

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI**

**WM. ROBERTS WILSON, JR. AND  
WM. ROBERTS WILSON, JR., P.A.**

**PLAINTIFFS**

**VS.**

**NO. 251-94-582**

**RICHARD F. SCRUGGS, RICHARD F. SCRUGGS, P.A.,  
ASBESTOS GROUP, P.A. AND SCRUGGS LEGAL, P.A.**

**DEFENDANTS**

**PLAINTIFFS' MOTION FOR RECUSAL OF THE  
JUDGES OF SEVENTH CIRCUIT COURT DISTRICT**

COME NOW Plaintiffs, Wm. Roberts Wilson, Jr. and Wm. Roberts Wilson, Jr., P.A., by and through counsel, and respectfully moves this Honorable Court for Recusal of the Judges of the Seventh Circuit Court District. In support of this motion, Plaintiffs would show unto the Court the following:

**I.**

The above referenced cause is presently an open case on the docket of the First Judicial District of Hinds County, which has never had any final judgment or order filed closing same.

**II.**

Circuit Judge Bobby Burt DeLaughter has previously presided over this case, but did on or about January 4<sup>th</sup>, 2008, recuse himself from all cases involving any parties or counsel in the above styled and numbered cause, citing the investigation by the Federal Government into alleged wrongdoing on his behalf in this cause. However, Judge DeLaughter failed to recuse himself in this matter, a failure which was more likely than not an oversight on his part.

### III.

On or about February 1, 2008, counsel for Wilson received a copy of the transcript from the Northern District of Mississippi in the case of *United States of America vs. Joey Langston*, Cause number 1:03CR0003, wherein Joey Langston, counsel for the Defendants in this cause, agreed with the prosecutor for the government to certain facts that would bring into question the impartiality of Judge DeLaughter in this matter. The testimony of Langston was that Judge DeLaughter was secretly contacted by Ed Peters in an effort to corruptly influence Judge DeLaughter in December 2005, thus bringing into question the impartiality of Judge DeLaughter's acts and orders after that date.. See information of Joey Langston attached hereto as Exhibit "A."

### IV.

Further, on or about February 26<sup>th</sup>, 2008, counsel for Wilson received a copy of the transcript of Testimony of Timothy Balducci, counsel for Defendants in this cause, from a motion hearing in *United States vs. Scruggs*, Cause No. 3:07CR192 pending in the United States District Court for the Northern District of Mississippi. In Mr. Balducci's testimony the following question was posed to Mr. Balducci: "Was Judge Bobby DeLaughter bribed in that [the instant] case?" Mr. Balducci responded, "He was." See Transcript of Testimony of Timothy Balducci, attached hereto as Exhibit "B," pp. 86-90.

### V.

Pursuant to Canon 3(E) of the Code of Judicial Conduct, "judges should disqualify themselves in proceedings in which their impartiality might be questioned by a reasonable person knowing all the circumstances or for other grounds provided in the Code of Judicial Conduct or otherwise as provided by law."

VI.

With the above statements of two of the trial attorneys for Scruggs in this action, there can be no doubt that a reasonable person viewing all the circumstances would question Judge DeLaughter's impartiality in these matters, and he should be required to recuse himself from any and all further proceedings in this cause.

VII.

Due to the nature of the allegations known both through testimony and otherwise that former District Attorney Ed Peters had a role in the judicial bribery aimed at corrupting Judge DeLaughter, Plaintiffs intend to file motions for sanctions against the Defendants and to seek other relief from this Court that may be deemed appropriate. Transcript of Langston plea, pp. 16-21. Exhibit "C."

VIII.

Plaintiffs cite the record in this case that Honorable Circuit Court Judge Tomie Green recused from this case years ago for other reasons that have nothing to do with the allegations pertaining to Judge DeLaughter or any facts cited herein.

IX.

