

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of

transcript on

Investigation on

at

File #

Date dictated

by

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01/23/2008

The following is a recorded telephone conversation between
TIM BALDUCCI and STEVE PATTERSON on October 8, 2007:

Call 479: 5:34p.m.

(EXCERPTS)

10/08/2007

Jackson, Mississippi

(telephonically)

194A-JN-32354

01/23/2008

SA WILLIAM P DELANEY/jrb



FD-302a 194A-SJN-32354

Continuation of FD-302 of
PATTERSON:TIM BALDUCCI

On
Page

Uh, oh, and then ~~they~~ ~~and~~ then 4
we'll get, I think we'll get,
the other, another forty, so we
may have six fifty or so,
comin' in.

BALDUCCI:

Mm-hmm. Mm-hmm.

PATTERSON:

Because we're, I think we'll
get that forty from SCRUGGS...

BALDUCCI:

Yeah.

PATTERSON:

...as soon as I can talk to
him.

BALDUCCI:

Yeah. Yeah.

PATTERSON:

You, you didn't go by there or
anything today?

BALDUCCI:

I did go by there today and
talk to SID. (UI)

PATTERSON:

Not about that, but .

BALDUCCI:

Not about that.

BXD

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF MISSISSIPPI

3

4 GRAND JURY 11-06
5

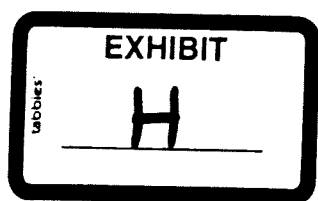
6
7 IN RE DICKIE SCRUGGS, ET AL.
8

9 TRANSCRIPT OF TESTIMONY
10 OF
11 TIMOTHY R. BALDUCCI

12 The following proceedings were had before the
13 United States Grand Jury for the Northern District
14 of Mississippi on November 27, 2007.

15 APPEARANCES:
16 ROBERT H. NORMAN, ESQ.
17 THOMAS W. DAWSON, ESQ.
Assistant United States Attorney

18
19 ALPHA REPORTING CORPORATION
20 Polly Woods Bassie
21 236 Adams Avenue
22 Memphis, Tennessee 38103
901-523-8974



23

24

25

2

1 PROCEEDINGS

2

3 TIMOTHY R. BALDUCCI.

4 Called as a witness, having been first duly
5 sworn by the Foreperson of the Grand Jury, was
6 examined and testified as follows

7 MR. FOREMAN Please state your full name
8 and spell your last name

9 THE WITNESS: Timothy Recce Balducci,
10 B-A-L-D-U-C-C-I.

11 EXAMINATION

12 BY MR. NORMAN:

13 Q Sir, would you tell the Grand Jury what you
14 do for a living, please

15 A I'm an attorney.

16 Q And how long have you been practicing law?

17 A Since 1991, 16 years.

18 Q Presently, what's the name of your firm and

1 Q Did you report back to the Scruggs Law Firm?

2 A. I did.

3 Q. Who did you talk with if you remember?

4 A. Sid Baxtrum after my initial meeting with the
5 judge. And I essentially told him that I had met
6 with the judge and advised him of what they wanted
7 and that the judge appeared to me to be -- well, the
8 judge had told me that he would look into it and
9 that he would consider it. And then I told Sid
10 Baxtrum just that, that I felt optimistic that the
11 judge was going to take a look at it and try to help
12 us.

13 Q. On or about May 4th did Sid Baxtrum email
14 something to you?

15 A. Yes, sir.

16 Q. What was it?

17 A. He emailed me a proposed order in the case
18 for the judge to sign which would have sent the case
19 to arbitration. It was essentially what they wanted
20 done.

21 Q. It would have accomplished what the Scruggs
22 Law Firm needed to accomplish?

23 A. Yes, sir.

1 sort of play by the rules that we knew Mr. Scruggs

2 normally played by

3 Q So Steve Patterson is telling you that he's

4 talked to P.L., P.L. knows you've got a problem the

5 size of which is 40. And what do you take from that

6 conversation? What's the result of that

7 conversation with Steve Patterson?

8 A. Steve ultimately told me that he had a

9 subsequent conversation with P.L. where P.L. told

10 Steve that P.L. had relayed that information to Dick

11 Scruggs and that Dick Scruggs had said for us to go

12 ahead finish the job and that he would cover the

13 \$40,000.

14 Q. That same day did you have occasion to meet

15 with Sid Baxtrum at the Scruggs Law Firm?

16 A. Yes.

17 Q. Did he give you something?

18 A. He gave me a proposed Order to take to the

19 judge.

