

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA \*  
\*  
v. \*  
\* CRIMINAL NO. 1:15-cr-00065 LG-RHW  
\*  
MIKAL C. WATTS, et al. \*

**MIKAL WATTS' RESPONSE TO MOTIONS**  
**FOR CONTINUANCE FILED BY CO-DEFENDANTS**

After an investigation spanning approximately four years, and an indictment filed on September 15, 2015 and unsealed October 29, 2015, the bulk of the discovery from the Government has not yet been provided. This has prompted some of the co-defendants' lawyers, who are in a difficult position because they are new to the investigation and the case, to file motions to postpone the December 7, 2015 trial date.

Mikal Watts objects to a delay in the trial. Mr. Watts is ready to go to trial, answer the allegations, and prove his innocence to a jury of his fellow citizens. At the same time, he recognizes the predicament faced by counsel for the co-defendants who are new to the case and are hampered by the failure of the Government to provide at the outset the discovery amassed from its lengthy investigation. If the Court chooses to postpone the trial based on the absence of complete discovery thus far from the Government, and in order to give those counsel sufficient time to prepare, we understand that the case likely will be moved to the Court's next trial calendar on February 1, 2016. Most of the remaining discovery is being provided shortly and it appears that all parties will have an opportunity to prepare and be ready for trial at that time. Accordingly, Mr. Watts respectfully requests that if the December 7 trial setting is postponed, the trial commence no later than February 1, 2016.

As mentioned earlier, the investigation of Mr. Watts apparently has spanned the last four years. Approximately 33 months ago, the Government searched Mr. Watts' law office and the existence of the search became public soon thereafter.<sup>1</sup> On September 15, 2015, the U.S. Attorney's Office in Jackson secured an indictment against Mr. Watts and six others that contains a highly misleading presentation of the facts and is replete with quotes from emails taken out of context. Mr. Watts and most of the other defendants, some of whom already were represented and others of whom were not, were informed of the indictment on October 8. The indictment was not unsealed and disclosed to them and the public until October 29, 2015. At 11 a.m. that day, the U.S. Attorney held a press conference in Gulfport in which he wrongly accused Mr. Watts of filing suit on thousands of plaintiffs in the BP oil spill case while knowing that they had never consented to his representation. At the press conference, the U.S. Attorney and the Special Agent in Charge of the Secret Service commented on the thoroughness of their investigation.<sup>2</sup> On that same day, the defendants were arraigned and the case was set for trial on the December 7, 2015 calendar.

While some of the discovery was open to defense counsel to view within two weeks of the unsealing of the indictment, most of it has yet to be provided. As mentioned earlier, this has put the lawyers for some of the other defendants, who are new to this investigation, in a difficult position. They too wish for a speedy trial, but face problems in preparation without prior access to the documents in the case. It appears the bulk of the discovery documents will be available early next week.

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<sup>1</sup> See *Houston Chronicle*, February 26, 2013 (<http://www.houstonchronicle.com/news/houston-texas/houston/article/Feds-raid-offices-of-BP-plaintiff-attorney-4311360.php>).

<sup>2</sup> Press Release of the United States Attorney's Office, Southern District of Mississippi, October 29, 2015: <http://www.justice.gov/usao-sdms/pr/seven-individuals-indicted-conspiracy-mail-and-wire-fraud-and-identity-theft-connection>.

The Sixth Amendment to the United States Constitution gives any defendant “the right to a speedy and public trial...” The Speedy Trial Act statutorily provides all defendants, including Mikal Watts, the presumptive right to go to trial within seventy days of pleading not guilty.<sup>3</sup> There are certain exceptions that allow extension of the seventy-day period under proper circumstances, and we realize that the Court may conclude that the unavailability of complete discovery at this juncture fits within such an exception and authorizes a postponement until February 1.

Many of the events that are the subject of this case occurred over five years ago. Significant delays in this trial can operate to the detriment of the defendants in gathering the evidence necessary to refute the prosecution’s allegations. Moreover, the spectre of this investigation has been hanging over Mr. Watts since it was publicly revealed nearly three years ago. He wishes to go to trial very soon so that he can present his defense and refute these allegations.

Accordingly, Mikal Watts invokes his right to a speedy trial under the Sixth Amendment and under the Speedy Trial Act, and asks that the December 7, 2015 trial date be maintained. In the alternative, if the Court chooses to postpone the trial based on the absence of complete discovery thus far from the Government, and in order to allow counsel for other defendants sufficient preparation time, Mr. Watts respectfully requests that trial commence on the Court’s next trial calendar beginning February 1, 2016.

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<sup>3</sup> See 18 U.S.C. §3161(c)(1) (“In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.”).

Respectfully submitted,

s/Robert B. McDuff  
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November 13, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2015, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

s/Robert B. McDuff