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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

UNITED STATES OF AMERICA,

10-CR-60066-HO

v.

STEVEN DWIGHT HAMMOND,
DWIGHT LINCOLN HAMMOND, JR.

UNITED STATES' MOTION FOR
CLARIFICATION OF COURT'S ORDER
(CR 78) AS TO THE SCOPE OF WITNESS
GARY WHITE'S TESTIMONY

Defendants.

The United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, and Assistant United States Attorneys Frank R. Papagni, Jr. and AnnMarie Sgarlata, respectfully move the Court for clarification of its Order filed March 6, 2012, as to the scope of witness Gary White's expert testimony.

Gary White first testified on February 21, 2012, regarding his qualifications and the methodology he used when ascertaining the cause of Ignition 10 (Govt. Exh. 4; CR 70). He testified a second time on March 5, 2012, as to his methodology when he reviewed the fire cause determinations of Lynn Miracle as to Ignitions 1 thru 7 (Govt. Exhs. 17 thru 23)(CR 83, Reporter's

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Transcript 3/5/12 @ pp. 224-248). He further testified to making his own determinations as to the causes of those ignitions (*e.g.*, White did not concur with Lynn Miracle as to the fire cause of Ignition 1)(CR 83, Reporter's Transcript 3/5/12 @ pp. 227-228 and 235-239).

The Court's Order permits Mr. White to testify as to Ignition 10 (CR 78 at 7). The government respectfully requests the Court specify if Mr. White can also testify as to the causes of Ignitions 1 thru 7 and 9, because his methodology was "sufficiently reliable," "based on sufficient underlying data" and "relevant to the arson charges."

DATED this 16th day of March 2012.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney

/s/ Frank R. Papagni, Jr.
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/s/ AnneMarie Sgarlata
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