20 Q. Okay. He had already emailed you one on May

21 4th and you had faxed that to the judge. I take it

22 this was a slightly different order?

23 A. It was. By this time six months had gone by

24 from the time that I had originally brought that

25 first Order to the judge. And then he had

31

1 subsequently recused himself and got back in. And

2 we had all of that sort of controversy. And I think

3 the thinking at the time was we need to just make

4 this short and simple.

5 Q. Did you take that Order to Judge Lackey?

6 A. I did.

7 Q. That day?

8 A. Yes.

9 Q. And did you give Judge Lackey anything else

10 besides that Order?

11 A. I gave him \$20,000 in cash.

12 Q. And at the time you didn't know that was

13 being videotaped?

14 A. No, sir.

15 Q. What did you do after you left Judge Lackey

16 after you gave him the Order and \$20,000? Where did

17 you go?

18 A I went back to the Scruggs Law Firm.

19 Q Okay. And do you recall why you went back,
20 who you talked to, what it was about?

21 A I went back and reported to Sid Baxtrum
22 essentially what had just occurred

23 Q At 11:44 you called Steve Patterson and
24 basically told him what?

25 A Basically told him what had happened, that I

32

1 had met with the judge, given the Order and had
2 given him \$20,000.

3 Q All of that was on or about September 27th.

4 A few days later, I don't think you or I know
5 exactly how many days later, did you and Steve
6 Patterson have an occasion to be in the Scruggs Law
7 Firm and talk with Dickie Scruggs?

8 A Yes.

9 Q About something else?

10 A Well, we were there for a meeting with Dick
11 Scruggs because Dick Scruggs was heavily involved in
12 a campaign at the time for Gary Anderson for
13 Insurance Commissioner. And Scruggs had spent about

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

UNITED STATES OF AMERICA

Versus

No. 3:07-CR-00192-NBB-SAA

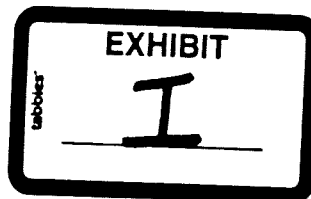
RICHARD F. SCRUGGS,
DAVID ZACHARY SCRUGGS,
and SIDNEY A. BACKSTROM

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

AFFIDAVIT OF HUGH WAYNE KING

Personally came and appeared before the undersigned authority in and for the jurisdiction aforesaid, the within named Hugh Wayne King, who first being duly sworn on oath, states as follows:

1. My name is Hugh Wayne King. I am 51 years old. I am a licensed airplane pilot. I have personal knowledge of the matters set out below.
2. On September 26, 2007, I piloted an aircraft ("N892S") for the Scruggs Law Firm on a trip to New Orleans, Louisiana. Passengers on this trip were Sidney A. ("Sid") Backstrom and Zachary Scruggs. The airplane left Oxford, Mississippi with the two (2) passengers at approximately 9:28 a.m. on September 26, 2007.
3. The flight arrived in New Orleans, Louisiana at approximately 10:46 a.m. The co-pilot and I, as well as the aircraft remained in New Orleans overnight. The two (2) passengers also spent the night in New Orleans.
4. On September 27, 2007, we departed from New Orleans at approximately 7:26 p.m. and returned to Oxford, Mississippi. Mr. Sid Backstrom and Mr. Zach Scruggs were passengers for the return flight to Oxford.



- 5. The plane made no other trips between arrival in New Orleans on the morning of September 26, 2007 and the return flight to Oxford in the evening of September 27, 2007. To the best of my knowledge, information and belief, Mr. Backstrom was in New Orleans all day on September 27, until we departed at approximately 7:26 p.m.
- 6. Attached as Exhibit "A" is a true and correct copy of the "Aircraft Flight Log" that reflects the trip to New Orleans on September 26 and return flight on September 27. It shows the dates of the trip to New Orleans and return to Oxford the next day. It shows "2" as number of passengers. Attached as Exhibit "B" is a true and correct copy of the "Scruggs Law Finn Trip Sheer" which reflects the trip and associated expenses for the pilot's overnight stay.
- 7. Attached as Exhibit "C" is flight information data which is routinely reported for each flight at the time of the trip. This data provides the locations, date and times of departure and arrival for each flight made by the plane-N892S. Among other trips, Exhibit C shows the date and time of departure for the September 26 and September 27 flights described above. (Please note the September 26 erroneously has two times in this log. I have no explanation for this error. It could be that one reflects the roll out of the plane and the other reflects the takeoff.)

AFFIANT SAYETH FURTHER NOT.

