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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
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 that were not available to the House Prosecutor until late Friday, January 23, 2009.
2. Specifically, on Friday, January 23, 2009, the honorable James Holderman, Chief Judge of the United States District Court for the Northern District of Illinois, in the matter of *United States v. Rod Blagojevich et al*, 08 CR 1010, ordered the release of audio recordings and accompanying transcripts of four intercepted conversations detailed in the Affidavit of Special Agent Daniel Cain (Exhibit 3) at paragraph 68(e).
3. The House Prosecutor now seeks to admit into evidence at the Impeachment Trial these audio recordings and transcripts and to play the audio recordings at trial.
4. The House Prosecutor was given only one copy of these audio recordings and has not had the chance to reproduce it to attach it to this Motion.
5. These documents are relevant and material because they demonstrate the Governor's abuse of power described in paragraph (3) of the Article of Impeachment. These documents also corroborate Special Agent Cain's sworn Affidavit (Exhibit 3) in general.

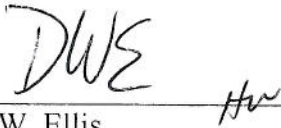
6. These documents are not redundant. They are not currently found in the record or in any other evidence the House Prosecutor wishes to admit.

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.

WHEREFORE, the House Prosecutor respectfully moves for the admission of audio recordings and accompanying transcripts of four intercepted conversations detailed in the Affidavit of Special Agent Daniel Cain.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**

Handwritten signature of David W. Ellis in cursive, with the initials "DWE" and a flourish.

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