

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION at CHATTANOOGA

UNITED STATES OF AMERICA)
)
v.) Case No. 1:08-cr-51
) JUDGE JORDAN
JOHN P. FRANKLIN, JR.) MAGISTRATE JUDGE LEE

MOTION FOR SEVERANCE

Comes now the Defendant, John P. Franklin, Jr., and respectfully moves the Court pursuant to Rule 14 of the Federal Rules of Criminal Procedure to sever his cases contained in Counts Three, Four, and Five of the Superseding Indictment on the grounds that he will be prejudiced if he is jointly tried with the other defendants who are charged with distributing/possessing five kilograms or more of cocaine, while he is basically charged with conspiring to money launder by having recommended another individual to notarize a document that was to be submitted by Michael Kelley in Michael Kelley's efforts to recover \$69,500.00 that had been seized by the Hamilton County Sheriff's Office.

Respectfully submitted,

LEVITT & LEVITT

s/ Martin J. Levitt

Martin J. Levitt, BPR # 004229

Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2008, a copy of the foregoing Motion for Severance was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Martin J. Levitt

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