

1 TERRY GODDARD
Attorney General
2 Firm Bar No. 14000
3 Mary O’Grady, No. 011434
Solicitor General
4 Steven A. LaMar, No. 004140
Senior Litigation Counsel
5 Carrie J. Brennan, No. 018250
6 Barbara A. Bailey, No. 018230
Assistant Attorneys General
7 1275 West Washington Street
Phoenix, Arizona 85007-2926
8 Tel: (602) 542-3333
9 Fax: (602) 542-8308
Attorneys for State of Arizona and
10 Arizona Secretary of State Janice Brewer

11 **IN THE UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 MARIA M. GONZALEZ, et al.,
14 Plaintiffs,

15 v.

16 STATE OF ARIZONA, et al.

17 Defendants.

No. CV06-01268 PHX ROS
No. CV06-1362 PCT ROS (Cons)
No. CV06-1575 PCT ROS (Cons)

**DEFENDANTS’ MOTION TO
ADMIT TRIAL EXHIBITS**

(Assigned to the Honorable
Roslyn O. Silver)

21 State Defendants respectfully request that this Court admit into evidence
22 Defendants’ trial exhibits 1349a-1349g, 1349y, and 1349z, which are court records of
23 individuals who pled guilty or were convicted of presentment of a false instrument for
24 filing. As noted on the attached table, the ITCA and Gonzalez Plaintiffs object to the
25 admittance of these exhibits on the basis of relevance, arguing that “[t]he documents
26 show convictions for presentment of a false instrument, but do not set forth the factual

1 basis of those convictions. Accordingly, they do not establish that the defendants were
2 non-U.S. citizens who registered to vote.” See Table of Exhibits for State Defendants’
3 Motion to Admit Trial Exhibits, attached hereto as Exhibit 1. However, this is
4 incorrect. The court records contain information indicating that each of the individuals
5 registered to vote prior to the enactment of Proposition 200 despite the fact that they
6 were not U.S. citizens, and therefore are relevant to the issue of the existence of voter
7 fraud and to the State’s interests served by the voting requirements of Proposition 200.

8 Moreover, these documents were included in Gonzalez Plaintiffs’ Motion in
9 Limine (dkt.# 825), in which the Gonzalez Plaintiffs made the same argument. The
10 Court expressly denied the portion of the Plaintiffs’ Motion in Limine relating to these
11 specific documents (“(b) exhibits related to persons that were convicted or pled guilty
12 to ‘presentment of false instrument’ are **DENIED**”). See Order dated July 8, 2008
13 (dkt.# 928). Thus, the Court has already evaluated these exhibits and deemed them
14 admissible.

15 RESPECTFULLY SUBMITTED this 18th day of July, 2008.

16 TERRY GODDARD
17 Arizona Attorney General

18 s/ Carrie J. Brennan
19 Mary O’Grady, Solicitor General
20 Steven A. LaMar, Senior Litigation Counsel
21 Carrie J. Brennan, Assistant Attorney General
22 Barbara A. Bailey, Assistant Attorney General
23 Attorneys for Defendants State of Arizona
24 and Arizona Secretary of State Janice Brewer

25 WILENCHIK AND BARTNESS, P.C.

26 s/ Carrie J. Brennan for Kathleen Rapp
27 Dennis I. Wilenchik
28 Kathleen Rapp
Attorneys for the Twelve County Recorders

and Twelve County Elections Directors

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 18th day of July, 2008, I electronically transmitted
3 the attached document to the Clerk's Office using the ECF System for filing, and
4 transmittal of a Notice of Electronic Filing to the following ECF registrants:
5

6 David J. Bodney
7 Karen J. Hartman-Tellez
8 Steptoe & Johnson LLP
9 201 East Washington St., Ste. 1600
10 Phoenix, Arizona 85004-2382
11 dbodney@steptoe.com
12 khartman@steptoe.com

