

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 1:08CR003

JOSEPH C. LANGSTON

MOTION FOR DOWNWARD DEPARTURE

Comes now the United States of America by and through the United States Attorney for the Northern District of Mississippi and, pursuant to Paragraph 5K1.1 of the United States Sentencing Commission Guidelines Manual, respectfully moves the Court to consider a downward departure for substantial assistance in the above-styled and numbered cause. In support whereof the government would respectfully show unto the Court the following facts, to-wit:

1.

Joey Langston pled guilty on January 7, 2008, pursuant to an 11(c)(1)(C) agreement calling for a sentence of incarceration not to exceed 36 months in his case. Since that time, he has cooperated to an extent that clearly exceeds the government's expectations. He has substantially assisted in the further investigation of Dickie Scruggs, Circuit Judge Bobby Delaughter and others (Scruggs II).

2.

On January 7, 2008, Joey Langston, with counsel, met at the United States Attorney's Office with Special Agent John Quaka, Federal Bureau of Investigation, Peter Ainsworth, DOJ trial attorney, Public Integrity Section, and government prosecutors for several hours, admitting and detailing his role in Dickie Scruggs' legal team's efforts to influence Circuit Judge Bobby

Delaughter in the Wilson v. Scruggs case. A week later, Mr. Langston again appeared in the United States Attorney's Office and met with Agent Quaka and two AUSAs for the majority of the day. He was exhaustively debriefed not only on the Wilson case, but the Captain D's (Foradori Case) as well as the criminal case of United States v. Danny Dillard and Jason Stanford. He also answered questions about P. L. Blake.

3.

On February 7, 2008, Joey Langston had a heart catheterization performed at the Magnolia Regional Health Center in Corinth, Mississippi. He learned that he had two blockages, and he was also told that he had suffered a heart attack within the last few weeks (probably one that he didn't feel due to his diabetic condition).

4.

On February 15, 2008, Joey Langston and Tony Farese met with AUSAs at the United States Attorney's Office. Langston was questioned by DOJ Public Integrity Section attorney Tim Kelly regarding his relationship with Ed Peters and the money paid to Peters. He agreed to provide copies of flight logs and office calendars as well as documents regarding payments to Peters.

5.

On February 20, 2008, Joey Langston again returned to the United States Attorney's Office and continued briefing prosecutors. The following day he was present in the Federal Building in Oxford, Mississippi, as a possible witness for the government at a motions hearing in the case of United States v. Dickie Scruggs, et al (Scruggs I). Although it was not necessary to actually call him as a witness, he was ready, willing and able to testify. The following day he

returned to the United States Attorney's Office for the third day in a row, and was debriefed by the public integrity section of DOJ and Special Agent John Quaka from 10:00 a.m. until approximately 4:00 p.m. He produced the requested flight logs, office calendars and financial records. Six days later on February 28, 2008, Mr. Langston and Tony Farese appeared at the United States Attorney's Office and met with Special Agent John Quaka, DOJ attorney Tim Kelly and Assistant U. S. Attorneys. He brought with him an electronic calendar, his secretary's travel calendar, and his manual calendar from January of 2005 through August of 2006. His File No. 1313 (the file for Wilson v. Scruggs) was discussed in detail as was Dickie Scruggs' involvement in the Delaughter conspiracy. Mr. Langston was given several homework assignments. He agreed to meet with Agent Quaka in Tupelo at the FBI office to go through the 60 or 70 boxes of Wilson files that were seized from his office. He also agreed to help divide the Wilson v. Scruggs files from the Luckey v. Scruggs files, and allow government agents to mirror his computer e-mail records. He was also asked to provide a copy of Ed Peters' contract, which he agreed to do. On March 10, 2008, Joey Langston again appeared at the United States Attorney's Office for debriefing by Tom Dawson, Bob Norman and Dave Sanders.

6.

On March 25, 2008, Tony Farese and Joey Langston made a settlement offer to Charlie Merkel for the purpose of settling the Wilson matter. It was accepted the following day, and finalized on April 7, 2008, after a meeting at the United States Attorney's Office regarding the same.

7.

On June 2, 2008, FBI taint team Special Agent Keith Moses gave Joey Langston a CD

containing 1,750 e-mails seized in the search of his office. At Special Agent Moses' request, Mr. Langston spent over 100 hours going through them and responding to Agent Moses regarding their meaning. On July 9, 2008, another debriefing was held at the United States Attorney's Office from 1:00 p.m. until approximately 4:15 p.m. On July 21, 2008, Special Agent John Quaka asked Joey Langston to produce all of his law firm's expenses generated in connection with File No. 1313. He was also asked to obtain copies of all credit card charges for Joey Langston and Steven Patterson for the years 2005, 2006 and 2007. Mr. Langston did so; he provided the same to Special Agent Keith Moses. On July 31, 2008, Joey Langston and Tony Farese met with AUSA Bob Norman, Special Agent John Quaka, DOJ attorney Tim Kelly and DOJ attorney Peter Ainsworth at the United States Attorney's Office in Oxford. That debriefing started at 9:30 a.m. and lasted well into the afternoon. Mr. Langston was advised that he would be called to testify before the federal grand jury in the near future. On September 12, 2008, Joey Langston provided information to Special Agent John Quaka regarding an unrelated Ponzi scheme involving "Capitol Blu" and "PGF" of Melbourne, Florida. Three days later, Joey Langston prepared for a meeting at the United States Attorney's Office which prosecutors cancelled at the last minute. On October 23, 2008, Langston and Farese appeared at the United States Attorney's Office for several hours before going to the Federal Building where Mr. Langston testified before the federal grand jury from 2:40 p.m. until approximately 4:10 p.m. His testimony exceeded government expectations.

8.

Mr. Langston has done everything that has been asked of him. His plea of guilty and subsequent cooperation constituted a turning point in the Scruggs case, and substantially

contributed to Dickie Scruggs' subsequent plea of guilty as well as the pleas of Sidney Backstrom and Zach Scruggs (Scruggs I). It is anticipated that his cooperation will continue through the prosecution of subsequent defendants now under investigation. His cooperation has been exhaustive, and has resulted in some risk to Mr. Langston and his family. On October 3, 2008, a possible intruder was found on the Langston property in the early morning hours by Langston's oldest son, Keaton. The intruder was not apprehended, but was driving a late model van which appeared (from an interior light being on) to be packed with electronic equipment. That matter is currently under investigation by local law enforcement.

For the reasons aforesaid, the government does respectfully request that the Court consider accepting the 36-month 11(c)(1)(C) agreement, and departing downward therefrom for substantial assistance, in an amount both sides understand remains within the sound discretion of the Court.

Respectfully submitted,

JIM M. GREENLEE
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/s/ Robert H. Norman

By:
ROBERT H. NORMAN
Assistant United States Attorney
Mississippi Bar No. 3880

/s/ Thomas W. Dawson

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CERTIFICATE OF SERVICE

I, ROBERT H. NORMAN, Assistant United States Attorney, hereby certify that I electronically filed the foregoing **MOTION FOR DOWNWARD DEPARTURE** with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Honorable Anthony L. Farese
tony@fareselaw.com

This the 12th day of November, 2008.

/s/ Robert H. Norman
ROBERT H. NORMAN
Assistant United States Attorney