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U.S. DISTRICT COURT
N.D. OF ALABAMA

F I L E D

March 23, 2004

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CR-03-8E-5305

VIA FACSIMILE AND FIRST CLASS MAIL

Honorable T. Michael Putnam
Chief United States Magistrate Judge
United States District Court
Northern District of Alabama
Hugo L. Black U.S. Courthouse
1729 Fifth Avenue North
Birmingham, AL 35203

Re: United States v. Richard M. Scrushy

Dear Judge Putnam:

When we were last in chambers, I mentioned that I would be writing a letter to request a modification in one of the conditions of Mr. Scrushy's release -- the restriction on his travel to Baldwin and Mobile Counties in Alabama.

The Court now has almost a half-year of experience in dealing with Mr. Scrushy's compliance with all conditions of release. As the Probation Office will attest, he has been meticulous in his following each and every provision. The record should be very clear that he has every intention of defending this case: he has hired counsel, filed motions, been engaged in discovery, attended court hearings, etc. In addition, since being charged he has become even more involved in the community. His television program is certainly a clear indication of a person who is staying and fighting. Were that not enough comfort, the Court should be aware of that fact that Mrs. Scrushy is pregnant and is expecting in early September. Mr. Scrushy is not going to abandon his wife and new baby nor is he going to take the risk of trying to take them on what would be a terrible journey and life as a fugitive.

A recent development in another case is also instructive. In *United States v. Bernard Ebberts*, the government also raised the issue of travel with respect to another former CEO in a high profile case. This was at the beginning of the case when there was

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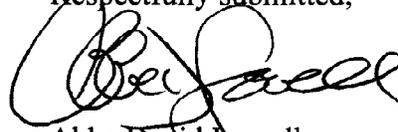
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no track record of how the defendant would or would not comply with conditions of release. Even still, the Court provided travel outside and inside his home state of Mississippi. As to Mississippi, Mr. Ebbers was allowed unrestricted to travel in the entire state, including the portion of the state with access to the Gulf of Mexico.

One further point should be made. When you first imposed conditions of release in November, there was a presumptive trial date for early 2004. That was changed to August, 2004, and very well may change again. This also supports the request Mr. Scrusby is making since there will be a considerable time to trial.

Your honor, the extensive ties that Mr. Scrusby already has and continues to create in this community, his exemplary record of compliance, comparisons to other cases, and the trial schedule all support this request. Accordingly, we ask that it be approved.

Respectfully submitted,



Abbe David Lowell

cc: Counsel of Record