

MARC D. BLACKMAN, OSB No. 730338

E-mail: marc@ransomblackman.com

RANSOM BLACKMAN LLP

1400 Congress Center

1001 S.W. Fifth Avenue

Portland, OR 97204-1144

Telephone: [503] 228-0487

Facsimile: [503] 227-5984

Of Attorneys for Defendant Dwight Lincoln Hammond, Jr.

LAWRENCE H. MATASAR, OSB No. 742092

E-mail: larry@pdxlaw.com

LAWRENCE MATASAR, P.C.

621 S.W. Morrison Street

Suite 1025

Portland, OR 97205

Telephone: [503] 222-9830

Facsimile: [503] 274-8575

Of Attorneys for Defendant Steven Dwight Hammond

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Eugene Division**

UNITED STATES OF AMERICA,)	NO. CR 10-60066-HO
)	
Plaintiff,)	DEFENDANTS' REPLY TO UNITED
v.)	STATES' RESPONSE TO
)	DEFENDANTS' NOVEMBER 10, 2011
STEVEN DWIGHT HAMMOND, and)	MOTION FOR TRIAL IN
DWIGHT LINCOLN HAMMOND, JR.,)	PENDLETON DIVISION OR, IN THE
)	ALTERNATIVE, MOTION FOR
Defendants.)	TRIAL AT A VENUE IN EASTERN
)	OREGON CONVENIENT TO THE
)	COURT

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DEFENDANTS' NOVEMBER 10, 2011 MOTION FOR TRIAL IN
PENDLETON DIVISION OR, IN THE ALTERNATIVE,
MOTION FOR TRIAL AT A VENUE IN EASTERN
OREGON CONVENIENT TO THE COURT

RANSOM BLACKMAN LLP
1001 S.W. Fifth Avenue, Suite 1400
Portland, Oregon 97204-1144
Telephone: 503-228-0487
Facsimile: 503-227-5984

During the November 1, 2011 hearing on Defendants' Motion to Continue Trial, the Court made comments regarding the place of trial that defendants perceived as displaying a willingness to reconsider their request to transfer this case to the Pendleton Division for trial. As a result, on November 10, 2011, they renewed their motion for trial in the Pendleton Division. In addition, in light of comments by the Court that defendants perceived as displaying a willingness to consider asking the Oregon State Court system to consider offering the use of an Eastern Oregon Circuit Court courtroom for the trial of this case, defendants moved to have the trial of this case held at another venue in Eastern Oregon.

The government filed a response objecting to these motions the same day. Rather than addressing the venue considerations recognized in Federal Rule of Criminal Procedure 18 ["due regard for the convenience of the defendant, any victim, and the witnesses, and the prompt administration of justice"], the government identified its "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 57 at 2. In support of this assertion, the government notes only "the availability of EPS in Eugene's courthouse." *Ibid.*

Upon receiving the government response, the defense contacted the District Court's Courtroom Technologies Specialist for information about the equipment available

at the federal courtroom in Pendleton. The defense was informed that the courtroom is equipped with a document camera, DVD player, projector with inputs for laptops, and large display screen. While this equipment may require the Court, jurors, witnesses, lawyers and parties to view exhibits using the same display screen, the equipment available in Pendleton appears to be fully capable of allowing parties efficiently to display both digitized, electronic as well as physical, tangible exhibits.¹

Moreover, defendants have no reason to believe that the technological equipment available in an Oregon State Court Courtroom in Eastern Oregon would be functionally inferior to that available at the federal court in Eugene. Defendants are prepared to survey the circuit courts in Harney, Umatilla, and other Eastern Oregon Counties if the Court believes that equipment issues are of significance in selecting the place of trial.

In short, the government has not shown that the arguable technological superiority of the Eugene courtroom would materially affect “the prompt administration of justice” nor that this purported superiority outweighs “the convenience of the defendant, any victim, and the witnesses.” Under the criteria of Federal Rule of Criminal Procedure 18 and the Sixth Amendment to the United States Constitution, as set forth in defendants previously filed Motions and memoranda [CR 12 and CR 21], therefore, the Court should

¹ Defendants also note that any technological deficiency in the equipment available in Pendleton could [and probably should] be remedied. Defense counsel believe the Attorney Admissions Fund may be available to fund an upgrade of the equipment available in the Pendleton courtroom.

order that the trial of this case be held either in the Pendleton Division or in an Oregon state Circuit Court courtroom in Eastern Oregon.

CONCLUSION

For the reasons set forth above, in Defendants' Motion For Trial In the Pendleton Division [CR 12], and Defendants' November 10, 2011 Motion for Trial in Pendleton Division or, in the alternative, Motion for Trial at a Venue in Eastern Oregon Convenient to the Court [CR 56], the Court is respectfully urged to order that the trial of this case be held in the Pendleton Division or an Oregon state Circuit Court courtroom in Eastern Oregon.

Dated this 16th day of November, 2011.

Respectfully submitted,

RANSOM BLACKMAN LLP

LAWRENCE MATASAR, PC

/s/ MARC D. BLACKMAN

/s/ LAWRENCE H. MATASAR

MARC D. BLACKMAN

LAWRENCE H. MATASAR

OSB No. 730338

OSB No. 742092

[503] 228-0487

[503] 222-9830

Of Attorneys for Defendant

Of Attorneys for Defendant

Dwight Lincoln Hammond, Jr.

Steven Dwight Hammond

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS' REPLY TO UNITED STATES' RESPONSE TO DEFENDANTS' NOVEMBER 10, 2011 MOTION FOR TRIAL IN PENDLETON DIVISION OR, IN THE ALTERNATIVE, MOTION FOR TRIAL AT A VENUE IN EASTERN OREGON CONVENIENT TO THE COURT on the following attorneys:

Frank R. Papagni, Jr.
Amy E. Potter
Assistant United States Attorneys
United States Attorney's Office
405 East 8th Avenue
Suite 2400
Eugene, OR 97401

by electronic file notice of a true copy on the 16th day of November, 2011.

RANSOM BLACKMAN LLP

/s/ MARC D. BLACKMAN

MARC D. BLACKMAN

OSB No. 730338

[503] 228-0487

Of Attorneys for Defendant

Dwight Lincoln Hammond, Jr.

CERTIFICATE OF SERVICE

RANSOM BLACKMAN LLP
1001 S.W. Fifth Avenue, Suite 1400
Portland, Oregon 97204-1144
Telephone: 503-228-0487
Facsimile: 503-227-5984