It would be unfair to request the remaining judges of the 7<sup>th</sup> Judicial Circuit Court District to sit in judgment over any further proceedings in this matter which plaintiffs intend to bring, whether in the form of motion for sanctions and/or for other relief to which Plaintiffs may be entitled. Therefore, Plaintiffs respectfully request that Judge DeLaughter recuse himself from this case and, although no allegations have been asserted nor are any asserted here against the remaining Judges of the 7<sup>th</sup> Circuit Court District, that the remaining judges of the 7<sup>th</sup> Circuit Court District also

recuse themselves from any further proceedings in this case because further proceedings will necessarily include allegations that actions of counsel were committed to corruptly influence Judge DeLaughter. Further, according to the sworn statements of at least Mr. Langston and Mr. Balducci such actions *did* result in corrupt influence including bribery as alleged by Mr. Langston and Mr. Balducci.

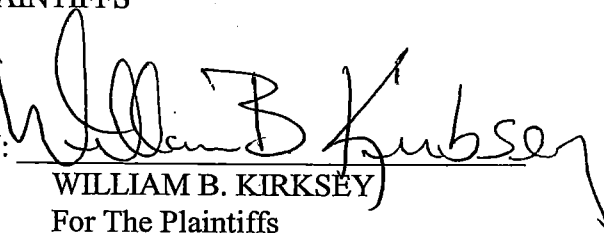
X.

Plaintiffs further request that upon recusal of Judge DeLaughter and the remaining circuit judges of the 7<sup>th</sup> Circuit Court District, that His Honor Senior Judge Swan Yerger request the Chief Justice of the Supreme Court of the State of Mississippi to appoint a judge to preside over all future matters in regard to the above styled and numbered cause.

WHEREFORE PREMISES CONSIDERED the Plaintiffs respectfully request that Orders of Recusal be entered by Judge Bobby Burt DeLaughter and by the remaining Judges of the 7<sup>th</sup> Circuit Court District who have not heretofore recused from this case.

Respectfully Submitted,

WM. ROBERTS WILSON, JR. AND  
WM. ROBERTS WILSON, JR., P.A.,  
PLAINTIFFS

BY:   
WILLIAM B. KIRKSEY  
For The Plaintiffs

OF COUNSEL:

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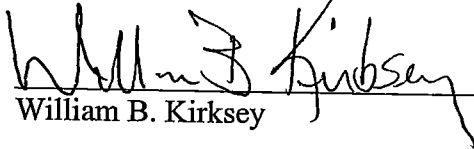
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CLARKSDALE, MISSISSIPPI 38614-1388  
TELEPHONE: (662)-627-9641

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the foregoing motion will be brought on for hearing before the Honorable Swan Yerger, Chief Judge of the 7<sup>th</sup> Circuit Court District of Hinds County, Mississippi at the Circuit Courthouse of Hinds County, Mississippi as soon as counsel can be heard.

SO NOTICED, this the 4<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
William B. Kirksey

**CERTIFICATE OF SERVICE**

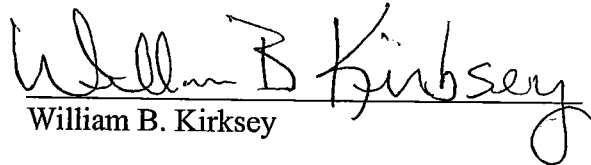
The undersigned counsel does hereby certify that a true and correct copy of the foregoing documents has been this day forwarded to the following counsel of record and Defendants as follows:

Jack F. Dunbar, Esquire  
Holcomb Dunbar, P.A.  
Post Office Box 707  
Oxford, Mississippi 38655-0707

John G. Jones, Esquire  
Steve Funderburg, Esquire  
Jones, Funderburg & Sessums  
Post Office Box 13960  
Jackson, Mississippi 39286-3960

As the disbarment of Timothy Balducci and Joseph C. Langston, counsel for Defendants, has been taken up by the Mississippi Supreme Court, no service copy is provided to them.

So certified this the 4<sup>th</sup> day of March, 2008.

