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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
Plaintiff,  
v.  
Joseph M. Arpaio,  
Defendant.

No. CR-16-01012-001-PHX-SRB  
**ORDER**

During the third day of the trial the Government offered Exhibits 37A through 37T.1, which are video recordings of interviews Defendant had given to various news reporters. Counsel for Defendant had not yet had an opportunity to review the offered exhibits and any objections were deferred until that review was completed (Tr. Day 3 p.545). The following morning before testimony began the Court asked defense counsel if he wanted to make his objections now or later to Exhibits 37A through 37T.1. Counsel responded that he would like to do it later (TR Day 4 p.804). The testimony concluded that afternoon and before recessing the Court addressed counsel again about the video exhibits and asked counsel if he was ready to address them. Counsel said he was not. The Court suggested reconvening the next morning at 9:00 a.m. Defense counsel then asked if he could have until Monday, July 3, 2017, to review the videos. In response to the Court's question about when counsel would make any objections, counsel asked if they could be made in writing. The Court agreed and stated the following:

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1                    “I will await ruling on the 37 video series until I receive something in  
2                    writing, which will be filed sometime before Wednesday, whenever you  
3                    want, but it has to be before Wednesday, so that when I show up to work on  
4                    Wednesday I’ve got it” (TR Day 4 p.945 lines 21-25)”

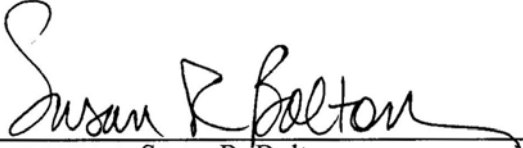
5                    The Court’s minute entry for Trial Day #4 was sent electronically to counsel on  
6                    Friday, June 30, 2017, and stated, “The Court grants Defense counsel’s request to file  
7                    written objections to the offer of Exhibits 37A through 37T.1 in lieu of oral argument.  
8                    The written objections shall be filed prior to July 5, 2017.” Closing arguments were  
9                    scheduled for July 6, 2017, starting at 9:00 a.m.

10                    No objections were submitted before Wednesday, July 5, 2017, and at 1:27 p.m.  
11                    the Court’s Order admitting Exhibits 37A through 37T.1 was electronically sent to all  
12                    counsel. Defense counsel filed objections 14 minutes later and the pending Motion for  
13                    Reconsideration shortly after 5:00 p.m.

14                    The motion states that while counsel was aware of the minute entry stating that  
15                    objections were due “prior to July 5, 2017” the discussion on the afternoon of Day 4 led  
16                    counsel to believe he had until Wednesday to make any objection. The record is clear  
17                    that that was never the case. The Court was explicit about the deadline and explained its  
18                    importance so that the Court and counsel for both parties would know in advance of  
19                    closing arguments what evidence was admitted and could properly prepare.

20                    IT IS ORDERED denying Defendant’s Motion for Reconsideration of Court’s  
21                    Order Dated July 5, 2017 [Doc. 193] (Doc. 198).

22                    Dated this 3rd day of August, 2017.

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24                    \_\_\_\_\_  
25                    Susan R. Bolton  
26                    United States District Judge