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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
BASED ON NEWLY DISCOVERED INFORMATION**

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

1. Although the deadline for filing Rule 15 motions to admit additional documents or material was Wednesday, January 21, 2009, the House Prosecutor seeks leave to admit additional documents related to an event that happened just yesterday and was unknown to the House Prosecutor until after the filing deadline.

2. Specifically, on Friday, January 23, 2009, Governor Blagojevich joined the "Don Wade & Roma Show" on WLS-AM Radio from approximately 7:40 a.m. through 8:16 a.m. This interview was broadcast live and a recording is also available on WLS's website (www.wlsam.com). During this interview, Governor Blagojevich admitted that in at least some, and perhaps all, of the conversations involving him that were intercepted by the federal government and detailed in the Affidavit of Daniel Cain (Exhibit 3), the words attributed to the Governor were, in fact, his words:

- "I'd like to point out to your listeners, I apologize for some of the profanity, but had I known they were listening I wouldn't have used those words."
- "You're talking privately to staff, all of whom on those calls with those words were men. Again, I regret that, but it's not something I say publicly."

3. The House Prosecutor seeks to admit in evidence at the Impeachment Trial a copy of Governor Blagojevich's interview during the "Don Wade & Roma" Show on WLS Radio.

4. The House Prosecutor is in the process of converting this audio recording into a useable form for the Senate.

5. This document is relevant and material because it demonstrates the Governor's admission that the comments attributed to him in the Cain Affidavit were, in fact, made by him. These admissions corroborate Special Agent Cain's sworn Affidavit.

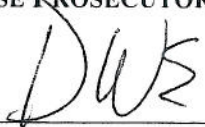
6. This document is not redundant. The Governor's statements were made this past Friday and are not currently in the record.

7. 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.

8. WHEREFORE, the House Prosecutor respectfully moves for the admission of a copy of Governor Blagojevich's interview during the Don Wade & Roma Show on WLS Radio.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**



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Hwv