



U.S. Department of Justice

Amanda S. Marshall

United States Attorney

District of Oregon

405 East 8th Avenue

Eugene, OR 97401-2708

(541) 465-6771

Fax: (541) 465-6917

February 9, 2012

Lawrence H. Matasar
Lawrence Matasar, P.C.
621 SW Morrison St., Ste. 1025
Portland, OR 97205

Marc D. Blackman
Ransom, Blackman, LLP
1001 SW Fifth Ave., Ste. 1400
Portland, OR 97204

Re: United States v. Steven Hammond
United States v. Dwight Hammond, Jr.
Case No. 10-CR-60066-HO, USDC, Oregon

Gentlemen:

Enclosed please find an updated Discovery Log and a CD containing additional discovery as follows:

General Discovery

Bates numbers 06483 thru 06527 which consists of CVs for Lynn Miracle, Karla Bird, Ron Holle and Philip Krider.

Grand Jury Transcripts

While reviewing the electronic discovery copy of Bill Otley's grand jury transcript, it was discovered that page 12 was missing. An electronic copy of page 12 is being provided and has been marked as Bates number GJ_00199.A.

Training Documents

Bates # TRAINING DOCS_000134 is a training document for Dave Ward. It is outdated and appears to be incomplete. A current copy has been requested. Additionally, Mr. Ward has been requested to provide a CV in anticipation of the *Daubert* hearing. A copy of both of these documents will be provided to you upon their receipt.

Exhibit 105

Page 1 of 4

Defendants' Reply to Government's Responses to Defendants' Motions

PAGE 2 of 4
RE: Discovery
February 9, 2012

Steens Mtn. Loop Arson

In July 2010, you were provided with a CD containing discovery which was marked as Bates page numbers 82.00001 thru 82.00087. The photographs located at Bates 82.00013 through 82.00087 are not related to the Steens Mountain Loop arsons, but are in fact duplicates of photographs which were taken by Fire Cause Investigator Chuck Miller as part of the Grandad arson investigation and which were previously discovered. Please discard Bates documents 82.00013 thru 82.00087 and replace with Bates numbered documents 82.00013 thru 82.00221 located on the enclosed CD (note: these documents were previously provided to you on December 15, entitled "Steens Mtn. Loop Arson Fire Reports" but are actually the Individual Fire Reports for 1982 and have been re-Bates numbered for discovery numbering continuity in this case). To date, discovery in this matter should consist of Bates page numbers 82.00001 through 82.00221.

Hardie-Hammond Arson

Bates #s 01.00249 thru 01.00262 which consists of an aviation suppression cost report, photographs taken by Dennis and Dustin Nelson and miscellaneous documents related to this fire.

Krumbo Butte Arson

On December 15, 2011, you were provided Bates-numbered documents 06.K00036 thru 06.K00071 entitled "Krumbo Butte Arson Lightning Reports". These documents were inadvertently processed with Bates numbers which had already been assigned to previously discovered documents. The enclosed CD contains the correct Bates-numbered documents, *i.e.* 06.K00073 thru 06.K00100. Please discard the erroneously numbered documents and replace with the correct Bates-numbered documents provided on the enclosed CD. Additionally, the government is providing as additional discovery, Bates-numbered documents 06.K00101 thru 06.K00106 which are the MOIs of interviews with several firefighters related to this case.

Lower Bridge Creek Arson

Bates #s 06.L00128 thru 06.L00206 which consists of the following:

1. Photos, map and photo log generated by Joe Glascock and John Megan on 8/27/2006 (06.L00128 - 06.L00175);
2. Photos, map and photo log generated by Joe Glascock on August 24, 2006 (06.L00176 - 06.L00191);

PAGE 3 of 4
RE: Discovery
February 9, 2012

3. Aviation Log and GE Location Maps (06.L00192 - 06.L00198);
4. Alice Elshoff file (06.L00199 - 06.L00204); and
5. Maps referred to and marked by Joe Glascock during the Lower Bridge Creek arson investigation (06.L00206 is the map that was used and marked in the interview with Lynn Miracle on 6/19/2007).

Grandad Arson

Bates #s 06.G18181 thru 06.G18272 consists of the following:

1. Engine 612 report
2. Photos of Hammond Drive Around Engine 612
3. Fire Investigation Kit Protocol
4. Joe Bates' Statement & Maps
5. Jeff Stampfly Documents
6. GJ Subpoena
7. Shrader email to Dana Shuford re: email and files request

Trail Fires 1 thru 7 - Fire Cause Reports w/Photos and Photo Logs - note: these were previously provided in the initial discovery, however, due to the fact that the photographs and photo log were inadvertently separated during electronic processing, they have been reproduced with new Bates numbers in separate electronic folders containing the photographs and the respective portion of the photo log relating to each fire as follows:

Trail Fire #1 - TRAIL FIRE #1 00001-00028
Trail Fire #2 - TRAIL FIRE #2 00001-00024
Trail Fire #3 - TRAIL FIRE #3 00001-00018
Trail Fire #4 - TRAIL FIRE #4 00001-00017
Trail Fire #5 - TRAIL FIRE #5 00001-00020
Trail Fire #6 - TRAIL FIRE #6 00001-00018
Trail Fire #7 - TRAIL FIRE #7 00001-00019
Trail Fires Track Photos_00001 - 00077
Trail Fires Aerial Recon Photos_00001-00082

PAGE 4 of 4
RE: Discovery
February 9, 2012

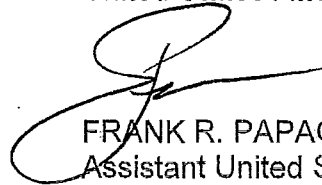
Henthorn Materials

Bates-numbered pages HENTHORN_00001 thru 00043, are being provided as *Henthorn* materials. Additionally, based upon a review of the BLM's personnel files of Bill Andersen and Peter Revac, the government will not be calling them as witnesses at trial in the above-entitled matter.

If you have any questions or wish to discuss the case, please contact me.

Sincerely,

S. AMANDA MARSHALL
United States Attorney



FRANK R. PAPAGNI, JR.
Assistant United States Attorney

Enclosures (2)