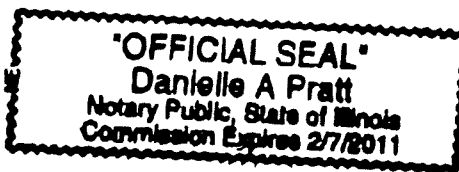
[Handwritten Signature]

Sworn to and subscribed before me this the 2 day of June, 2008.

[Handwritten Signature]
NOTARY PUBLIC

My Commission Expires:

2/7/2011



Aircraft Flight Log

Date	Flight		No. of Passengers	Distance Nautical Miles	Flight Duration		Accumulated Total Time						Accumulated Total			Occupancy Sheet Number	Crew Pilot/Copilot	
	From	To			Hrs	Mins	Aircraft	Engine No 1	Engine No 2	APU	Flts	Landings	Eng 1 Cycles	Eng 2 Cycles	APU Events			
9/15	DEX	NEW	5															
9/16	NEW	UX	5															
9/16	UX	TEF	2															
9/18	TEF	ADS	0															
9/18	ADS	UX	0															
9/26	UX	NEW	2															
9/27	NEW	UX	2															
9/28	UX	BHM	1															
9/28	BHM	UX	1															
10/1	UX	PEL	1															
10/1	PEL	UX	1															
Accumulated Totals																		
Complete On CESSCOM Closing Date 10/26/04																		

EXHIBIT

A

Permanent Aircraft Record-File In Flight Log Section

Date (Month-Day-Year)	
Projected Flying Hours For Next 90 Days	
Section 1	Page

* Refer to Engine Manufacturer For Definition Of Engine Cycle.

Complete On CESSCOM Closing Date

SCRUGGS LAW FIRM TRIP SHEET

Date of Trip 9/26/07
 Aircraft N 8925
 Pilots ELLIS / KING

Flight Info **LEG 1** **LEG 2** **LEG 3** **LEG 4** **LEG 5**

Origin UOX NRW _____ _____ _____

Destination NEW UOX _____ _____ _____

Duration .8 .8 _____ _____ _____

Case Name _____

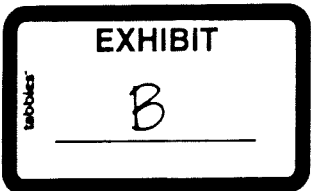
of Passengers 2 2 _____ _____ _____

Passengers:

1.	<u>DZS.</u>	<u>..</u>	_____	_____	_____
2.	<u>SID</u>	<u>..</u>	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

Tips/Expenses LIVE SERVICE 20⁰⁰ ✓
 WAYNE MEALS 160⁰⁰ ✓

Jesse MEALS 160⁰⁰ ✓
TAXI To/From Hotel 60⁰⁰ ✓

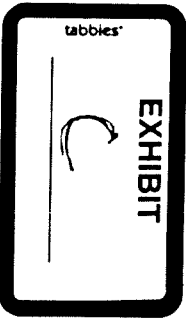


Feb 26 08 12:00p

5 12:00p

Ident, Type, Origin, Origin Name, Origin City, Destination, Destination Name, Departure City, Departure Time, Arrival Time, Enroute
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 N8925 FA20 KUOX, University-Oxford, Oxford, MS, KUOX, University-Oxford, Oxford, MS, 2007-10-28 09:31AM CDT, 2007-10-28 10:20AM CDT, 0:49

Please Give to Sir



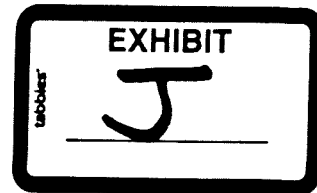
- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/14/2007

The following is a recorded telephone conversation
between TIM BALDUCCI and SID BACKSTROM on November 13, 2007:

EXCERPTS



Investigation on 11/13/2007 at New Albany (telephonically)

File # 194A-JN-32354 Date dictated 11/14/2007

by SA WILLIAM P. DELANEY/jrb

194A-JN-32354

Continuation of FD-302 of SID BACKSTROM . On 11/13/2007 . Page 11

BACKSTROM: ...and crap like that together, so.

BALDUCCI: Sure, Sure. Um, well I'm, first of all, I'm a little bit disappointed in FAVRE for not letting me know that you know, that he's, that, that he's makin' time with ya'll on the side.

BACKSTROM: (laughs)

BALDUCCI: You know, he is my guy.

BACKSTROM: (laughs)

BALDUCCI: And uh...

BACKSTROM: Well first he was our guy (UI) introduced you to him (UI)

BALDUCCI: (talking simultaneously) No, no no, I (UI) that's not how I remember.

BACKSTROM: Then you co opted him. (laughs)

BALDUCCI: That's not how I remember it now. That, that's, that's your story, but that's not how I remember it.

