

NO. 12-35450

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD A. LEAVITT,	)	
	)	
Petitioner-Appellant,	)	
	)	
vs.	)	DISTRICT COURT NO.
	)	CV-93-24-BLW
A.J. ARAVE,	)	
	)	DISTRICT OF IDAHO
Respondent-Appellee.	)	BOISE
_____	)	

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SUPPLEMENTAL EXCERPTS OF RECORD

On appeal from the United States District Court for the District of Idaho  
the Honorable B. Lynn Winmill, United States District Judge, presiding.

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**SUPPLEMENTAL EXCERPT**

Closing arguments of prosecutor from trial, September 1985, pp 2133 . . . . . 1

1 the judges of what's been presented here. But you  
2 will recall that statement, "We've thought about it,  
3 and there is no way our blood could be in that room."

4 What's interesting, though, is that when  
5 it comes down to drawing blood, everybody else gives  
6 his blood voluntarily. Did Mr. Leavitt give his blood  
7 voluntarily? No. It took a court order.

8 Now, the Defendant, I know, hides behind  
9 Defense Counsel and the decisions of his attorneys.  
10 And he has his momma come in here to court and take  
11 the stand and testify about his nosebleeds. Well,  
12 ladies and gentlemen, let's put this in perspective.  
13 Nature, perhaps, makes mommas protective of their  
14 boys. And even if they're murderers, maybe nature  
15 dictates that they should still love them and try to  
16 protect them.

17 And it is the nature of the calling of  
18 the defense attorney to also protect boys and men when  
19 they get in trouble. So, keep those things in mind.  
20 He can't hide behind what others advised him to do,  
21 and he can't hide behind momma here. Momma comes in  
22 and she says -- under cross-examination, you would do  
23 anything you could to help your son right now,  
24 wouldn't you? Answer, yes. Don't hold it against  
25 her. She's a mother. But, again, her testimony has

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 5<sup>th</sup> day of June, 2012, I caused a true and correct copy of the foregoing supplemental excerpts of record to be served on LaMont Anderson, Deputy Attorney General, State of Idaho, by electronic court filing.

/s/

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David Z. Nevin