

IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS
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 the Impeachment Trial a flowchart detailing the process of obtaining authority to intercept wire communications and oral communications.
2. A copy of this document is attached to this Motion.
3. This document will be introduced during the live testimony of former Assistant United States Attorney John Scully as a demonstrative exhibit.
4. This testimony is relevant and material because it addresses the process for obtaining court authorization to intercept wire communications and oral communications. The Affidavit of Special Agent Daniel Cain (Exhibit #3) includes content contained in four court-authorized intercepts, which provide grounds for multiple paragraphs of the Article of Impeachment. Mr. Scully's testimony detailing the oversight and procedural steps for obtaining a wiretap lends significant weight to the authenticity of the evidence contained therein.
5. This document is not redundant because it aids the testimony of former Assistant United States Attorney John Scully by showing a graphic representation of the multiple steps that need to be undertaken before the Chief Judge of a Federal Court with jurisdiction can authorize a wiretap. He is the only live witness who will testify on this subject.

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.

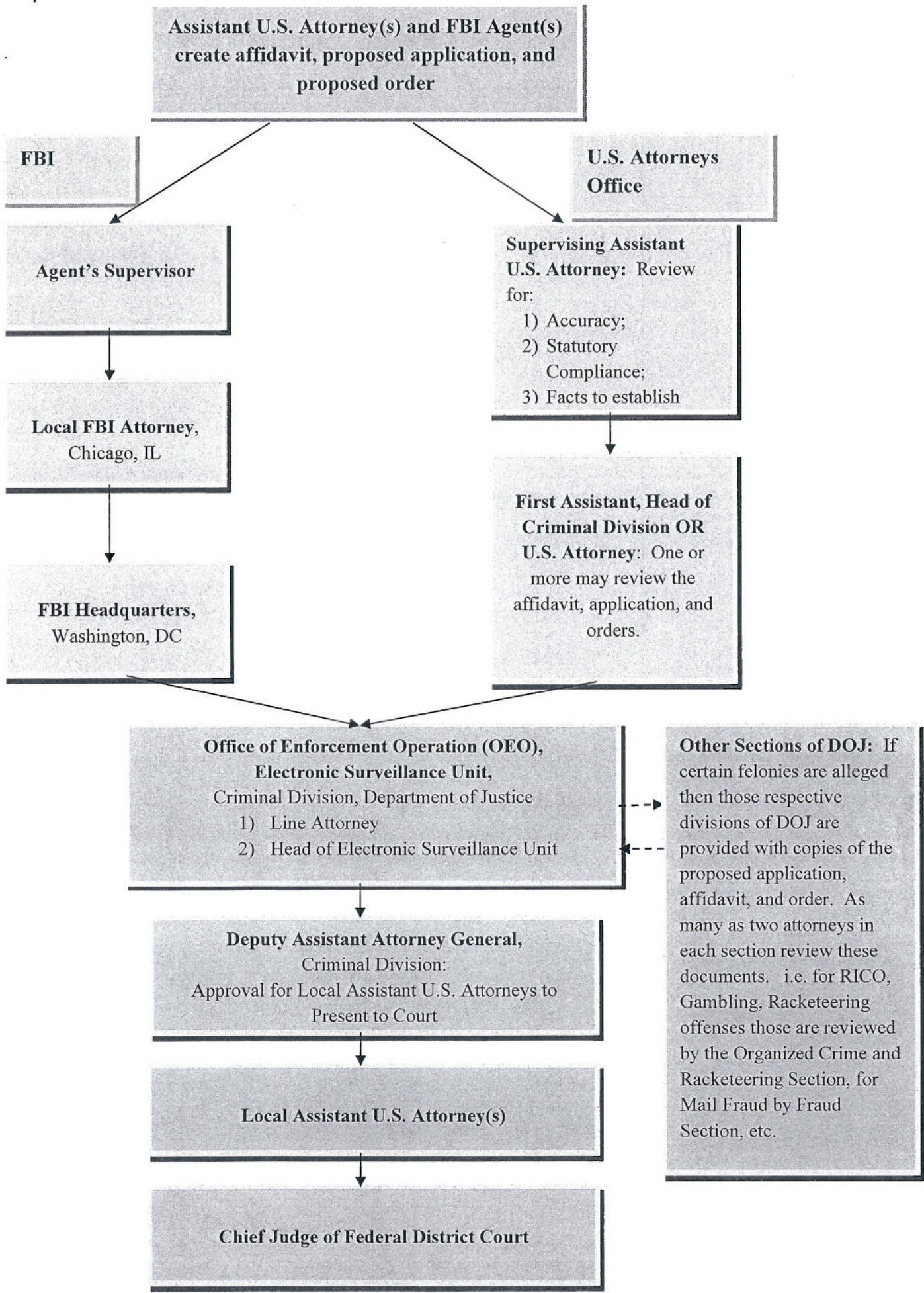
WHEREFORE, the House Prosecutor respectfully moves for the admission of the flowchart detailing the process for obtaining wiretap authorization into evidence at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**



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



**Assistant U.S. Attorney(s) and FBI Agent(s)
create affidavit, proposed application, and
proposed order**

FBI

**U.S. Attorneys
Office**

Agent's Supervisor

**Supervising Assistant
U.S. Attorney: Review
for:**
1) Accuracy;
2) Statutory
Compliance;
3) Facts to establish

**Local FBI Attorney,
Chicago, IL**

**First Assistant, Head of
Criminal Division OR
U.S. Attorney: One or
more may review the
affidavit, application, and
orders.**

**FBI Headquarters,
Washington, DC**

**Office of Enforcement Operation (OEO),
Electronic Surveillance Unit,
Criminal Division, Department of Justice**
1) Line Attorney
2) Head of Electronic Surveillance Unit

Other Sections of DOJ: If certain felonies are alleged then those respective divisions of DOJ are provided with copies of the proposed application, affidavit, and order. As many as two attorneys in each section review these documents. i.e. for RICO, Gambling, Racketeering offenses those are reviewed by the Organized Crime and Racketeering Section, for Mail Fraud by Fraud Section, etc.

**Deputy Assistant Attorney General,
Criminal Division:
Approval for Local Assistant U.S. Attorneys to
Present to Court**

Local Assistant U.S. Attorney(s)

Chief Judge of Federal District Court