BACKSTROM: (laughs)

BALDUCCI: Ok, clearly he's my guy now, um, and I...

BACKSTROM: Yeah, yeah, well maybe you ought to represent him (UI)

BALDUCCI: Yeah, I, I can't uh...

BACKSTROM: (UI) shit, I'd just go on home. You know?

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Continuation of FD-302 of SID BACKSTROM . On 11/13/2007 . Page 12

BALDUCCI: ...well, I can't be havin' you going down there and screwin' up my whole hurricane project now BACKSTROM.

BACKSTROM: Yeah, yeah, (laughs)

BALDUCCI: Uh, now that's just uh, you know, yeah, I hope you know what you're doing down there. Don't go down there ruin my expert (UI).

BACKSTROM: Mm-hmm.

BALDUCCI: No, that's fine. Um, actually, I could, I was just gonna come see you, but I could go see ZACH or DICK. Um, I've, Judge LACKEY is in town, has been in town today and I've got that order and uh...

BACKSTROM: Mm-hmm.

BALDUCCI: ...he's, he's signed it, uh, I've got a copy of it and I was just gonna bring it over there, kinda debrief with you about it, uh...

BACKSTROM: Mm-hmm.

BALDUCCI: ...but um...

BACKSTROM: So is it, is it, the, the first one, uh...

BALDUCCI: It's the one I showed you the other day. It's just...

BACKSTROM: Yeah. (UI)

BALDUCCI: ...(UI) the done one, with the...

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Continuation of FD-302 of SID BACKSTROM . On 11/13/2007 . Page 13

BACKSTROM: Is it signed, sealed, and delivered? You know...

BALDUCCI: Yes. It is.

BACKSTROM: ...in other words, it's just...

BALDUCCI: Yep.

BACKSTROM: ...gonna be entered short, here shortly?

BALDUCCI: That's correct.

BACKSTROM: Yeah.

BALDUCCI: It's, everything is good to go uh, and I was just gonna bring it over there and debrief, but um, there was, it's, it's ready to be filed, um...

BACKSTROM: Mm-hmm.

BALDUCCI: ...but I, there, he, he brought up an issue with me, not an issue, but he brought up an opportunity with me um, that before I told him to file it, I at least, I feel like, you know, I gotta go back to my client, (UI) (laughs) you know, and clear? It's almost like a settlement offer, um...

BACKSTROM: Mm-hmm.

BALDUCCI: ...and essentially, I mean, essentially the message is, you know, do you, is this really what you want?

BACKSTROM: Mm-hmm.

BALDUCCI: You know, do you, do you really

194A-JN-32354

Continuation of FD-302 of SID BACKSTROM . On 11/13/2007 . Page 14

want this to go to arbitration or do you want him to keep it and try to fix it? You know.

BACKSTROM:

Mm-hmm.

BALDUCCI:

Because I think, um, I think we have a, an opportunity here, SID, that you know, I don't know what ya'll's take on the arbitration is, you know, if, um, but I think, you know, he's the judge is ready to play ball with us.

BACKSTROM:

Mm-hmm.

BALDUCCI:

You know? And we've got an opportunity probably to kill this thing now, um, you know, if you wanna do it that way. He'll, he can keep it and kill it here for what we want him to kill it for, you know, but he's he's, he's in a posture where he'll play ball with us on whatever we wanna do.

BACKSTROM:

Mm-hmm.

BALDUCCI:

You know, it'll take some more money, is the other side...

BACKSTROM:

Mm-hmm.

BALDUCCI:

...you know, I mean, we've given him fifty to, to get us to where we are now, but you know, for a little bit more, you know, he's willing to play ball I think and get this thing like we want it, so.

BACKSTROM:

Mmm.

194A-JN-32354

Continuation of FD-302 of SID BACKSTROM On 11/13/2007 Page 15

BALDUCCI: I mean, I guess...

BACKSTROM: (UI)

BALDUCCI: ...maybe you, maybe you should talk to, to DICK and ZACH about it and see what they, you know, before we enter this order, it might be better served, you guys might wanna just keep it there.

BACKSTROM: Yeah. We just cut out for about three minutes there and I didn't hear any of that, but um...

BALDUCCI: I'm sorry (laughs).

BACKSTROM: ...but (laughs) but uh, but I know what you're saying (laughs).

BALDUCCI: Yeah. Yeah.

BACKSTROM: Um, you know, I just, I um, I think we're gonna get ourselves in trouble by you know, just fuckin' around with the thing, to be honest. I mean I, I think if we um, if we overreach it can* ~~again~~ probably come back to

bite

us, so. Um, you know, I understand that you know, that there is a, a feeling that uh, uh, a quick kill is, is available but...