  
William B. Kirksey

**FILED**

JAN 07 2008

DAVID CREWS, CLERK  
By Shilke  
Deputy

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 1:08CR003

JOSEPH C. LANGSTON

**INFORMATION**

The United States Attorney charges that:

**Count One**

1. From on or about January of 2006 and continuing until on or about March of 2007 in the Northern District of Mississippi and elsewhere, the defendant, JOSEPH C. LANGSTON, did knowingly and wilfully conspire with Richard "Dickie" Scruggs, Steven A. Patterson, not named as defendants herein, and with others both known and unknown, to commit offenses against the United States as follows:

- a. To corruptly give, offer, or agree to give anything of value to any person with the intent to influence or reward an agent of a state or local government in connection with any business transaction or series of transactions of such government or agency involving anything of value of \$5,000 or more, when such state or local government or agency received in any one year period benefits in excess of \$10,000 under a federal program in violation of Section 666(a)(2)(b) and Section 2 of Title 18 of the United States Code.

2. It was part of the conspiracy for JOSEPH C. LANGSTON and his co-conspirators to attempt to influence state Circuit Court Judge Robert "Bobby" Delaughter by providing a thing of value, that is, favorable consideration of Robert "Bobby" Delaughter for appointment to the federal district court bench in the Southern Judicial District of Mississippi, to obtain rulings in favor of Richard "Dickie" Scruggs in the lawsuit styled Wilson v. Scruggs pending before Judge Delaughter.

EXHIBIT "A"

3. It was further part of the conspiracy that the defendant JOSEPH C. LANGSTON and his co-conspirators would travel on several occasions from the Northern District of Mississippi to Jackson, Mississippi, for the purpose of engaging a close personal friend of Judge Delaughter as a "consultant" to assist them in the case of Wilson v. Scruggs.

4. It was further part of the conspiracy that Richard "Dickie" Scruggs told JOSEPH C. LANGSTON that he could arrange for Robert "Bobby" Delaughter to be considered for a U. S. District Judge appointment and that Langston should convey that information through his co-conspirators to Judge Delaughter.

5. It was further part of the conspiracy that between late February 2006 and March 30, 2006, that the consideration for United States District judgeship was communicated to Robert "Bobby" Delaughter during the pendency of the case of Wilson v. Scruggs in which Judge Robert "Bobby" Delaughter was the presiding judge.

#### Overt Acts

During and in furtherance of the conspiracy and to promote and accomplish its objectives, the co-conspirators committed certain overt acts, among which were the following:

1. On or about January 2006, JOSEPH C. LANGSTON and Timothy R. Balducci entered appearance as attorneys for Richard "Dickie" Scruggs in the case of Wilson v. Scruggs, a lawsuit involving a dispute concerning the division of attorneys fees and a case that was assigned to state Circuit Court Judge Robert "Bobby" Delaughter.

2. Between January 2006 and March of 2006, JOSEPH C. LANGSTON, Timothy R. Balducci and Steven A. Patterson traveled from the Northern District of Mississippi to Jackson, Mississippi, to meet with a close personal friend of Robert "Bobby" Delaughter.

3. On or about December 2005, JOSEPH C. LANGSTON and Steven A. Patterson

delivered \$50,000 in cash to the close personal friend of Judge Robert "Bobby" Delaughter, for the purpose of retaining the close personal friend to influence Judge Robert "Bobby" Delaughter.

4. On or about February 2006, Richard "Dickie" Scruggs agreed with JOSEPH C. LANGSTON and other co-conspirators that if the Wilson v. Scruggs case was resolved in his favor that Langston, Patterson and a close personal friend of Judge Delaughter would split the savings to Scruggs as a result of a resolution of the case in favor of Scruggs.

5. Between on or about July of 2006 and July of 2007, JOSEPH C. LANGSTON, Steven A. Patterson and the close personal friend of Robert "Bobby" Delaughter split \$3,000,000, representing the savings to Scruggs as a result of rulings in favor of Scruggs by Judge Delaughter resulting in a settlement of the case.

All in violation of Title 18, United States Code, Section 371.

  
UNITED STATES ATTORNEY

**FILED**

JAN 07 2008

DAVID CREWS, CLERK  
By D. Wilkerson  
Deputy

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:08CR003

JOSEPH C. LANGSTON

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA**. The defendant agrees to waive indictment and plead guilty under oath to a one-count Information, which charges conspiracy to corruptly influence an elected state official, and which carries maximum possible penalties of 5 years imprisonment, \$250,000 fine, 3 years supervised release, and a mandatory special assessment of \$100; all in violation of Title 18, United States Code § 371. The parties agree that the sentence in this case shall not exceed three years. This is an 11(c)(1)(C) provision. In the event the Court declines to accept this three-year "cap," the parties ask only that the defendant be permitted to withdraw his plea.

