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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 10-60066-HO
)	
Plaintiff,)	
)	DECLARATION OF LAWRENCE
vs.)	MATASAR (Re: Defendants' Motion to
)	Continue Trial Date)
STEVEN DWIGHT HAMMOND and)	
DWIGHT LINCOLN HAMMOND,)	
)	
Defendants.)	

I, Lawrence Matasar, do declare as follows:

1. I am retained counsel for Steven Dwight Hammond.
2. Defendants, father and son, are longtime cattle ranchers. Their ranching operation utilizes private land and federal grazing allotments in the Steens Mountain area. The defendants were indicted in June, 2010. The indictment alleges, in essence, that defendants ignited numerous grassland fires between 1982 and 2006 to benefit their cattle ranching operation. The

indictment charges one count of conspiracy, five counts of arson, four counts of depredation of government property by fire, four counts of operating an aircraft in violation of FAA rules, and four counts of threats to federal officers/tampering with a witness.

3. Defendants were arraigned on July 6, 2010. The Honorable Thomas M. Coffin declared this matter a complex case at the time of arraignment.

4. Initial discovery provided to the defense for this large case was substantial, but duplicative in many respects, incomplete in others and, in many instances, not identifiable. Defendants filed discovery motions on April 28, 2011 and on June 9, 2011. The government filed a motion to compel defendants to disclose alibi evidence on July 20, 2011.

5. A hearing limited to certain of defendant's discovery requests and the government's alibi motion was held before the Honorable Thomas M. Coffin on August 11, 2011. During the hearing, counsel for the government acknowledged that some of defendants' complaints about the manner in which the original discovery was produced were legitimate. Counsel for the government also indicated that additional discovery, necessary for the defense to prepare for trial, would be provided on or about September 27, 2011.

6. During the August 11, 2011 hearing, counsel for the government informed Magistrate Judge Coffin that the trial date of October 5, 2011 was not realistic because the government would be providing substantial additional discovery to the defense in late September, 2011. Defense counsel agreed. Magistrate Judge Coffin indicated that the October 5, 2011 trial date needed to be reset. The parties were advised of Judge Hogan's trial schedule and the government suggested January 16, 2012 as the new trial date.

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7. When January 16, 2012 was suggested as the trial date, I informed the Court and counsel that I was already scheduled to try an older, week-long sex abuse trial in state court on that date. *State v. Sundberg*, Linn County Circuit Court No. CC 05102194, on remand from the Oregon Supreme Court, 247 P2d 1213, 349 Or 608 (2011), is scheduled to begin jury selection on January 13, 2012, and trial on January 17, 2012. At that time I appeared before Judge Coffin, I expected that I might be able to obtain a continuance in *Sundberg*.

8. Shortly after the August 11, 2011 hearing, I filed a motion for a continuance of *State v. Sundberg*. The motion was denied on August 30, 2011. Attached to this affidavit as Exhibit A is the email opinion of Linn County Circuit Court Judge Daniel R. Murphy denying the motion.

9. On September 27, 2011, the government provided the additional discovery mentioned at the August 11, 2011 hearing. This additional discovery consists of 19 CDs and DVDs, which the government estimates to be approximately 12,000 pages of material. This is substantially more material than the defense anticipated when additional discovery was mentioned during the August 11, 2011 hearing. As of the date of this affidavit, the defense has only begun to review the additional discovery. Its preliminary review, however, indicates that it includes a large amount of information that is significant to the defense.

10. Due to the substantial additional discovery provided to the defense on September 27, 2011 and the pre-existing trial conflict of counsel for defendant Steven Dwight Hammond, the Court is respectfully urged to reset the trial of this case. The Court is also requested to set a scheduling conference to set a new trial date.

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11. Counsel for co-defendant, Dwight Lincoln Hammond, has authorized me to advise the court that he joins in this motion; counsel for the government advises me that the government opposes this motion.

DATED this 4 day of October, 2011.


LAWRENCE MATASAR, OSB #74209