BALDUCCI: Mm-hmm.

BACKSTROM: ...I just, you know, I don't wanna get into a situation where it gets real ugly and interesting at the same time.

*see attached Affidavit of James A. Griffin

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I mean, I...

BALDUCCI :

Mm-hmm.

BACKSTROM:

...I, I think if it goes to arbitration, it's gonna take the wind out of their sails and I think um, it's, it's you know, probably on a path to, you know, a quick dismissal there too..

BALDUCCI :

Mm-hmm.

BACKSTROM:

...um, so, you know, I, rather than do something exotic, I think we just wanna...

BALDUCCI :

Mm-hmm.

BACKSTROM:

...you know, stay the course.

BALDUCCI :

Yeah.

BACKSTROM:

Uh, uh...

BALDUCCI :

Ok.

BACKSTROM:

...especially 'cause it's taken as long as, I mean, and, and...

BALDUCCI :

Yeah.

BACKSTROM:

...some of that's been uh, you know, fine, you know, but...

BALDUCCI :

Right.

BACKSTROM:

...but I think there is a general concern now that um, um, you know, there is, there has been some waffling and...

BALDUCCI :

Yeah.

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BACKSTROM: ...hand ringing going on that's unnecessary and we just don't...

BALDUCCI: Yeah.

BACKSTROM: ...know that that's always gonna work to our advantage, you know?

BALDUCCI: Yeah, well I, I understand. It's been, it has not been a, like you said, it has not been without adventure along the way of gettin' him to do right and uh...

BACKSTROM: Mm-hmm.

BALDUCCI: ...you know, he's, he has waffled some and I've had to, you know, go and sit down with him and kinda walk him through all of it, but you know, he, I, I guess, and that's fine. My, my only thing was I felt like I needed to at least give you the, the uh, sense of the opportunity there if you wanted to take it, but I think he's got his heart and his mind right now that he'll do whatever we want him to do now. You know? He's not gonna do...

BACKSTROM: Mm-hmm.

BALDUCCI: ...he's not gonna do it for free, but he'll do it. You know?

BACKSTROM: Mm-hmm.

BALDUCCI: If you're willing to go back to that well and you know, give

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him some more money, I, you know, I think he would, he'd do what we want him to do.

BACKSTROM:

Mm-hmm.

BALDUCCI:

You know, it's just, it, it, I didn't wanna, I didn't wanna do anything and foreclose the opportunity without at least going over it with you again and...

BACKSTROM:

Mm-hmm.

BALDUCCI:

...giving ya'll, you know, and like I said, if you wanted to talk to DICK or ZACH about it, you know, just to, to see what you wanted to do, but if, if you don't, then that's fine too. We can just enter the order that we got. It's signed and it's ready to be filed. We can just do that too, uh, and...

BACKSTROM:

Mm-hmm.

BALDUCCI:

...let it, let the chips fall where they may, you know, after they...

BACKSTROM:

Mm-hmm. Mm-hmm.

BALDUCCI:

It's, it's completely ya'll's call and he'll do whatever, he'll do whatever we want him to do.

BACKSTROM:

Mm-hmm. (sighs) Well, no, I think um, if he uh, if he feels like you know, this is, um, you know, the, the right thing to do based on what's been put

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Continuation of FD-302 of SID BACKSTROM . On 11/13/2007 . Page 19

before him, then, then I'm happy with that. You know, I don't wanna push it any further. Um...

BALDUCCI: Ok, well I think he's comfortable, you know, like I said, he's comfortable with that. So I'll just tell him, let's just go ahead and get it done.

BACKSTROM: Yep. Yep. Yep.

BALDUCCI: Get it done like you got it.

BACKSTROM: Yep. Yep. Yep. Yep.

BALDUCCI: Alright, brother. Uh, what time Friday night?

BACKSTROM: Uh...I think it says eight? I think, you know, but...

BALDUCCI: Yeah.

BACKSTROM: ...shit if you wanna come early just come on.

BALDUCCI: (talking simultaneously) (UI) You gonna be up there?

BACKSTROM: Yeah. Yep, yep, yep.

BALDUCCI: Well, alright. Don't screw my man up now, down there, FAVRE (phonetic). I got a lot ridin' on him. Got a lot of money invested in this guy, now.

BACKSTROM: (laughs)

BALDUCCI: Not gonna have you, you slip shots come along and screw this up for me, now.

