

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JIMMIE ANTHONY "JIM" BEARD

Criminal Action No.

1:20-CR-351-SCJ-LTW

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO CONTINUE TRIAL**

The United States of America, by Ryan K. Buchanan, United States Attorney, and Tiffany R. Dillingham and Garrett L. Bradford, Assistant United States Attorneys for the Northern District of Georgia, and Trevor C. Wilmot, Trial Attorney for the United States Department of Justice, files this Response to Defendant's Motion to Continue Trial. (Doc. 118). Upon review of Defendant's motion, the United States does not oppose Defendant's request for a 90-day continuance but maintains that no conduct by the government necessitated Defendant's belated discovery review.

RELEVANT FACTUAL BACKGROUND

On September 15, 2020, a grand jury in the Northern District of Georgia returned an eight count Indictment against Jimmie A. Beard, charging him with wire fraud, theft concerning federal programs, possession of machine guns, making a false entry on a federal form, and obstructing an IRS audit. (Doc. 1). Beard pleaded not guilty to the Indictment. (Doc. 6). His trial is currently scheduled to begin on February 12, 2024. (Doc. 104).

As detailed in its response to Beard's June 29, 2023 motion to continue trial, the United States began producing extensive discovery to Beard in October 2020. (*See* Doc. 102). As part of that production, three subsequent productions, and a pre-trial letter, the United States identified documents in its possession from several separate investigations and cases relating to the City of Atlanta. (*Id.*). Rather than produce the records – which are not subject to Rule 16 and contain no apparent *Brady* material as to Beard, but include sensitive materials – the United States made the records from those cases and investigations available to Beard for inspection and review. (*Id.*). For three full years, those records have been available for review at the U.S. Attorney's Office – not the FBI's office – in electronic and searchable format where Beard may review them unsupervised. (*Id.*). Beard has not availed himself of the United States' offer.

Instead, Beard filed a motion in June 2023 seeking more time to start reviewing these records. And while the failure to review these documents was not attributable to the United States, it did not oppose a limited continuance for Beard to review the records. (*Id.*). During the July 13, 2023 hearing on the matter, the parties agreed to produce the non-sensitive portion of these records (obtained from the City of Atlanta) to Beard so that he could load them into his own document review software, while keeping the sensitive portion of the records available for Beard's review at the U.S. Attorney's Office.

The Court granted Beard a six-month continuance of the trial (from August 21, 2023, to February 12, 2024). (Doc. 104). Beard furnished hard drives to the United States on or about July 31, 2023, and the United States produced the non-

sensitive records to Beard on August 22, 2023. Since then, as part of its ongoing trial preparation, the United States has also produced a few hundred pages of miscellaneous records, primarily consisting of certified copies of previously produced tax documents.

RESPONSE TO BEARD'S MOTION

On November 30, 2023, Beard's counsel notified the United States that he planned to seek another continuance due to the time needed to load and review discovery. Asked to clarify whether he needed more time to review the August 18, 2023 production of non-sensitive City of Atlanta records or *all* of the prior discovery in the case dating back to 2020, Beard answered "all of the discovery," and that his prior efforts to review the discovery the "old fashioned way" were not feasible. Based on this response – but considering also the length of time since indictment and the difficulty in justifying a continuance to review discovery that was produced years prior – the United States proposed a continuance shorter than the ninety days Beard sought. Beard rejected the proposal and filed the instant motion. (Doc. 118).

The United States hesitated to consent to another continuance premised on the review of records that have long been available. But Beard's concern that he has not yet reviewed these documents informs the withdrawal of the United States' opposition to a ninety-day continuance. (*See* Doc. 102).

CONCLUSION

The United States does not oppose Beard's motion to continue trial in this case for 90 days.

Respectfully submitted,

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December 8, 2023

/s/ GARRETT L. BRADFORD
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