2. **COOPERATION**. (a) The defendant agrees to cooperate with the United States Attorney by giving full and truthful statements to such agents as are assigned by the United States Attorney to interview defendant as to all knowledge defendant may have of other persons involved in any way in the offenses charged and all other criminal offenses in any way and to give full and truthful testimony about same before any federal grand juries and trial juries before

which defendant is subpoenaed. The defendant understands that a false statement to a federal agent or a failure to testify truthfully would subject him to prosecution for false statements or perjury.

(b) The United States Attorney reserved the right, in his sole discretion, to move the Court for a downward departure from the applicable guideline range (or Rule 35 reduction of sentence) in the event the United States Attorney determines that the defendant's cooperation has risen to the level of substantial assistance.

(c) As part of his cooperation, defendant will pay to the Clerk of this Court before sentencing the mandatory \$100.00 assessment fee for Count One. The United States Attorney will make known to the Court at the time of sentencing the nature and extent of all testimony and other cooperation of the defendant, including payment or non-payment of assessment fees.

3. **OTHER CHARGES.** The United States agrees not to charge the defendant with any other offenses, related or unrelated, as of the date of this Agreement. The United States agrees not to seek forfeitures of the defendant's assets.

4. **SENTENCE.** There is no agreement as to the sentence to be imposed, which will be in the sole discretion of the Court subject to the Federal Sentencing Guidelines, which has been explained to defendant by his attorney. Both parties reserve their right to speak at sentencing.

5. **SPECIAL ASSESSMENT.** The defendant agrees pursuant to 18 U.S.C. § 3013 to pay to the Clerk of the U. S. District Court prior to sentencing in this case the mandatory \$100 assessment fee for each count to which he pleads guilty, which is by law in addition to any other penalty imposed.

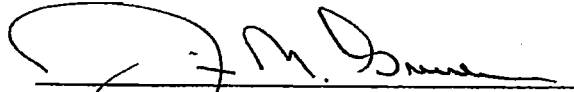
6. **OTHER AUTHORITIES.** This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws.

7. **VIOLATIONS OF THIS AGREEMENT.** If defendant violates this agreement, all statements made pursuant hereto will all be admissible against defendant who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

8. **ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN FACT GUILTY.** Apart from being advised of the applicability of the U.S. Sentencing Guidelines, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea(s) of guilty. Defendant agrees that the Court may continue all proceedings in the case until such date as the Court may set for consideration of the plea agreement, the plea of guilty and imposition of sentence. This agreement fully reflects all promises, agreements and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty because defendant is in fact guilty of the charges.

The foregoing constitutes the only plea agreement between the parties.

This the 14<sup>th</sup> day of January, 2008.



JIM M. GREENLEE  
UNITED STATES ATTORNEY  
Mississippi Bar No. 7018

AGREED AND CONSENTED TO:

  
JOSEPH C. LANGSTON, Defendant

APPROVED:

  
ANTHONY L. FARESE, Attorney for Defendant  
MSB#5133

RECEIVED

DAILY COPY?

FILED

FEB 25 2008

FEB 25 2008

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

DAVID SANDERS, CLERK  
By *D. Adams*  
Deputy

3 UNITED STATES OF AMERICA .

Cause No. 3:07CR192

4 Plaintiff .

Oxford, Mississippi

5 v. .

February 20, 2008

9:00 a.m.

