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6

7 Counsel for Defendant James Parker
8

9 **IN THE UNITED STATES DISTRICT COURT**
10 **DISTRICT OF ARIZONA**

11
12 **UNITED STATES OF AMERICA,**
13 Plaintiff,
14 v.
15 **JAMES PARKER, et al.,**
16 Defendants.

No. 10-CR-757-PHX-ROS

**DEFENDANT’S MOTION TO
ENTER EXHIBITS**

17
18 NOW COMES Defendant James Parker, by and through his counsel of record,
19 respectfully requests 5 minutes of the court’s time, prior to Government witness Cleatus Hunt
20 taking the stand, Tuesday Morning in order to enter the following exhibits.
21

22 The Government has no objection to the admission of the following defendant’s exhibits
23 (See Attached Exhibit "A"): 1005, 1006, 1008, 1009, 1011, 1012, 1013, 1029, 1035, 1045,
24 1046, 1047, 1048, 1050, 1057, 1059, 1060, 1061, 1075, 1076,
25
26

1 The Defense has agreed to enter the following Government Exhibits (See Attached
2 Exhibit "B"): 49, 50, 51, 376, 377, 378, 379, 380, 381, 382, 53, 185, 186, 187, 188, 189, 190,
3 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 55, 56, 57, 58, 59, 171, 172, 173, 61,
4 62, 63, 64, 65, 66, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341,
5 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 68, 322, 323, 324, 325, 326, 70, 71, 72, 73, 74,
6 75, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276,
7 277, 278, 279, 280 , 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295,
8 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314,
9 315, 316, 317, 318, 319, 320, 321, 389, 373, 375, 116, 143, 144, 145, 146, 147, 148, 178, 140,
10 141, 170, 414, 415, 443, 401, 402, 408, 409, 410, 413, 142, 206, 132, 133, 134, 383, 583, 586,
11 355, 357, 420, 421, 423, 427, 428, 431, 433, 434, 435, 390, 391, 392, 393, 394, 395, 396, 397,
12 398, 399, 400, 502, 503, 504, 505, 506, 507, 508, 512, and 513.

13
14
15 Accordingly, offer the above-unopposed exhibits to save time instanter.

16 Respectfully submitted on June 18, 2012.

17 /s/ Michael Louis Minns
18 Michael Minns (pro hac vice)
19 State Bar No. 14184300
20 Ashley Blair Arnett (pro hac vice)
21 State Bar No. 24064833 (Texas)
22 MICHAEL LOUIS MINNS, P.L.C.
23 Counsel for Defendant James Parker
24 9119 S. Gessner Suite One
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26 Tel.: (713) 777-0772
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Email: ashley@minnslaw.com

- AND -

/s/ Michael D. Kimerer

1 Michael D. Kimerer
2 Local counsel for Defendant James Parker
3 Kimerer & Derrick, P.C.
4 221 East Indianola Avenue
5 Phoenix, AZ 85012
6 Tel.: 602-229-5900
7 Fax: 602-264-5566
8 Email: MDK@kimerer.com

9 **CERTIFICATE OF SERVICE**

10 On June 18, 2012 I, Ashley Blair Arnett, attorney for the Defendant, James Parker, filed
11 Motion to Enter Exhibits *via* ECF. Based on my training and experience with electronic filing in
12 the federal courts, it is my understanding that a copy of this request will be electronically served
13 upon opposing counsel, Peter Sexton and Walter Perkel, and co-counsel, Joy Bertrand, upon its
14 submission to the Court.

15 Respectfully submitted this 18th day of June, 2012.

16 /s/ Ashley Blair Arnett
17 Ashley Blair Arnett
18 Attorney for Defendant
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20
21
22
23
24
25
26

EXHIBIT

A

Subject: RE: Defense Exhibits
Date: Thursday, June 14, 2012 1:27:02 PM Mountain Standard Time
From: Sexton, Peter (USAAZ)
To: Ashley Arnett
CC: Perkel, Walter (USAAZ), Michael Minns

If they are moved in together, we have no objection to 1005. Thanks.

From: Ashley Arnett [mailto:ashley@minnslaw.com]
Sent: Thursday, June 14, 2012 1:05 PM
To: Sexton, Peter (USAAZ)
Cc: Perkel, Walter (USAAZ); Michael Minns
Subject: Re: Defense Exhibits

They are both listed on our exhibit list. We will move them in at the same time. If we have no problems moving them in we will not be needing Jackie Garzasty.

