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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene Division

UNITED STATES OF AMERICA,)	No. CR 10-60066-HO
)	
Plaintiff,)	DEFENDANTS' JOINT
v.)	TRIAL EXHIBIT LIST
)	
STEVEN DWIGHT HAMMOND, and)	
DWIGHT LINCOLN HAMMOND, JR.,)	
)	
Defendants.)	

Pursuant to the Court's March 8, 2012 Scheduling Order [CR 81], defendant Steven Dwight Hammond, by and through his attorneys Lawrence H. Matasar and Lawrence Matasar, P.C., and defendant Dwight Lincoln Hammond, Jr., by and through his attorneys Marc D. Blackman and Ransom Blackman LLP, provide the following joint list of potential exhibits the defense may offer during their cases-in-chief.

Defendants are providing this list and producing copies of potential exhibits as an accommodation to the Court. Defendants cannot be bound by this list, however, and reserve the right at trial to offer exhibits not on this list, because the Court does not have the authority to compel a defendant to provide pretrial production of exhibits or exhibit lists. FRCrP 16; *United States v. Hicks*, 103 F. 3d 837 (9th Cir. 1996) [holding that a court does not have the authority to compel either the government or the defense to provide pretrial production]; *United States v. W. R. Grace*, 526 F. 3d 499 (9th Cir. 2008) [overruling *Hicks* as to a court's power to order the government to provide pretrial disclosure].

Defendants reserve their right to utilize exhibits not on this list in the cross-examination of witnesses called by the government during its case-in-chief.

Defendants further reserve their right to offer exhibits not identified on this list on the grounds that they continue to await government responses to outstanding discovery requests.

With these reservations, defendants provide the following joint list of potential exhibits that may be offered during their cases-in-chief:

