

KLAYMAN LAW GROUP

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VIA FEDERAL EXPRESS

**EXPEDITED PROCESSING AND
TREATMENT REQUESTED**

August 21, 2017

Hon. Robin C. Ashton
Chief
Office of Professional Responsibility
950 Pennsylvania Ave NW #3266
Washington, DC, 20530

Hon. Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave, NW, #4706
Washington, DC, 20530

**RE: COMPLAINT AGAINST ATTORNEY GENERAL JEFF SESSIONS AND STAFF
AND ACTING U.S. ATTORNEY FOR THE DISTRICT OF NEVADA STEVEN
MYHRE AND STAFF AND REQUEST FOR EXPEDITED INVESTIGATION INTO
GROSS PROSECUTORIAL MISCONDUCT OF PROSECUTING ATTORNEYS
FURTHERED BY THE HONORABLE GLORIA NAVARRO IN THE CRIMINAL
TRIAL OF CLIVEN BUNDY AND HIS CO-DEFENDANTS**

The undersigned counsel for Mr. Cliven Bundy, Mr. Larry Klayman (“Mr. Klayman”) is a former prosecutor in the Department of Justice’s (“DOJ”) Antitrust Division and the founder and former chairman of Judicial Watch, as well as the founder, chairman, and general counsel of Freedom Watch. Mr. Klayman was also formerly a U.S. Senate candidate in the State of Florida in 2004. Given his background, Mr. Klayman holds a great deal of respect for the Office of the Attorney General and the Hon. Jeff. Sessions (“Mr. Sessions”), but nonetheless believes that this Complaint is necessary because Mr. Sessions has failed to carry out his oath of office and fulfill his duties as Attorney General. Like Mr. Klayman, Mr. Sessions took an oath to administer to and mete out justice within the bounds of the ethics and the law as a member of the DOJ. Despite

the fact that Mr. Sessions is on the defensive by being unfairly branded as a racist and improperly investigated in the Russia probe, he still unequivocally has the duty to fulfill his oath of office. Unfortunately, Mr. Sessions has failed to do so, as he has reflexively buried his head in the proverbial sand. This does not serve the interests of justice, for which this great institution, my alma mater, is known!

This matter centers around the political prosecution of Cliven Bundy (“Bundy”), who was indicted in February of 2016, along with eighteen other co-defendants, on charges stemming from a 2014 armed standoff (the “Standoff”) with Bureau of Land Management (“BLM”) agents. The charges levied against Bundy are serious enough that he faces the possibility of life imprisonment, if convicted. However, during the Standoff, neither Bundy nor any of his supporters attacked, harmed, or injured BLM agents in any fashion. In contrast, members of Bundy’s family were violently assaulted by BLM agents and much of Bundy’s cattle were killed and then buried in secret mass graves.¹ Bundy’s prosecution was initiated by the Obama Justice Department, and is being conducted still by holdover Obama loyalists, despite its clear lack of merit. For instance, on April 24, 2017, a federal jury found none of Bundy’s co-Defendants that had been on trial in the first group of Defendants² guilty on conspiracy charges.³ Indeed, only two of Bundy’s co-Defendants were found guilty on any charges at all, while the jury deadlocked on the remaining four co-Defendants. *Id.* Importantly, Jess Marchese – the attorney for defendant Eric Parker – revealed that the jury was split in favor of Bundy’s co-Defendants. *Id.* The federal

¹ See <https://www.youtube.com/watch?v=u0SZY1DI-Uo> (Video depicting Obama’s BLM’s use of excessive force and brutality against the Bundy family)

² The trial of Bundy and his co-defendants have been trifurcated, with Bundy to stand trial amongst the second group of defendants.

³ Ken Ritter, *Feds Stumble Again with Split Verdict in Bundy Standoff Case*, AP, Apr. 24, 2017, available at: <https://www.usnews.com/news/best-states/nevada/articles/2017-04-24/jury-resumes-deliberating-in-vegas-ranching-standoff-trial>.

jury's decision shows exactly how weak the prosecution's case is against Bundy, as none of Bundy's co-Defendants were found guilty of participating in the alleged "conspiracy" that the prosecution attempted paint Bundy as the "mastermind" behind. Recognizing that Bundy's prosecution amounted to nothing more than a political prosecution, Mr. Klayman asked Mr. Sessions to impartially review the matter.

In or around March of 2017, Mr. Klayman spoke personally with Mr. Sessions over the telephone, and Mr. Sessions promised Mr. Klayman that he would perform a review of the Bundy prosecution in an unbiased fashion once the nomination of his deputy attorney general, Rod Rosenstein, was confirmed. Mr. Sessions also expressed that he wanted to set up a time to meet personally with Mr. Klayman to discuss the matter further, and Mr. Sessions said he would have someone shortly be in touch with Mr. Klayman. When Mr. Klayman did not hear back as promised, he attempted to schedule a meeting with Mr. Sessions' scheduler, Eriqual, but was unable to set anything up, despite repeated promises by her that she would do so. At the same time, Mr. Klayman, as communicated by Eriqual, sent Mr. Session a number of memorandums updating him on the Bundy matter. Exhibit A. After trying repeatedly to set up a meeting with Mr. Sessions and/or obtain an update on the promised investigation into the Bundy prosecution and receiving no response, Mr. Klayman finally went personally to the DOJ's Washington, DC headquarters on July 28, 2017 to set up some dates to finally meet. Shortly thereafter, Mr. Klayman was finally advised that his request to review the Bundy case, along with all of the materials that had been sent to Mr. Sessions, had been forwarded to the Hon. Steven Myhre, the Acting U.S. Attorney for Nevada, and Obama holdover whose office was prosecuting Bundy and engaging in the misconduct in the first place. Exhibit B. Indeed, this course of action was nonsensical, had Mr. Sessions actually been conducting a review, or even intended to, as he had

previously promised Mr. Klayman. Around that same time, in Las Vegas, Nevada, Mr. Sessions openly praised Mr. Myhre and his courage to pursue justice, while saying that he was “not taking sides or commenting on the case.” Exhibit C. Incredibly, the Attorney General of the United States, whose buck stops at his desk, abdicated his responsibility. Unsurprisingly, Mr. Sessions subsequently declined to meet with Mr. Klayman, and has clearly “passed the buck” and simply rubber stamped both Judge Navarro and the prosecuting attorneys’ gross misconduct in this matter. He also punted on his commitment and was not honest to Mr. Klayman in his promise to review the Bundy prosecution, and he has chosen to be derelict in his duty as Attorney General to oversee the conduct of his Justice Department and to ensure that its lawyers are performing their duties ethically and honestly. It is therefore now incumbent upon the OPR and the IG to step in and expeditiously process this Complaint and conduct a full and thorough investigation into Mr. Session’s refusal to perform his duties and fulfill his oath of office as Attorney General. Indeed, expedited treatment is necessary, as Bundy’s trial will likely begin in about a month. Mr. Klayman never asked that Mr. Sessions reach a favorable decision for his client, Bundy, only that he conduct an honest review, for the compelling reasons set forth below.

Perhaps emboldened by Mr. Sessions’ apparent support, from the very outset of Bundy’s incarceration, the prosecuting DOJ attorneys have engaged in a pattern and practice of gross misconduct in violation of their ethical duties as DOJ lawyers and of the Constitution and laws of the United States. In the same vein, each federal employee, including DOJ attorneys, must take the following oath before taking office:

I...do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any

mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.⁴

Furthermore, as set forth in the DOJ's ethics handbook, and codified by statute, DOJ attorneys must "act impartially and not give preferential treatment to any private organization or individual"⁵ and "...shall not engage in criminal, infamous, dishonest, immoral, or disgraceful conduct, or other conduct prejudicial to the government."⁶ Unfortunately, given the pattern and practice of gross prosecutorial misconduct detailed below, it would appear that the current lawyers in the DOJ who are prosecuting Bundy have simply ignored these principles.

First, the prosecuting attorneys moved to deny Bundy bail, ensuring that he would be locked up for the entire duration of the pre-trial and trial phase, despite the fact that neither Bundy nor any of his supporters hurt a single BLM agent and was not a flight risk. *Second*, the prosecuting attorneys moved to designate the case as complex, thereby denying Bundy his constitutional speedy trial rights while keeping him incarcerated. *Third*, at the last moment, prosecuting attorneys moved to trifurcate the trial of Bundy and his co-defendants, despite Bundy's vehement objection, thereby further delaying Bundy's trial and keeping him incarcerated. *Fourth*, the prosecuting attorneys dishonestly and disingenuously maintained the position that they did not oppose Mr. Klayman's *pro hac vice* application, while at the same time taking active steps to prevent Mr. Klayman's admission into the case. Incredibly, these are only a sampling of the procedural instances of misconduct perpetrated by the prosecuting attorneys during the pretrial phase alone.⁷

⁴ 5 U.S.C. § 3331

⁵ 5 C.F.R 2635.101(b)

⁶ 5 CFR 735.203

⁷ See *United States of America v. Cliven D. Bundy, et. al.*, 2:16-CR-00046-GMN-PAL-1 (D. Nev.).

Furthermore, the prosecuting attorneys also engaged in substantive, sanctionable and unethical misconduct that severely prejudiced Bundy and his co-defendants. *First*, the prosecution intentionally withheld a report titled “Investigative Report of Ethical Violations and Misconduct by Bureau of Land Management Officials,” (the “Report”) which details how the BLM supervisory agent in charge of the raid on the Bundy ranch, Dan P. Love (“SSA Love”), repeatedly abused his position of authority to illegally extort and gain benefits and criminally obstruct justice by threatening those who might speak out and testify against him. The Report showed SSA Love’s pattern and practice of abusing his authority to illegally gain benefits included, but was not limited to (1) misusing his authority to receive benefits at the 2015 Burning Man Festival, (2) threatening to retaliate against BLM agents who had cooperated with the OIG, and (3) abusing his authority to attempt to have his friend hired at BLM. The revelations uncovered in the Report should have been disclosed much earlier, which would have allowed Bundy and his co-defendants to conduct a meaningful investigation, move for discovery, and effectively impeach the credibility of SSA Love and his fellow BLM agents. Fortunately for the prosecuting attorneys, Judge Navarro rewarded their intentional withholding of the Report by allowing the severely delayed disclosure of the Report, at the “eleventh hour” before the first group of Bundy’s co-defendants were set to begin trial, thereby preventing defense counsel from conducting any meaningful investigation to impeach SSA Love and BLM.

Second, during the trial of the first group of Bundy’s co-defendants, the prosecuting attorneys improperly attempted to try Bundy *in absentia* at the ongoing trial of Bundy’s co-defendants by falsely painting Bundy as the criminal mastermind behind the Standoff in order to inevitably tar Bundy’s reputation and taint the jury that is eventually empaneled in Bundy’s trial.

Even more, the prosecuting attorneys took their severely prejudicial misconduct a step further by alleging that Carol Bundy, Cliven Bundy's wife (who has not been charged at all), was a co-conspirator and fellow mastermind along with Cliven Bundy who planned Standoff in order to further tar Bundy's reputation through trial publicity. Since neither Carol Bundy nor Cliven Bundy were on trial, neither of them were given an opportunity to rebut these allegations, in violation of their due process rights. This was an obvious attempt to taint any future jury as a result of the adverse publicity.

Third, the prosecution, during the trial of the first group of Bundy's co-defendants, intentionally and glaringly omitted Sgt. Tom Jenkins ("Jenkins") from its original witness list, yet still called Jenkins as a witness. Regrettably, but unsurprisingly, Judge Navarro still allowed the prosecution to call Jenkins as a witness, and only gave defense counsel for Bundy's co-defendants one additional day to prepare for cross-examination.⁸ This left defense counsel with no adequate opportunity to investigate Jenkins' testimony.

In addition, Judge Navarro has worked hand-in-hand with the prosecuting attorneys, furthering their gross prosecutorial misconduct, by "rubber-stamping" each and every one of their requests. These prejudicial rulings are of great consequence when Bundy is tried before Judge Navarro, as they are the "law of the case," and forecast where the prosecution and Judge Navarro are headed. Unsurprisingly, Judge Navarro was appointed to the bench by Barak Obama, after being hand-picked by the ethically bereft former Sen. Harry Reid, who has repeatedly slandered the Bundy's as "domestic terrorists." Not coincidentally, the director of the BLM during the Bundy standoff, Neil Kornze, was formerly a top aide to Mr. Reid and was

⁸ Jenny Wilson, *Tempers Flare, Nerves Fray in Trial Against Bundy Supporters*, Las Vegas Review-Journal, Mar. 6, 2017, available at: <http://www.reviewjournal.com/news/bundy-blm/tempers-flare-nerves-fray-trial-against-bundy-supporters>

hand-picked to the position by former President Obama. It has been abundantly clear that Judge Navarro has predetermined that she will serve as the prosecuting attorneys' unethical "rubber stamp" throughout the prosecution of Bundy and his-codefendants. This has resulted in a pattern and practice of severely prejudicial rulings that have even caused the Las Vegas Review Journal to publish an editorial piece severely criticizing Judge Navarro's apparent judicial misconduct, advocated by the DOJ prosecutors. Exhibit D. For instance, before the retrial of the first group of Bundy's co-defendants began:

[Judge Navarro] eviscerated the defense's legal strategy, putting off limits a whole host of issues that might make it more difficult for the government to win convictions. The defendants will be forbidden from arguing that they were exercising their constitutional rights to peaceably assemble and bear arms. They may not highlight the actions of BLM agents in the days leading up to the incident or mention federal gaffes such as the ill-advised "First Amendment" zone created for protesters.

