

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR-04-CO-0093-S
)	
THOMAS CARMAN,)	
Defendant.)	

**GOVERNMENT’S MOTION FOR DOWNWARD DEPARTURE
 PURSUANT TO UNITED STATES SENTENCING GUIDELINES § 5K1.1**

Comes now the United States of America, by and through Alice H. Martin, United States Attorney for the Northern District of Alabama, and moves the Court to depart from the guidelines pursuant to United States Sentencing Guidelines § 5K1.1. In support hereof, the United States asserts as follows:

The defendant has provided substantial assistance in the investigation and prosecution of persons who the government charged conspired to and did cause HealthSouth Corporation to pay a bribe in furtherance of their efforts to secure a \$50,000,000 medical services staffing contract with a Saudi Arabian charitable foundation.

Subsequent to the discovery of the defendant’s participation in this activity, the defendant has truthfully and completely confessed his misdeeds. The defendant has also revealed, without hesitation, what he knows about the participation of others in the criminal activity.¹ Following is a summary of the defendant’s assistance to the United States in this investigation:

¹ The assistance provided by the defendant led to indictment of two other individuals in the matter of United States v. Robert E. Thomson and James C. Reilly, CR-04-J-240-S. On May 20, 2005, after an eight-day trial, both defendants were acquitted.

The defendant has been available on a continuous and regular basis and has met whenever needed (on at least five occasions) with the FBI and with attorneys from the United States Department of Justice, both of which had a substantial need for his assistance. The defendant also testified in the trial of others alleged to have participated in the criminal activity.

Defendant has provided both general and specific information which has been of assistance to the investigation. Generally, this defendant has provided information regarding the efforts undertaken by himself and others to pay a bribe to the Director General of the Saudi Foundation. The defendant's assistance was especially significant given the practical difficulties involved in securing evidence relating to this activity, which occurred not only in the Northern District of Alabama, but also in Australia and Saudi Arabia. The defendant also provided specific information regarding the identity and role of other individuals involved in this activity, the dates of certain activity, and the precise means by which the activity was carried out.

Information provided by the defendant has also corroborated information by other individuals who have independently assisted the investigation. The information provided by the defendant, to the best of the government's knowledge, has been truthful and accurate. The defendant's cooperation allowed the case to be prosecuted at a pace which, on a relative basis, constitutes swift and efficient enforcement of the United States' criminal laws.

Once the Court makes a finding as to the appropriate Guideline sentencing range, the United States will make a specific recommendation to the Court as to the number of months which the Court should depart downward based on the defendant's substantial assistance to authorities.

Respectfully submitted,
ALICE H. MARTIN
United States Attorney
Northern District of Alabama

by: /s/William C. Athanas
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August 1, 2005

Certificate of Service

I, William C. Athanas, hereby certify that I have caused a copy of the Government's Motion for Downward Departure Pursuant to United States Sentencing Guidelines §5K1.1 to be served on Tommy Spina, Esq, Fawal & Spina, 1330 21st Way South, Suite 200, Birmingham, Alabama, 35203 by electronic filing this the 1st day of August, 2005.

/s/William C. Athanas
WILLIAM C. ATHANAS