6 RICHARD F. "DICKIE" SCRUGGS .

7 DAVID ZACHARY SCRUGGS .

8 SIDNEY A. BACKSTROM .

9 Defendants .

10 MOTION HEARING

BEFORE THE HONORABLE NEAL B. BIGGERS

U.S. SENIOR DISTRICT JUDGE

11 APPEARANCES:

12 For the Government:

13 United States Attorney's Office  
14 Northern District of Mississippi  
15 BY: THOMAS W. DAWSON, ESQ.  
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17 BY: DAVID A. SANDERS, ESQ.  
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20 For the Defendant

21 Richard F. "Dickie" Scruggs:

22 JOHN W. KEKER, ESQ.  
23 BROOK DOOLEY, ESQ.  
24 JAN NIELSON LITTLE, ESQ.  
25 TRAVIS LEBLANC, ESQ.  
WARREN BRAUNIG, ESQ.  
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EXHIBIT "B"

1 For the Defendant

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JAMES W. CRAIG, ESQ.

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Tannehill & Carmean, PLLC

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Oxford, Mississippi 38655

662-236-9996

14

15

16

Court Reporter:

Rita Davis Sisk

17

911 Jackson Avenue, Room 369

Oxford, Mississippi 38865

18

(662) 281-3027

19

20

Proceedings recorded by mechanical stenography, transcript  
21 produced by computer.

22

23

24

25

1           THE COURT: Well, normally, I don't have redirect,  
2 Mr. Keker; but I'll give you five minutes to talk to him about  
3 that. That was only in response to matters that were brought  
4 out on cross; but if it wasn't on cross, you could have  
5 objected to it. If it wasn't about a matter brought out on  
6 cross, you could have objected to it. But since you didn't,  
7 they're allowed to get it in. I'll allow you five minutes to  
8 redirect on those points.

9                           RECROSS EXAMINATION

10 BY MR. KEKER:

11 Q. You said you were privy to another matter where Dick  
12 Scruggs bribed a judge. What matter are you referring to?

13 A. A case involving an attorney named Bob Wilson who had sued  
14 Mr. Scruggs for asbestos and possibly tobacco fees.

15 Q. Was that case pending in Hinds County before Judge Bobby  
16 DeLaughter?

17 A. It was.

18 Q. Was Judge Bobby DeLaughter bribed in that case?

19 A. He was.

20 Q. By whom?

21 A. By Dick Scruggs.

22 Q. And was the bribe a money bribe?

23 A. No, sir.

24 Q. What was the bribe that you're referring to?

25 A. He was offered a federal judgeship or he was offered the

1 influence of Mr. Scruggs' brother-in-law, who was Senator Trent  
2 Lott, to put him on the list for consideration of an open  
3 federal district judgeship.

4 Q. So we can get it, what do you understand -- Mr. Scruggs  
5 called Mr. DeLaughter and said something?

6 A. No, sir. Mr. Lott called Mr. DeLaughter.

7 Q. What are you saying?

8 A. I'm saying that Mr. Lott called Judge DeLaughter, at Mr.  
9 Scruggs' request, and told him that he was being considered to  
10 be put under -- or put on the list for consideration for an  
11 open judgeship in that district; and that that was during the  
12 pendency of the case involving Mr. Wilson that was before Judge  
13 DeLaughter.

14 Q. And how do you know that that happened? You talked to  
15 Senator Lott about that?

16 A. No, sir.

17 Q. How do you know that that happened?

18 A. Because I was directly involved in the conversation  
19 between Mr. Scruggs and Mr. Langston where they were discussing  
20 it, where they discussed that the call would be made; and then  
21 I was privy to conversations after the call was made.

22 Q. When was that discussion, the one before?

23 A. When?

24 Q. Yeah.

25 A. It was during the pendency of the *Wilson* case.

1 Q. Do you remember more specifically than that?

2 A. It would have been around the summer of '06.

3 Q. 2006. So June, July, or August 2006?

4 A. I think the *Wilson* case -- my best recollection is the  
5 *Wilson* case was tried in August of '06. So it was shortly  
6 before that.

7 Q. Like within a month or two?

8 A. Yes.

9 Q. Okay. You're sure about that?

10 A. It's my best recollection, yes, sir.

11 Q. Because you were there. So if these conversations didn't  
12 happen in June or July, then you're just completely wrong about  
13 this, right?

14 A. No. No. The conversation -- I think that the call was  
15 made -- maybe I misunderstood what you were asking. I think  
16 that Senator Lott made the call to Judge DeLaughter sometime in  
17 the first quarter or so of '06.

