

EXHIBIT A

Exhibit No.	Description	Plaintiffs' Objection	Defendants' Response	Plaintiffs' Reply
1349a	Court records of David Grant.	<p>Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.</p>	<p>Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.</p>	<p>Exhibit 1349a contains unproven allegations, which appear in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that he was not a U.S. citizen. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledg[e] [, certifiy], notarizel [, procurel] or offerl] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry memorializing the plea of no contest to the charge of Presentment of a False Instrument does not set forth the factual basis of defendant's plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about his citizenship status on his juror affidavit. Without the facts supporting the conviction, Exhibit 1349a does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. <i>See Fed. R. Evid. 401.</i> As such, it should not be admitted into evidence. <i>See Fed. R. Evid. 402.</i></p>

1349b	Court records of Mohammed Nabil Akhtar.	Relevance. The documents show convictions for presentation of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.	Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.	Exhibit 1349b contains a indictment for Illegal Voting and Presentation of False Instrument for Filing, a Court Information Sheet which includes, <i>inter alia</i> , a social security number for Mr. Akhtar, and a Minute Entry Reflecting defendant's guilty plea to misdemeanor "Presentation of False Instrument for Filing." The documents contain no facts alleging or establishing that Mr. Akhtar registered to vote or voted while not a citizen. A.R.S. § 39-161 makes it a crime to "acknowledge[], certify[,], notarize[], procure[] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry memorializing defendant's guilty plea to the charge of Presentation of a False Instrument does not set forth the factual basis of defendant's plea. As such, the factual basis for the conviction may not be related to voter registration, or could be that defendant made a false statement about his citizenship status on a juror affidavit. Without the facts supporting the conviction, Exhibit 1349b does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. <i>See</i> Fed. R. Evid. 401. As such, it should not be admitted into evidence. <i>See</i> Fed. R. Evid. 402.
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1349c	Court records of Desmond Nowak.	Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.	Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.	Exhibit 1349c contains unproven allegations, which appear in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that he was not a U.S. citizen. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledge[, certify], notarize[, procure] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry memorializing the plea of guilty to the charge of Presentment of a False Instrument does not set forth the factual basis of defendant's plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about his citizenship status on his juror affidavit. Without the facts supporting the conviction, Exhibit 1349c does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. See Fed. R. Evid. 401. As such, it should not be admitted into evidence. See Fed. R. Evid. 402.
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1349d	Court records of William G. Cowling.	Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.	Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.	Exhibit 1349d contains unproven allegations, which appear in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that he was not a U.S. citizen. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledge[, certify], notarize[, procure] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry included in Exhibit 1349d reflects a plea of not guilty and no other document included with the exhibit demonstrates that Mr. Cowling was convicted of the charges against him. As such Exhibit 1349d appears to fall within the Court's ruling on the Gonzalez Plaintiffs' Motion in Limine excluding court records relating to individuals not convicted. [Doc. 928] Without proof of conviction, or the facts supporting conviction, Exhibit 1349d does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. See Fed. R. Evid. 401. As such, it should not be admitted into evidence. See Fed. R. Evid. 402.
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1349e	Court records of Eugene F. Woltz.	<p>Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.</p>	<p>Subject of Court’s previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.</p>	<p>Exhibit 1349e contains unproven allegations, which appear in the “Probable Cause” section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that he was not a U.S. citizen. The defendant was convicted of misdemeanor “Presentment of False Instrument for Filing,” under A.R.S. § 39-161, which makes it a crime to “acknowledg[e], certifi[y], notariz[e], procure[] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false” The Minute Entry memorializing the plea of guilty to the charge of Presentment of a False Instrument does not set forth the factual basis of defendant’s plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about his citizenship status on his juror affidavit. Without the facts supporting the conviction, Exhibit 1349e does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. See Fed. R. Evid. 401. As such, it should not be admitted into evidence. See Fed. R. Evid. 402.</p>
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1349f	Court records of Romelina Fisher.	Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.	Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.	Exhibit 1349f contains unproven allegations, which appear in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that she was not a U.S. citizen. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledge[, certify], notarize[, procure] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry memorializing the plea of guilty to the charge of Presentment of a False Instrument does not set forth the factual basis of defendant's plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about her citizenship status on her juror affidavit. Without the facts supporting the conviction, Exhibit 1349f does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. See Fed. R. Evid. 401. As such, it should not be admitted into evidence. See Fed. R. Evid. 402.
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1349g	Court records of Javier Bastidas Garcia.	Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.	Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.	Exhibit 1349g contains unproven allegations, which appear in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a legal permanent resident who registered to vote and voted, then completed and signed a juror affidavit stating that he was not a U.S. citizen. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledge[, certify], notarize[, procure] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The documents included in Exhibit 1349g do not set forth the factual basis of defendant's conviction. As such, the factual basis may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about his citizenship status on his juror affidavit. Without the facts supporting the conviction, Exhibit 1349g does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. <i>See</i> Fed. R. Evid. 401. As such, it should not be admitted into evidence. <i>See</i> Fed. R. Evid. 402.
				If the Court admits Exhibit 1349g, Plaintiffs move for admission of the document