AFFIDAVIT OF JAMES A. GRIFFIN

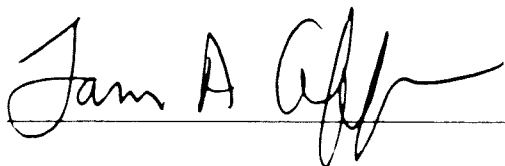
STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the state and county aforesaid, the within named James A. Griffin, who, after having by me been first duly sworn, did depose and say:

1. My name is James A. Griffin. I am the owner and operator of Forensic Tape Services and have personal knowledge of the matters set forth herein. My office and laboratory is located at 1715 Edgewood Street, Jackson, Mississippi, 39202.
2. I specialize in the analysis, authentication, and enhancement of audio and video evidence recordings. I have been retained in over 2000 cases by defense attorneys, prosecutors, law enforcement officials, and civil attorneys in all 50 states and overseas. I have previously testified in federal courts on several occasions. My current CV is attached hereto.
3. In the matter of Sidney Backstrom, I was asked to enhance a recording of conversations made on November 13, 2007. I was also provided a transcript produced by the government of said conversations.
4. I was asked to compare the transcript with the enhanced recording to determine if the government transcript contained errors or omissions. On page 15, the government contends that Mr. Backstrom says "if we overreach again probably come back to bite us". What Mr. Backstrom actually says is "if we overreach it can only probably come back to bite us".

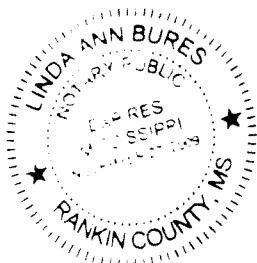
FURTHER, THE AFFIANT SAYETH NOT.

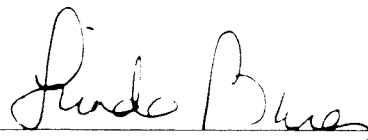
WITNESS MY SIGNATURE this 11th day of June, 2008.



JAMES A. GRIFFIN

Sworn to and subscribed to me this 11th day of June, 2008.





NOTARY PUBLIC

Vitae of JAMES A. GRIFFIN

PROFESSIONAL HISTORY

Nov 1992 - Present	FORENSIC TAPE SERVICES, Jackson, MS Owner Provides a full range of technical services to the legal community relating to the analysis, authentication, and enhancement of tape recordings. Retained in over 2,000 cases.
June 1982 - Nov 1992	PARALLAX RECORDING STUDIO, Jackson, MS Owner/engineer Music production studio with clients including major recording artists, producers, record companies, and advertising agencies & producers.
Aug 1982 - Dec 1982	JACKSON STATE UNIVERSITY, Jackson, MS Adjuct faculty Interim instructor of recording engineering, in Department of Communications
June 1976 - June 1982	MALACO RECORDING STUDIOS, Jackson, MS Chief Engineer Oversaw operations, production, and technical maintenance in the two 24-track studios. Clients included major recording artists, producers, record companies, and advertising agencies & producers.
Dec 1973 - Jan 1975	KBRS RADIO, Springdale, AR Announcer, engineer Part time announcer/engineer during high school and first year of college.

PROFESSIONAL AFFILIATIONS:

AMERICAN COLLEGE OF FORENSIC EXAMINERS
AMERICAN BOARD OF FORENSIC EXAMINERS, Diplomate status
ACOUSTICAL SOCIETY OF AMERICA
AUDIO ENGINEERING SOCIETY, Member of SC-03-12, Forensic Audio
INTERNATIONAL ASSOCIATION FOR IDENTIFICATION

ARTICLES PUBLISHED: (Copies Available Upon Request)

10 TIPS FOR ATTORNEYS WITH TAPE-RECORDED EVIDENCE. Aug 1995 in *The Champion*, a publication of the National Association of Criminal Defense Lawyers.

A PROSECUTOR'S GUIDE TO OBTAINING AND PRESENTING AUDIO AND VIDEO EVIDENCE Nov 1995 in *The Prosecutor*, a publication of the National District Attorney's Association

CONFERENCE LEADERSHIP:

MISSISSIPPI PROSECUTOR'S ASSOCIATION, Jackson MS, Oct 1994. Presentation on enhancement and authentication of audio evidence in drug related cases.

TEXAS HOMICIDE SYMPOSIUM, Richardson TX, April 1996. Presentation: *Recording The Suspect: Promises and Pitfalls*

LOUISIANA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS New Orleans, LA, Dec 1996. Presentation:
The Reality of Recordings: The Good, Bad, and Ugly

AMERICAN COLLEGE OF FORENSIC EXAMINERS / American Board of Recorded Evidence, Naples, FL, Oct 1998. Presentation: *Enhancement of 911 Recordings: When The Case is in the Background.*

AUDIO ENGINEERING SOCIETY, New York City, Oct 1997; San Francisco Sept 1998; Member of W-12 (Forensic Audio) Participation in board discussions to set standards for authentication and enhancement of audio evidence recordings

TEXAS CRIMINAL DEFENSE LAWYERS PROJECT Forensics Seminar August 2003. Presentation on Audio and Video Evidence

ADVANCED TECHNICAL TRAINING:

DIGITAL AUDIO CORPORATION'S Dac School, March 1996. Specialized training in tape enhancement and digital signal processing.