Exhibit D. Then, when jury selection actually began, Judge Navarro interfered with the Defendants' right to use preemptive challenges on the inclusion of certain jurors. Exhibit E. For instance, when counsel for Defendants wanted to strike a juror because they "felt an underlying deception" from the perspective juror, Judge Navarro re-seated that juror, along with other prospective jurors that counsel for Defendants had attempted to strike. Exhibit E. These extremely prejudicial rulings, at the behest of the the prosecuting attorneys in favor of the prosecution, even led to the Las Vegas Review Journal openly stating, "[g]overnment prosecutors have a friend in U.S. District Judge Gloria Navarro." Exhibit D.

Then, during the retrial, Judge Navarro, again at the behest of the prosecuting attorneys, brazenly and openly disregarded the constitutional rights of Bundy's co-Defendants. Judge Navarro cut off Defendant Eric Parker's ("Parker") testimony and ordered him off the witness stand for allegedly violating a court order on allowed testimony. Exhibit F. Judge Navarro

struck Parker's testimony from the record, completely depriving him of his basic, fundamental constitutional right to due process, despite the fact that it was the prosecution who was engaging in misconduct by improperly launching objections about testimony that Judge Navarro had allowed. Exhibit F. As Parker's counsel wrote in his motion for a mistrial, "At no point did Mr. Parker violate the Court order by eliciting testimony other than what he saw.... Specifically, he never elicited facts relating to his disallowed self-defense argument." Exhibit F. Predictably, Judge Navarro denied Parker's motion for mistrial, despite the blatant and obvious misconduct and deprivation of constitutional rights. The level of gross misconduct perpetrated by Judge Navarro and the prosecution during the retrial even caused counsel for Bundy's co-Defendants to not even to bother presenting futile closing arguments after being "[h]amstrung throughout the trial by a judge's decision to limit the witnesses they could call, the questions they could ask and the testimony their clients could give...." Exhibit G. Thus, it has become painstakingly evident that Judge Navarro and the prosecuting attorneys, working in concert, are willing to unethically, and even illegally, do whatever it takes to convict Bundy and his co-defendants, regardless of the any ethical, constitutional, or legal violations that they may commit along the way.

Even more, DOJ attorneys have stone-walled valid FOIA requests for documents that are either exculpatory to Bundy's case or containing evidence of their illegal means to ensure that Bundy is eventually convicted.⁹ Mr. Klayman, who represents Bundy through Freedom Watch in this regard, made valid FOIA requests to the BLM, FBI and the DOJ, but has been unequivocally stonewalled by Mr. Sessions' DOJ attorneys, with the help of the Honorable Colleen Kollar-Kotelly ("Judge Kotelly"). Like Judge Navarro, Judge Kotelly, another liberal appointed to the bench by former President Bill Clinton, has "rubber-stamped" the government's ridiculous and

⁹ *Freedom Watch v. Bureau of Land Management*, 1:16-cv-2320 (D.D.C).

obviously false assertion that it would take them “**at least 500 months to complete its entire production of responsive documents**....”¹⁰ Furthermore, Judge Kotelly has even accepted without question the FBI’s latest apparent false renewed proposal that it can complete processing of Freedom Watch’s significantly narrowed request within “approximately 17 years,” which is still – conveniently – long enough for nearly everyone involved in the matter to be dead, retired, and in Cliven Bundy’s case, also sentenced to possible life imprisonment. In this regard, Mr. Klayman and Freedom Watch currently have a pending IG investigation request into this matter as well.

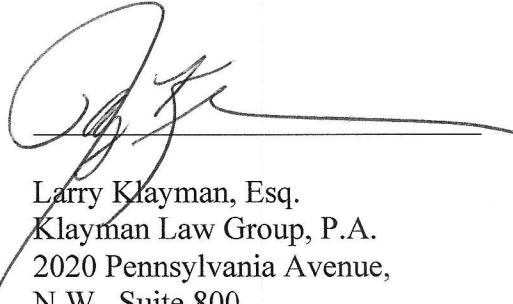
As set forth above, under the existing circumstances, it is abundantly clear that Bundy will not be given a fair trial. Thus, the OPR and the IG are the last lines of defense to preserve the constitutional rights of Bundy and his co-defendants and see that the most basic, fundamental tenets of the criminal justice system are upheld. I, therefore, as a former proud Justice Department trial attorney and prosecutor respectfully and regrettably file this Complaint against Mr. Sessions and his Nevada prosecutors in the U.S. Attorney’s Office for the District of Nevada. Time to process this Complaint and to conduct a thorough investigation and take remedial action is short, as Bundy, along with two of his sons, will stand trial in about a month. Simply put, Mr. Sessions must be compelled to do the job he committed to Mr. Klayman to do, pursuant to the oath of office he took in being sworn in as the Attorney General.

Mr. Klayman will fully cooperate with the requested investigation and respectfully requests a meeting expeditiously with both the OPR and the IG to further this Complaint and the ensuing investigation.

¹⁰ *Id.* ECF No. 30 at 2.

Dated: August 21, 2017

Respectfully submitted,



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Cc with enclosures:

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EXHIBIT A

KLAYMAN LAW GROUP

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From: Larry Klayman, Esq,
Counsel for Cliven Bundy

To: Honorable Jeff B. Sessions

Re: Request to Review Prosecution of Cliven Bundy in *United States of America v. Bundy*,
2:16-cr-000046 (D. Nev.)

Defendant Cliven Bundy (“Bundy”) respectfully requests that the U.S. Department of Justice, under the auspices of the Honorable Jeff B. Sessions, review the prosecution of Bundy, whose trial is set for commence in approximately a month and a half. As Bundy was indicted by the former Obama administration, through its Justice Department, it is requested that the Attorney General’s staff conduct a de novo review to avoid manifest injustice in order to determine whether to proceed with the prosecution

Attached is a column that Bundy’s undersigned counsel, also the founder of Judicial Watch, Inc., and now Freedom Watch, Inc., authored which also provides a brief history of this case.

I. INTRODUCTION

Bundy was indicted in February of 2016, along with eighteen other co-defendants, on charges stemming from a 2014 armed standoff (the “Standoff”) with Bureau of Land Management (“BLM”) agents. The charges levied against Bundy are serious enough that he faces the possibility of life imprisonment, if convicted. However, during the Standoff, neither Bundy nor any of his supporters attacked, harmed, or injured BLM agents in any fashion. In contrast, members of Bundy’s family were violently assaulted by BLM agents and much of Bundy’s cattle were killed and then buried in secret mass graves.

Since Bundy's incarceration, he has been deprived of a litany of his constitutional and statutory rights. Perhaps most importantly, he has been denied his Sixth Amendment right to counsel of choice. Bundy has also been deprived of his right to a speedy trial under both the Sixth Amendment and the Federal Speedy Trial Act¹, and he has been locked in solitary confinement for the entirety of his incarceration in violation of his Eighth Amendment rights.

Furthermore, instances of grave prosecutorial misconduct have severely prejudiced Bundy and his co-defendants, and have raised serious questions about their ability to receive a fair trial. These instances of grave prosecutorial misconduct, in conjunction with consistently prejudicial rulings and orders in favor of the prosecution by the Hon. Gloria Navarro ("Judge Navarro") at least create the appearance that the prosecution and Judge Navarro are acting in parallel to ensure that Bundy is convicted. Since the trial of Bundy and his co-defendants has been trifurcated, and Bundy is set to begin trial in the second group of defendants – likely to begin in approximately a month and a half – Bundy respectfully requests that this matter be reviewed on an emergency, expedited basis.

II. LEGAL ANALYSIS

Since Bundy was incarcerated in February of 2016, he has been continuously denied even the most basic of his constitutional and statutory rights. Compounding the severely prejudicial effect of the denial of these rights are instances of grave prosecutorial misconduct and consistently prejudicial orders and rulings by Judge Navarro in favor of the prosecution. Taken together, it is clear that Bundy and his co-defendants' abilities to receive a fair trial has been compromised, and it is incumbent upon the Department of Justice to review this matter before Bundy's trial is set to begin in about a month and a half and take action, as the notions of justice and fairness require.

¹ 18 U.S.C. § 3161

1. Bundy Has Been Denied His Fundamental Constitutional and Statutory Rights

Bundy has been deprived of even the most basic constitutional and statutory rights that the criminally accused are undoubtedly entitled to.

First, Bundy has been denied his Sixth Amendment right to counsel of choice since he was indicted and incarcerated in February of 2016. When Bundy was indicted, he sought to have the undersigned counsel, Mr. Larry Klayman (“Mr. Klayman”) serve as lead counsel for his legal defense team. Mr. Klayman had come highly recommended from people that Bundy and his family trust and Mr. Klayman has extensive federal criminal defense experience, which is clearly required in such a complex and serious matter. However, Judge Navarro twice, improperly, denied Mr. Klayman’s application for *pro hac vice* admission. When pressed for a reason why she denied Mr. Klayman’s application by the U.S. Court of Appeals for the Ninth Circuit (“Ninth Circuit”), Judge Navarro cited an unrelated pending disciplinary proceeding in the District of Columbia Bar, which has not resulted in any final finding of wrong-doing by Mr. Klayman and will not be resolved until after Bundy has been tried. Thus, Judge Navarro essentially presumed Mr. Klayman’s guilt in the pending disciplinary proceeding and improperly denied his *pro hac vice* application on that basis. Unfortunately, the Ninth Circuit upheld Judge Navarro’s decision, despite a compelling and forceful dissent by the Hon. Ronald Gould and the U.S. Supreme Court denied review.

Second, Bundy has been denied his constitutional and statutory right to a speedy trial. Under the Federal Speedy Trial Act, a criminal defendant’s trial must begin within 70 days from the date that the information or indictment is filed.² Bundy is likely not set to begin trial until approximately May of 2017, which is well over a year from the date of his indictment. Even the

² *Id.*

exceptions set forth under the Federal Speedy Trial Act do not account for such an enormous and prejudicial delay. Bundy's right to a speedy trial has also been violated under the Sixth Amendment. In *Barker v. Wingo*, the Supreme Court expressly stated that "courts generally have found that delays approaching one year are presumptively prejudicial."³

Third, Bundy had been placed in solitary confinement for the duration of his incarceration, the effect of which is compounded by the fact that his right to a speedy trial has been violated and he has been incarcerated for over a year now. This raises significant concerns about Bundy's rights under the Eighth Amendment's cruel and unusual punishment provisions.

2. Instances of Grave Prosecutorial Misconduct and Consistently Prejudicial Rulings in Favor of the Prosecution Have Severely Prejudiced Bundy and His Co-Defendants

Numerous instances of serious prosecutorial misconduct, the prejudicial effect of which have often been compounded by prejudicial rulings in favor of the prosecution, have at least created the appearance that the prosecution and Judge Navarro are working in parallel to ensure that Bundy and his co-defendants are convicted.

First, the prosecution intentionally withheld a report titled "Investigative Report of Ethical Violations and Misconduct by Bureau of Land Management Officials," (the "Report") which details how the BLM supervisory agent in charge of the raid on the Bundy ranch, Dan P. Love ("SSA Love"), repeatedly abused his position of authority to illegally extort and gain benefits and criminally obstruct justice by threatening those who might speak out and testify against him. The Report showed SSA Love's pattern and practice of abusing his authority to illegally gain benefits included, but was not limited to (1) misusing his authority to receive benefits at the 2015 Burning Man Festival, (2) threatening to retaliate against BLM agents who had cooperated with the OIG,

³ 407 U.S. 514, 522 (1972).

and (3) abusing his authority to attempt to have his friend hired at BLM. The revelations uncovered in the Report should have been disclosed much earlier, which would have allowed Bundy and his co-defendants to conduct a meaningful investigation, move for discovery, and effectively impeach the credibility of SSA Love and his fellow BLM agents. However, Judge Navarro instead, in essence, rewarded the prosecution's intentional withholding of the Report by allowing the severely delayed disclosure of the Report, at the "eleventh hour" before the first group of Bundy's co-defendants were set to begin trial, thereby preventing defense counsel from conducting any meaningful investigation to impeach SSA Love and BLM. Indeed, without a full legal defense team, and with his own trial set to begin shortly, Bundy too has been deprived of a meaningful opportunity to further investigate the revelations uncovered in the Report and the move for discovery as needed.

Second, the prosecution has, during the ongoing trial of Bundy's co-defendants, improperly attempted to try Bundy *in absentia* at the ongoing trial of Bundy's co-defendants by falsely painting Bundy as the criminal mastermind behind the Standoff in order to inevitably tar Bundy's reputation and taint the jury that is eventually empaneled in Bundy's trial. Even more, the prosecution has taken their severely prejudicial misconduct a step further by alleging that Carol Bundy, Cliven Bundy's wife (who has not been charged at all), was a co-conspirator and fellow mastermind along with Cliven Bundy who planned Standoff in order to further tar Bundy's reputation through trial publicity. Since neither Carol Bundy nor Cliven Bundy are on trial right now, neither of them have been able to rebut these allegations, which have been made public and will taint future jury pools. This is likely the prosecution's strategy in order to ensure that Bundy is convicted, given the fact that Bundy's sons were only recently acquitted for their role in a similar stand-off in Oregon. The prosecution likely believes that efforts to smear Bundy's reputation are

necessary so that he does not get acquitted like his sons did. Judge Navarro has made no effort to discipline or sanction the prosecution for this behavior, and has conspicuously allowed for it to continue.

