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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMMON BUNDY *et al*,

Defendants.

Case No.: 3:16-CR-00051

**DEFENDANT AMMON BUNDY'S  
REPLY TO GOVERNMENT'S  
RESPONSE TO DEFENDANT'S  
MOTIONS FOR SITE ACCESS**

Defendant AMMON BUNDY replies to the Government's Response to Defendant's Response to Defendant's Motions for Site Access. Mr. Bundy accepts the Government's offer to allow defense counsel and their investigators to access the site after the evidence has been collected, but before the site is restored or opened to the public. However, Mr. Bundy also demands access by an investigator and videographer to the site immediately to observe the FBI's processing of the scene.

The Due Process Clause of the Fifth Amendment of the United States Constitution requires that the Government preserve potentially exculpatory

evidence. *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988); *U.S. v. Cooper*, 983 F.2d 928, 931 (9<sup>th</sup> Cir. 1993). Given that there were co-defendants in this case that were at the scene long after Mr. Bundy was arrested, Mr. Bundy needs to have someone out at the scene as it is processed to protect himself from acts being attributed to him that others may have committed. Fundamental fairness and Due Process require that this take place. Mr. Bundy reserves the right to file supplemental briefing on this issue but he requests an order as soon as possible to prevent further disruption of the scene by the FBI without outside observation.

DATED this 16th day of February, 2016.

/s/ Michael Arnold  
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