

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:05-00185</b>
	)	<b>Judge Trauger</b>
<b>TIMOTHY RYAN RICHARDS</b>	)	

**IN CAMERA REPLY OF DEFENDANT TIMOTHY RICHARDS  
TO GOVERNMENT’S BIFURCATED RESPONSE TO  
DEFENDANT’S MOTION FOR NEW TRIAL**

COMES NOW the Defendant, **Timothy Ryan Richards**, by and through his undersigned counsel, and respectfully replies to the government’s Bifurcated Response to Defendant’s Motion for New Trial. In reply, Defendant states as follows:

1. *Patrick Lombardi*

On page 5 of the response (Docket Entry 280), the government insists that “. . . Lombardi is, and always has been, clear about several events that definitively establish his minority status: there were numerous pornographic photographs taken in Iceland and Australia . . .” As reflected in the attached FD302 interview of Mr. Lombardi, he has been far from “clear” about certain events occurring while he was a minor. When interviewed by the FBI on February 23, 2006, Lombardi denied that any pornographic photos were taken of him while vacationing with the Defendant in Australia. *Attachment 1 at p.7.*

On page 6 of the response, the government seeks to bolster and vouch for the credibility of Mr. Lombardi by suggesting that he “had no motive to have lied at trial.” A May 1, 2005 journal entry/blog authored by Mr. Lombardi reflected the deep seeded resentment that he harbored for Mr. Richards in the months preceding Mr. Richard’s arrest. In the writing, he blames Mr. Richards for

ruining his life and vows to “get even” with Mr. Richards for the perceived “pain and misery” that he attributes to Mr. Richards. *See Attachment 2.*

2. *Impact of Newly Discovered Evidence Regarding Justin Berry on the Defendant’s Motion for New Trial.*

On July 23, 2007, in a sealed response in opposition to a Third Party’s Motion to Quash (Docket Entry 251), Defendant Richards presented significant evidence discovered post-trial relating to the role of a newspaper reporter in the relaunch of Justin Berry’s justinsfriends.com website which casts serious doubt on the Defendant’s convictions on Counts 19, 20, 21 and 22 of the Third Superseding Indictment. At a July 31, 2007 hearing on the Third Party’s Motion to Quash, the government conceded, in response to one of the Court’s questions, that there was no evidence to suggest that Messrs. Berry and Richards had any business relationship prior to Mr. Berry’s 18<sup>th</sup> birthday. As noted in Docket Entry 251, evidence discovered by the Defendant post-trial, indicates that Mr. Berry, with the assistance of “Andrew McDonald” / newspaper reporter, worked in concert to relaunch justinsfriends.com site before Mr. Richards became involved on June 17, 2005. “Andrew McDonald” was identified as someone purchasing and critiquing images to be used on the site and suggesting ways for Mr. Berry and an individual known as Greg Mitchel to make even more money from the site. The timing of “McDonald’s” offer to assist in making the site more profitable coincides with the production of the “Taylor Video” which forms the basis of Counts 19 through 22. This information, discovered by the defense post-trial, was unknown to the jury and would have seriously undermined the credibility of Mr. Berry’s allegations that were presented to the jury through surrogates. Additionally, promises made by the newspaper reporter to Mr. Berry of potentially lucrative book and movie deals which motivated the relaunch of the challenged site would have further damaged the credibility of Mr. Berry’s allegations against the Defendant. Had

all of the evidence outlined in Docket Entry 251 been presented to the jury, it would have clearly impeached Mr. Berry's allegations and would have served to significantly bolster Defendant Richards' insistence that he had relied, in good faith, on Mr. Berry's assurances that the performer known as "Taylor" was over the age of 18 and that he, like the customers of the site, had been duped by Mr. Berry and his confederate.

Respectfully submitted,

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S/ Peter J. Strianse  
PETER J. STRIANSE  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was sent, if registered, via the Court's electronic filing system or, if not registered, sent via telefax and deposited in the United States Mail, postage prepaid, to the following:

S. Carran Daughtrey  
Assistant United States Attorney  
110 Ninth Avenue South  
Suite A961  
Nashville, TN 37203-3870

This 17<sup>th</sup> day of August, 2007.

S/ Peter J. Strianse  
PETER J. STRIANSE