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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**Eugene Division**

<b>UNITED STATES OF AMERICA,</b>	)	<b>No. CR 10-60066-HO</b>
	)	
Plaintiff,	)	<b>DEFENDANTS' JOINT</b>
v.	)	<b>WITNESS LIST</b>
	)	
<b>STEVEN DWIGHT HAMMOND, and</b>	)	
<b>DWIGHT LINCOLN HAMMOND, JR.,</b>	)	
	)	
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 witnesses the defense may offer during their cases-in-chief.

Defendants are providing this list as an accommodation to the Court. Defendants cannot be bound by this list, however, and reserve the right at trial to call witnesses not on this list, because the Court does not have the authority to compel a defendant to provide pretrial production of witnesses. 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 call any witness appearing on the Government's Witness List who is not called by the government in its case-in-chief.

Defendants further reserve their right to call witnesses 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 witnesses that may be called during their cases-in-chief:

<u>Witness</u>	<u>Brief Description of Testimony</u>
Custodian of Records, Burns District BLM	Authentication of BLM records regarding Hammond Ranches, Inc.
BLM Dispatcher	Authentication of communications on 09/09/1999 between Steve Hammond and BLM regarding prescribed burn
Scott Gustafson	Hunting activity on Hammond property on 09/30/2001
Peter Revack	Observation of and 1:06 p.m. call to BLM Dispatch regarding 09/30/2001 fire
Taci Moss (now Weil)	Authentication of transcripts of 09/30/2001 telephone calls to BLM by Steven Hammond and Gordon Choate
Lynn Thomas, McGrath Fish House	Authentication of McGrath Fish House receipt for Steven Hammond meal on 08/23/2005
Custodian of Records, US Bank	Authentication of Hammond Visa bill reflecting meal at McGrath Fish House on 08/23/2005
Henry "Hank" Vogler	Stay with Hammonds from 08/20 - 22/2006; observations of lightning strikes and smoke in Krumbo Butte area on 08/21/2006; location of Hammonds and time of departure from Hammond residence on 08/22/2006; observations of weather conditions at French Glen around 9:00 a.m. on 08/22/2006
Dana Hansen	Stay with Hammonds from 08/20 - 22/2006; observations of lightning strikes and smoke in Krumbo Butte area on 08/21/2006; location of Hammonds and time of departure from Hammond residence on 08/22/2006; observations of weather conditions at French Glen around 9:00 a.m. on 08/22/2006
David Mims	08/21/2006 observation of lightning strikes and fire ignitions in Lower Bridge Creek area between 2:00 p.m. and 4:00 p.m. Observation of BLM fire crew in area between 8:00 p.m. and 9:00 p.m. on 08/21/2006
Wade Starbuck	Observations and locations of lightning strikes and fire ignitions in Lower Bridge Creek area on the afternoon of 08/21/2006

<u>Witness</u>	<u>Brief Description of Testimony</u>
Jodi Starbuck	Observations and locations of lightning strikes and fire ignitions in Lower Bridge Creek area on the afternoon of 08/21/2006
Chuck Miller	Authentication of photos taken by BLM 08/24 - 09/7/2006 in Granddad Fire Complex
John Newman	Description of process and authentication of IR maps of Krumbo Butte area and Granddad Fire Complex created 08/26/2006
Jeff Stampfly	Fire behavior analysis of Granddad Fire Complex
Gordon Foster	BLM use of Bendix-King digital radios in 2006; non-use of Bendix-King digital radios by private parties; BLM backburn practices
David Freeman	Authenticate photos and diagrams of Dwight Hammond and Steven Hammond foot sizes and boot print
Chris Carter, BLM Analyst	Authenticate and describe method of preparation of 02/21/2012 Chart labeled "On Scene Timeline 2006 - Boot Print Sizes"
Jerry Rank	BLM backburn practices
William Anderson	Hammond Ranches Range Conservationist prior to Joe Glascock
Al Steninger	Cattle grazing and rotation methods and practices
Matthew Fine	Joe Glascock credibility
William Pieratt	Joe Glascock credibility
Larry Otley	Joe Glascock credibility
Roy Hogue	Critique of BLM investigation of 2006 fires; observations and conclusions about nature, origin and cause of 1999, 2001, 2005, and 2006 fires referenced in the indictment

<u>Witness</u>	<u>Brief Description of Testimony</u>

Dated this 20th day of April, 2012.

Respectfully submitted,

RANSOM BLACKMAN LLP

LAWRENCE MATASAR, PC

/s/ Marc D. Blackman

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CERTIFICATE OF SERVICE

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

LIST on the following attorneys:

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

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/s/ Marc D. Blackman

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