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FOR THE NINETY-SIXTH GENERAL ASSEMBLY  
SITTING AS AN IMPEACHMENT TRIBUNAL

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SECRETARY  
OF THE  
SENATE

In re )  
Impeachment of )  
Governor ROD R. BLAGOJEVICH )

**HOUSE PROSECUTOR'S  
MOTION FOR ADDITIONAL DOCUMENTS OR MATERIALS**

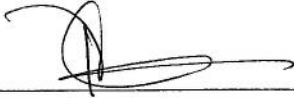
House Prosecutor David W. Ellis, pursuant to Senate Impeachment Rule 15(b)(2), moves for the admission of additional documents into evidence and, in support thereof, states as follows:

1. The House Prosecutor seeks to admit at trial an excerpt of Exhibit 44, namely, the remarks of Chief Judge James F. Holderman regarding the legality of the federal government's interception of oral and wire communications regarding the Governor.
2. A copy of this document is attached to this Motion.
3. This document will be introduced during the live testimony of Representative Jim Durkin.
4. This document is relevant and material because it demonstrates the lawfulness of the wiretaps that were used by the federal government as referenced in the Affidavit of Special Agent Daniel Cain (Exhibit 3).
5. This document is not redundant because it does not exist in the proposed form.
6. Moreover, although some evidence related to this issue is contained in the House impeachment record, under Senate Impeachment Rule 15(g), the evidence is not deemed redundant simply because it relates to material already in the record.

WHEREFORE, the House Prosecutor respectfully moves for the admission of a document that has material contained within Exhibit 44, namely, Judge James F. Holderman's remarks regarding the approval of a wiretap at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,  
HOUSE PROSECUTOR**



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David W. Ellis  
House Prosecutor  
Illinois House of Representatives  
412 State House  
Springfield, IL 62706

## **Chief Judge James F. Holderman**

“But I can assure you that I have scrutinized the procedure that has been followed in connection with each of these wiretaps as they were presented to me, and I can assure you that I have done everything in my power to make sure that the government has complied with the law.”

*Source: Transcript of proceedings before the Honorable James F. Holderman, January 5, 2009, in the matter of United States v. Rod R. Blagojevich (Ex. 44, pp. 10-11)*