18 Q. And what was Judge DeLaughter supposed to do? What was he  
19 going to do? You said it was a bribe; what was he going to do?

20 A. Rule favorably for Mr. Scruggs.

21 Q. On what, some particular motion or just anything that came  
22 along?

23 A. There were several, yes, sir; and it was for a favorable  
24 outcome.

25 Q. And you know that because you heard Mr. Langston and

1 Mr. Scruggs talking about it?

2 A. I know it for a lot more reasons than just that, but, yes.

3 Q. What are the rest of the reasons?

4 A. I was privy to several meetings with Ed Peters where we  
5 discussed strategies about the case, where we previewed filings  
6 in the case, where we were provided with draft copies of orders  
7 that Judge DeLaughter was going to enter in the case. There  
8 was a lot of stuff.

9 Q. What did that have to do with this call from Senator Lott?

10 A. I'm not sure I understand your question.

11 Q. I'm not sure I understand your answer. What did it have  
12 to do with what you just said; these meetings, what did that  
13 have to do --

14 A. That was part of implementing the favorable outcome in the  
15 *Wilson* case.

16 Q. Are you aware, sir, that the judgeship Judge DeLaughter  
17 was interested in was given to somebody else; by, say, April of  
18 2006, it was gone?

19 A. My understanding is that there were about three different  
20 judgeships that were pending during the *Wilson* case before it  
21 was tried, and that the last federal judgeship was filled  
22 within just a couple of weeks after the trial; that there  
23 was -- during the pendency of the *Wilson* trial, in other words,  
24 there was always an open judgeship on the federal bench.

25 Q. Did the *Wilson* trial end in a settlement whereby

1 Mr. Scruggs paid Mr. Wilson some money?

2 A. He did.

3 Q. How much money did he pay him?

4 A. My best recollection is that he paid him \$3.9 million.

5 THE COURT: Mr. Kecker, your time is up. I'll give  
6 you two or three minutes to wrap it up.

7 BY MR KEKER:

8 Q. I want to ask you about this Patterson. You said you and  
9 Mr. Patterson went and talked to Mr. Scruggs. And he said he  
10 talked to P.L. Blake, and he knew you needed 40. When was that  
11 conversation?

12 A. October 16th.

13 Q. And where was the conversation?

14 A. In Dick Scruggs' personal office in Oxford.

15 Q. And tell us exactly what was said by him and by you.

16 A. That's essentially it. Steve and I were there to meet  
17 with Dick on an unrelated matter. He brought us into his  
18 office; and before we even sat down, he brought it up. I think  
19 that he must have thought that's what we were there to talk  
20 about, because he initiated it. And he said, "I know you've  
21 talked to P.L.; and I've talked to P.L. as well. Don't worry.  
22 I know you need the 40; you're covered. It'll be fine."

23 Q. And what did he say the 40 related to?

24 A. He didn't.

25 Q. Well, were you going to do some work for the 40?

**FILED**

1 UNITED STATES DISTRICT COURT **JAN 16 2008**  
2 NORTHERN DISTRICT OF MISSISSIPPI

DAVID CHEWS, CLERK  
By W. Adams  
Deputy

3 UNITED STATES OF AMERICA

Docket No. 1:08CR003

4 Plaintiff

Oxford, Mississippi

5 v.

January 7, 2008

1:23 p.m.

6 JOSEPH C. LANGSTON

7 Defendant

**ORIGINAL**

8  
9  
10 WAIVER OF INDICTMENT/FILING OF INFORMATION  
11 PLEA OF GUILTY TO COUNT ONE OF THE INFORMATION  
12 BEFORE THE HONORABLE MICHAEL P. MILLS  
13 U.S. CHIEF DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiff:

United States Attorney's Office  
Northern District of Mississippi  
BY: DAVE SANDERS, ESQ.  
BY: ROBERT NORMAN, ESQ.  
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18 For the Defendant:

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STEVE FARESE, ESQ.  
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21 Ashland, Mississippi 38603-0098

