

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 09 CR 002-2
v.)	Judge Glen H. Davidson
)	Magistrate Judge S. Allan Alexander
BOBBY B. DELAUGHTER)	
)	
Defendant.)	

**DEFENDANT DELAUGHTER’S UNOPPOSED MOTION TO HOLD IN ABEYANCE
ANY RESOLUTION OF HIS MOTION FOR INSPECTION OF GRAND JURY
MINUTES AND FOR AN EXTENSION OF TIME TO FILE HIS REBUTTAL**

Defendant, **BOBBY B. DELAUGHTER**, by and through his attorneys, **THOMAS ANTHONY DURKIN, JOHN D. CLINE, and LAWRENCE L. LITTLE**, pursuant to the Due Process and Effective Assistance of Counsel provisions of the Fifth and Sixth Amendments to the Constitution of the United States, respectfully moves this Court to hold in abeyance any resolution of his March 26, 2009, Motion For Inspection of Grand Jury Minutes, and for an extension of time within which to file his Rebuttal to the Government’s response to the same, filed on April 9, 2009. The government has no objection to the granting of this relief.

In support of this motion, Defendant, through counsel, shows to the Court the following:

1. On April 9, 2009, the government filed five pleadings in response to Defendant’s Pre-Trial Motions filed on March 26, 2009. Counsel have filed simultaneously herewith two replies to three of these pleadings, captioned as follows:

- (i) Combined Rebuttal in Support of Defendant DeLaughter’s Motions To Dismiss Counts One And Two Through Four For Failure To Charge An Offense; and,
- (ii) Rebuttal in Support of Defendant DeLaughter’s Motion For Pretrial Hearing Concerning Co-Conspirators’ Statements.

2. Counsel are also in the process of preparing Defendant's reply or rebuttal to the Government's Response to Defendant's Motion For Bill of Particulars. Said reply or rebuttal is due to be filed on or before April 16, 2009.

3. In light of certain positions taken by the government in its pleading with respect to production of the grand jury minutes, counsel for Defendant require time to investigate certain matters and to confer with government counsel as well as Defendant's prior counsel. These matters cannot be accomplished in the allotted time of five business days for the reply under the Local Rules.

4. On April 14, 2009, undersigned counsel Durkin had a telephone conversation with AUSA Bob Norman concerning these issues and a meeting was scheduled in Oxford for Monday, April 27, 2009. In the same conversation, AUSA Norman stated to counsel that he could represent to the Court that the government has no objection to holding a resolution of the grand jury minutes motion in abeyance and extending the time within which Defendant files his reply or rebuttal.

5. Accordingly, counsel would request that the resolution of this motion be held in abeyance until counsel for the parties can meet and an appropriate reply or rebuttal be fashioned.

6. This motion is made in good faith and not for purposes of delay, and will not interfere with the currently scheduled trial date of August 17, 2009.

Respectfully submitted,

/s/ Thomas Anthony Durkin
THOMAS ANTHONY DURKIN,

/s/ John D. Cline
JOHN D. CLINE,

/s/ Lawrence L. Little
LAWRENCE L. LITTLE, Attorneys for
the Defendant, Bobby B. DeLaughter.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendant DeLaughter's Unopposed Motion To Hold In Abeyance Any Resolution Of His Motion For Inspection Of Grand Jury Minutes And For An Extension Of Time To File His Rebuttal was served on April 14, 2009, in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

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