

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

RICHARD F. "DICKIE" SCRUGGS

PETITIONER

V.

NO. 3:09-CR-00002-GHD-SAA

UNITED STATES OF AMERICA

RESPONDENT

ORDER DENYING MOTION TO CLARIFY

Presently before the Court is a "motion to clarify the record" [144] filed by Petitioner Richard F. "Dickie" Scruggs ("Petitioner") in connection with his motion to vacate, set aside, or correct his sentence (28 U.S.C. § 2255) [125]. Specifically, Petitioner is seeking a partial ruling that "Ed Peters never stated that then-Judge DeLaughter knew of an agreement to exchange favors or any other thing or property with Petitioner or his agents." This motion concerns the central issue in the case *sub judice*--was there a *quid pro quo*?

In support of the motion to clarify, Petitioner points to (1) the grand jury testimony of Ed Peters, (2) notes taken by the FBI during its interviews of Peters, and (3) the Government's factual basis during Bobby B. DeLaughter's change of plea hearing.

On October 21, 2008, Ed Peters testified before the grand jury. Peters was questioned by the Government about FD-302 notes taken by the FBI summarizing statements made by Peters. Peters was permitted to review the 302s for accuracy and edit any portions that he felt were inaccurate. The edited 302s were marked as exhibits. The amended portion relevant to Petitioner's motion to clarify reads as follows:

PETERS thought that if DELAUGHTER could "help" SCRUGGS, then SCRUGGS could "help" DELAUGHTER. PETERS stated that DELAUGHTER's "help" to SCRUGGS would consist of favorable treatment. ~~Based upon PETERS conversations with DELAUGHTER,~~

~~PETERS believes DELAUGHTER understood this agreement.~~

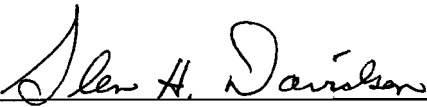
Ed Peters FBI 302 (as edited by Peters).

The Court takes note of the issues raised by Petitioner's motion to clarify in regard to Ed Peters' grand jury testimony, but declines to clarify or modify the record as requested by Petitioner.

The record speaks for itself, and the undersigned, who has presided over this case since its inception, is quite capable of reviewing the record to determine whether there is evidence of a *quid pro quo*.

The motion to clarify should be and is hereby DENIED.

THIS the 30th day of November, 2011.



GLEN H. DAVIDSON
SENIOR U.S. DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI