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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

Stanislas Gregory Meyerhoff,

Defendant

Case No. CR-06-60078-AA

MOTION TO RESERVE SEATS AND MAKE
OTHER ACCOMODATIONS FOR THE
SENTENCING HEARING
(Oral Argument Requested)

The defendant, through counsel, Terri Wood, moves the Court to take up the issue of access to Mr. Meyerhoff's sentencing hearing, given the limited seating capacity of the courtroom, at the March 2, 2007, status hearing, and specifically requests that the Court: (1) order that not less than half of the seats in the courtroom be reserved at all times to be occupied by Mr. Meyerhoff's family, friends, and defense experts and support staff, said individuals to be identified by way of a pass card designed and provided to

persons designated by counsel; (2) direct that the proceedings be video-cast live to another suitable room at the courthouse if it appears likely that other interested persons will not be able to obtain seating in the courtroom, due to the number of persons expected to attend in support of either Mr. Meyerhoff or the Government.

The defense further moves the Court to direct that defense counsel have access to a secure room close to the courtroom, and large enough to hold exhibits, books and files, as well as for counsel to meet and confer with experts, witnesses, and staff, for the duration of Mr. Meyerhoff's sentencing hearing.

The defense so moves upon being advised of the following matters: Upon conferring with Mr. Meyerhoff's family and friends, there are currently 32 individuals who plan to attend his sentencing hearing, although six are unable to attend both days of the anticipated 2-day hearing. Several of these 32 individuals will be addressing the Court as part of Mr. Meyerhoff's sentencing hearing. Additionally, the defense anticipates that one or more experts will be called to testify, and may need to observe part of the proceedings, and that one staff person may be needed in the courtroom to assist counsel. Many of the individuals who plan to attend in support of Mr. Meyerhoff will be traveling from Bend, and other parts of Oregon, as well as some from other States.

Counsel is advised that the courtroom is designed to seat 42 persons in the audience section, and also has the ability to live video-cast courtroom proceedings to another room at the courthouse. The Government has not responded to defense requests for an estimate of how many individuals it expects to attend on its behalf. The defense anticipates that representatives

from the other co-defendants, as well as the news media, plan to attend Mr. Meyerhoff's sentencing hearing, or at least the Government's presentation during that hearing.

If discussion at the March 2, 2007, status hearing indicates that after accommodating the Government's estimated need for seating in the audience section, there remains additional seats that could be made available to Mr. Meyerhoff's supporters—i.e., an additional 5-10 seats—the defense requests that the Court order those seats also be reserved for Mr. Meyerhoff's supporters, and that any other interested observers be afforded access through live video-cast of the proceedings.

Due to the anticipated crowd at this sentencing hearing, the defense is requesting access to a secure room close to the courtroom for meeting with witnesses or otherwise engaging in private communications with persons involved in the defense. Counsel is advised such rooms are available, but can only be opened by courthouse staff. Therefore, the defense requests that the Court grant counsel ready access to a designated room by informing courthouse staff of this arrangement, and the need to have staff available to unlock the room during breaks as well as before and after court proceedings each day.

The defense submits that Mr. Meyerhoff did not request to be the first defendant sentenced in this case, and that by going first he is disadvantaged in comparison to the other co-defendants who will have the opportunity to observe the Government's presentation against Mr. Meyerhoff, and to hear the Court's remarks on sentencing issues that are of common interest, and some time to modify their respective presentations accordingly. There also is a reasonable

expectation that news media interest and attendance will be considerably greater when the first defendant in this group is sentenced.

Mr. Meyerhoff should not be further disadvantaged by having interested third-persons; i.e., co-defendants and/or their representatives, the news media, and public spectators, displace his family and friends who intend to appear in his support. The public interest in observing his sentencing hearing can be served through live video-cast of the proceedings, while preserving Mr. Meyerhoff's interest in an individualized sentencing hearing, with priority seating given to his supporters, and to the victims or other individuals supporting the prosecution.

This motion is made in good faith and not for the purpose of delay. It is supported by the Court's inherent supervisory powers, and Mr. Meyerhoff's right to an individualized sentencing hearing, and to effective assistance of counsel at sentencing.

DATED this 27th day of February, 2007.

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Terri Wood, OSB 88332
Attorney for Stanislas Meyerhoff