

COURT OF THE JUDICIARY NO. 46
IN THE ALABAMA COURT OF THE JUDICIARY
IN THE MATTER OF ROY S. MOORE,
CHIEF JUSTICE OF THE SUPREME COURT OF ALABAMA
ON A COMPLAINT BY THE ALABAMA JUDICIAL INQUIRY COMMISSION



Joint Trial Exhibit List

Pursuant to the parties' agreement during this Court's September 13, 2016 Telephonic Status Conference, the Judicial Inquiry Commission ("JIC") and Chief Justice Roy S. Moore ("Chief Justice") hereby submit the following Joint Trial Exhibit List. For ease of reference, the parties have subdivided the exhibits below based upon those to which the parties have stipulated, and those to which the parties reserve the right to object at trial:

Stipulated Trial Exhibits

1. Administrative Order of January 6, 2016
2. October 30, 2013 Order of the Justices of the Alabama Supreme court overruling Chief Justice Moore's administrative order of October 23, 2013
3. September 2, 2015 Redacted Supreme Court Memorandum from Chief Justice Moore to Associate Justices regarding *Ex parte State ex rel. Alabama Policy Institute*
4. October 7, 2015 Redacted Supreme Court Memorandum from Chief Justice Moore to Associate Justices regarding *Ex parte State ex rel. Alabama Policy Institute*, with attached AL.com guest opinion
5. Brian Lyman, *Moore Points Out "Conflicting Orders": Chief Justice Tells Judges to Wait Until Alabama Supreme Court Ruling* (Montgomery Advertiser, Jan. 7, 2016).
6. JIC investigation letter (January 22, 2016)
7. JIC Rule 6C investigation letters (February 2 & February 29, 2016)

8. JIC Rule 6D six-week letters (March 4 & April 15, 2016)
9. Brief of ACLU, *Aaron-Brush v. State*, No. 16-10028 (11th Cir. March 25, 2016)
10. Transcript excerpts from April 7, 2016 Testimony of Chief Justice Roy S. Moore before the Judicial Inquiry Commission (pp. 111-112, 120)
11. Certified statement from Alabama State Bar listing Alabama probate judges currently admitted to practice law in Alabama (Sept. 1, 2016)
12. *Searcy v. Strange*, 81 F. Supp. 3d 1285 (S.D. Ala. 2015)
13. *Strawser v. Strange* (Unpublished Order, Jan. 26, 2015)
14. *Searcy v. Strange* (Unpublished Order, Jan. 28, 2015)
15. *Searcy v. Strange* (Unpublished Order, Feb. 9, 2015)
16. *Strawser v. Strange*, 44 F. Supp. 3d 1206 (S.D. Ala. 2015)
17. *Strawser v. Strange*, 307 F.R.D. 604 (S.D. Ala. 2015)
18. *Strawser v. Strange*, 105 F. Supp. 3d 1323 (S.D. Ala. 2015)
19. *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015)
20. *Strawser v. Strange* (Unpublished Order, July 1, 2015)
21. *Strawser v. Strange* (Unpublished Motion, July 7, 2015) (Defendant Attorney General Luther Strange's Response to Plaintiffs' Motion for Permanent Injunction)
22. *Strawser v. Strange* (Unpublished Motion, July 7, 2015) (Defendants' Alabama Probate Judges Response in Opposition to Plaintiffs' Motion for Permanent Injunction)
23. *Strawser v. Strange* (No. 15-12508-CC, Oct. 20, 2015) (11th Cir. 2015)
24. *Strawser v. Strange* (Unpublished Order) (S.D. Ala. June 7, 2016)
25. *Ex parte State ex rel. Alabama Policy Institute*, [Ms. 1140460, March 3, 2015] So. __3d __ (Ala. 2015)

26. Order, *API*, March 10, 2015
27. Order, *API*, March 12, 2015
28. Order, *API*, June 29, 2015
29. *Ex parte State ex rel. Alabama Policy Institute*, [Ms. 1140460, March 4, 2016] __ So. 3d ___ (Ala. 2016) (certificate of judgment, opinions, and statement of nonrecusal)
30. Eighth Circuit Court of Appeals rulings (Aug. 11, 2015)

JIC Proposed Trial Exhibits

31. *In the Matter of Roy S. Moore, Chief Justice of Alabama*, COJ #33 (Nov. 13, 2003)*
32. *Moore v Judicial Inquiry Commission*, 891 So. 2d 848 (Ala. 2004)*
33. Administrative Order of January 25, 2013
34. Letter from Chief Justice Moore to Governor Robert Bentley (Jan. 27, 2015)
35. Letter from Chief Justice Moore to All Probate Judges of Alabama, with a Memorandum from Chief Justice Moore on “Sanctity of Marriage ruling” (Feb. 3, 2015)
36. Administrative Order of February 8, 2015
37. Mat Staver, “Alabama Chief Justice Says Judges Must Uphold Sanctity of Marriage Amendment” (Liberty Counsel), LIBERTY COUNS. (Jan. 6, 2016)*
38. AL.com, Associated Press article, Roy Moore denies defying U.S. Supreme Court in gay marriage order (Jan. 7, 2016)
39. Transcript excerpts from April 7, 2016 Testimony of Chief Justice Roy S. Moore before the Judicial Inquiry Commission (pgs. 1, 81-87, 131-132)

* Pursuant to the Court’s September 15, 2016 Order, exhibits marked with a “*” represent those the Court has indicated it will admit for a limited purpose only.

Chief Justice Moore Proposed Trial Exhibits

- 40. *Montgomery Advertiser* article of April 28, 2016 on leak of JIC investigation
- 41. Declaration of Mat Staver (June 20, 2016)
- 42. Affidavit of Chief Justice Roy S. Moore (July 26, 2016)

Respectfully submitted,

/s/ R. Ashby Pate

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CERTIFICATE OF SERVICE

I certify that I have this the 20th day of September, 2016, served a copy of the foregoing document through electronic mail to all counsel of record.

/s/ R. Ashby Pate

Of Counsel