



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:09CR002

BOBBY B. DELAUGHTER

FACTUAL BASIS

Were the case to go to trial, the government would expect to prove that on or about December 10, 2007, in the Northern District of Mississippi and elsewhere defendant Bobby B. DeLaughter attempted to corruptly influence and impede an official proceeding.

During the month of December 2007 the Federal Bureau of Investigation was actively conducting an investigation to determine whether circuit judge Bobby DeLaughter had allowed himself to be corruptly influenced in the case of Wilson v. Scruggs, pending before him in the Circuit Court of Hinds County, Mississippi. Timothy R. Balducci had reported that the Scruggs legal team had used former district attorney Ed Peters to corruptly influence Peters' good friend Bobby DeLaughter in the Wilson v. Scruggs case.

As part of the FBI's investigation of those allegations, special agents Susan McDavitt and Jeannette Williams appeared at Judge DeLaughter's chambers in the Hinds County Courthouse in Raymond, Mississippi, on December 10, 2007, identified themselves as FBI agents, and conducted a non-custodial interview. Because Ed Peters had never entered an appearance as counsel for Scruggs, the agents were asking about Peters' involvement in the case and they specifically asked DeLaughter about his contacts with Peters. DeLaughter stated that he had received a telephone call from his close friend and political mentor Ed Peters expressing Joey Langston's concerns that DeLaughter might favor the Wilson side of the case, as his former law

partner Bill Kirksey was one of the attorneys representing Wilson. DeLaughter advised the agents that he told Peters his former association with Kirksey would have no effect on him and he would do his best to follow the law. DeLaughter said he remembered a second telephone call from Peters advising him that Langston was still voicing concerns about DeLaughter's ability to be "fair" and Langston wanted DeLaughter to know that Scruggs could help him with his desire to become a federal magistrate. DeLaughter said he told Peters that he would not show favoritism toward either side. He concluded the interview by specifically telling the agents that he never spoke with Peters regarding the Wilson case after those two calls. That simply wasn't true.

Bobby DeLaughter corruptly attempted to obstruct, influence, impede and confuse the FBI's grand jury investigation of his relationship with Peters. Ed Peters would testify that he was hired to influence Bobby DeLaughter and he thinks he did. Joey Langston would testify that he pled guilty in the matter. In his opinion, the influence Peters exerted on DeLaughter was well worth the million dollars they paid him. Timothy Balducci would testify about specific instances where critical tactical decisions were made by the Scruggs legal team based upon secret information obtained by Peters from DeLaughter. One example would be the motion for quantification filed by Wilson, asking DeLaughter to decide the exact dollar amount owed by Scruggs to Wilson. The Scruggs legal team believed the motion to be improper, as it asked the court to sit as the trier of fact, invading the province of the jury. However, the Scruggs attorneys also recognized a unique opportunity to win the case flat out, short of trial. Theirs was a high stakes, critical decision. They could object to quantification, or submit their own figures asking the court to find that Scruggs owed Wilson zero additional moneys. They simply had to know how the judge would rule, so they went to Peters. Peters would testify that it was about that point in the proceedings when Langston first mentioned the "reverse contingency fee", in effect the

offer of an additional \$950,000. Peters had 50,000 from Langston; he realized that the additional \$950,000 was to motivate him to influence the judge and he produced. Balducci would testify that Peters faxed them the fourth page of the judge's proposed quantification order showing a zero balance due from Scruggs to Wilson. Armed with that information, the Scruggs legal team did not object to quantification, but rather embraced it. The result was a huge win for Scruggs.

Peters would testify that during the pendency of the proceedings he met with Judge DeLaughter on numerous occasions, lobbying for Scruggs, providing the court with advance copies of Scruggs' filings and taking the judge's concerns back to the Scruggs team for additional legal research on various points of law. Peters would testify that DeLaughter never cautioned him that his contacts were improper, and the evidence would establish that the Wilson legal team was never made aware that Peters was acting as a secret conduit of information between the Scruggs legal team and Judge DeLaughter.

Peters also conveyed to Judge DeLaughter Joey Langston's assurances that Scruggs could help DeLaughter in his quest to become a federal district judge by having Dickie Scruggs get his brother-in-law, Senator Trent Lott, to call him. Peters would testify that he believed if DeLaughter would help Scruggs, Scruggs would help DeLaughter obtain the judgeship he wanted so badly. Peters would testify he believed DeLaughter understood that agreement. All these communications between the Scruggs legal team and the judge occurred corruptly and in secret, and the evidence would show that Judge DeLaughter never made any of that known to the plaintiffs in the case. DeLaughter's statement to the FBI that he had only spoken with Peters twice, by telephone, about non-substantive issues in the Wilson v. Scruggs case was misleading and dishonest, clearly designed to confuse, obstruct and impede the FBI's grand jury investigation.