

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**FILED**

**04 OCT 13 PM 2:05**

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

UNITED STATES OF AMERICA,

v.

Case No. CR-03-BE-0530-S

RICHARD M. SCRUSHY,

Defendant.

**MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS**

COMES NOW Defendant Richard M. Scrusby, by and through his undersigned counsel of record, and moves this Court for an Order extending until October 29, 2004, for the filing of pretrial motions in the above captioned-matter. In support of this request, Defendant respectfully shows this Court the following:

1. On September 29, 2004, Defendant was arraigned on a fifty-eight count superseding indictment. Pursuant to Fed. R. Crim. P. 12, Defendant's pretrial motions are presently due no later than October 14, 2004.

2. In addition to the motions that Defendant will file by October 14, 2004, Defendant is respectfully requesting until October 29, 2004 to file any additional motions and supporting legal authorities.

3. Each of the motions on which Defendant seeks additional time are substantive in nature and will require appropriate work to re-formulate in light of the changes contained in the superseding indictment (which eliminated numerous counts and added four new charges). These motions will incorporate all previous litigation and rulings from the Court which relate to previously filed motions in this case. The superseding indictment also includes new sentencing

allegations in response to Blakely v. Washington, 124 S.Ct. 2531 (2004). These allegations require additional investigation and research in support of motions which may be filed on behalf of the Defendant.

4. Defendant does not seek additional time for purposes of delay, and the filing of these motions on or before the requested date of October 29, 2004, will not cause any delay in the current schedule set by this Court.

5. Upon consultation with Richard Smith of the Fraud Division, United States Department of Justice, we are authorized to represent to the Court that the government does not object to this motion. The Defendant agrees to the government having a similar amount of additional time to respond to Defendant's motions.

Based on the foregoing showing, Defendant respectfully prays that this Court issue an Order permitting him to complete his pretrial motions on or before October 29, 2004, and for such other and further relief as this Court may deem just and proper.

This 13<sup>th</sup> day of October, 2004.

Respectfully submitted,



Arthur W. Leach  
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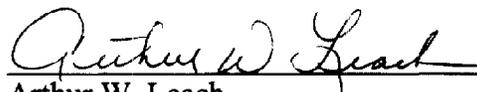
Attorneys for Richard M. Scrusby

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Extend Time to File Pretrial Motions was served by hand delivery to:

Alice Martin  
United States Attorney  
Northern District of Alabama  
U.S. Department of Justice  
1801 4<sup>th</sup> Avenue North  
Birmingham, Alabama 35203

This 13<sup>th</sup> day of October, 2004.



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Attorney for Richard M. Scrusby