: trappf@phelps.com

This the 17th day of June, 2008.

By: s/Henry Laird
Henry F. Laird, Jr., Esq.
hlaird@watkinsludlam.com

Henry Laird, Jr. (MSB No. 1774)
WATKINS LUDLAM WINTER & STENNIS, P.A.
2510 14th Street, Suite 1125 (39501)
Post Office Drawer 160
Gulfport, Mississippi 39502
Telephone: (228) 864-3094
Facsimile: (228) 864-0516