Thanks

From: "Sexton, Peter (USAAZ)" <Peter.Sexton@usdoj.gov>
Date: Wednesday, June 13, 2012 2:52 PM
To: "MDK@kimerer.com" <MDK@kimerer.com>, Michael Minns <mike@minnslaw.com>, Ashley Arnett <ashley@minnslaw.com>
Cc: "Perkel, Walter (USAAZ)" <Walter.Perkel@usdoj.gov>, Giovannelli Lisa M <Lisa.Engel@ci.irs.gov>
Subject: FW: Defense Exhibits

Ashley,

The reason 1005 was not listed by me is because I did not want 1005 coming into evidence without 1006, which is the reply to 1005. If I had told you I had no objection to 1005 **and** 1006, and you moved in 1005 only, I would be left with an uncertified reply in 1006 that you may then object to when I try to introduce it. If you want to agree to move in both at the same time, we would agree to that arrangement. Let me know your thoughts in writing. Thanks.

Peter

From: Giovannelli Lisa M [mailto:Lisa.Engel@ci.irs.gov]
Sent: Wednesday, June 13, 2012 12:56 PM
To: Perkel, Walter (USAAZ); Sexton, Peter (USAAZ)
Subject: RE: Defense Exhibits

I have never spoken to this person. According to the audit file, she was the original revenue agent working on the audit of the 1997 tax year. She is not listed in the IRS Outlook directory and I think she may have left the IRS some time ago. Revenue Agent David Hunt (on our witness list) took over the audit at some point. I have no contact information for her.

From: Perkel, Walter (USAAZ) [mailto:Walter.Perkel@usdoj.gov]
Sent: Wednesday, June 13, 2012 11:50 AM
To: Giovannelli Lisa M; Sexton, Peter (USAAZ)

Subject: FW: Defense Exhibits

FYI -

From: Ashley Arnett [<mailto:ashley@minnslaw.com>]
Sent: Wednesday, June 13, 2012 10:38 AM
To: Sexton, Peter (USAAZ); MDK@kimerer.com; Michael Minns
Cc: Perkel, Walter (USAAZ)
Subject: Re: Defense Exhibits

Can you forward the address and phone number of former Revenue Agent Jackie Garzasty? We will be adding her to the witness list and need to serve her. She is being added to the witness list for the purpose of entering exhibit 1005.

Thanks
Ashley

From: "Sexton, Peter (USAAZ)" <Peter.Sexton@usdoj.gov>
Date: Tuesday, June 12, 2012 4:01 PM
To: "MDK@kimerer.com" <MDK@kimerer.com>, Michael Minns <mike@minnslaw.com>, Ashley Arnett <ashley@minnslaw.com>
Cc: "Perkel, Walter (USAAZ)" <Walter.Perkel@usdoj.gov>, Giovannelli Lisa M <Lisa.Engel@ci.irs.gov>
Subject: Defense Exhibits

Counsel,

I have reviewed the binder of defense exhibits, and the government has no objection to the following exhibits:

- 1006 -1013 (1010 is already admitted)
- 1021-1024
- 1029
- 1034 (except 0047, 0048, 0049, 0058, 0062, 0068)
- 1035-1036
- 1045-1050
- 1051 (except 0081)
- 1057
- 1059-1061
- 1075-1077
- 1080-1081
- 1082 (provided a legible copy is used for 0220)
- 1083 (same exhibit as 1077)

As to exhibits 1019-1020, we have no objection to them provided that government's exhibits 602-605 are admitted at the same time.

All the rest our objected to at this time for a combination of evidentiary reasons.

If you have any questions, please communicate those questions in writing so there is a paper trail.

Thanks.

Peter

EXHIBIT

B

Subject: Re: Parker trial schedule for next week
Date: Monday, June 18, 2012 5:13:10 PM Mountain Standard Time
From: Ashley Arnett
To: Perkel, Walter (USAAZ)
CC: Sexton, Peter (USAAZ), Michael Minns, MDK@kimerer.com

Below is a list of the Defense Witnesses and possible corresponding exhibits. Most of the witnesses are out of state and might be called in a different order. Without knowing exactly when we will start this is the best estimation of order.

1. Lisa Giovannelli. Estimated Cross 1 hour. Exhibits: 1000, 1001, 1002, 1004, 1025
2. Roy Young. Estimated Direct 30 minutes. Exhibits: 1057, 1058, 1059, 1060
3. Stan Manske. Estimated Direct 30 minutes.
4. Vicky Patterson. Estimated Direct 30 minutes. Exhibits: 1075, 1045, 1046, 1047, 1048, 1051 (removing Bates 77-80).
5. Sam Parker. Estimated Direct 2 hours. Exhibits: 1034
6. Professor Grosse. Estimated Direct 30 minutes.
7. Gail Prather. Estimated Direct 2 hours.
8. Richard Parker. Estimated Direct 30 minutes. Exhibits: 1075, 1045, 1046, 1047, 1048, 1051 (removing Bates 77-80).
9. James Parker. Estimated Direct 2 hours. Exhibits – All defense exhibits.

With regard to the below exhibits we object to the following: 139, 403, 404, 405, 406, 407, 411, 412, 602, 603, 604, and 605.

Also, I received a new exhibit 606. We object to this summary exhibit as you have Parker listed without specifically identifying which Parker you are referring to. There are two indicted Parkers and several other Parkers. Every time you list "Parker" it should specifically identify which Parker you are referencing.

Thanks
Ashley

From: "Perkel, Walter (USAAZ)" <Walter.Perkel@usdoj.gov>
Date: Friday, June 15, 2012 10:23 AM
To: Ashley Arnett <ashley@minnslaw.com>
Cc: Michael Minns <mike@minnslaw.com>, "Sexton, Peter (USAAZ)" <Peter.Sexton@usdoj.gov>, "Trandicosta, Rose Marie (USAAZ)" <Rose.Marie.Trandicosta@usdoj.gov>, "Rerucha, Carolyn (USAAZ)" <Carolyn.Rerucha@usdoj.gov>, Giovannelli Lisa M <Lisa.Engel@ci.irs.gov>
Subject: Parker trial schedule for next week

Ashley,

Good morning.

Here is the anticipated schedule for next week. Because we are bringing in several out-of-state witnesses, there may be small changes depending on witness availability.

Again, as previously stated, we hope to finish the government's case as early as Wednesday (June 20, 2012) of next week. Please send me a list of the witnesses you intend to call next week, and their corresponding exhibits.

- Cleatus Hunt
- John Schumacher
- Monty Joe Roberts
- Deanne Chase, Fenton Motors
- Bill Graves
- Connie Taylor
- Jerry Carter
- Dr. Robert Gross
- Becky Gross
- Mark Klamrzynski

In order to move this case along, the government intends to move in the following exhibits after Mr. Hunt's testimony. *Please let me know if you have any objections.*

Exhibits 49, 50, 51, 376-382 (sub-exhibits to Exhibit 48, M&I Bank records for Cimarron River Ranch LLC
Exhibits 53, 185-202 (sub-exhibits to Exhibit 52, The Harris Bank records for Omega Construction, Inc.)
Exhibits 55, 56, 57, 58, 59, 171, 172, 173 (sub-exhibits to Exhibit 54, First National Bank of NM records fo
Exhibits 61, 62, 63, 64, 65, 66, 327-351 (sub-exhibits to Exhibit 60, JP Morgan Chase Bank records for Re
Exhibits 68, 322-326 (sub-exhibits to Exhibit 67 (Metcalf Bank records for Sunlight Financial LLC)
Exhibits 70, 71, 72, 73, 74, 75, 259-321, 389 (sub-exhibits to Exhibit 69, CO East Bank & Trust records for
Exhibit 373 Bank of America FIA Card Services records
Exhibit 375 Capital One records

Exhibit 116- Certified Copy of Chicago Title Insurance Company concerning 2005 purchase of 218 Turkey
Exhibit 143 Residential Contract
Exhibit 144 Amendment to Contract
Exhibit 145 Escrow Receipt and Disbursement Authorization
Exhibit 146 Settlement Statement
Exhibit 147 Cashier's Check for \$10,000
Exhibit 148 Cashier's Check for \$990,000
Exhibit 178- Keller Williams Realty records concerning the 2005 purchase of 218 Turkey Track Trail, Car
Exhibit 139 Letter from Liggett to Connie Taylor
Exhibit 140 Buyer's Representation Agreement
Exhibit 141 Non-Realty Items Addendum to Contract
Exhibit 170 Disbursement Authorization
Exhibit 414 FNB Check #4003 payable to Robert and Becky Gross
Exhibit 415 Amendment to Contract
Exhibit 443 Seller's Disclosure Notice

