

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

RICHARD F. "DICKIE" SCRUGGS

CRIMINAL CASE NO. 3:09CR
18 U.S.C. §§ 1341 & 1346
18 U.S.C. § 2

INFORMATION

The United States Attorney charges that:

Count One

At all times relevant and material to this Information:

1. Defendant RICHARD F. "DICKIE" SCRUGGS was an attorney licensed to practice in the State of Mississippi and a member of a private law firm, Richard F. Scruggs, P.A., known as "The Scruggs Law Firm."
2. The Public Official was a public officer and a duly elected official serving the State of Mississippi in the capacity of Circuit Court Judge for Hinds County, Mississippi, part of the Seventh Circuit Court District, a subdivision of the judicial branch of the State of Mississippi.
3. Under the Constitution and laws of the State of Mississippi and pursuant to the Code of Judicial Conduct and under his oath, the Public Official owed a duty of fair and honest services to the people of the State of Mississippi.
4. The Public Official was the presiding judge assigned to the case of Wilson v. Scruggs, Cause No. 251-94-582, pending for a decade in the Circuit Court of Hinds County, Mississippi, a case in which Wilson sued Scruggs, his former associate, for millions of dollars in legal fees resulting from asbestos litigation.

5. During the summer, 2005, RICHARD F. "DICKIE" SCRUGGS asked Joseph C. Langston and the Langston Law Firm (not named as defendants herein) to take over the lead as chief counsel in the Wilson case.

6. From on or about July, 2005, until on or about October, 2007, in the Northern District of Mississippi and elsewhere, RICHARD F. "DICKIE" SCRUGGS, defendant, Joseph C. Langston, Timothy R. Balducci, Steven A. Patterson, and Edward Peters, none of whom are named as defendants herein, aided and abetted by each other, devised and executed and intended to devise and execute a scheme and artifice to deprive the citizens of the State of Mississippi of their intangible right to the honest services of the Public Official, who as circuit court judge had a duty to perform impartially, without affording either side an unfair advantage or secret access to the court.

THE PURPOSE OF THE SCHEME

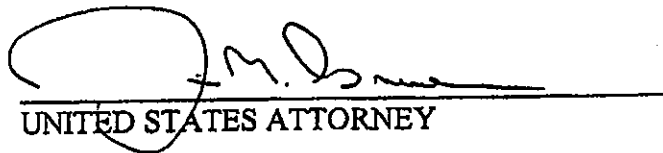
7. The purpose of the scheme was to ensure that Scruggs enjoyed an unlawful advantage, in secret and unknown to the plaintiffs. RICHARD F. "DICKIE" SCRUGGS and his legal team consisting of Joseph C. Langston, Timothy R. Balducci and non-lawyer Steven A. Patterson devised a scheme and artifice to secretly and corruptly influence the Public Official by exploiting two vulnerabilities: first, his close association with former district attorney Ed Peters and, second, his known ambition to become a federal judge. Langston, Balducci and Patterson paid Ed Peters \$50,000 cash and Langston later paid Peters an additional \$950,000, all for the purpose of using Ed Peters to influence the Public Official. Additionally, RICHARD F. "DICKIE" SCRUGGS contacted his brother-in-law, then a United States Senator from Mississippi, to recommend the Public Official for consideration for a federal district judgeship then open in the Southern District of Mississippi. All of this occurred as the Wilson v. Scruggs case gained

intensity and proceeded to a final resolution in the Public Official's court.

USE OF THE MAIL

8. On or about January 19, 2006, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud in the Northern District of Mississippi and elsewhere, defendant RICHARD F. "DICKIE" SCRUGGS, aided and abetted by other nondefendants named but not charged herein, knowingly caused to be deposited in a post office or other authorized depository for mail matter in the Northern District of Mississippi to be delivered by the Postal Service according to the directions thereon, Joseph C. Langston's and Timothy R. Balducci's Entry of Appearance for filing in the Hinds County Circuit Court case of Wilson v. Scruggs, Cause No. 251-94-582.

All in violation of 18 U.S.C. §§ 2, 1341 and 1346.


UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

RICHARD F. "DICKIE" SCRUGGS

CRIMINAL CASE NO. 3:09CR
18 U.S.C. §§ 1341 & 1346
18 U.S.C. § 2

PENALTIES

Count One

nm 20 years imprisonment – 18 U.S.C. § 1341
nm \$250,000 fine – 18 U.S.C. § 3571(b)(3)
nm 3 years supervised release – 18 U.S.C. § 3583(b)(2)
\$100 special assessment – 18 U.S.C. § 3013

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:09CR

RICHARD F. "DICKIE" SCRUGGS

FACTUAL BASIS

Were the case to go to trial the government would expect to prove that from on or about July 2005 until on or about October 2007 in the Northern and Southern Districts of Mississippi, RICHARD F. "DICKIE" SCRUGGS, Joseph C. Langston, Timothy R. Balducci, Steven A. Patterson and others aided and abetted each other in the execution of a scheme and artifice to deprive the citizens of the State of Mississippi of the fair and honest services of a circuit judge, and in connection with that scheme the aforesaid individuals caused Notices of Appearance for Joseph C. Langston and Timothy R. Balducci to be mailed by United States Mail from the Northern District of Mississippi to the Circuit Court of Hinds County, Mississippi. The case of Wilson v. Scruggs had been pending in the Circuit Court of Hinds County for almost a decade. Wilson sued Scruggs over attorneys' fees stemming from asbestos litigation, and Mr. Scruggs was concerned about getting a "fair trial," as one of the attorneys representing Wilson was a former law partner of the circuit judge assigned to the case. At the suggestion of Steve Patterson, Langston, Balducci and Patterson met with former district attorney Ed Peters, believing that Ed Peters had the kind of personal relationship with the circuit judge that would enable the Scruggs legal team to ensure that they received an ex parte access to the court. On more than one occasion Joey Langston met with RICHARD F. "DICKIE" SCRUGGS to discuss hiring Ed

Peters, not for the purpose of entering an appearance as an attorney in the case, but rather to corruptly influence the circuit judge behind the scenes. Additionally, RICHARD F. "DICKIE" SCRUGGS contacted his brother-in-law, then a United States Senator from Mississippi, to recommend the aforesaid circuit judge for consideration to a federal judgeship open in the Southern District of Mississippi. The circuit judge received the Senator's call and knew that Scruggs had recommended him. The case was ultimately resolved in a favorable way to Mr. Scruggs.

In order to facilitate the scheme, Joseph C. Langston and Timothy R. Balducci mailed their Notices of Appearance in Wilson v. Scruggs from the Langston Law Firm in the Northern District of Mississippi to the Circuit Court of Hinds County in the Southern District of Mississippi. Those Notices of Appearance would not have been mailed and entered but for the aforesaid scheme. The Wilson legal team never knew about the involvement of Ed Peters, or the telephone call regarding the federal judgeship. Finally, the citizens of the State of Mississippi had a right to expect a circuit judge to exercise his duties in a fair and impartial manner, without affording litigants on one side of the case secret access to the court not enjoyed by the other. That requirement of fairness and impartiality is embodied in Mississippi Code Annotated, Section 97-11-53.

97-11-53**Statutes and Session Law****TITLE 97 CRIMES****CHAPTER 11 OFFENSES INVOLVING PUBLIC OFFICIALS****97-11-53 Offer of inducements to influence public official's action on award of contracts or accomplishment of official acts.****97-11-53. Offer of inducements to influence public official's action on award of contracts or accomplishment of official acts.**

As used in this section the following words shall have the following meaning:

(1) Person: individual, firm, corporation, association, partnership or other legal entity.

(2) Public official:

(a) Any elected official of the State of Mississippi or of any political subdivision thereof, or

(b) Any officer, director, commissioner, supervisor, chief, head, agent or employee of:

(i) The State of Mississippi,

(ii) Any agency of the State of Mississippi,

(iii) Any political subdivision of the State of Mississippi,

(iv) Any body politic of the State of Mississippi, or

(v) Any entity created by or under the laws of the State of Mississippi or by executive order of the Governor of the State of Mississippi and which expends public funds.

No person shall directly or indirectly offer, promise, give or agree to give to any public official or his spouse any money, property, or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust.

Any person who violates the terms of this section shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition such person and the firm, corporation, partnership, association or other type of business entity which he represents shall be barred for a period of five (5) years from the date of conviction from doing business with the State of Mississippi or any political subdivision thereof or any other public entity referred to in this section.

No public official shall directly or indirectly accept, receive, offer to receive or agree to receive any gift, offer, or promise of any money, property or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of

property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust.

Any public official who violates the terms of this section or whose spouse does so with his knowledge and consent, shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition, upon conviction such public official shall forfeit his office, if any he hold, and be forever disqualified from holding any public office, trust, appointment or employment with the State of Mississippi or any political subdivision thereof or with any other public entity referred to in this section.

Each violation of the provisions of this section shall constitute a separate offense.

Sources: Laws, 1974, ch. 541, § 2, eff from and after passage (approved April 12, 1974).

Lawriter Corporation. All rights reserved.

The Casemaker Online database is a compilation exclusively owned by Lawriter Corporation. The database is provided for use under the terms, notices and conditions as expressly stated under the online end user license agreement to which all users assent in order to access the database.