22 Court Reporter:

Rita Davis Sisk  
911 Jackson Avenue, Room 369  
23 Oxford, Mississippi 38865  
(662) 281-3027

24 Proceedings recorded by mechanical stenography, transcript  
25 produced by computer.

EXHIBIT "C"

1           MR. DAWSON: May it please the Court, should this  
2 present action go to trial, the Government would prove by  
3 eyewitness testimony and documentary evidence that from on or  
4 about December 2005 and continuing to on or about March 2007  
5 Joseph C. Langston did knowingly and willfully conspire with  
6 Richard F. Scruggs, Steven A. Patterson, and others, both known  
7 and unknown, to commit offenses against the United States as  
8 follows: To corruptly give, offer, or agree to give anything  
9 of value to any person with the intent to influence or reward  
10 an agent of the state or local government in connection with a  
11 business transaction or a series of transactions of such  
12 government or agency involving anything of the value of \$5,000  
13 or more when such state or local government or agency received  
14 in any one-year period benefits in excess of \$10,000 under a  
15 federal program in violation of 666(a)(2)(b) and Section 2 of  
16 Title 18 of the United States Code.

17           Specifically, the Government would show that in December  
18 of 2005 Joseph C. Langston and Timothy R. Balducci began  
19 representing Richard F. Scruggs in litigation arising out of a  
20 dispute of attorneys' fees. In January of 2006, Langston and  
21 Balducci entered an appearance as attorneys for Richard F.  
22 Scruggs in the case of *Wilson v. Scruggs*, a lawsuit assigned to  
23 State Circuit Court Judge Robert "Bobby" DeLaughter.

24           At about that time, Langston, working with Balducci and  
25 Steven A. Patterson, contacted and retained the services of Ed

1 Peters, a close personal friend of Judge DeLaughter. For his  
2 services, Langston agreed to pay Peters \$50,000 in cash. After  
3 paying the \$50,000, the parties agreed that they would also  
4 divide any money over and above what Scruggs was willing to pay  
5 in the Wilson matter.

6 In the end, based on this reverse contingency fee, Peters  
7 received an additional \$950,000 for his services. After hiring  
8 Peters, Langston and Timothy R. Balducci and Steven A.  
9 Patterson were in regular contact either by phone or by  
10 facsimile concerning the case; and the three traveled regularly  
11 from the Northern District of Mississippi to Jackson,  
12 Mississippi, to meet with Peters in person to discuss issues  
13 concerning the Wilson litigation.

14 While Peters was not fully cognizant of the issues  
15 surrounding the litigation, he would relay whatever information  
16 he received from Langston, Balducci, and Patterson to Judge  
17 DeLaughter before any of this information was filed with the  
18 Court. In at least one instance, Judge DeLaughter e-mailed a  
19 rough draft of an opinion he planned to enter to Peters. And  
20 Langston and Balducci and Patterson would be able to see it  
21 before any filed -- final version was filed.

22 During the course of the litigation, Langston and Scruggs  
23 were also aware that Judge DeLaughter was interested in a  
24 position as a federal judge. Based on this knowledge, Scruggs  
25 told Langston to let the Judge know that if he ruled in his

1 favor he would pass his name along for consideration regarding  
2 the federal judgeship. Langston then informed Peters, who, in  
3 turn, passed the information along to Judge DeLaughter. The  
4 Government would further show that, in fact, DeLaughter's name  
5 was submitted for consideration for a federal judgeship, and  
6 DeLaughter was so notified.

7 Finally, the Government would show that the  
8 above-described criminal activities took place in the Northern  
9 Judicial District of Mississippi and that Hinds County Circuit  
10 Court is a state or local government or agency receiving in any  
11 one-year period in excess of \$10,000 under a federal program  
12 related to the judicial branch.

13 THE COURT: All right, Mr. Langston, you've heard the  
14 prosecutor state the evidence that he had to present against  
15 you on this particular charge. Did you do what he just stated?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Well, I find that there is a factual  
18 basis for this defendant to plead guilty to this charge. Do  
19 you plead guilty or not guilty to Count 1 of this information?