Third, the prosecution, during the ongoing trial of Bundy's co-defendants, intentionally and glaringly omitted Sgt. Tom Jenkins ("Jenkins") from its original witness list, yet still called Jenkins as a witness. Regrettably, but unsurprisingly, Judge Navarro still allowed the prosecution to call Jenkins as a witness, and only gave defense counsel for Bundy's co-defendants one additional day to prepare for cross-examination.⁴ This left defense counsel with no adequate opportunity to investigate Jenkins' testimony. In contrast, Judge Navarro threatened to hold Mr. Whipple, Bundy's current counsel of record, in contempt for merely listing Judge Navarro's husband, properly, as a potential witness, as he potentially has relevant information beneficial to Bundy's defense. Furthermore, Judge Navarro also refused to allow defense counsel to play a video potentially beneficial to the defense without calling the video's creator as a witness.⁵

III. CONCLUSION

As set forth above, Bundy has faced significant obstacles at nearly every turn for the duration of his incarceration. Violations of his constitutional and statutory rights, combined with grave instances of severe prosecutorial misconduct and consistent prejudicial rulings in favor of the prosecution undeniably call in the serious question Bundy's ability to receive a fair trial in this extremely serious matter, where he faces the possibility of life imprisonment, if convicted. Thus, it is incumbent upon the Department of Justice to review this matter and take appropriate action,


⁴ Jenny Wilson, *Tempers Flare, Nerves Fray in Trial Against Bundy Supporters*, Las Vegas Review-Journal, Mar. 6, 2017, available at: <http://www.reviewjournal.com/news/bundy-blm/tempers-flare-nerves-fray-trial-against-bundy-supporters>

⁵ *Id.*

as the notions of justice and fairness require before Bundy's trial is set to begin in about a month and a half.

Dated: April 3, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'L. Klayman', followed by a horizontal line extending to the right.

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- WND - <http://www.wnd.com> -

Bundys need support in fight against Obama, Reid

Posted By *Larry Klayman* On 04/24/2016 @ 4:03 pm In Commentary, Opinion | [No Comments](#)

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More than two years ago, the nation was spellbound as the family of Nevada rancher Cliven Bundy and other cowboys who supported the patriarch's God-given right to defend his land at Bunkerville, Nevada, stood down a tyrannical Obama administration bent on seizing the Bundy homestead.

The false excuse used by Obama's Bureau of Land Management, or BLM: The federal government, rather than the state of Nevada, owned the land that the Bundy family's cattle grazed on, that the Bundys thus owed grazing fees to the federal government, and, incredibly, that this ranching was killing a so-called endangered species tortoise.

Of course, these excuses were little more than a front for Obama's ally and henchman, the evil, dishonest and corrupt senator from Nevada, the one and only Harry Reid. It turns out that Reid, with the assistance of his equally sleazy Las Vegas lawyer son, was seemingly doing a back-door, under-the-table deal with the communist Chinese or some other nefarious enterprise to acquire the Bundy ranch for profit, and using the goons of Obama's BLM to take it forcefully.

To effect this takeover, the BLM and other Obama and Reid government agents raided the Bundy's ranch at gunpoint, sending sharpshooters and marksmen, brutalizing Bundy family members with assault, beating and injuring them, and threatening even to kill them if they did not forfeit the land upon which their livelihood depended. Reminiscent of the tyranny that King George III foisted upon the American colonies, the Obama-Reid government "gestapo" simply came and pillaged, even killing scores of the Bundys' cattle, including a number of bulls that are necessary to grow the herd, burying them secretly in a mass grave as Hitler had done with Jews.

Not to be "bullied" (pun intended), armed but peaceful cowboy militias on horseback, authorized by the Second Amendment to the Constitution, stood down the Obama-Reid government goons, and the cowards were forced to flee. This citizens' defensive insurrection was so remarkable that Fox News and other cable channels in particular covered what at the time appeared to be the first modern-day use of the Second Amendment to defeat government tyranny. Our Founding Fathers, and particularly George Washington, Thomas Jefferson, Benjamin Franklin and John Adams, would have been proud. This was exactly why they had created in the Constitution the God-given right to bear arms and to commission militias to defend the people against the dastardly likes of King George III – now embodied in our modern-day Muslim-American King Barack Hussein Obama and his slimy "court jester," Harry Reid.

Following this successful stand-down, both Reid and Obama, thoroughly humiliated, lost their cool. Reacting to an unintentionally political incorrect analogy that Cliven Bundy had made to the press

about African-Americans, sympathetically equating them with his own family's plight, he analogized how the federal government had in recent decades also destroyed the lives of "negroes" by keeping them under government domination in a manner that rivals slavery. In response, Obama mocked and cleverly threatened Cliven, reacting to his use of the word "negro" – which even Rev. Martin Luther King had used to describe his people – at a White House Correspondents' Dinner.



Reid, as he repeated again just a few weeks ago, couldn't wait to also chime in, branding the Cliven Bundy family as "domestic terrorists," threatening to use the power of the Obama Justice Department to have them all jailed.

But for nearly two years, the Obama Justice Department, perhaps fearing the political fallout given the growing number of Obama scandals, did not act on the not-too-veiled threats of Obama and Reid – that is, not until some of Cliven Bundy's sons peacefully in protest came to the defense of an equally threatened rancher in Oregon and occupied a game reserve while legally carrying firearms. For this act of courage, one of the protesters was shot and killed by all new government goons, and the rest were arrested and indicted on multiple criminal counts. Not participating in the protest, Cliven Bundy took a plane to visit his arrested and charged sons, and he himself was arrested at the Portland airport and later charged and indicted, along with 18 other defendants on 17 felony counts. Later, Cliven was extradited back to Nevada to face the charges with the many other defendants, while several of his sons remained under arrest in Oregon to face trial there as well.

Upon Cliven's return, his and the other defendants' case was assigned to Chief Judge Gloria Navarro, perhaps not coincidentally a jurist who was recommended to President Obama for nomination to the U.S. District Court for the District of Nevada by Sen. Harry Reid. Obama had approved of Reid's recommendation, and Navarro was confirmed as a district judge.

About two weeks ago, obviously sending a signal to his protégé, Judge Navarro, Reid again telegraphed that he viewed Cliven and his family as “domestic terrorists” and that they should all be kept in prison, inferring that life sentences should be ordered. Specifically, one does not have to be a rocket scientist to realize that Reid broadcast this obvious instruction to Navarro and any later jury, using the power of his position from the Senate floor as his mantle (“Harry Reid attacks Bundys on Senate floor, calls for Gold Butte protection”).

To defend Cliven, and thus the family, I was asked, along with my local Las Vegas legal partner in the defense, Joel Hansen, to step in. Not surprisingly, Judge Navarro, knowing of my reputation for fearlessly taking on the likes of Harry Reid and Obama, and tyrannical government in general, denied my application to enter the case an out of state attorney “pro hac vice.” This denial, which is legally unjustified, will be challenged, as Joel cannot because of lack of manpower and financial resources defend Cliven alone without my participation. Navarro has a conflict of interest and has shown extreme unethical bias and prejudice fostered by her patrons, Reid and Obama. We are confident that she will now be removed legally from the case as the presiding judge and that a new judge or the appellate court will grant my application to appear.

The bottom line is this: Joel Hansen and I took on the defense of Cliven and the family because we believe American citizens have a God-given right to bear arms and be protected by peaceful militias under the Second Amendment when a tyrannical government tries to take away their homestead and “terrorizes” them. This is a fine God-fearing family, and Joel and I will not rest until justice is done and Cliven, who is being indefinitely detained in solitary confinement out of vindictiveness and payback, wins his freedom.

This case is not just about the Bundys but also you and your loved ones. What happened to Cliven and his family can happen to you, particularly given the likes of Harry Reid, Barack Obama and judges like Navarro. As of now, Cliven and his sons are in prison, and the women in the family are valiantly having to tend to the ranch under great emotional distress, financial pressure and hardship, much like Abigail Adams when Founding Father John Adams was away during the first Revolutionary War. They are all true patriots!

We need your immediate prayers and strong support, as the family lacks the financial resources to carry on this fight alone against these forces of Obama-Reid government evil.

[See ClivenBundyDefenseFund.com](http://ClivenBundyDefenseFund.com).

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Date: April 17, 2017

FOR IMMEDIATE CONSIDERATION

From: Larry Klayman, Esq.
Counsel for Cliven Bundy

To: Honorable Jeff B. Sessions
Attorney General
U.S. Department of Justice (“DOJ”)

Re: Updated Request to Expediently Review Prosecution of Cliven Bundy in *United States of America v. Bundy*, 2:16-cr-000046 (D. Nev.)

Defendant Cliven Bundy, through the undersigned counsel, respectfully submits the following update to his previous request that the U.S. Department of Justice, under the auspices of the Honorable Jeff B. Sessions, review the prosecution of Cliven Bundy in the U.S. District Court for the District of Nevada (“District Court”). The prosecution has now requested that the trial of Cliven Bundy and two of his sons begin on or around June 5, 2017¹, and the District Court will likely grant the request, as it has all other similar requests by the former Obama Justice Department. Thus, with Cliven Bundy’s trial likely set to commence in approximately one-and-a-half months, expedited review of this matter is requested. Before reviewing this memorandum and my other recent correspondence, which is attached hereto as Exhibit A, please review this video found at: <https://www.youtube.com/watch?v=u0SZY1DI-Uo&feature=youtu.be>. It shows how Bureau of Land Management Agents, then run by the former chief of staff of Sen. Harry Reid,

¹ Jenny Wilson, *Prosecutors Request Start Date of June 5 for Second Bunkerville Standoff Trial*, Las Vegas Review Journal, Apr. 8, 2017, available at: <https://www.reviewjournal.com/news/bundy-blm/prosecutors-request-start-date-of-june-5-for-second-bunkerville-standoff-trial/>.

brutalized the Bundy family with excessive force, prior to the well-publicized successful stand-off.

As is apparent from some other politically charged legal actions commenced during the Obama administration, the DOJ prosecutors in Las Vegas, Nevada are highly partisan, pro-Obama DOJ attorneys dedicated to making an example of Cliven Bundy and his family. Coupled with the trial judge, the Honorable Gloria Navarro (“Judge Navarro”), the hand picked Obama nominee of former Senator Harry Reid, who has publicly slandered my client and his family as “domestic terrorists” on many occasions, the deck appears stacked against Cliven Bundy and his two sons as they head into trial on June 5, 2017.

All that I am requesting, therefore, is that the Attorney General instruct the prosecutors in the U.S. Attorney’s Office to seek a removable three month stay of prosecution, in order that the current DOJ leadership and its staff can review this prosecution to determine whether to proceed. I am asking for this without media or other non-legal involvement in the best interests of my client, as I respect - as a former DOJ prosecutor - the office of the Attorney General and the DOJ as a whole and understand that you would consult with the U.S. Attorney’s office in Las Vegas to make a just determination.

This U.S. Attorney’s office, however, has played fast and loose with its prosecution, as set forth herein and as has been reported in particular by the Las Vegas Review Journal. While also claiming that it took no position on my joining the Cliven Bundy defense as lead counsel (local counsel is not, on his own, up to the job for a number of reasons), and despite Cliven Bundy expressing his steadfast desire to have me as his lead counsel, the U.S. Attorney, wanting to have it both ways, has trashed my reputation with the U.S. Court of Appeals for the Ninth Circuit and opposed Cliven Bundy’s Sixth Amendment constitutional right to counsel, where I am seeking,

though an Emergency Petition for Writ of Mandamus, to have it issue an order requiring Judge Navarro to admit me *pro hac vice*.

As set forth in my previous request, attached hereto as Exhibit A, Cliven Bundy has been deprived of a litany of his constitutional rights since he was indicted in February of 2016, and not just his Sixth Amendment right to counsel of choice. Even more, at the ongoing trial of Cliven Bundy's co-defendants in the District Court, numerous instances of serious prosecutorial misconduct, the prejudicial effect of which have often been compounded by prejudicial rulings repeatedly in favor of the prosecution, have at least created the appearance that the prosecution and Judge Navarro are working in parallel to ensure that Cliven Bundy and his co-defendants are convicted.

Now, in the approximately two weeks that have passed since Cliven Bundy submitted the previous request for a review by new DOJ leadership, new instances of severely prejudicial rulings by Judge Navarro have undeniably turned the trial of Cliven Bundy's co-defendants – and ultimately the trial of Cliven Bundy when it begins in early June – into a political prosecution. For example, while Judge Navarro barred defense counsel from introducing testimony pertaining to incidents before the standoff², she conspicuously allowed the prosecution, in closing arguments, to introduce testimony that the Bureau of Land Management (“BLM”) agents feared for their lives based on incidents before the standoff. This extremely prejudicial ruling in favor of the prosecution, which has regrettably become the norm in the trial of Cliven Bundy's co-defendants, led to defense counsel for Mr. Drexler to say that the ruling “crippled the defense and ensured the jury won't hear from most of the witnesses that defendants' attorneys intended to call.”³ Indeed,

² *Judge Makes Key Ruling on Defense Witnesses in Nevada Standoff Trial*, Associated Press, Apr. 3, 2017, available at: http://www.oregonlive.com/oregon-standoff/2017/04/judge_makes_key_ruling_on_defe.html.

³ *Id.*

defense lawyers for Cliven Bundy's co-defendants were thereby precluded by Judge Navarro from calling SSA Dan P. Love ("SSA Love"), who led the BLM's attempt to seize Cliven Bundy's land, to the stand.⁴ As set forth in the previous request, SSA Love was found to have engaged in serious, criminal misconduct which should and would have impeached his credibility, had defense lawyers been allowed to call him to the stand. Exhibit A. This extremely prejudicial ruling by Judge Navarro therefore serves to ensure that counsel for defendants are unable to impeach the agent in charge of the Bundy stand-off.

Judge Navarro, among other overtly prejudicial rulings, has essentially precluded the defendants currently on trial from introducing evidence and testimony of their state of mind before the stand-off, which clearly prejudices those defendants because they are unable to show that they did not join Cliven Bundy in some sort of conspiracy to commit armed assault against federal agents. Indeed, the six defendants currently on trial joined Cliven Bundy because they were, understandably, shocked and appalled by footage of the actions of BLM agents leading up to the standoff. See **VIDEO OF BLM AGENTS WHICH I AM HAVING HAND-DELIVERED, AND WHICH IS AVAILABLE AT: <https://www.youtube.com/watch?v=u0SZY1DI-Uo&feature=youtu.be>**. Leading up to the standoff, BLM agents were caught on film violently assaulting Cliven Bundy's family members, including two of Cliven Bundy's sons and Cliven Bundy's sister. That footage was released to the world on social media, and as a result, numerous supporters – including the six defendants currently on trial – came to Bunkerville to support Cliven Bundy and ensure that Cliven Bundy's rights, and by extension, their own, were protected. However, Judge Navarro's extremely prejudicial ruling barring defendants from introducing such

⁴ *Id.*

evidence that clearly cuts against the existence of any type of conspiracy essentially hands the prosecution a conviction “on a silver platter.”

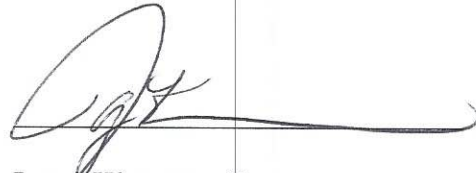
In addition to Judge Navarro’s severely prejudicial rulings in favor of the prosecution, Cliven Bundy and his co-defendants have another significant hurdle to clear in order to have at this point even a remote chance at a fair trial. The BLM and the Federal Bureau of Investigation (“FBI”) have intentionally slow-rolled production of documents pursuant to a Freedom of Information Act (“FOIA”) request made by the undersigned counsel, Mr. Larry Klayman. *See Freedom Watch v. Bureau of Land Management*, 16-cv-2320-CKK (D.D.C). Not coincidentally, the BLM has indicated that it cannot produce records that do not require further review by the U.S. Attorney’s Office in Nevada until June 5, 2017 – the same day that Cliven Bundy’s trial is likely to begin, thereby preventing Cliven Bundy from having any meaningful opportunity to review documents and conduct any required investigation. The FBI’s response is even worse; it proposes to produce documents in approximately two years. It is abundantly clear that the BLM and FBI are slow-rolling document production to not occur until Cliven Bundy is, as they hope for, convicted and sentenced to life imprisonment. Regrettably, but not surprisingly, the Clinton appointed Hon. Colleen Kollar-Kotelly, a highly partisan judge appointed by President Clinton (who has hotly opposed by Paul Weyrich, the Free Congress Foundation and a myriad of other conservative groups when she was up for confirmation many years ago) has accepted the BLM and FBI’s proposed schedule without even giving the undersigned counsel the opportunity to address the issue at a status conference.

As set forth above, Cliven Bundy has continued to face instances of grave, serious prejudice even in the short two-week span since he made his previous request. These instances, in tandem with the litany of constitutional and other rights that he has already been deprived of, as

Cliven Bundy's trial is now set to begin on or around June 5, 2017, Cliven Bundy respectfully requests that the U.S. Department of Justice, under the auspices of the Hon. Jeff. B. Sessions, review this matter on an expedited basis.

Dated: April 17, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Klayman', with a long horizontal flourish extending to the right.

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From: Larry Klayman, Esq,
Counsel for Cliven Bundy

FOR IMMEDIATE CONSIDERATION

To: Honorable Jeff B. Sessions
Attorney General

Re: Second Updated Request to Urgently Review Prosecution of Cliven Bundy in *United States of America v. Bundy*, 2:16-cr-000046 (D. Nev.)

Defendant Cliven Bundy (“Bundy”) respectfully submits the following additional update to his preview update and request that the U.S. Department of Justice, under the auspices of the Honorable Jeff B. Sessions, review the prosecution of Bundy in the U.S. District Court for the District of Nevada (“District Court”). Trial is set to begin on or about June 5, 2017.

Importantly, on April 24, 2017, a federal jury found **none** of Bundy’s co-Defendants that had been on trial in the first group of Defendants guilty on conspiracy charges. *See Exhibit A.*¹ Indeed, only two of Bundy’s co-Defendants were found guilty on any charges at all, while the jury deadlocked on the remaining four co-Defendants. *Id.* Importantly, Jess Marchese – the attorney for defendant Eric Parker – revealed that the jury was split in favor of Bundy’s co-Defendants. *Id.*

The federal jury’s decision shows exactly how weak the prosecution’s case is against Bundy, as none of Bundy’s co-Defendants were found guilty of participating in the alleged “conspiracy” that the prosecution attempted paint Bundy as the “mastermind” behind. The prosecution even attempted to “try” Bundy and his wife *in absentia*, as set forth previously, but

¹ Ken Ritter, *Feds Stumble Again with Split Verdict in Bundy Standoff Case*, AP, Apr. 24, 2017, available at: <https://www.usnews.com/news/best-states/nevada/articles/2017-04-24/jury-resumes-deliberating-in-vegas-ranching-standoff-trial>.

the jury – wisely – did not buy it. The federal jury’s decision is compelling evidence that the prosecution against Bundy is nothing more than a political prosecution, much like the previous trial of Bundy’s sons, Ammon and Ryan, regarding the 41-day standoff at an Oregon federal wildlife refuge. Ammon and Ryan were also acquitted of all charges. Exhibit B.²

Bundy never harmed any Bureau of Land Management (“BLM”) or other federal agents. On the other hand, Bundy’s family members were violently assaulted and his cattle were slaughtered by BLM and other agents. *See* <https://www.youtube.com/watch?v=u0SZY1DI-Uo> **(Video depicting Obama’s BLM’s use of excessive force and brutality against the Bundy family)**. The federal jury’s decision clearly shows that the prosecution’s attempt to paint Bundy as the “mastermind” behind an alleged conspiracy misses the mark, as none of the other Defendants were found to have “conspired.” Thus, it is incumbent upon the U.S. Department of Justice to to review the prosecution of Bundy’s prosecution as soon as possible, particularly given the recent decision of the federal jury in the District Court and the upcoming trial to begin on or around June 5, 2017.

Finally, President Donald Trump has commented on the abuse of the BLM and the Obama administration in nationalizing and in effect, seizing, the land of ranchers and others, particularly in the West, in an unprecedented land grab. Exhibit C.³ Indeed, prior to leaving office, President Obama nationalized the land that the Bundys have been ranching on for over 110 years.⁴ This

² Steve Almasy, *Ammon Bundy, 6 Others Acquitted in Oregon Standoff Trial*, CNN, Oct. 28, 2016, available at: <http://www.cnn.com/2016/10/27/us/oregon-standoff-ammon-bundy-acquittal/>

³ *Trump Orders Review of National Monument Designations*, Fox News, Apr. 26, 2017, available at: <http://www.foxnews.com/politics/2017/04/26/trump-orders-review-national-monument-designations.html>

⁴ Lauren Fox, *Obama Declares Site of the 2014 Bundy Standoff a National Monument*, TPM, Dec. 28, 2016, available at: <http://talkingpointsmemo.com/dc/obama-designates-gold-butte-national-monument-bundy-ranch>

parting shot by President Obama against Bundy, effectively seizing the land that his family had
ranching on for over a century, is additional compelling evidence that the prosecution against
Bundy is nothing more than a "political prosecution" intended to ruin Bundy and his family.

Dated: April 26, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'L. Klayman', with a long horizontal line extending to the right.

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EXHIBIT A

f (https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_fb)
t (https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_tw&text=Feds%20Stumble%20Again%20With%20Split%20Verdict%20in%20Bundy%20Standoff%20Case%20%7C%20Nevada%20News%20'NEWS (/WWW.USNEWS.COM/NEWS) / BEST STATES (/WWW.USNEWS.COM/NEWS/BEST-STA- / NEVADA NEWS (/WWW.USNEWS.COM/NEWS/NEVAD
d (https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_rd)

Feds Stumble Again With Split Verdict in Bundy Standoff Case

A jury has convicted two men in an armed standoff with government agents near Cliven Bundy's Nevada ranch in 2014, but then deadlocked on federal charges against four others.


| April 24, 2017, at 9:06 p.m.


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(https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_tw&text=Feds%20Stumble%20Again%20With%20Split%20Verdict%20in%20Bundy%20Standoff%20Case%20%7C%20Nevada%20News%20%7C%20US%20News%20'NEWS (/WWW.USNEWS.COM/NEWS) / BEST STATES (/WWW.USNEWS.COM/NEWS/BEST-STA- / NEVADA NEWS (/WWW.USNEWS.COM/NEWS/NEVAD
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Supporters raise a flag outside of the federal courthouse Monday, April 24, 2017, in Las Vegas. A jury found two men guilty of federal charges Monday in an armed standoff that stopped federal agents from rounding up cattle near Cliven Bundy's Nevada ranch in 2014. Jurors said they were deadlocked on charges against four other men, and the judge told them to keep deliberating. (AP Photo/John Locher) THE ASSOCIATED PRESS

 https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fdeliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_fb

 https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_tw&text=Feds%20Stumble%20Again%20With%20Split%20Verdict%20in%20Bundy%20Standoff%20Case%207C%20Nevada%20News%20

 http://www.reddit.com/r/news/comments/58a2ff/few-convicted-for-a-20-year-standoff-near-bunkerville-vegas-ranching-standoff-trial%3Fsrc=usn_redd

 be tried.

"They split our way, anywhere from 10-2 to 7-5, not guilty," Jess Marchese, attorney for defendant Eric Parker, said after prosecutors and defense lawyers met behind closed doors with the judge and several jurors to talk about the case.

Acting Nevada U.S. Attorney Steven Myhre and three other prosecutors in the case didn't immediately respond to messages.

"Intent. They said the government did not prove intent," Todd Leventhal, attorney for Scott Drexler, said of the jurors. "They felt there was a lot of evidence that didn't go anywhere."

The jury also failed to agree on guilt or innocence for Richard Lovelien of Oklahoma and Montana, and Steven Stewart of Idaho.

Gregory Burleson of Phoenix was found guilty of eight counts, including assault and threats against federal agents and extortion — crimes of violence carrying the possibility of 57 years of mandatory prison time at sentencing July 26. His attorney, Terrence Jackson, said Burleson will appeal.

Todd Engel of Idaho was convicted of obstruction and traveling across state lines in aid of extortion. He could face up to 30 years in prison at sentencing July 27.

It wasn't immediately clear whether the trial for Cliven Bundy and his sons will be pushed back. Defense attorneys and family members complain that they have already been in federal custody and away from their families for more than a year.

The split verdict was a setback for the government in a case where evidence clearly showed the six men brought assault-style rifles to the standoff near Bunkerville.

When government agents backed down and states' rights advocates declared victory, it reverberated in areas where Bundy is admired for declaring that property belongs to the people, not the government in Washington, D.C.

Myhre had characterized the six as the least culpable of the 17 to be tried in the case, and their trial was seen as a test-run of a key conspiracy charge alleging that Bundy and his two eldest sons headed a conspiracy to wage a "range war" against the government.

The outcome echoed an Oregon case, where a federal jury last year acquitted Ammon and Ryan Bundy and five other defendants of all charges related to a 41-day occupation of a U.S. wildlife refuge — including that they conspired to impede federal officers from doing their work.

In Las Vegas, one conspiracy count alleges a plan was made to commit an offense against the United States, and that defendants then took part in it. A second count alleges that conspirators agreed to impede and injure a federal law enforcement officer.

"The only thing more powerful than the U.S. government is a fair and impartial jury," Cliven Bundy's attorney, Bret Whipple, declared Monday. "This gives us confidence that the primary witnesses against him are of limited value."

Whipple noted that it took two years to bring charges in the Bunkerville case and three years to bring it to trial, which took two months. The government presented 35 witnesses, including police officers and federal agents who sometimes became emotional describing fears that they wouldn't make it home from the standoff alive.

The six defense teams provided four witnesses, including Parker. He was the only defendant to testify. He was famously photographed lying on a freeway overpass during the standoff, looking with his AK-47-style rifle through a seam in a concrete barrier toward heavily armed federal agents guarding a cattle corral below.

The agents had been enforcing court orders to get Bundy cattle off public lands for his refusal to pay grazing fees.

But Parker testified he came to Nevada from Idaho with friends and co-defendants Drexler and Stewart after seeing accounts of Bundy family members met with police dogs, knocked down, stun-gunned and arrested in earlier scuffles with federal agents.

He was asked by prosecutor Nicholas Dickinson about comments he made on the overpass about needing to "keep matching the show of force" against federal authorities.

Just like Cliven Bundy told you to do, correct? Dickinson asked.
Nobody told us to do anything, sir, Parker answered.
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Lucy's back to baking and lacrosse-playing thanks to Children's Hospital of Philadelphia.



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(//www.usnews.com/news/best-states/slideshows/the-10-safest-states-in-america?int=news-rec)

Safest States in America

(//www.usnews.com/news/best-states/slideshows/the-10-safest-states-in-america?int=news-rec)

Darian Somers (/topics/author/darian-somers) | March 23, 2017

When it comes to safety, these states have low rates of both violent and property crime.



(//www.usnews.com/news/best-states/articles/2017-03-23/trump-school-choice-proposals-drive-wedge-between-charter-school-advocates?int=news-rec)

Trump Schools Proposals Divide Charter Advocates

(//www.usnews.com/news/best-states/articles/2017-03-23/trump-school-choice-proposals-drive-wedge-between-charter-school-advocates?int=news-rec)

Lauren Camera (/topics/author/lauren-camera) | March 23, 2017

Planned budget cuts to the Education Department and a spending increase for vouchers and charter schools are forcing advocates to pick sides.

South Dakota Cattle Ranchers Lose Money in 2016 (//www.usnews.com/news/best-states/south-dakota/articles/2017-04-26/south-dakota-cattle-ranchers-lose-money-in-2016?int=news-rec)

April 26, 2017

South Dakota ranchers who took part in a Mitchell Technical Institute program lost an average of \$100 per cow last year, after earning an average profit of \$150 per cow the year before.

Walker: Not My Job to Remove Sheriff Clarke After Jail Death (//www.usnews.com/news/best-states/wisconsin/articles/2017-04-26/walker-not-my-job-to-remove-sheriff-clarke-after-jail-death?int=news-rec)

April 26, 2017

...

