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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00051-BR-8**

v.

**PETER SANTILLI,**

**Defendant.**

**GOVERNMENT’S RESPONSE TO  
DEFENDANT’S MOTION TO SUPPRESS  
UNRELIABLE “EYEWITNESS  
IDENTIFICATION” (#689)**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Ethan D. Knight, Geoffrey A. Barrow, and Craig J. Gabriel, Assistant United States Attorneys, hereby responds to Defendant’s Motion to Suppress Unreliable “Eyewitness Identification” (ECF No. 689). It is the government’s position that defendant’s Motion should be denied as moot for the reasons stated below.

Defendant seeks to “suppress” the eyewitness testimony of witness Kevin Johnson as it relates to purported observations of defendant in Burns, Oregon, in December 2015. Defendant

seeks to exclude such testimony because he claims it would be predicated on inadmissible hearsay. (Def.'s Mot. 3-4).

Preliminarily, it is the government's position that "suppression" is not the correct remedy for what defendant seeks—the issue is one properly governed by the Federal Rules of Evidence, as defendant also notes. (Def.'s Mot. 1). Nonetheless, the government has reviewed the statement of Mr. Johnson as it relates to this issue and, at this time, does not intend to elicit testimony from Mr. Johnson about his purported observations of defendant on December 22, 2015. Defendant's Motion should be denied as moot.

Dated this 29th day of June 2016.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

*s/ Ethan D. Knight*  
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