

After Tom Anderson was indicted in late 2006, it became apparent that Bobrick was the person referred to in the indictment as “Lobbyist A” and had not been charged, and that he was therefore cooperating with the government in its prosecution of Anderson. In the following weeks, Bobrick advised so many people that he had committed a crime and was going to have to plead to a felony that it became the subject of news stories. It was well known at the time that Bobrick’s wife, Jessica Bury, was in her third year of medical school and intended to return to Alaska to practice medicine after completing her residency. These matters were known to Tom Anderson and his wife, State Senator Lesil McGuire, because Anderson and his wife had socialized with Bobrick and his wife during the 2004-2006 time period.

In early 2007, after it became apparent that Bobrick was providing assistance to the government, Bobrick received a call from Lesil McGuire. Lesil McGuire told Bobrick in the phone call that she wanted to talk to Jessica to tell her about efforts to bar Jessica from obtaining her license to practice medicine in Alaska. Bobrick understood the call to be a threat that, if he testified favorably for the government, Lesil McGuire would take steps to see that Jessica could not obtain her medical license. Bobrick refused to give McGuire Jessica’s phone number in Minnesota, but somehow McGuire obtained the number and left similar messages for Jessica on her voice-mail. Jessica Bury similarly understood the messages to be implicit threats that she would not be able to obtain her medical license in Alaska if Bobrick testified for the government against Anderson.

When counsel for Bobrick learned of this he called AUSA Joe Bottini and advised him of the contacts, and that Bobrick and Jessica understood Lesil McGuire’s calls to be

thinly veiled threats of retaliation in an attempt to influence Bobrick's testimony or to dissuade him from testifying at all. Bobrick and Jessica and counsel took the threats seriously because Lesil McGuire is not only an influential state senator, she is also the daughter of Dr. David McGuire, an influential physician and businessmen in Anchorage. It is well-known in this community that David McGuire is politically well-connected, including with the State Medical Board.

The FBI subsequently interviewed Bobrick and his wife Jessica on this matter and also made a copy of a message left by Lesil McGuire on Jessica's voice-mail. The government also called Paul Stockler, Anderson's attorney, and advised Stockler that the government considered the contacts to be a violation of the conditions of release, and that any further contacts would result in the government moving to revoke or alter the conditions of release.

It is defendant's position that the threats were credible and that it is reasonable to conclude that they were an attempt to influence Bobrick's testimony or to dissuade him from testifying at all. It is also clear that the government took the contacts seriously. In counsel's judgment, those facts establish that Bobrick, when he continued to cooperate and testify against Anderson, proceeded knowing there was a significant danger or risk of injury to his family's economic well-being if he testified favorably for the government. Despite this, he continued to do the right thing and testified truthfully at trial.

DATED this 20th day of November, 2007, at Anchorage, Alaska.

POPE & KATCHER
Counsel for Defendant Bobrick

Douglas Pope
ABA 7311064

Certificate of Service

I hereby certify that the foregoing
was served by fax
this 20th day of November, 2007,
upon the following:

Joseph Bottini
Asst. U. S. Attorney
United States of America
222 w. 7th Ave., Suite 253
Anchorage, Alaska 99501
Fax No. 907-271-3224

Douglas Pope