

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:) NO. 3:07-mc-135
)
A MATTER UNDER) **FILED UNDER SEAL**
INVESTIGATION)
BY GRAND JURY NUMBER 3)
(#2007R00845))

MOTION FOR HEARING

On June 25, 2008, the United States of America, by and through its undersigned counsel, moved the Court for an Order: (1) compelling **Timothy McQueen, Joseph Brunson, Tony Pough** and/or the Custodian of Records for the Capital Consortium Group, LLC (hereinafter CCG) to produce records responsive to grand jury subpoenas issued to them on or about March 14, 2008, and (2) compelling **Joseph Brunson** to comply with subpoenas previously issued to him.

Since the date of the filing, neither **Brunson, McQueen** nor **Pough** has filed a response to the Government's motion, and the time for filing a response under our local rules has expired. Moreover, as noted in the above-referenced filing, the grand jury investigation in this case is continuing, and the United States expects to present a final superseding indictment to the grand jury during the week of August 18, 2008. Therefore, the United States would request that this Honorable Court schedule a hearing prior to the grand jury presentment so that the grand jury can receive and consider the records responsive to its lawfully-issued subpoenas. If the defendants fail to produce the responsive records, the United States would request that **Brunson, McQueen** and **Pough** be held in contempt, as they have failed to show why they cannot produce the requested records.

The United States also respectfully suggests that since there are two other motions pending in the related criminal case (the motion for a mental examination for Defendant **Brunson** and the motion to appoint counsel/motion for a Faretta hearing) that are both ripe for resolution and that will

affect the scheduling of this case for trial, the Court may wish to resolve those motions at the same hearing scheduled for the instant motion.

Respectfully submitted,

W. WALTER WILKINS
UNITED STATES ATTORNEY

By: s/Winston D. Holiday, Jr.
Winston D. Holliday, Jr., ID No. 7597
Mark C. Moore, ID No. 4956
Assistant U.S. Attorneys
1441 Main Street, Suite 500
Columbia, South Carolina 29201
(803) 929-3079

Columbia, South Carolina

July 22, 2008

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:) CRIM. NO.: 3:07-mc-135
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A MATTER UNDER INVESTIGATION)
BY GRAND JURY NUMBER 3)
(#2007R00845))

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the District of South Carolina, and on July 22, 2008, I served one true and correct copy of the attached Government's Motion For Hearing (**Filed Under Seal**), in the above-captioned case, via the court's e-noticing system, but if that means failed, by regular mail by placing said copies in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es), and by depositing said envelope and contents in the United States Mail at U.S. Attorney's Office, 1441 Main Street, Suite 500, Columbia, SC 29201.

Joseph B Brunson
209 Raintree Drive
Hopkins, SC 29061

Timothy McQueen
44 Ravenglass Way
Blythewood, SC 29016

Tony B Pough
1907 Henderson Street
Columbia, SC 29201

s/Winston D. Holliday, Jr.
Winston D. Holliday, Jr. (ID# 7597)
Assistant U.S. Attorney

Columbia, South Carolina