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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR-01

v.

AMMON BUNDY,

Defendant.

**JOINT STATEMENT REGARDING
DEFENDANT BUNDY'S MOTION
TO AMEND ORDER TO FILE
JOINT STATEMENT**

Pursuant to the Court's February 17, 2016, Order (ECF No. 164), attorneys for the government have conferred by telephone with attorneys for defendant Ammon Bundy regarding portions of defendant Bundy's Motion (ECF No. 158) that are time sensitive. Following the conferral, the parties continue to disagree on the resolution of the issues raised by defendant and are unable to further narrow the issues of dispute. The parties offer the following joint statement:

1. The government is continuing to process evidence at the scene of the Malheur National Wildlife Refuge.

2. It is defendant Ammon Bundy's position that the Court should issue an order allowing an investigator and a videographer to go to the scene. Defendant Bundy can have an investigator at the scene in a matter of hours after a Court order is issued. Alternatively, defendant Bundy seeks an order directing the government to stop processing the scene until such time as an investigator and a videographer representing him can be present at the scene to observe and record the processing of evidence. Defendant's position is that given the amount of co-defendants charged with conspiracy, the government has no way of knowing what evidence must be preserved as exculpatory. A defense investigator would know and would be able to observe evidence as processed. Defendant's position is that his Fifth and Sixth Amendment rights to due process and right to counsel will be violated if the scene is not preserved until a defense investigator can observe the processing.

3. It is the government's position that the uninterrupted and immediate processing and collection of evidence from the crime scene is essential to the integrity of the investigation. Delay and the presence of third parties during the processing of the crime scene are both unprecedented and would undermine the integrity of the evidence. Pursuant to the Court's February 16, 2016, Order (ECF No. 157), the parties will file a Joint Statement on February 19, 2016, addressing

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defendant Ammon Bundy's and his co-defendants' related requests. With leave of the Court, the government intends to submit a legal memorandum in support of its position.

Dated this 18th day of February 2016.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Ethan D. Knight

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