

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 2:22-CR-76
	)	JUDGE GREER
CHAD BRANDON THOMAS	)	

**UNITED STATES' MOTION FOR *IN CAMERA* REVIEW AND RELEASE OF CJA
VOUCHERS AND BILLING INVOICES SUBMITTED BY ATTORNEY
DUDLEY SENTER IN CASE NO. 2:21-MJ-100**

The United States, through the United States Attorney for the Eastern District of Tennessee and pursuant to 18 U.S.C. § 3006A(d)(4), respectfully requests that the Court conduct an *in camera* review of all CJA Vouchers for repayment submitted by attorney Dudley Senter in *United States v. Chad B. Thomas*, No. 2:21-MJ-100 (E.D. Tenn.) and release (in full or redacted form) relevant vouchers and supporting invoices, and says:

1. On March 9, 2023, defendant filed his *pro se* motion to withdraw his plea [Doc. 41]. The Court has scheduled a hearing on the motion for April 10, 2023, at 3:00 p.m. [Doc. 45].

2. Prior to attorney Jefferson Fairchild's appointment to represent defendant, the Court previously had appointed attorney Dudley Senter to represent defendant after defendant received a target letter. That matter is styled *United States v. Chad B. Thomas*, No. 2:21-MJ-100 (E.D. Tenn.).

3. In defendant's *pro se* motion, defendant claims the following: (1) that defendant did not receive a copy of his plea agreement to read and study until February 23, 2022; (2) that the agreement listed attorney Dudley Senter as his attorney on the first page but was signed by attorney Jefferson Fairchild on the last page; (3) that attorney Fairchild spent less than an hour with defendant, did not leave defendant a copy of the agreement, told defendant that if he did not

sign the agreement the U.S. Marshalls would come and arrest him, and told defendant that if he did not sign the agreement they would throw the book at him; and (4) that the factual basis contained in defendant's plea agreement was not true.

4. The United States believes that billing records and back-up invoices submitted by attorney Senter will refute defendant's claim that he did not receive a copy of his plea agreement until February 2023 and that he had less than an hour to review its terms.

5. In advance of the evidentiary hearing, the United States requests that the Court conduct an *in camera* review of the subject vouchers and billing records and provide copies to the United States and defendant with any necessary redactions in accord with 18 U.S.C. § 3006A(d)(4)(B) and (D). The United States believes that detailed time entries may reflect review of the defendant's plea agreement with defendant and/or charges for any copies of the plea agreement provided to defendant and are matters that can and should be disclosed if those materials refute defendant's claims or shed further light upon the time attorney Senter spent going through the charges and plea agreement with defendant. The United States seeks only general categories and does not seek the contents of specific communications between defendant and attorney Senter if the billing records are that detailed. Put differently, the United States seeks only those records that refute defendant's claims in his *pro se* motion.

6. A compelling need for the records exists. If the records refute defendant's claims in his *pro se* motion, the records will go to the heart of some of the allegations in defendant's *pro se* motion. The records may also prevent the need to have attorney Senter present for the hearing on the motion.

WHEREFORE, the United States respectfully requests that the Court grant this motion, conduct an *in camera* review of the requested materials, and release those portions of the

requested materials to counsel for the United States and the defendant for use during the upcoming hearing, together with any further or alternative relief just and proper under the circumstances.

Respectfully submitted, this the 24th day of March, 2023.

FRANCIS M. HAMILTON, III
UNITED STATES ATTORNEY

By: s/ Mac D. Heavener, III
Mac D. Heavener, III, Fla. Bar #0896748
Assistant United States Attorney
220 West Depot Street, Suite 423
Greeneville, Tennessee 37743
(423) 639-6759
Mac.Heavener@usdoj.gov