

FILED

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

DEC 17 2003
11:30
DC

UNITED STATES OF AMERICA,)
)
 v.)
)
RICHARD M. SCRUSHY,)
 Defendant.)

CR-03-BE-0530-S

Response to
Motion to Modify Conditions of Release

Comes now the United States, by and through the United States Attorney for the Northern District of Alabama, and responds to the *Defendants Motion to Modify Conditions of Relief* filed December 16, 2003, as follows:

1. The United States opposes permitting the defendant to travel to Baldwin and Mobile counties. The defendant has the ability to pilot boats capable of leaving the United States. The fact that he owns a marina indicates he has ready access to such boats. A major concern of the United States is the lead time the defendant would have if he had practically immediate access to international waters. If he contends that access to the Florida border permits him the same lead time to flee as direct access to coastal water, than the United States also opposes permitting him to travel to any counties bordering Florida. The United States believes that the defendant has trusted lieutenants and a businesswoman wife who can take care of any business concerns on the coast. He also has sufficient communication skills and equipment to remotely handle such business himself. If a particular occasion arises that indicates a need for him to be physically present, he can make special arrangements satisfactory to the Probation Office.

2. Mr. Scrushy is a pilot. Requiring him to take an attorney is a real deterrent to flight. The United States believes it is a psychological deterrent. Further, should the defendant take an aircraft to a foreign country with an attorney aboard, it would amount to

kidnaping, not only in the United States, but in the country of destination, which would subject the defendant to almost certain imprisonment, a further deterrent. The United States does not agree that it is burdensome for the defendant to fly commercially.

3. The United States does not believe it is necessary for the defendant to visit the property in Florida. He can send his wife or trusted lieutenants to take care of any necessary business. The United States does not believe it is necessary for an owner to be present to sign contracts or close on real estate sales in Florida.

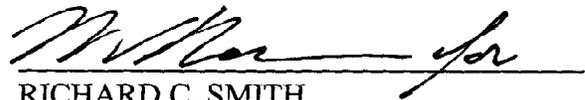
4. The United States does not agree that the conditions of release are materially different from conditions for similarly situated defendants.

Respectfully submitted, this the 18th day of December, 2003

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Certificate of Service

The United States certifies that a copy of the aforesaid has been served by mailing the same by First Class United States Mail, this date, to the defendant's attorneys of record:

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