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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 6:10-CR-60066-AA

v.

**UNITED STATES' SUPPLEMENTAL
SENTENCING MEMORANDUM
EXHIBITS 5 AND 6**

STEVEN DWIGHT HAMMOND, and
DWIGHT LINCOLN HAMMOND, JR.,

Sentencing: October 7, 2015 at 10:00 am

Defendants.

The United States of America, by Billy J. Williams, Acting United States Attorney for the District of Oregon, and Frank R. Papagni, Jr. and AnneMarie Sgarlata, Assistant United States Attorneys, respectfully submits Exhibits 5 and 6 in support of its Supplemental Sentencing Memorandum filed on September 21, 2015. ECF 228.

In a September 30, 2015 sentencing letter to this Court, Dwight and Steven Hammond refer to themselves as “dedicated family men who are highly regarded in their community,” but omit any mention of their alleged assault and abuse of their sixteen-year old grandson/nephew Dusty Hammond.

After being provided the police reports (Harney County Deputy Sheriff Brian Needham) and photographs (depicting the injuries) on April 20, 2012, Dwight and Steven Hammond wanted evidence of their alleged child abuse excluded from their jury trial. ECF 100; Exhibit 5 (Harney County Sheriff’s Report, Case No. 0403055).

The government was to offer evidence of Dwight and Steven Hammond’s assault and abuse of Dusty to explain why he waited eight years to reveal the criminal activities of his grandfather and uncle. ECF 132 at 3.

When interviewed by federal agents, the twenty-one year old Dusty Hammond said he feared that when Steven Hammond learned he had talked to police that Steven would come to his front door and kill him. A fear justified by Steven Hammond’s statement to Deputy Sheriff Needham:

“I then moved into the sanding incident. Steve Hammond began by telling me that raising kids is like raising cows and dogs. Steve then told me that Dusty was lucky that he was not at the ranch when he told on Dwight, Suzie and himself or there would have been hell to pay and Dusty would have wished he wasn’t alive. I explained to the Hammonds that it was not Dusty that was pursuing this investigation, that it was the State of Oregon. Steven Hammond told me that he did not agree with the government getting involved in family matters, that none of the government agencies had ever done anything to help the situation.”

Exhibit 5 (Harney County Sheriff’s Report, Case No. 0403055).

Despite his fears, Dusty Hammond testified before the federal grand jury and, later, before the jury in Pendleton, Oregon, about how his grandfather and uncle told him and others to start fires. He stated that when they got back to the house after setting the fires, “Dwight told me to keep my mouth shut, that nobody needed to know about the fire, and they didn’t need to know anything about it.”

Exhibit 6 (Reporter’s Transcript of Trial (RT), p. 282, attached hereto.

When questioned about whether his Uncle had any conversations with him about the fire, he stated: “Just told me to keep my mouth shut.” Exhibit 6, RT p. 283, 293.

At trial, Dusty Hammond did not testify about his alleged physical abuse at the hands of Steven Hammond and in the presence of his grandparents. However, at sentencing on October 30, 2012, the government acknowledged the numerous letters about the wonderful things Dwight and Steven Hammond had done for their community, but also pointed out the other side of the equation, “[a]nd that involves Dusty Hammond. This court (Judge Hogan) has seen the photographs of Dusty Hammond’s abuse at the hands of Steven Hammond.” RT 10/30/12 at 7.

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As in 2012, the government offers Exhibits 5 and 6 to again provide a complete picture of “the history and characteristics” of Dwight and Steve Hammond, and “not just one side.” See 18 U.S.C. 3553(a)(1).

Respectfully submitted this 1st day of October 2015.

BILLY J. WILLIAMS
Acting United States Attorney

/s/ Frank R. Papagni, Jr.
FRANK R. PAPAGNI, JR.
Assistant United States Attorney