NEW YORK INSTITUTE FOR FORENSIC AUDIO, May 1998. Courses include Audio Tape authentication and enhancement, Video Tape authentication and enhancement, Voice Identification/Elimination.

IAI 83rd INTERNATIONAL EDUCATION CONFERENCE, July 1998. Topics included vocal profiling, voice identification, automatic speaker recognition, covert audio recording, acoustic analysis of gunshots, analysis of on-hook telephone transients.

AMERICAN COLLEGE OF FORENSIC EXAMINERS / American Board of Recorded Evidence, Oct 1998. Topics included enhancement, video/film authentication, voice identification

AUDIO ENGINEERING SOCIETY CONFERENCE: Audio Forensics – Theory & Practice June 2008. Topics included *Basics of Audio Enhancement, Voice ID, ENF: Quantification of the Magnetic Field, Digital Audio Authentication Using ENF, The Role of Transcriptions in the Courtroom, Deciphering Gunshot Recordings, Audio Analysis and Spectral Restoration Workflow, Magneto-Resistive Field Mapping of Analog Audio Tapes.*

JAMES A. GRIFFIN TESTIMONY HISTORY

Civil. **Gary Randle v City of Ft. Worth, et al.** US District Court, N Div Texas, Ft Worth, Civil Action No. 4 93-CV-694-Y Prepared enhancement and transcript on behalf of defendants. Gave deposition at request of plaintiff on 10-25-95. Attorneys for Defendant Mark A. Cover and Stuart B. Johnston. c/o VINSON & ELKINS, Dallas, TX (214) 220-7700

Malbrough v State Farm, US District Court, E District of Louisiana, New Orleans, CA No 95-3340-C. Authenticated recordings on behalf of defendant, testified at trial October 1996. Attorneys for defendant Wayne Lee and Anne Winter. c/o STONE PIGMAN, New Orleans, LA (504)581-3200

Mascaro v Mascaro. 22d JDC, Louisiana. Authenticated and enhanced recordings, corrected transcripts, produced compact disc for trial playback on behalf of defendant. Testified by deposition, May 1998. Attorney for defendant Andy Lee, Jones Walker, New Orleans, LA (504)582-8664

Stephanie Odom-Lee vs. Lipscomb Oil, US District Court, Southern District of Mississippi, Jackson Division, Civ Action No 3 01CV550LN. Testified at defendant's hearing on motion for sanctions against plaintiff for fabricating evidence Sept 17, 2002. *Silas McCharen, Daniel Coker Horton & Bell*, attorney for defendant (601)969-7607

Michael Pardue vs. City of Saraland, Alabama, et al, US District Court, Southern District of Alabama, Southern Division, CV-99-0799-RV-M. Examined police interrogation tape of plaintiff made in 1973. Testified in deposition at request of defendants, February 27, 2003. *James G. Curenton, Jr.*, attorney for plaintiff 251-928-3993. *Drew Chnstman*, attorney for defendant 334-834-9950. *Larry Wettermark*, attorney for defendant 251-476-4493

In the matter of Ms. Tan Guat Neo Phyllis as an Advocate and Solicitor of the Supreme Court of Singapore and In The matter of the Legal Professional Act, Chapter 161. Examined digital audio and video recordings and testified in a hearing before the Tribunal in the Supreme Court of Singapore, July 2006.

Criminal Mississippi v Walter Thomas, 11th Judicial District, Mississippi. Enhanced tape recordings and testified at trial on behalf of state, February 1996. *Ed Snyder, Assistant Attorney General* (601)359-3680.