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1101	Large Map of Steens Mountain Area		
1102	Diagram of Fire History in Steens Mtn Area [Adapted from Government Exhibit 34-1]		
1103	Public Information Display from Steens Mountain Loop Road		
1104	BLM Burns Report Labeled "Hammond Prescribed Burn"		
1105	BLM Incident/Investigation Report with Map of 1999 Hammond Prescribed Burn		
1106	Map of 1999 Hammond "Trespass" Fire		
1107	1999 BLM Burns District Trespass Register		
1108	11/5/1999 Letter to Hammond Ranches from Tom Dyer		
1109	Transcript of telephone calls to BLM Burns District Dispatch on 09/30/2001		
1110	10/24/2001 report by BLM Range Conservationist Dave Ward including map of burn incident on 09/30/2001		
1111	Aerial diagram depicting conflicting BLM locations of 09/30/2001 burn		
1112	Google Earth image depicting BLM helicopter location of 09/30/2001 burn		
1113	Google Earth image depicting Dave Ward location of 09/30/2001 burn		
1114	Aerial diagram depicting conflicting locations of 09/30/2001 burn and Gordon Choate location of hunting camp and hunting activity		
1115	BICC Incident Report regarding 09/30/2001		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1116	Schematic of 2005 Little Bridge Creek Complex		
1117	Aerial photo of lightning strikes in 2005 Little Bridge Creek Complex		
1118	08/23/2005 BICC Initial Incident Report of 2005 Fir Creek Fire		
1119	08/23/2005 Incident Status Summary regarding Fir Creek Fire		
1120	08/23/2005 receipt from McGrath's Fish House		
1121	08/09/2005 - 09/08/2005 Hammond Credit Card statement		
1122	2005 Fir Creek Fire - BLM Correspondence with Private Land Owner		
1123	08/17/2006 Google Earth Photo of Steens Mountain		
1124	08/20-22/2006 Vogler photos of visit to Hammond Ranches		
1125	Aerial Diagram depicting lightning strikes in Steens Mountain area on 08/21/2006		
1126	Graphs depicting weather at Moon Hill Road Weather Station on 08/22-23/2006		
1127	Graphs depicting weather at P-Hill Weather Station on 08/22-23/2006		
1128	08/22/2006 Photo of dust devil taken from location of Engine 614		
1129	Photos depicting BLM backburn activity on Steens Mountain - 08/2006		
1130	09/03/2006 photos depicting fire activity on both sides of Knox Springs Road		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1131	08/30/2006 BLM aerial video		
1132	08/17/2006 Google Earth image of Lower Bridge Creek area		
1133	WildCAD Incident Card re "Grandad" Vegetation Fire [08/21/-26/2006]		
1134	08/22/2006 photo of fire in Lower Bridge Creek area		
1135	Photos of initial fire location Lower Bridge Creek area on 08/21/2006		
1136	08/22/2006 Vogler Traffic Citation		
1137	Photos of lightning struck tree in Lower Bridge Creek area		
1138	Diagram showing 08/21/2006 lightning strikes and 08/22/2006 initial fire observation in Krumbo Butte area		
1139	08/21/2006 Vaisala lightning data for Krumbo Butte area		
1140	Diagrams showing 08/21/2006 lightning strikes and 08/22/2006 initial fire observations in Krumbo Butte area		
1141	08/22/2006 photo of Krumbo Butte Fire from location of Engine 614 at P-Hill		
1142	08/22/2006 photo of Krumbo Butte Fire from location of Engine 614 at P-Hill with projection lines		
1143	WildCAD Incident Card re Krumbo Butte Fire [08/22/-26/2006]		
1144	Photos of boundary between Hammond property and public land in Krumbo area		
1145	Origin & Cause Report regarding Krumbo Butte Fire		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1146	08/26/2006 IR Map of Krumbo Butte Fire		
1147	08/26/2006 IR Map of Krumbo Butte Fire with lightning data		
1148	08/17/2006 Google Earth image of Bridge Creek Road where BLM conducted 08/22/2006 backburn		
1149	Diagram of pre-2006 fire history in area of Granddad Fire Complex		
1150	Photo of Bridge Creek Road less than one mile from Antelope Reservoir - facing west		
1151	Photo of Bridge Creek Road less than one mile from Antelope Reservoir - facing northwest		
1152	Photo of Bridge Creek Road less than one mile from Antelope Reservoir - facing southwest		
1153	Photo of Bridge Creek Road less than one mile from gate between Hammond allotment and Bridge Creek pasture - facing south		
1154	Photo #13 from examination of Ignition #9 ("fourteen inch footprint")		
1155	Aerial photo of "Slop Over Fire" at north end of 08/22/2006 BLM backburn		
1156	Aerial photo of "Slop Over Fire" and "Ignition #1"		
1157	Aerial photo of "Ignition #2"		
1158	Aerial photo of "Ignition #5"		
1159	08/26/2006 aerial photo of "Ignition #5"		
1160	Aerial photo of "Ignition #7"		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1161	Aerial photo of "Ignition #9"		
1162	Aerial photo of "Ignition #10"		
1163	Aerial phot of 08/23/2006 abandoned BLM backfire operation on Bridge Creek Road		
1164	Map depicting 08/21/2006 lightning strike data [with confidence circles] and 08/23/2006 observations by Joe Bates in Granddad area		
1165	Aerial photo of "Trail Fire #1"		
1166	Photo Log of Trail Fires		
1167	Photo of Bendix-King plastic radio tag found during examination of Trail Fires		
1168	Photo of Bendix-King plastic radio tag found during examination of Trail Fires with scale		
1169	Close-up photo of Bendix-King plastic radio tag found during examination of Trail Fires with scale		
1170	Photo of reverse side of Bendix-King plastic radio tag found during examination of Trail Fires		
1171	Notes and photos of tracks in area of Trail Fires		
1172	Sketch of trail fires #1-#6		
1173	Sketch of trail fires #1 and #2		
1174	Sketch of trail fires #3 and #4		
1175	Sketch of trail fire #5		
1176	Sketch of trail fires #6 and #7		
1177	O & C Report Checklist for Ignition #10		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1178	Some measurements from Ignition #10		
1179	Photos from examination of Ignition #10 ("fourteen inch footprint")		
1180	Diagram of Ignition #10		
1181	Lightning strike data near Ignition #10		
1182	Diagram showing lightning strike data near Ignitions #8, #9, and #10		
1183	08/17/2006 Google Earth image of area of 08/23/2006 abandoned BLM backfire operation on Bridge Creek Road		
1184	Map of area of "Ignition 10" with lightning data		
1185	08/26/2006 IR Map of Granddad Fire Complex		
1186	Outlines of Dwight Hammond's feet and boots		
1187	Photos of Dwight Hammond Boots		
1188	Photo of Dwight Hammond boot impression in sand		
1189	Outlines of Steven Hammond feet		
1190	Map depicting pasture fence gates in Lower Bridge Creek and Hardie-Hammond Summer Allotments		
1191	Map depicting cattle rotation in Lower Bridge Creek and Hardie-Hammond Summer Allotments		
1192	1994 - 2004 HRI Grazing Permit		
1193	2003 HRI Application to Renew Grazing Permit		
1194	2004 - 2014 HRI Grazing Permit Ranches		

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
1195	2005 HRI Grazing Bill		
1196	2005 HRI Actual Use Report		
1197	2006 HRI Grazing Bill		
1198	2006 HRI Actual Use Report		
1199	2006 RH Determination for Hammond FFR Allotment		
1200	2007 BLM Allotment Evaluation for Hammond Allotment		
1201	2007 BLM Allotment Evaluation for Hardie Hammond Summer Allotment		
1202	2007 RH Determination for Mud Creek Allotment		

Dated this 20th day of April, 2012.

Respectfully submitted,

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/s/ Marc D. Blackman

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS' JOINT TRIAL

EXHIBIT LIST on the following attorneys:

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by electronic transmission on the 20th day of April, 2012.

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