13 David B. Rosenbaum
14 Thomas L. Hudson
15 Sara S. Greene
16 Osborn Maledon, P.A.
17 2929 N. Central, 21st Floor
18 Phoenix, Arizona 85012-2793
19 drosenbaum@omlaw.com
20 thudson@omlaw.com
21 sgreene@omlaw.com

22 Jon Greenbaum
23 Robert Kengle
24 Lawyers' Committee For
25 Civil Rights Under Law
26 1401 New York Avenue, Ste. 400
27 Washington, D.C. 20005
28 jgreenbaum@lawyerscommittee.org
bkengle@lawyerscommittee.org

29 Neil Bradley
30 ACLU Southern Regional Office
31 230 Peachtree Street NW
32 Suite 1440
33 Atlanta, Georgia 30303
34 nbradley@aclu.org

1 Daniel B. Kohrman
2 AARP Foundation Litigation
3 601 E Street, N.W., Ste. A4-240
4 Washington, DC 20049
dkohrman@aarp.org

5 Joe P. Sparks
6 Susan B. Montgomery
7 Sparks, Tehan & Ryley PC
8 The Inter Tribal Council of Arizona, Inc.
9 7503 First Street
10 Scottsdale, Arizona 85251
11 joesparks@sparkslawaz.com

12 Judith Schaeffer
13 People for the American Way Foundation
14 2000 M Street, NW, Suite 400
15 Washington, D.C. 20036
16 jschaeffer@pfaw.org

17 Daniel R. Ortega, Jr.
18 Roush McCracken Guerrero
19 Miller & Ortega
20 650 N. 3rd Avenue
21 Phoenix, Arizona 85003
22 danny@rmgmoinjurylaw.com

23 Nina Perales
24 Diego M. Bernal
25 Marisol Perez
26 Marisa Bono
27 Mexican American Legal Defense and Education Fund
28 110 Broadway, Ste. 300
San Antonio, Texas 78205
nperales@maldef.org
dbernal@maldef.org
mperez@maldef.org
mbono@maldef.org

Nicholas D. Espiritu
Mexican American Legal Defense and Education Fund
634 South Spring Street, 11th Floor
Los Angeles, California 90014
nespiritu@maldef.org

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M. Colleen Connor
MCAO Division of County Counsel
222 N. Central Avenue, Ste. 1100
Phoenix, Arizona 85003
connorc@mcao.maricopa.gov

Dennis I. Wilenchik
Kathleen Rapp
Wilenchik and Bartness, P.C.
2810 N. Third Street
Phoenix, Arizona 85004
diw@wb-law.com
kathleenr@wb-law.com

Judith M. Dworkin
Marvin S. Cohen
Patricia Ferguson-Bohnee
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd. 4th
Scottsdale, Arizona 85251-3693
Judith.Dworkin@sackstierney.com

Criss E. Candelaria
Bradley Carlyon
Apache County Attorneys Office
PO Box 637
St. Johns, Arizona 86025
bcarlyon@apachelaw.net

Melvin R. Bowers, Jr.
Lance B. Payette
Navajo County Attorneys Office
PO Box 668
Holbrook, Arizona 86025
lance.payette@co.navajo.az.us

Brenna L. Clani
Navajo County Department of Justice
PO Box 2010
Window Rock, Arizona 86515
brennalclani@navajo.org

1 Jean E. Wilcox
2 Coconino County Attorney's Office
3 110 East Cherry Ave.
4 Flagstaff, Arizona 86001
5 jwilcox@coconino.az.gov

6 Chris Roll
7 Nicole Weber
8 Pinal County Attorney's Office
9 Chief Civil Deputy County Attorney
10 PO Box 887
11 Florence, AZ 85232
12 chris.roll@co.pinal.az.us
13 nicole.weber@co.pinal.az.us

14 **COPY** served the 18th day of July, 2008, via U.S. mail, with Notice of Electronic

15 Filing, on:

16 The Honorable Roslyn O. Silver
17 United States District Court
18 Sandra Day O'Connor U.S. Courthouse, Suite 624
19 401 West Washington Street, SPC 59
20 Phoenix, AZ 85003-2158

21 /s Elizabeth Stark

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