North Carolina v Leopold Armstrong, 93-CRS-942 Robeson County, NC. Authenticated recordings on behalf of defendant. Testified at suppression hearing and at trial, July 1996. *Angus B. Thompson, Jr.*, attorney for defendant (910)671-3364

Alabama v Steve Wilkerson, Circuit Court of Marengo County, AL. Enhanced and authenticated recordings on behalf of defendant, testified at trial October 1996. *Walter Griess*, attorney for defendant (205) 372-9333

Texas v Patrick Delasbour, 179 D.C. Harris County TX. Enhanced approx 12 hours of tape recordings on behalf of defendant. Testified at pre-trial hearing and at trial, Feb 1997. *Norman J. Silverman*, attorney for defendant. (713)546-7060

Michigan vs Charles Fisher, Circuit Court of Wayne County MI. The tape of a 911 call made by defendant was garbled and unintelligible in places. A transcript produced by the state placed incriminating words in the mouth of defendant. Our enhancement and analysis of the original tape revealed that the incriminating words were not on the tape and never could have been on the tape. Testified at trial on behalf of defendant, September 1997. *James M. Kincaid*, attorney for defendant. (313) 965-4384

Georgia vs Marcus Ray Johnson, Circuit Court of Doherty County, GA. Our examination of a suspect interrogation tape revealed that the police officer had stopped the tape, despite his testimony to the contrary. An FBI expert later examined tape and agreed. Testified at pre-trial hearing, September, 1997 and at trial April 1998. *Ronnie Joe Lane*, attorney for defendant. (912)524-2149.

Kansas vs John Cheek, Circuit Court of Wyandotte County, KS. After an altercation in a bar, a security guard was killed by an off-duty police officer, who was then charged and convicted of first degree murder. The conviction was overturned on appeal and a new trial held. Our analysis of the 911 tape pinpointed the location and timing of gunshots, revealing that the shots could not have occurred as some prosecution witnesses had testified that they did. Cheek was convicted of lesser charge of manslaughter. Testified at trial, April 13 1998. *James R. Hobbs, Cheryl Pilate*, attorneys for defendant (816) 221-0080.

Oregon vs. Kennedy, Circuit Court of Benton County, OR. Testified by telephone at pre-trial hearing on behalf of State of Oregon Attorney General's Office September 2000

Mississippi vs. Steve Strickler, Circuit Court of Jackson County, MS. Testified at Trial on behalf of defendant. May 31, 2002. *Frank Trapp, Phelps Dunbar Jackson MS*.

Mississippi vs. Thaddeus Edmonson Circuit Court, Jones County MS. Testified in at trial regarding enhancement of audio tracks of poor quality video tapes on behalf of state. April 1, 2003. *Lee Martin, Assistant Attorney General*

USA v Rady A. Sdoulam, et al. No 02-00131-01-CR-W-4 USDC, Western Dist of Missouri. Enhanced gov't recordings, corrected errors and omissions in gov't transcripts, testified at trial on behalf of defendant, May 19, 2003. *James R. Wyrsh, Justin J Johnston*, attorneys for defendant 816-221-0080.

Oregon v. Gary Repp Medford OR Analysis of 911 recording contradicted state's theory of case Testified at trial Feb 18, 2004 Defendant acquitted Jeni Feinberg attorney for defendant 541-779-8916

USA v David L. Knellinger No. 3 06-CR-126 in the Eastern District of Virginia (Richmond) Testified in pretrial hearing November 6 2006 Ian N. Friedman attorney for defendant

Mississippi v James Henderson Madison County Court, April 26, 2007 Testified for defendant regarding the integrity of recording used by him to establish sequence and timing of events Rogen Chhabra, attorney for defendant

West Virginia v Ronald Schleger Preston County Court, September 6, 2007 Testified at trial for defendant Schleger who was charged with murder after altercation with neighbor resulted in neighbor's death Analysis & enhancement of 911 recording revealed that the neighbor was the actual aggressor Schleger was acquitted James Zimarowski, attorney for defendant

USA v Adrian Armstrong USDC for District of Puerto Rico, CR No. 04-250 (JAG) Found irregularities proving tapes were altered by a C.I. testified so at hearing October 9, 2007. Government later retained an expert who confirmed our findings.

FEE SCHEDULE

Rev Jan 2003

Our rates, employment, and retainer arrangement are governed by the laws of the state of Mississippi. All fees and retainers are non-refundable.

\$200 HOURLY RATE for services, including Authentication and Enhancement, lab work, written reports, depositions, testimony and portal-to-portal travel. A retainer is quoted on the basis of a preliminary discussion of client's needs and is *required in advance of commencement, with following MINIMUM ADVANCE RETAINERS:*

- \$ 600** AUDIO ENHANCEMENT
- \$2,000** VIDEO ENHANCEMENT
- \$3,000** AUDIO AUTHENTICATION *(Per tape)*
- \$3,000** VIDEO AUTHENTICATION. *(Per tape)*

- \$2,500** TESTIMONY (in court or deposition) per day or any part thereof

- \$2,500** TRAVEL for on-site work, per day

- \$ 750** To be named as an expert of record.
- \$ 750** To file an Affidavit *(per Affidavit)*

Estimated travel expenses are also payable in advance. Actual charges will appear on final invoice and client will be credited or billed as necessary.