Launching-StartUp-



[delays-hearing-in-vegas-knife-attack?int=news-rec\)](#)

April 26, 2017

arraignment.

April 26, 2017

Thousands more Texas children could soon have seatbelts on the buses they ride to school.

April 26, 2017

A push to ban corporal punishment in Louisiana public schools has edged forward in the state House.

April 26, 2017

in October.

California Weighs Huge Health

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[t](https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_tw&text=Feds%20Stumble%20Again%20With%20Split%20Verdict%20in%20Bundy%20Standoff%20in%20Nevada%20News%20Consider%20Dumping%20Health%20Insurers%20int=news-rec) (https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_tw&text=Feds%20Stumble%20Again%20With%20Split%20Verdict%20in%20Bundy%20Standoff%20in%20Nevada%20News%20Consider%20Dumping%20Health%20Insurers%20int=news-rec)
[r](https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_rd) (https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Fnevada%2Farticles%2F2017-04-24%2Fjury-resumes-deliberating-in-vegas-ranching-standoff-trial%3Fsrc=usn_rd)
[e](#)



<http://www.usnews.com/news/best-states/california/articles/2017-04-26/california-lawmakers-consider-dumping-health-insurers?int=news-rec>

Care Remake Dumping Insurers
<http://www.usnews.com/news/best-states/california/articles/2017-04-26/california-lawmakers-consider-dumping-health-insurers?int=news-rec>
April 26, 2017

California lawmakers are considering a proposal that would overhaul the health care system of the nation's most populous state by eliminating insurers and guaranteeing coverage for everyone.

[Load More \(/news/best-states/nevada/articles/2017-04-24/jury-resumes-deliberating-in-vegas-ranching-standoff-trial?offset=10\)](/news/best-states/nevada/articles/2017-04-24/jury-resumes-deliberating-in-vegas-ranching-standoff-trial?offset=10)



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EXHIBIT B

Ammon Bundy, 6 others acquitted in Oregon standoff trial

By Steve Almasy, CNN

🕒 Updated 1:41 AM ET, Fri October 28, 2016

Story highlights

A building in federal wildlife refuge was held by armed occupiers for 41 days

Jury acquitted the seven on conspiracy charges; five also faced firearms charge



(CNN) — Seven people who were among the armed occupiers of a federal wildlife refuge in Oregon earlier this year were acquitted Thursday of charges related to the 41-day standoff.

Ammon Bundy; his brother, Ryan Bundy; and three other people were found not guilty of firearms charges and conspiracy to impede federal workers. Two others who were acquitted were charged only with conspiracy. The federal jury couldn't reach a verdict on a theft charge against Ryan Bundy.

There was a bit of drama in the courtroom after the decision, [CNN affiliate KOIN](#) reported. Ammon Bundy's attorney, Marcus Mumford, was taken down by US Marshals who reportedly used a stun gun on him after the lawyer argued with the judge that his client should be set free. Mumford spent a brief time in custody, [KOIN](#) reported.

NEWS ALERT

White House outlines “massive tax cuts and tax reforms” aimed at growing US economy. [Watch CNN](#)

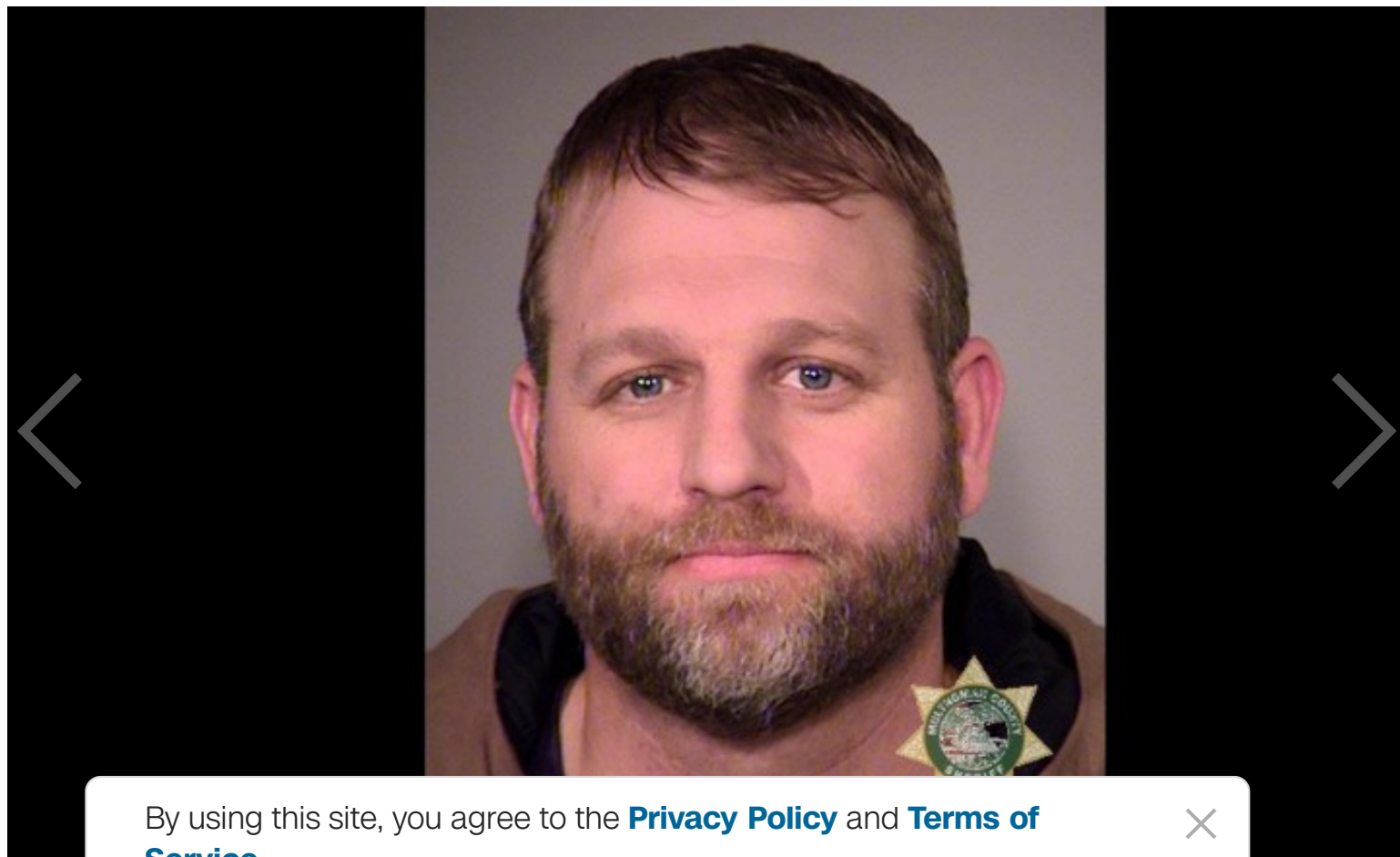
U.S. » Ammon Bundy, 6 others acquitted in Oregon standoff trial

Live TV

U.S. Edition +



Bundy: A family's history of fighting the federal government



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Photos: Oregon standoff mugshots

Seven people linked to an armed occupation of the Malheur National Wildlife Refuge in Oregon were arrested in that state on Tuesday, police said. Five, including the occupiers' leader, Ammon Bundy (pi were arrested in a traffic stop on U.S. 395, police said.

1 of 8

Hide Ca

One of the Malheur National Wildlife Refuge defendants, Neil Wampler, told reporters: "We came to Oregon ... seeking justice, and we found it today."

Another, Shawna Cox, said the jury's decision brought her to tears.

"I was thrilled. We all knew we weren't guilty," she said, according to KOIN.

Harney County Sheriff David M. Ward said he was disappointed.

"This is our system and I stand by it," he added.



Photos: Malheur National Wildlife Refuge: After the occupation

For the first time, we're getting a look at what life was like for the [Malheur National Wildlife Refuge occupiers](#) -- and the damage they allegedly caused. The U.S. Fish and Wildlife service released a series of photos taken inside and around the federal center near Burns, Oregon.

1 of 10

Hide Caption

Gov. Kate Brown said she respected the jury's decision.

"The occupation of the Malheur Refuge by outsiders did not reflect the Oregon way of respectfully working together to resolve differences," she said.

Dozens of people occupied part of the Malheur National Wildlife Refuge near Burns on January 2 after gathering outside for a demonstration supporting Dwight and Steven Hammond, father and son ranchers who were convicted of arson, and in defiant protest of federal land policies.

EXHIBIT C



Trump orders review of national monument designations

Published April 26, 2017

Fox News

President Trump on Wednesday ordered the Interior Department to review national monument designations dating back 20 years for millions of acres of land, arguing former presidents have “abused” the system and vowing to return such authority to citizens and state lawmakers.

“Today, we are giving power back to the states and people where it belongs,” Trump said in signing the executive order at the Interior Department headquarters in Washington, D.C. “This massive federal land grab; it’s gotten worse and worse.”

The order has already sparked a sharp response from the Sierra Club and other environmentalist groups that are concerned about any possible changes ending the protections and allowing use of the land for oil or gas drilling.

“America’s parks and public lands are not in need of corporate restructuring,” the Sierra Club said. “We should not be asking which parts of our history and heritage we can eliminate, but instead how we can make our outdoors reflect the full American story.”

At issue is the 1906 Antiquities Act, which gives presidents authority to protect land.

Trump said the law also gives the federal government “unlimited power to lock up millions of acres of land and water” and that it has been used on hundreds of millions of acres.

He vowed to “end these abuses.”

The executive order targets protections from the past three presidents including two spots in Utah: former President Barack Obama’s designation of the 1.35 million-acre Bears Ears National Monument in Utah and former President Bill Clinton’s designation in 1996 of the Grand Staircase–Escalante National Monument.

Interior Secretary Ryan Zinke said before the signing: “Let me be clear, this executive order does not reverse any monument designation.”

The 111-year-old act grants presidents the authority to create national monuments from federal land to protect its historic, cultural and scientific significance, and the Supreme Court has repeatedly upheld such changes.

However, Congress has twice limited presidential powers under the act, requiring congressional consent on some future proclamations.

The executive order was created at the urging of Sen. Orrin Hatch and other members of Utah’s Republican congressional delegation.

“When President Obama designated the Bears Ears monument in December, he did so ignoring the voices of Utah leaders who were united in opposition, and even more importantly, ignoring the voices of the local Utahns most affected by this massive land grab,” Hatch said last week while visiting the site.

Among those attending the signing ceremony were Hatch, fellow Utah GOP Sen. Mike Lee and Vice President Pence.



URL

<http://www.foxnews.com/politics/2017/04/26/trump-orders-review-national-monument-designations.html>

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KLAYMAN LAW GROUP

7050 W Palmetto Park Rd, Ste 15-287, Boca Raton, FL 33433 • Ph (561) 558 5336 • leklayman@gmail.com

From: Larry Klayman, Esq,
Counsel for Cliven Bundy

FOR IMMEDIATE CONSIDERATION

To: Honorable Jeff B. Sessions
Attorney General of the United States

Re: Third Updated Request to Urgently Review Prosecution of Cliven Bundy in *United States of America v. Bundy*, 2:16-cr-000046 (D. Nev.)

Dear Jeff:

This is the third supplement to our original email (3 other attachments “attached” below) concerning a requested urgent and expedited review of the ongoing prosecution of Cliven Bundy, for which trial is now scheduled to begin as early as June 5, 2017. I am also enclosing a recent pleading that I filed before the U.S. Court of Appeals for the Ninth Circuit. This pleading is very revealing since it shows that Obama loyalists in the Justice Department are unethically opposing, with unprofessional and vicious *ad hominem* personal attacks, my entry *pro hac vice* into the case to defend Cliven Bundy. If convicted, Cliven Bundy faces potential life imprisonment.

As a former Justice Department prosecutor myself, I was instructed on my very first day in the Antitrust Division in 1979 that I not only represented the United States, but also the defendants on the other side of the courtroom. Apparently this standard of fairness no longer applies. The prosecutorial misconduct that has been engaged in by Obama loyalist prosecutors within the Department is severely harming the Sixth Amendment and other rights of my client, Cliven Bundy, and quite frankly, is outrageous.

Notwithstanding the dire situation regarding the Bundy prosecution, I look forward to possibly working with you in the future in order that a better understanding can be gained of the

lawyers within the Department who are opposed to the Trump agenda and conservatives in general. The Federal Programs Branch of the Civil Division is another example. Lawyers there were sanctioned for lying last year by the Honorable Andrew Hanen of the U.S. District Court for the Southern District of Texas in the successful challenge to Obama's "amnesty" executive order on immigration. In fact, Judge Hanen ordered them, as part of his sanction, to take courses on ethics. I am in court frequently with these attorneys, as I have been since the Clinton years. They are continuing to do the bidding, in my opinion, of the Obama administration, and left unchecked, will seek to undermine your authority as Attorney General.

All this points out why an expedited review of the Bundy prosecution is necessary in the interest of justice. I look forward to urgently meeting with you and your staff in the near future. Until then, all my continued best.

Dated: April 28, 2017

Sincerely and Best Regards,



Larry Klayman, Esq.
KLAYMAN LAW GROUP, P.A.
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(561) 558-5336
Email: leklayman@gmail.com

KLAYMAN LAW GROUP

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Date: May 1, 2017

From: Larry Klayman, Esq,
Counsel for Cliven Bundy

FOR IMMEDIATE CONSIDERATION

To: Honorable Jeff B. Sessions
Attorney General of the United States

Re: Fourth Update and Summary of Weaknesses of Bundy Prosecution

Dear Jeff:

I forwarded yesterday to you by text message a recent newspaper publication from the Las Vegas Review Journal showing how the government's prosecution in the Bundy cases is falling apart. Exhibit A. This is because juries in general realize that it was a political prosecution in the first place and it is being administered unfairly by a judge, the Hon. Gloria Navarro ("Judge Navarro"), who is highly partisan, and who was recommended to the bench by Harry Reid and appointed by Barack Obama.

It appears that, there having been a mistrial of several defendants in the first round and a failure again to prove any conspiracy charges with by client, Cliven Bundy, Judge Navarro is going to push off Cliven Bundy's and his sons' trial for several months. Having initially been incarcerated in solitary confinement at the request of Judge Navarro, even though she denies it, Cliven is now being held in prison for going on two years before he is even tried.

The case concerns not just the Bundy family, but also indirectly ranchers throughout the west, as the attached article explains. During the presidential campaign, President Trump had commented on the unfair treatment of these ranchers by the Bureau of Land Management

("BLM"), which not coincidentally is run by a protégé of Harry Reid. This case thus has significant interest, particularly throughout the west. It also stands for the use of First Amendment and Second Amendment rights. As you know, no one in or around the Bundy family harmed a "hair on the head" of any federal agent, yet Cliven Bundy's sister, Margaret, was attacked, his two sons tased, his dog brutally kicked, and several of his cattle killed and buried in a mass grave. This is why juries are reacting negatively to the government's prosecution. In my view, Cliven Bundy and his family were indicted in large part because he used a politically incorrect term, "negro," in referring to how his family was treated by the federal government, having compared the treatment to similar treatment of the "negro" in the Old South. As I set forth and linked with a video in previous memoranda, Obama, in not to veiled fashion, threatened Bundy at the White House Correspondents Dinner in 2014, in effect saying this is what you get when you start your sentence off using "negro."

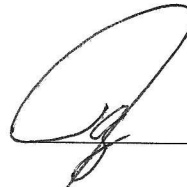
We now understand that Rod Rosenstein has been confirmed as your number two. I trust that you and he can lead a thorough review of this prosecution as expeditiously as possible. I'd like to meet with both of you mid-month in order that you can have a full understanding of this political prosecution and how it is resulting in a miscarriage of justice, to say the least.

Jeff, God bless you. I know have a lot on your plate, but the Bundy matter is really front and center, particularly for those who believe in First and Second Amendment constitutional rights, and the rights of ranchers in the west to continue to ranch their land without undue interference and use of excessive force from the federal government. *See* **<https://www.youtube.com/watch?v=u0SZY1DI-Uo>** (Video depicting Obama's BLM's use of excessive force and brutality against the Bundy family). Thank you for your consideration.

///

Dated: May 1, 2017

Sincerely and Best Regards,

A handwritten signature in black ink, appearing to be 'L. Klayman', is written over a horizontal line.

Larry Klayman, Esq.
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EXHIBIT A

Federal prosecutors throughout the West have struggled recently to win conspiracy convictions against groups of loosely organized individual rights activists who identify with an anti-government movement best known for staging armed protests on federally managed land.

The first blow for the federal government came in the fall, when **Ammon and Ryan Bundy, sons of notorious anti-federalist rancher Cliven Bundy, were acquitted** along with several others of charges that they conspired to intimidate employees out of doing their jobs at an Oregon national wildlife refuge.

Then, last week, in the first test of how a Nevada jury would view the armed standoff in Bunkerville three years ago, **jurors deadlocked on conspiracy charges against six men** accused of helping the Bundys use force to get their cows back from authorities.

In order to prove conspiracy, the government must convince jurors that two or more people shared the same criminal objective.

Conspiring to protest

Defense attorneys in the first Bunkerville standoff trial argued that their clients were protesters who exercised their constitutional rights to freely assemble and to bear arms. Eric Parker, one of the defendants who testified at trial, told jurors: "I didn't care about the cows."

"You had an overlap of constitutional rights — First and Second Amendment rights — with the government's allegations of assault," said Las Vegas criminal defense attorney Kathleen Bliss, a former federal prosecutor who is not involved in any of the Bundy cases. "From the constitutional standpoint, to stepping over the line into a criminal purpose and agreement ... it just sounds like those lines were too blurred for the jury to make a decision that the evidence proved that beyond a reasonable doubt."

Parker testified that he drove to Bunkerville from Idaho after seeing online videos of federal agents using stun guns and police dogs against protesters. Parker's friend, Scott Drexler, said he went to Bunkerville with a "help your neighbor" mindset. Both men were photographed pointing guns at federal agents through a crack in the Jersey barrier on a highway overpass. The jury could not reach a unanimous verdict on any of the 10 counts against either man.

"The problem here is that, unlike drugs, or fraud, or really almost any federal crime you can conceive of, these are not people acting in their self-interest," Oregon defense attorney Matthew Schindler said.

Schindler represented Ken Medenbach, a man acquitted with the Bundy brothers in the fall.

"There's an element that's inherent in protest that makes the nature of proving an agreement more difficult," he said.

During the 41-day takeover of Oregon's Malheur National Wildlife Refuge in 2016, "people had all kinds of different motivations for being there," Schindler said.

He said that in his 20 years as a criminal defense attorney, Medenbach's trial was the first conspiracy case he successfully defended. He attributed that to the fact that it was difficult for the government to prove a unified objective among protesters.

Last week's verdict, in federal court in Las Vegas, revealed that at least some of the jurors in Nevada thought the same could have been true of the April 2014 standoff near Bundy's ranch.

According to evidence highlighted at trial, some defendants were restless members of militia groups who jumped at the chance to take arms against the federal government. Others said they acted under the belief that unarmed protesters needed protection against a heavily armed police force. And Cliven Bundy himself — who is accused of recruiting militia groups when the Bureau of Land Management started rounding up his cattle — said at a morning rally before the standoff that he wanted to see his cows released, and the federal park police disarmed.

Federal prosecutors maintain that the object of the conspiracy was to extort federal agents into abandoning roughly 400 cows they seized from Bundy, who for 20 years let his cattle roam freely on public land without paying for grazing permits. The standoff ended when authorities released the cattle and left Bunkerville.

The rural-urban rift

In both Nevada and Oregon, bustling metropolitan areas sit in stark contrast to wide swaths of sparsely populated rural land. Complex economic and social factors have generated deep divisions between rural and urban communities.

The rift was apparent in last fall's presidential election, when a wave of support in rural America propelled Donald Trump to victory over Hillary Clinton, who carried the vote in cities. The lenses through which people from different areas view issues of national importance also could divide juries. In the West, federal juries tend to comprise people from both rural and urban parts of the state or district.

Bliss, who previously served as a federal prosecutor in Oklahoma and Nevada, said traditionally Western values can seep into deliberations in these sorts of politically charged trials.

"This was about individual rights. That's the core. That's the soul of the West — this whole idea of rugged individualism," she said. "And people are ready to protect that. That's why people moved to the West — for the spirit, and the freedom, and the open land and sky and opportunity."

Bliss said rural Western cultures also tend to place a higher value on gun rights as a cornerstone of a free and democratic society. That line of thought often drives the sorts of loosely organized groups that responded to Bundy's call for arms.

"A lot of these paramilitary, militia, sovereign citizen-type groups — I think for them, they seem to be more bound to guns as the linchpin of the Constitution," she said.

Those sentiments align much better with the national political landscape than was the case in 2014 when the standoff occurred — one year after then-President Barack Obama launched an ultimately unsuccessful campaign to enact stricter federal gun laws.

Trump, in a keynote speech on Friday at the National Rifle Association's annual convention, told the nation's largest gun lobbying arm: "No longer will the federal government be trying to undermine your rights and freedoms as Americans."

During jury selection, defense attorneys asked potential jurors extensive questions about their views on guns and protests, anticipating that people's opinions on those issues could swing the case one way or another.

After five days of deliberations, jurors described themselves as "hopelessly deadlocked." Two men were convicted of some of the counts, but not the conspiracy charges.

Federal prosecutors still have not said which, if any, men they plan to retry. The U.S. attorney's office declined to comment for this story.

Contact Jenny Wilson at jenwilson@reviewjournal.com or 702-384-8710. Follow [@jennydwilson](https://twitter.com/jennydwilson) on Twitter.

About the Bundys

[Click here to read full coverage](#) of the feud between the Bundy family and the BLM

Twelve unsure people

The verdict form in the first Bunkerville standoff trial suggested confusion and indecision among jurors on the two conspiracy charges.

Jurors marked "not guilty" on the first two conspiracy counts, and then subsequently crossed out the check marks before submitting the verdict form to the court. U.S. District Judge Gloria Navarro declared a mistrial in the case on Monday, after jurors deadlocked on 50 of the 60 counts against the six men on trial.

Jurors could not reach a unanimous verdict against any of the men on the first two conspiracy charges, but they convicted Arizona resident Gregory Burleson of eight other

counts and Idaho resident Todd Engel of two. The jury hung on all 10 counts against the four other defendants.

The conspiracy charges represented the central dispute of the trial. During deliberations, jurors asked the judge multiple times to clarify her legal instructions on those two charges.

Conspiracy calls

First Oregon trial: All defendants acquitted of conspiracy.

Second Oregon trial: Split verdict; two of four defendants convicted of conspiracy.

First Bunkerville trial: Mistrial; jury hung on conspiracy charges against all defendants.

EXHIBIT B



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Invitation to the Attorney General Jefferson B. Sessions, III

Larry Klayman <leklayman@gmail.com>
 To: Oliver Peer <oliver.peerfw@gmail.com>

Thu, Aug 17, 2017 at 11:38 AM

----- Forwarded message -----

From: "Schedule, AG84 (OAG)" <AG.SCHEDULE84@usdoj.gov>

Date: Jul 11, 2017 4:04 PM

Subject: Invitation to the Attorney General Jefferson B. Sessions, III

To: "leklayman@gmail.com" <leklayman@gmail.com>

Cc: "Bryant, Errical (OAG)" <Errical.Bryant@usdoj.gov>, "Schedule, AG84 (OAG)" <AG.SCHEDULE84@usdoj.gov>

Dear Mr. Klayman:

Thank you for inviting the Attorney General to meet with you. Unfortunately, due to the Attorney General's schedule he has to decline your gracious offer. Thank you for your understanding.

Office of the Attorney General | U.S. Department of Justice

950 Pennsylvania Avenue, NW | Washington, DC 20530

From: Larry Klayman [<mailto:leklayman@gmail.com>]**Sent:** Tuesday, July 11, 2017 3:48 PM**To:** Schedule, AG84 (OAG) <AG84Schedule@jmd.usdoj.gov>**Subject:** Re: Please forward to AG SESSIONS

Please ask the AG If I can get 15 mins with him at the USA's office in Las Vegas. I am here meeting with my client Cliven Bundy.

Thanks

Larry Klayman

On Jul 2, 2017 6:14 PM, "Larry Klayman" <leklayman@gmail.com> wrote:

<https://www.justice.gov/usao/district/nv>

JEFF:

ADVISING ME TO CONSULT WITH ACTING USA MAHRE IS A POINTLESS EXERCISE. HE IS AN OBAMA LOYALIST AND UNETHICAL. LAST WEDNESDAY I WAS TOLD BY YOUR COUNSEL THAY MY REQUEST FOR A

REVIEW OF THE BUNDY CASE WAS FORWARDED TO HIM.

WHY WOULD HE DO THIS? AGAIN WHAT IS THE POINT? I SIMPLY REQUESTED AN UNBIASED REVIEW NOT A RUBBER STAMP ON MAHRE'S HISTORY OF PROSECUTORIAL MISCONDUCT IN THE BUNDY PROSECUTION.

PLEASE ADVISE THE MOTIVATION FOR THIS?

SINCERELY AND THANK YOU,

LARRY KLAYMAN



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Urge Attorney General Sessions To Review Bundy Prosecution

Larry Klayman <leklayman@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Thu, Aug 17, 2017 at 11:41 AM

----- Forwarded message -----

From: "Larry Klayman" <leklayman@gmail.com>
Date: Jul 17, 2017 7:18 PM
Subject: Fwd: Urge Attorney General Sessions To Review Bundy Prosecution
To: "Schedule, AG84 (OAG)" <ag.schedule84@usdoj.gov>
Cc:

ERICAL:

PLEASE FORWARD THIS ASAP TO AG SESSIONS, AS TIME IS OF THE ESSENCE. IF HE WILL NOT MEET WITH ME, THEN PERHAPS AT LEAST HE CAN WATCH THIS VIDEO.

THANK YOU,

LARRY

----- Forwarded message -----

From: **Klayman Law Group** <info@list3.freedomwatchusa.org>
Date: Mon, Jul 17, 2017 at 4:02 PM
Subject: Urge Attorney General Sessions To Review Bundy Prosecution
To: leklayman@gmail.com

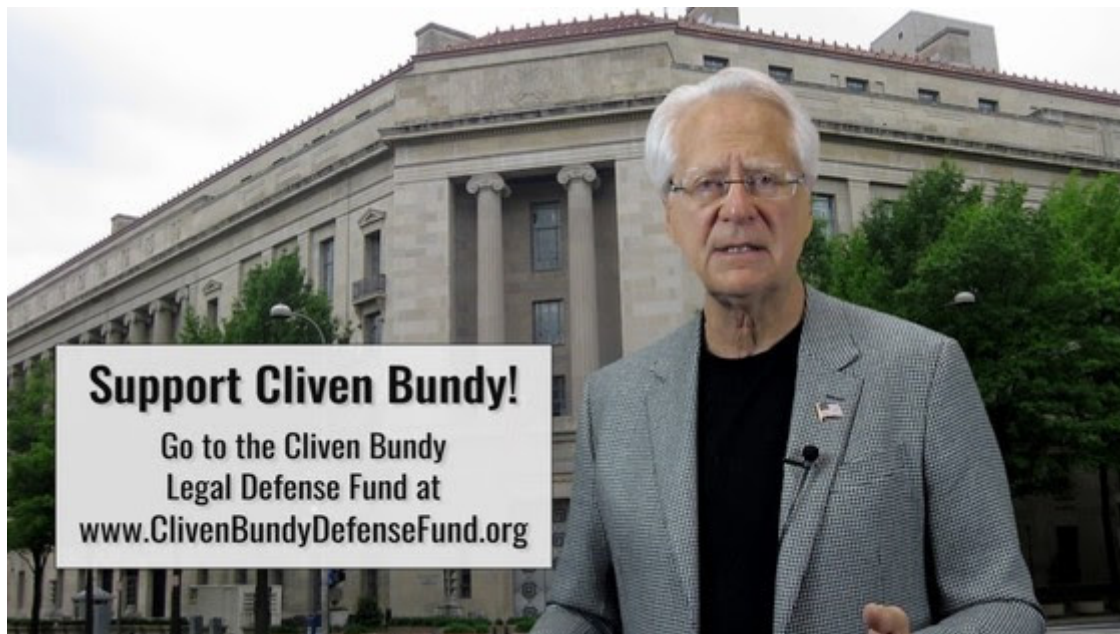


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Urge Attorney General Sessions To Review Bundy Prosecution

July 17, 2017



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Klayman Law Group, P.A.
2020 Pennsylvania Ave, NW
Suite 800
Washington, DC 20006



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Meeting Re Bundy

Larry Klayman <leklayman@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Thu, Aug 17, 2017 at 11:39 AM

----- Forwarded message -----

From: "Larry Klayman" <leklayman@gmail.com>
Date: Jun 21, 2017 2:45 PM
Subject: Meeting Re Bundy
To: "Schedule, AG84 (OAG)" <ag.schedule84@usdoj.gov>
Cc:

Dear EriCal:

I've been trying to get through but the DOJ operator today is having an issue.

Can you please confirm a meeting with the AG and the staff reviewing the Bundy prosecution for early afternoon next Wednesday, June 28.

Time is running short and we need to meet at this time if possible. This is very important as I spoke with the AG about it as you know.

Thanks for scheduling this after many months, as I am aware you have had a lot to deal with and am very sympathetic. But time is now short.

All the Best,

LARRY KLAYMAN, ESQ.
FREEDOM WATCH, INC.

[310 595 0800](tel:3105950800)

EXHIBIT C

U.S. Attorney General Jeff Sessions made a brief reference to the ongoing Bunkerville standoff trial Wednesday when he offered praise to the lead prosecutor, but he declined to take a side in the case that his Justice Department is prosecuting.

"I've got to tell you, it's impressive when you have a tough case, a controversial case, and you've got the top guy leading the battle, going to court, standing up and defending the office and the principles of the law," Sessions said of Nevada Acting U.S. Attorney Steven Myhre.

"I'm not taking sides or commenting on the case," Sessions said. "Just want to say that leadership requires, a lot of times, our people to step up and be accountable."

Sessions' comments were significant because supporters of rancher Cliven Bundy previously have signaled that they see a potential ally in the Trump administration.

Bundy is a leader of a small-government movement that espouses individual rights principles. Supporters of the movement tend to represent a small faction of conservative libertarianism, one that is viewed as extremist in mainstream political circles, but their views on the role of government align more closely with current administration policies than was the case when former President Barack Obama was in office.

That was evident in the throngs of Bundy supporters who rallied outside the U.S. attorney's office when Sessions gave his remarks Wednesday. (<https://www.reviewjournal.com/local/local-las-vegas/ag-sessions-discusses-immigration-law-enforcement-in-las-vegas/>) The supporters held signs supporting both Bundy and President Donald Trump. They called for the release of more than a dozen defendants who were arrested in the case.

Meanwhile, Roger Stone — the longtime on-and-off adviser to Trump — is scheduled to speak at a pro-Bundy rally in Las Vegas this weekend to raise money for the rancher's legal defense fund.

"The Bundy Ranch case hasn't gotten the proper coverage it deserves and what's more outrageous is the Govt's conduct towards 17 men arrested at a Rally in support of the Bundy family," Stone said in an emailed statement.

The event is scheduled for Saturday evening at the Rainbow Gardens of Las Vegas, is described in a promotional YouTube video as "a benefit for the Patriots who stood up for the natural rights of all Americans currently serving time as political prisoners under the corruption of federal bureaucracies.

Contact Jenny Wilson at jenwilson@reviewjournal.com or 702-384-8710. Follow @jennydwilson (<http://www.twitter.com/jennydwilson>) on Twitter.

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Jury in Bunkerville standoff case to resume deliberations Monday (<https://www.reviewjournal.com/news/bundy-blm/jury-in-bunkerville-standoff-case-to-resume-deliberations-monday/>)

By David Ferrara / RJ

BUNDY-BLM ([HTTPS://WWW.REVIEWJOURNAL.COM/.//NEWS/BUNDY-BLM/](https://www.reviewjournal.com/.//news/bundy-blm/)) >>

EXHIBIT D

Editorials (<https://www.reviewjournal.com/.//opinion/editorials/>) >>

EDITORIAL: Judge bans defense arguments in Bundy retrial



Las Vegas Review-Journal
July 13, 2017 - 9:00 pm


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Government prosecutors have a friend in U.S. District Judge Gloria Navarro.

The judge is presiding over the retrial of four defendants charged with various crimes stemming from their participation in the 2014 Bunkerville standoff near Cliven Bundy's ranch. The first trial ended in April with the jury deadlocked on all counts involving the four men.

On Monday, the judge eviscerated the defense's legal strategy, putting off limits a whole host of issues that might make it more difficult for the government to win convictions. The defendants will be forbidden from arguing that they were exercising their constitutional rights to peaceably assemble and bear arms. They may not highlight the actions of BLM agents in the days leading up to the incident or mention federal gaffes such as the ill-advised "First Amendment" zone created for protesters.

And if imposing these restrictions on the defense wasn't enough, Judge Navarro ruled that prosecutors may introduce testimony about the four accused men and their associations with so-called militia groups.

Judge Navarro made a similar ruling before the first trial. She is going to extraordinary lengths to address prosecution fears of "jury nullification," in which jurors refuse to convict based on a belief that the law or potential punishment is unjust. The practice dates to 1734, when a jury ignored statutes and acquitted publisher John Peter Zenger on charges of criticizing New York's new colonial governor, accepting arguments from Mr. Zenger's attorney, Alexander Hamilton, that the newspaper had simply published the truth.

Federal prosecutors have encountered unexpected difficulty — both here and in Oregon — in securing convictions against those protesting federal control of Western public lands. But the issue here isn't whether one believes the Bundy defendants are courageous freedom fighters or zealous lunatics. Rather it's whether a judge should usurp the rights of the defendants to have a jury of their peers consider their arguments alongside the law, evidence and other testimony.

Judge Navarro's sweeping order reflects a deep mistrust of the American jury system.

TOP NEWS



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EXHIBIT E



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Did the Judge Select the Jury in Bunkerville Retrial?

SHE RE-SEATED THE JURORS DESPITE THE PEREMPTORY CHALLENGES FROM THE DEFENSE.

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**Senator Risch
Scotchman Peak
Meeting**

July 18 @ 4:00 PM
- 7:00 PM

**2017 IDGOP
Summer
Meeting**

July 21 @ 12:00
PM - July 22 @
8:00 PM

**Timber Days
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- July 29 @ 7:00
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Judge Bans
Defense
Arguments in
Bundy Retrial

Did the Judge Select the Jury in Bunkerville Retrial?

by **Shari Dovale**

Eric Parker, Ricky Lovelien, Steven Stewart and Scott Drexler are back in a Vegas courtroom for a retrial of charges related to the 2014 Bunkerville Standoff.

Judge Gloria Navarro declared a **mistrial** in the case in April when the jury could not reach a consensus for the majority of charges against the defendants.

Two of the defendants, Gregory Burlson and Todd Engel, were found guilty on some of the charges and will not be retried on the remaining charges. They are scheduled to be sentenced later this month.

Jury Selection in the new trial began this week with Judge Navarro immediately taking over the process.

From eyewitness accounts in the courtroom, we were told of the seemingly "rigged" system that the Judge used to select the jury she wanted.

Under **Rule 24**, The government has 6 peremptory challenges and the defendant or defendants jointly have 10 peremptory challenges when the defendant is charged with a crime punishable by imprisonment of more than one year. The court may allow additional peremptory challenges to multiple defendants, and may allow the defendants to exercise those challenges separately or jointly.

In this case, with four defendants, the defense began with 10 strikes and the prosecution with 6. *Each party* was given one additional strike. Specifically, each defendant was given an additional strike and the prosecution should have been given an additional strike as well.



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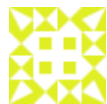


**PETER W
HUNT ON**

Judge Navarro
Says Defendants Have
Only 3 Rights

ARCHIVES



**RACHEL ON**

Judge Navarro
Says

Defendants Have Only 3
Rights

Prior to jury selection beginning, the prosecution filed several motions. One of these motions was to have the prosecution receive an equal number of additional strikes as the defense. This is not considered fair to the defense of multiple defendants, and is not normally allowed.

July 2017

June 2017

May 2017

April 2017

March 2017

February 2017

January 2017

December 2016

November 2016

October 2016

September 2016

August 2016

July 2016

June 2016

May 2016

April 2016

March 2016

February 2016

January 2016

**DENNIS ON**

Judge Navarro
Says

Defendants Have Only 3
Rights

Keep in mind that the "system" is supposed to be set up with the presumption of innocence for the defendants, and the burden placed upon the prosecution.

Judge Navarro, however, agreed with that motion and granted the prosecution 4 additional strikes. She also ruled in favor of the prosecution on *every single pre-trial motion!*

Her ruling brought the total challenges to 14 for the defense and 10 for the prosecution.

**JOSIE ON**

Judge Bans
Defense

Arguments in Bundy
Retrial

During the course of jury selection, after all strikes for "cause" were completed, the process began to strike members from the jury pool by both sides. This process does not need explanation, as each side has their own criteria to decide who they want removed. The exception to this rule is called a "**Batson Challenge**".

Batson v. Kentucky, 476 U.S. 79 (1986), was a case in which the United States Supreme Court ruled that a prosecutor's use of peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. (Wikipedia)

**TONY PASKITTI ON**

Navarro: Jury

Cannot Use Constitution

This is important for several reasons. The Batson case itself was a civil rights case. The Supreme



Court was ruling on a Prosecutor's use of peremptory challenges to exclude people strictly because of their race. This was, again, to keep the trial fair for the defendants.

Therefore, when a Batson challenge is made, the prosecutor needs to explain why his striking a juror was not based on their race. Most prosecutors can easily handle these questions, but it is important for them to put it on the record.

In today's hearing, the challenges were such that the defense struck 7 men and 7 women. The prosecutions strikes were for 8 women and 2 men.

However, it was the prosecution that made an objection based on a Batson challenge and claimed that the defense was biased against men. They claimed that there were men removed from the jury pool wrongly. They accused the defense of gender-bias.

The defense should not have had to explain their criteria to the court. It is the defense, after all, and they do not have the burden of proof. However, Judge Navarro made the defense cite their reasoning for every challenge they made against the jurors, with one juror receiving what seemed to be special attention.

They explained that they felt an underlying deception from the prospective juror. Their 'gut' told them the person was not being honest. They did not want the person on the jury.

"There is a level of deception that has taken place here," was the response from the defense team.

The judge made comments to the effect that the juror's answers were what she would expect the defense to want.

They judge did not find any reason acceptable that the defense should have had 5 particular men removed, and ***she put them back on the jury***. She re-



seated these jurors despite the challenges from the defense. She effectively told the defense that they cannot have a say in who is kept or removed from the jury.

Not only did she put them back on the jury, but she *took the 5 challenges completely away from the defense*. They were now down to 9 when the prosecution still had 10. So the advantage *again* went straight to the government.

The defense, to their credit, then objected to the prosecution for the same Batson challenge, citing the fact that the prosecution used 80% of their challenges against women. Judge Navarro refused to rule on that objection and did not even open an inquiry on it. She completely brushed it under the rug and moved on.

This judge took complete control of selecting the jury by not allowing the defense their challenges. She had particular people she wanted on the jury (specifically juror number 296?) and she was not about to allow the defense to remove him. *Could this be considered jury tampering?*

Navarro has already **shown her disregard** for the US Constitution. She has already made it clear that **she has an agenda** with these defendants. She is clearly not going to allow another mistrial in this case and will do whatever it takes to get the verdict she desires. These citizens, that have been held for 18 months without bail, do not stand a chance.

This is how the communists in the former Soviet Union used to run their courts. Blatant rigging of the system. We have now, almost unbelievably, seen it in our own country. The country that is the supposed to be where Freedom Rings.

This has actually happened in the United States of America, in the Year of Our Lord 2017.

God help us!



EXHIBIT F

Bundy supporters decry court proceedings; judge denies call for mistrial

Robert Anglen and Lucas M. Thomas, USA TODAY Network

Published 2:58 p.m. MT Aug. 14, 2017 | Updated 9:42 p.m. MT Aug. 14, 2017



(Photo: Lucas M. Thomas/The Spectrum)

LAS VEGAS — The Bundy Ranch standoff trial opened Monday morning with a call for a mistrial as supporters of the defendants jammed into a federal courtroom.

It ended hours later when attorneys for the four men charged in the 2014 clash among federal agents, militia members and cattle ranchers rested their case after calling just one defendant to the stand.

Closing arguments are scheduled to begin Tuesday morning.

O. Scott Drexler became the singular voice for the defendants by giving the only defense testimony jurors are allowed to consider since the trial opened last month.

