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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
(EUGENE DIVISION)

UNITED STATES OF AMERICA,) Case No. 10-CR 60066-HO
)
Plaintiff,) **UNITED STATES’ CONTINUED**
) **OPPOSITION**
v.) **TO DEFENDANTS’ MOTION FOR**
) **CHANGE OF VENUE AND**
STEVEN DWIGHT HAMMOND, and) **EVIDENTIARY HEARING**
DWIGHT LINCOLN HAMMOND, JR.)
)
Defendants.)

The United States of America, by and through S. Amanda Marshall, United States Attorney for the District of Oregon, and Frank R. Papagni, Jr., Assistant United States Attorney, opposes Defendants’ renewed motions for change of venue (change in

trial location) (CR 56).

Recently, trial was postponed at Defendants' request (CR 52). They again argued they needed another postponement because of the case's complexity, the voluminous discovery, their need for further investigation, and because one of the defense attorneys had a trial conflict (CR 6, 11, 45, 46). They estimated the trial would take more than 2 weeks of courtroom time.¹

So, as submitted in the Government's previous pleadings, the strongest and best reason not to move the trial's location from Courtroom #1 in Eugene is that courtroom's ability to efficiently litigate a case which Defendants' have assured the Court will be lengthy, complex, and have numerous witnesses (CR 14,22).

It cannot be disputed that evidence in a complex case can be more effectively presented via an evidence presentation system (EPS) which permits numerous exhibits to be viewed by the court, parties, witness(es) and jurors on computer monitors (CR 14, 22). It is also irrefutable the availability of EPS in Eugene's courthouse will substantially reduce the trial's length.

While the length of the defense case cannot be currently ascertained by the Government, it's case-in-chief, which Mr. Blackman contends begins "with the

¹ When this Court asked: "Do you think I'm really going to take three weeks to try this case?," Mr. Blackman answered, after opining on the scope of the Government's charges, that "I just don't see getting this case done in less than a couple of weeks." 11/1/11 TR at 11.

creation of the heavens and the earth,” certainly will be streamlined by the availability of an EPS. 11/1/11 TR at 11.

Whereas, a trial in Pendleton’s courthouse or any other “Eastern Oregon state court” lacking the EPS will substantially increase the trial time. Further, having a full support staff in Eugene would facilitate this Court’s ability to try such a lengthy complex case. Finally, the refusal to acknowledge the litigation benefits of the Eugene courtroom’s EPS undercuts the merits of Defendants’ motion of moving the trial to a location lacking such facilities.

When evaluating the merits where the case should be tried, this Court told Mr. Matasar, who thought the trial might be best in Burns because of the “giant mural of cattle ranchers doing their work” above the court’s bench, and Mr. Blackman, who thought, “this trial, of course, should be in Pendleton,” it had “checked on various Eastern Oregon venues,” but had not yet decided where the appropriate trial location should be. 11/1/11 TR at 13.

CONCLUSION

Accordingly, this Court should again deny without prejudice Defendants’ renewed motions to transfer the trial’s location (CR 17, 23).

Alternatively, this Court should hold their motions in abeyance until such time it has fully considered which judicial facilities will enable the court and the parties to

efficiently litigate this lengthy and complex case (CR 17, 23).

DATED this 10th day of November, 2011.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney

/s/ Frank R. Papagni, Jr.
FRANK R. PAPAGNI, JR.
Assistant United States Attorney