Exhibits 401-413 – Photographs

Exhibit 142 Certified Copy of Warranty Deed dated 09/09/05 for 218 Turkey Track Trail, Canyon, TX

Exhibit 206- Fenton Ford of Dumas Records- and sub-exhibits listed below:

Exhibit 132 Fenton Ford of Duma Sales Contract

Exhibit 133 Letter from James Parker to Fenton Ford of Dumas

Exhibit 134 Fenton Ford of Dumas Bank Statement

Exhibit 383 Certified OK Land Commissioner's Records

Exhibit 583 Cimarron River Map (black and white)

Exhibit 586 Warranty Deed granted to CRR by Monty Joe Roberts dated 04/13/05

Exhibit 355 Certified Copy of Warranty Deed dated 09/07/05 for 103 Jynteewood Drive, Canyon, TX

Exhibit 357 Certified Copy of Chicago Title records concerning the 2005 purchase of 103 Jynteewood Dri

Exhibits 420, 421, 423, 427, 428, 431, 433, 434, 435 - Photographs

Exhibits 390-400

Exhibits 502-508

Exhibits 512-513

Exhibit 602 Handwritten Letter from James Parker to Greg Robinson dated 02/06/04

Exhibit 603 Letter to James Parker from Victor Riches dated 11/12/01

Exhibit 604 Handwritten Note from James Parker to Greg Robinson

Exhibit 605 Omega Construction Inc. Balance Sheet

Thanks,

Walter

Walter Perkel
Assistant U.S. Attorney
District of Arizona
Desk: (602) 514-7633
walter.perkel@usdoj.gov

From: Ashley Arnett [<mailto:ashley@minnslaw.com>]

Sent: Thursday, June 14, 2012 1:25 PM
To: Sexton, Peter (USAAZ)
Cc: Michael Minns; Perkel, Walter (USAAZ)
Subject: Re: Revised Trial Exhibits

Thanks for the updated Exhibits. If there are any more changes please send them to me prior to Mark Klamryznski taking the stand. At this time we have no summary exhibits. Should Gail prepare any I will get them to you in draft form to insure you get them as soon as possible.

From: "Sexton, Peter (USAAZ)" <Peter.Sexton@usdoj.gov>
Date: Thursday, June 14, 2012 9:40 AM
To: "MDK@kimerer.com" <MDK@kimerer.com>, Michael Minns <mike@minnslaw.com>, Ashley Arnett <ashley@minnslaw.com>
Cc: "Perkel, Walter (USAAZ)" <Walter.Perkel@usdoj.gov>, "Klamryznski, Mark (USAAZ)" <Mark.Klamryznski@usdoj.gov>, Giovannelli Lisa M <Lisa.Engel@ci.irs.gov>, "Rerucha, Carolyn (USAAZ)" <Carolyn.Rerucha@usdoj.gov>, "Trandicosta, Rose Marie (USAAZ)" <Rose.Marie.Trandicosta@usdoj.gov>
Subject: FW: Revised Trial Exhibits

Counsel,

We have made some minor changes to certain summary exhibits to be used during the testimony of Mark Klamryznski. The changed exhibits are attached and should be substituted for the exhibits you were given before. The changes were as follows:

- Exhibit 391 Only changed to add more exhibits referenced in the last column.
- Exhibit 392 Same as above.
- Exhibit 393 Reprinted without the bate stamp overlay covering the summary number at the bottom of the page.
- Exhibit 397 Corrected exhibit references for the M & I Bank information.
- Exhibit 398 Only changed to add more exhibits referenced in the last column.
- Exhibit 399 Removed the word nominee from the summary, and added an exhibit number column.
- Exhibit 400 Same as above.
- Exhibit 502 Removed the word nominee from the summary, and added exhibit numbers for the bank listings.
- Exhibit 512 Same as above.
- Exhibit 513 Same as above.

Please provide as soon as possible the summaries you intend to use in your case. Under Rule 1006, we are entitled to the summaries in a timely fashion so we can review them against the voluminous records they are meant to summarize.

Please write if you have any questions. Thanks.

Peter

From: Trandicosta, Rose Marie (USAAZ)
Sent: Thursday, June 14, 2012 9:13 AM
To: Sexton, Peter (USAAZ)
Subject: Revised Trial Exhibits

Rose Marie Trandicosta
Paralegal Specialist
U.S. Attorney's Office
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F: (602) 514-7450