Drexler's words came as an anticlimax to a series of dramatic events that started Thursday when [U.S. District Court Judge Gloria Navarro abruptly ended court](#) ([/story/news/local/arizona-investigations/2017/08/10/bundy-retrial-drama-judge-scolds-defendant-orders-him-off-stand/558082001/](#)) by ordering defendant Eric Parker off the stand and striking his testimony from the record as jurors watched.



Supporters of defendants in the Bundy Ranch standoff trial stand outside U.S. District Court in Las Vegas on Aug. 14, 2017. (Photo: Lucas M. Thomas/The Spectrum)

Defense lawyers responded by calling for a mistrial and accusing federal prosecutors of wrongly depriving Parker of his right to testify in a way that irreparably damaged the case.

"It cannot be doubted that a defendant in a criminal case has the right to take the witness stand and to testify in his or her own defense," Parker's lawyer, Jess Marchese, wrote in his request for a mistrial. "The right to testify on one's own behalf in a criminal trial is one of the rights that are essential to due process of law."

Marchese said the prosecution acted in bad faith. He said the government launched objections about testimony the judge had allowed.

"At no point did Mr. Parker violate the Court order by eliciting testimony other than what he saw," Marchese said in his motion. "Specifically, he never elicited facts relating to his disallowed self-defense argument."

Prosecutors call for sanctions

Federal prosecutors shot back with a motion calling for sanctions against three of the defendants and their lawyers, accusing them of repeatedly violating court orders by introducing prohibited information and attempting to derail the trial through jury nullification.

"From the beginning of trial and throughout, counsel for (the three defendants) have repeatedly violated the Court's Order and attempted to place precluded evidence before the jury," Acting Nevada U.S. Attorney Steven Myhre wrote in his motion. "The possibility of Parker's forced removal from the stand was a specifically considered, orchestrated, and accepted strategy — perhaps even a preferred one."

Supporters for the defendants, who came from hundreds of miles away, rallied at the courthouse to protest what they called a miscarriage of justice and an unfair trial.

"You have to be able to put on a defense, and they're allowing no defense," said San Diego resident Terry Linnell, who said he was at the 2014 Bundy standoff. "So that's why we have more people here and why we filled the courtroom today."

Parker was attempting to tell jurors what he saw during the standoff over a barrage of objections from prosecutors when Navarro put an end to his testimony. Parker returned to the defense table and started crying while Navarro dismissed the jurors.

RELATED: [Phoenix man gets 68 years in Bundy Ranch standoff \(http://preview.azcentral.com/story/news/local/arizona-investigations/2017/07/26/bundy-ranch-standoff-burleson-gets-68-year/513779001/\)](http://preview.azcentral.com/story/news/local/arizona-investigations/2017/07/26/bundy-ranch-standoff-burleson-gets-68-year/513779001/)

Parker, Steven Stewart and Drexler, all of Idaho, and Richard Lovelien of Oklahoma are accused of conspiracy, extortion, assault and obstruction for helping rancher Cliven Bundy fend off a government roundup of his cattle in what became known as the Battle of Bunkerville.

Lovelien and his attorney, Shawn Perez of Las Vegas, were excluded from the proposed sanctions.

Judge: No mistrial, no sanctions

Navarro blamed defense attorneys for the problems and quickly dismissed the motion for the mistrial.

But she stopped short of imposing sanctions requested by prosecutors, including requiring remaining defense witnesses to testify on the record outside the presence of the jury.

She also rejected the prosecution's request to preview defense lawyers' closing arguments before they are given to the jury.

Prosecutors also are asking the judge to instruct the jury before it deliberates to disregard anything Parker said and "proceed as though Mr. Parker never testified."

Drexler's attorney, Todd Leventhal, said the court orders were confusing and inconsistent.





"It's sort of a moving target at this point for me," he said, adding that questions about what happened are "difficult to answer within the court's parameters."

Navarro said defense attorneys were being disingenuous by claiming confusion.

"It's not vague at all," Navarro said. "It's like when you tell a kid they can't have candy before dinner and they keep trying."

If Navarro had granted the mistrial, it would have been the second one in the case. [A jury in April deadlocked on charges against the four men \(/story/news/local/arizona-investigations/2017/04/24/cliven-bundy-trial-verdict-ranch-standoff/100605480/\)](#). It convicted two other defendants on multiple counts. But the jury could not agree on conspiracy charges — a key component of the government's case — against any of the six.

High-profile land case

The Bundy Ranch standoff is one of the most high-profile land-use cases in modern Western history, pitting cattle ranchers, anti-government protesters and militia members against the Bureau of Land Management.

For decades, the BLM repeatedly ordered Bundy to remove his cattle from federal lands and in 2014 obtained a court order to seize his cattle as payment for more than \$1 million in unpaid grazing fees.

The Bundy family issued a social-media battle cry. Hundreds of supporters from every state in the union, including members of several militia groups, converged on his ranch about 70 miles north of Las Vegas.

Judge puts tight limits on defense

Navarro's rulings have severely limited defense arguments to avoid what she has described as jury nullification. Four defense witnesses were permitted to testify via Skype last week, but the jury was not allowed to hear what they said.

Navarro ruled the witnesses, who were at the standoff, failed to establish grounds for self-defense claims sought by defendants.

Navarro has barred defendants from discussing why they traveled thousands of miles to join protesters at the Bundy Ranch. She will not allow them to testify about perceived abuses by federal authorities during the cattle roundup that might have motivated them to participate.

Navarro also has restricted defendants from raising constitutional arguments, or mounting any defense based on their First Amendment rights to free speech and their Second Amendment rights to bear arms. In her rulings, Navarro has said those are not applicable arguments in the case.

Federal officials, however, do not face the same restrictions. To show defendants were part of a conspiracy, they have referenced events that happened months, or years, after the standoff.

An image of Parker has come to epitomize the 2014 protest. He is pictured lying prone on an overpass and sighting a long rifle at BLM agents in the wash below. The image galvanized the public and brought international awareness to the feud over public lands and the potential consequences of such a dispute.

But jurors in the first trial couldn't agree on whether Parker brandished a weapon, assaulted officers or even posed a threat to them.

Drexler testifies about intentions

Drexler told the packed courtroom Monday that even though he brought weapons to the standoff, he had no intention of threatening or assaulting law-enforcement officers.

"My intent was to disappear and not be a threat to any person in the wash," he said.

Drexler admitted bringing an AR-15, a .45 handgun and 250 rounds of ammunition to Bunkerville. On cross-examination, prosecutors sought to show he intended to intimidate authorities and force them to "act more civil."

"With one person having a weapon, they order you around," Drexler said of law enforcement. "When two people are armed, it brings a conversation. It brings civility."

Prosecutors also questioned if Drexler went to the ranch to help Bundy secure the release of his cattle from federal agents, a key element in the government's conspiracy case.

Throughout both trials, defendants denied working in concert with the Bundys or even each other. They said they came to the ranch for different reasons and their presence had nothing to do with preventing the roundup.

Drexler said multiple times on Monday that he feared for his life and believed BLM agents "were going to kill me." Prosecutors objected, prompting the judge to remind jurors the defense was prohibited from raising such arguments.

'It was the final straw'

Navarro's restrictions angered Bundy supporters, who say her rulings also could affect the rules that apply in two upcoming trials in the case.

Three trials are scheduled for 17 defendants who are being prosecuted based on their levels of culpability. Although defendants in the first trial are considered the least culpable, all face the same charges and could spend the rest of their lives in prison.

The second trial will include Cliven Bundy and his sons, Ammon and Ryan Bundy, who are considered ringleaders.

Protester Linnell said the case playing out in court doesn't reflect the reality of what happened in the hours before the standoff, when federal land agents cracked down violently on members of the Bundy family.

"The BLM was pointing weapons on the Bundy family, ... The militia wasn't even there yet," he said. "I never saw anybody point a weapon. I know there's the famous picture, but you can see his finger wasn't on his trigger."

B.J. Soper of Redmond, Oregon, helped organize Monday's demonstration in front of the courthouse. "We saw what happened Thursday night in the courtroom. It was the final straw. And I said, 'We got to go. We got to go to Las Vegas and we got to find out what's going on and we got to let the American people know what's going on.' "

Soper said the decision to strike Parker's testimony was proof the defendants are not getting a fair trial.

"Even in the darkest of times we're allowed to defend for ourselves," he said. "Even if they don't allow a witness to testify on our behalf, we've always had the right to be able to testify for ourselves. And when that right is restricted what else do we have? We have a one-sided story here. We have a witch hunt."

Bunkerville resident Shem Teerlink said the judge and the prosecution are trying to railroad the defendants by not allowing them to tell the jury about abuses by federal agents, including how snipers were positioned around protesters during the standoff.

"Basically they're just trying to railroad these men and not let them have a true defense," he said. "So they just make all these rules and say, 'You can't say this, you can't say that.' "

Testimony prohibited by the judge

A federal judge has restricted testimony from four defendants facing retrial on conspiracy and weapons charges for their roles in the 2014 Bundy Ranch standoff. They cannot tell the jury:

- What motivated them to travel thousands of miles to join protesters at the Bundy Ranch in 2014.
- Videos and internet reports about clashes between federal agents and members of the Bundy family in the days prior to the standoff, including accounts that federal agents killed cattle, threatened Bundy family members with arrest, threw a pregnant woman to the ground and shocked Ammon Bundy with a stun gun.
- Law-enforcement encounters with civilians or third-party accounts about the level of force used by law-enforcement officers during the roundup of cattle.

- References to public statements by Gov. Brian Sandoval and other elected officials who criticized the the Bureau of Land Management in the days leading up to the standoff.
- References to First Amendment zones, or areas established by federal agents to limit movements of protesters during the roundup of Cliven Bundy's cattle.
- References to Bundy's grazing, water, or legacy rights on the public lands or arguments about his decades long fight with federal officials.
- Arguments invoking First and Second Amendment rights.
- References to the length of prison time they face if convicted.

READ MORE:

[As jury weighs Bundy Ranch standoff. Carol Bundy awaits her husband's fate \(/story/news/local/arizona-investigations/2017/04/18/jury-weighs-bundy-ranch-standoff-carol-bundy-awaits-her-husbands-fate/100572564/\)](/story/news/local/arizona-investigations/2017/04/18/jury-weighs-bundy-ranch-standoff-carol-bundy-awaits-her-husbands-fate/100572564/)

[What made Ammon Bundy go from AZ businessman to leader of the Oregon standoff? \(/story/news/local/arizona/2016/01/09/what-made-ammon-bundy-go-arizona-lead-oregon-standoff-federal-government/78420744/\)](/story/news/local/arizona/2016/01/09/what-made-ammon-bundy-go-arizona-lead-oregon-standoff-federal-government/78420744/)

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Defense attorneys withhold closing arguments in Bunkerville retrial



By David Ferrara
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Defense attorneys sat silently Tuesday, rather than give closing arguments for the four men facing a retrial in the Bundy Ranch standoff.

Hamstrung throughout the trial by a judge's decision to limit the witnesses they could call, the questions they could ask and the testimony their clients could give, the lawyers made the final decision, a statement of sorts, after discussing the option with the defendants — Eric Parker, Scott Drexler, Steven Stewart and Ricky Lovelien — during a lunch break.

"It was a strategic decision," said lawyer Jess Marchese, who represents Parker. "We thought we gained more by not giving a closing argument than the government giving a rebuttal."

Assistant U.S. Attorney Nadia Ahmed spent more than two hours in the late morning and early afternoon laying out the case against each of the four men, charged with driving from other states to Bunkerville in April 2014 to support rancher Cliven Bundy, who prosecutors allege conspired to thwart the federal government's roundup of roughly 1,000 cows from public land.

Earlier this year, another jury declared that they were deadlocked (<https://www.reviewjournal.com/news/bundy-blm/judge-declares-mistrial-in-bundy-ranch-standoff-case/>) on all counts against them.

On Tuesday, the prosecutor pointed to social media posts in which the men discussed the activities in the rural southeastern Nevada town, about 80 miles northeast of Las Vegas. She played video of Bundy speaking to a crowd outside his ranch, encouraging his followers to "do what you need to do" to retrieve his cattle from the Bureau of Land Management.

At one point, Ahmed flashed a Facebook post from Lovelien written in all capital letters: "All oathkeepers and militia in proximity need to move into defcon 1 mode."

The prosecutor repeatedly showed photos of Stewart and Parker, prone on Interstate 15 with long guns pointed toward federal agents.

"We pushed forward and they had to back off," Stewart wrote on Facebook.

Parker was captured on video being asked whether the standoff could have turned violent. "Absolutely," he replied.

Ahmed said the defendants' "words, their attire, their positions and their decisions" proved their guilt. "The intention of these co-defendants is clear. They intended to threaten officers. Officers feared for their safety."

A day earlier, attorney Todd Leventhal called his client, Drexler, to testify and say that he did not intend to threaten anyone in Bunkerville. But Drexler admitted to pointing his gun at federal agents.

"We were going to get drowned out anyway," Leventhal said of the decision not to offer a closing argument. "And there wasn't much more we could add."

U.S. District Judge Gloria Navarro barred the defense from referencing constitutional rights to freely assemble and to bear arms. She also prohibited mention of alleged misconduct or excessive force by law enforcement.

Stewart's lawyer, Rich Tanasi, agreed with Leventhal.

"It was the best decision available to us at the time," he said.

The lack of a final statement from the defense left acting U.S. Attorney Steven Myhre without a rebuttal, a common feature of jury trials. Prosecutors have the right to argue last because they are charged with the burden of proof.

Shawn Perez, who represents Lovelien, added defense closing statements could have backfired.

"We were going to get hammered on rebuttal," he said. "We would have been slammed one way or another."

As the six men and six women on the jury began to deliberate, about 30 supporters of the defendants gathered in a circle on the seventh floor, just down the hallway from the entrance to Navarro's courtroom.

The group held hands, knelt and prayed for "divine protection" for the "political prisoners" who have been locked up through both trials.

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