				<p>attached hereto as Exhibit B, which is two pages from Trial Exhibit 1222. Exhibit B is the November 19, 2007 Minute Entry reflecting Mr. Garcia's guilty plea to Presentment of False Instrument for Filing and dismissal of Count 1 of the Complaint, Illegal Voting. Counsel for the State Defendants has informed Plaintiffs' counsel that the State Defendants do not object to admission of Exhibit B.</p>
1349y	Court records of Maria Torres.	<p>Relevance. The documents show convictions for presentment of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.</p>	<p>Subject of Court's previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.</p>	<p>Exhibit 1349y contains an unproven allegation, which appears in the "Probable Cause" section of the pre-trial Release Questionnaire, that the defendant was a non-citizen who registered to vote. Plaintiffs understand that this defendant may have been prosecuted after signing a juror affidavit in which she attested to being a non-citizen, though Exhibit 1349y does not include such information. The defendant was convicted of misdemeanor "Presentment of False Instrument for Filing," under A.R.S. § 39-161, which makes it a crime to "acknowledge[,], certify[,], notarize[,], procure[] or offer[] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false" The Minute Entry memorializing the guilty plea does not set forth the factual basis of defendant's plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that</p>

				<p>defendant made a false statement about her citizenship status on her juror affidavit. Without the facts supporting the conviction, Exhibit 1349z does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. <i>See</i> Fed. R. Evid. 401. As such, it should not be admitted into evidence. <i>See</i> Fed. R. Evid. 402.</p>
1349z	<p>Court records of Tevita Maliu.</p>	<p>Relevance. The documents show convictions for presentation of a false instrument, but do not set forth the factual basis of those convictions. Accordingly, they do not establish that the defendants were non-U.S. citizens who registered to vote.</p>	<p>Subject of Court’s previous ruling on Motion in Limine. The records clearly indicate that the circumstances of the conviction were that the individual registered to vote despite being a non-citizen. They are relevant to voter fraud.</p>	<p>Exhibit 1349z contains an unproven allegation, which appears in the “Probable Cause” section of the pre-trial Release Questionnaire, that the defendant was a non-citizen who registered to vote. Plaintiffs understand that this defendant may have been prosecuted after signing a juror affidavit in which he attested to being a non-citizen, though Exhibit 1349z does not include such information. The defendant was convicted of misdemeanor “Presentation of False Instrument for Filing,” under A.R.S. § 39-161, which makes it a crime to “acknowledg[e] [, certify] [, notariz[e] [, procure] [, or offer] [,] to be filed, registered or recorded in a public office in this state an instrument which he knows to be false” The Minute Entry memorializing the guilty plea does not set forth the factual basis of defendant’s plea. As such, the factual basis for the conviction may not have been the facts set forth in the Probable Cause statement, but rather that defendant made a false statement about his</p>

				<p>citizenship status on his juror affidavit. Without the facts supporting the conviction, Exhibit 1349z does not make it more probable that any non-U.S. citizen was registered to vote in Arizona. <i>See</i> Fed. R. Evid. 401. As such, it should not be admitted into evidence. <i>See</i> Fed. R. Evid. 402.</p>
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EXHIBIT B

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-008633-001 DT

11/19/2007

COMMISSIONER DAVID O. CUNANAN

CLERK OF THE COURT
O. Hernandez
Deputy

STATE OF ARIZONA

RONALD M DEBRIGIDA JR.

v.

JAVIER BASTIDAS GARCIA (001)

ROBERT A DODELL

APO-PLEAS-CCC
VICTIM SERVICES DIV-CA-CCC

PLEA AGREEMENT/CHANGE OF PLEA

10:24 a.m.

Courtroom 713

State's Attorney: Ron Debrigida
Defendant's Attorney: Robert Dodell
Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT that separate group advisements were conducted earlier this date for all in-custody defendants and all out-of-custody defendants.

The Court reviews the Plea Agreement with Defendant. The Court advises Defendant of the range of possible sentence and the availability of probation, and any special conditions of sentencing and probation. The Court advises Defendant of all pertinent constitutional rights and rights of review.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-008633-001 DT

11/19/2007

Defendant enters a plea of Guilty to the following:

OFFENSE: Count 2 (as amended): Presentment of False Instrument for Filing
Class 1 misdemeanor

A.R.S. § 39-161, 13-701, 702, 702.01, 801

Date of Offense: on or about 10/3/2004

Non Dangerous - Non Repetitive

IT IS ORDERED accepting the plea.

IT IS ORDERED setting time for sentencing on 12/4/2007 at 8:30 a.m. before this
division.

IT IS FURTHER ORDERED that the following will be deemed submitted at the time of
sentencing: Motion To Dismiss Count 1 as reflected in the Plea Agreement.

IT IS ORDERED the Adult Probation Department shall prepare a Criminal History only.

IT IS ORDERED vacating any pending dates.

IT IS FURTHER ORDERED affirming prior release orders.

10:28 a.m. Matter concludes.