20 THE DEFENDANT: Guilty, Your Honor.

21 THE COURT: It is the finding of the Court in the  
22 case of the *United States of America vs. Joseph C. Langston*  
23 that the defendant is fully competent and capable of entering  
24 an informed plea; that the defendant is aware of the nature of  
25 the charges and the consequences of the plea; and that the plea

1 of guilty is a knowing and voluntary plea supported by an  
2 independent basis in fact containing each of the essential  
3 elements of the offense.

4 Your plea is therefore accepted, and you are now adjudged  
5 guilty of that offense. I am going -- is there any reason not  
6 to allow him to be released on his own recognizance?

7 MR. DAWSON: No, Your Honor.

8 THE COURT: Has he made any threats to any other  
9 witnesses in any other pending cases?

10 MR. DAWSON: No, Your Honor, not that we're aware of.

11 THE COURT: I am going to require him to surrender  
12 his passport to the U.S. Probation Service. We have probation  
13 officers here who will want to meet with you shortly. Your  
14 travel will be restricted to the state of Mississippi while you  
15 remain out.

16 I am concerned about him continuing to practice law. Is  
17 there a -- he has now been found guilty of a felony. Have  
18 there been any plans made regarding your law practice?

19 THE DEFENDANT: Your Honor, my intentions are to --  
20 and this all came about this morning. My intentions are to, of  
21 course, meet with my law partners and to transfer all of my  
22 ownership in the firm to my law partners and interests in all  
23 files, contact our clients by letter and advise them I'm  
24 withdrawing from the practice of law and -- so other than  
25 administratively handling that piece of it, I will not be

1 practicing law, appearing in Court, consulting with clients,  
2 taking new cases, anything of that nature.

3 THE COURT: Well, can you have that done by the end  
4 of the week?

5 THE DEFENDANT: Yes, I can, Your Honor.

6 MR. ANTHONY FARESE: Yes, sir. And additionally,  
7 Your Honor, he'll be contacting the Mississippi State Bar and  
8 the DC Bar where he's licensed and submitting his resignation.  
9 Is that correct?

10 THE DEFENDANT: That's correct.

11 THE COURT: All right. Well, let's do that  
12 immediately.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And I want probation to take note of that  
15 because I don't want the appearance of a nonlawyer practicing.

16 MR. ANTHONY FARESE: Yes, sir.

17 THE COURT: And I realize that the bar is the one to  
18 take that action, and I'm not trying to take their place. But  
19 as far as what we understand here today --

20 THE DEFENDANT: Judge, I assure you that I will not  
21 be participating in the practice of law. But may I inquire of  
22 the Court -- I do intend to surrender my license voluntarily to  
23 both the Mississippi Bar and the DC Bar. It's my understanding  
24 that this matter will be under seal for some period of time.  
25 If I contact the bar before the seal is lifted, then that would

1 --

2 THE COURT: That was my concern. I want it  
3 understood that you're not going to be practicing law.

4 THE DEFENDANT: I assure you.

5 THE DEFENDANT: I'm going to leave it to you and your  
6 attorneys and the U.S. Attorneys as to when you actually submit  
7 it to the bar. And how long do you need this to remain under  
8 seal?

9 MR. DAWSON: Could I have just a moment, Your Honor?

10 THE COURT: Uh-huh (yes).

11 (AFTER OFF-THE-RECORD COMMENTS,  
12 THE PROCEEDING CONTINUED AS FOLLOWS:)

13 MR. NORMAN: Could we --

14 THE COURT: You may. You can step outside if you  
15 wish.

16 MR. STEVE FARESE: Can he sit down, Your Honor?

17 THE COURT: Yeah, sit down.

18 (AFTER A SHORT BREAK, THE PROCEEDING CONTINUED)

19 MR. DAWSON: Your Honor, would Monday the 14th be  
20 sufficient, satisfactory to the Court?

21 THE COURT: That'll be fine. It'll remain under seal  
22 until Monday, January the 14th, unless there's a request that  
23 it be extended. But, you know, the public has the right to  
24 know these things. But I will do that, and I'll expect  
25 Mr. Langston to have all of his matters taken care of by then.