

Lawrence Matasar, OSB #74209  
621 S.W. Morrison Street, Suite 1025  
Portland, OR 97205  
Telephone: (503) 222-9830  
Fax: (503) 274-8575  
Email: larry@pdxlaw.com

Marc D. Blackman, OSB #73033  
Ransom Blackman LLP  
1001 SW Fifth Avenue, Suite 1400  
Portland, OR 97204  
Tel: (503) 228-0487  
Fax: (503) 227-5984  
Email: marc@ransomblackman.com

Attorneys for Dwight Hammond and Steven Hammond

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR 6:10-CR-60066-HO
	)	
Plaintiff,	)	
	)	
vs.	)	DEFENDANTS' SECOND
	)	SUPPLEMENTAL JOINT AND SEVERAL
	)	SENTENCING MEMORANDUM
STEVEN DWIGHT HAMMOND and	)	
DWIGHT LINCOLN HAMMOND,	)	
	)	
Defendants.	)	

INTRODUCTION

This memorandum is written in opposition to the government's claim that Krumbo fire suppression costs justify a four level sentencing guideline increase for the Krumbo Butte fire. The government's sentencing memorandum claims, "Pursuant to § 2B1.1(b)(1)(C), an additional four levels apply because the BLM incurred \$15,085.22 in fire suppression costs for the Krumbo Butte fire, while the U.S. Forest Service incurred

\$591.52 in suppression costs for the Krumbo Butte fire. This yields an Adjusted Offense Level of 12 for Count 5." C.R. 204, pp. 11-12."

The government provides no support for these figures. More importantly, evidence at trial showed that the Krumbo Butte area was subject to a number of lightning strikes in August, 2006. E.g. defense exhibits 1125A, 1138, 1147; Tr. 1909-1918. Even if fire suppression costs can be used to increase the offense level, and even if the government's figures are correct as to the fire suppression costs for the Krumbo fire, there is no information indicating that the claimed costs were attributable to Steven Hammond.

Therefore, the additional four level increase requested by the government should not be imposed.

RESPECTFULLY SUBMITTED this 29th day of October, 2012.

/s/ Marc D. Blackman  
Marc D. Blackman  
OSB No. 73033  
Telephone: (503) 228-0487

Attorney for Defendant  
Dwight Lincoln Hammond, Jr.

/s/ Lawrence Matasar  
Lawrence Matasar  
OSB No. 74209  
Telephone: (503) 222-9830

Attorney for Defendant  
Steven Dwight Hammond