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Attorneys for Stanislas Meyerhoff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

STANISLAS GREGORY MEYERHOFF,

Defendant

Case Nos. CR-06-60078-01-AA  
CR-06-60122-02-AA

UNOPPOSED MOTION TO ALLOW  
DEFENDANT TO WEAR CIVILIAN  
CLOTHES AT SENTENCING

COMES NOW DEFENDANT Stanislas Meyerhoff, by and through his undersigned counsel, and moves this Court to exercise its supervisory powers to allow Mr. Meyerhoff to wear appropriate civilian clothes at his sentencing hearing, said clothing to be provided at his own expense, and in compliance with

the regulations of the Lane County Jail and meeting any additional criteria that may be requested by the U.S. Marshal.

Counsel has consulted with the Government to learn its position, and the Government does not oppose this request. Counsel has consulted with the U.S. Marshal, and was advised that its policy is to allow in-custody defendants to wear civilian clothing only at trial, and that allowing Mr. Meyerhoff to wear civilian clothing for sentencing would constitute a variance from its policy that would require court authorization.

The defense makes this motion at the request of Mr. Meyerhoff and his family, noting that the United States Supreme Court has commented in analogous circumstances: “Persons who can secure release are not subjected to this condition. To impose the condition on one category of defendants, over objection, would be repugnant to the concept of equal justice embodied in the Fourteenth Amendment.” *Estelle v. Williams*, 425 U.S. 501, 505-506 (1976)(finding in-custody defendant has right to wear civilian clothes at trial).

The defense recognizes that the case law establishes a right to wear civilian clothes at trial to avoid potential prejudice to the presumption of innocence. However, it does not follow that in-custody defendants should be denied the opportunity to appear for sentencing in civilian clothes upon request, at their own expense, when out-of-custody defendants who have likewise forfeited their presumption of innocence appear in civilian clothes.

This is not a request to appear without the usual leg chains and other restraints for in-custody defendants. This is not a request that will require any greater security precautions for the Marshals than what is normally done for a trial. This is a request made because of Mr. Meyerhoff’s desire to be afforded the

basic human dignity that comes from appearing before the Court dressed as an individual—not as an inmate—at the most important court proceeding in his life, that for him takes the place of a trial in deciding his fate.

The defense requests the Court rule upon the motion as submitted, unless the Court desires further hearing. If granted, counsel will confer with the Marshal, and meet any additional criteria for the clothing that may be requested, beyond the restrictions set for security purposes by the Lane County Jail.

Respectfully submitted this 11<sup>th</sup> day of May, 2007.

...../S/.....  
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...../S/.....  
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