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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA, CASE NO. 2:16-cr-00046-GMN-PAL
10 Plaintiff,
11 vs.
12 CLIVEN D. BUNDY, et al,
13 Defendants

14 **DEFENDANT CLIVEN BUNDY’S BENCH BRIEF CONCERNING LEGAL**
15 **CONSEQUENCES OF THE COURT’S DENIAL OF RIGHT OF COUNSEL AND FORCED**
16 **DENIAL OF SPEEDY TRIAL PURSUANT TO SIXTH AMENDMENT OF THE**
17 **CONSTITUTION AS WELL AS DENIAL OF HIS RIGHTS OF DUE PROCESS OF LAW**
18 **UNDER THE FIFTH AMENDMENT**

19 Defendant Cliven Bundy hereby puts the Magistrate Judge on notice that he will be moving to
20 have the superceding indictment dismissed in part on the grounds that the Honorable Gloria Navarro’s
21 non-meritorious denial of Attorney Larry Klayman’ Application for Pro Hac Vice status before this
22 Court has caused Defendant Cliven to forfeit his Constitutional and Statutory Right to a Speedy Trial.
23 The following cases stand for the black letter legal principal that a criminal defendant has a nearly
24 absolute right to choose his counsel, even when there is already local counsel in the case. Here,
25 Defendant Bundy intended to be represented by two lawyers, given the complexity of this case.

26 *United States v. Gonzalez-Lopez*, 548 U.S. 140, 142 (U.S. 2006): This Supreme Court case
27 addresses the right to have more than one counsel of choice, particularly in a complicated case such as
28 this one. The case is closely analogous to the facts of the Bundy case. Defendant retained a counsel of
choice (local Missouri counsel Dickhaus) and wanted Attorney Low to come in *pro hac vice* as well.

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1 The lower court improperly denied Low's PHV and on appeal the Supreme Court found that Defendant
2 was denied sixth amendment right to choice of counsel and vacated the conviction. See also *United*
3 *States v. Walters*, 309 F.3d 589, 591 (9th Cir. Cal. 2002); *United States v. Panzardi Alvarez*, 816 F.2d
4 813, 815 (1st Cir. P.R. 1987).

5 This denial to allow Mr. Klayman into this case Pro Hac Vice is causing the involuntary
6 forfeiture of Defendant Bundy's right to a speedy trial. His lone counsel, Mr. Hansen, does not have
7 the resources to defend him. As the government claims, the case is complex, and while the government
8 has unlimited resources, Mr. Hansen does not.

9 The following cases stand for the proposition that denial of the right to a speedy trial will result
10 in dismissal of the indictment. The Fifth Amendment guarantees that defendants will not be denied due
11 process as a result of excessive preindictment delay." *United States v. Sherlock*, 962 F.2d 1349, 1353
12 (9th Cir.1989). In this case, the government delayed 22 months before bringing the indictment.
13 Furthermore, the Court created indefinite delay in not allowing Attorney Klayman into this case is
14 causing further and fatal prejudice to Defendant Bundy's right to a speedy trial. *Barker v. Wingo*, 407
15 U.S. 514, 530, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972).

16 There are a myriad of other cases supporting these legal standards and propositions which will
17 be fully briefed in subsequent pleadings. Further, Defense Counsel for Mr. Bundy will be filing a
18 Motion to Disqualify Judge Navarro on the basis of extra judicial bias and prejudice, particularly given
19 the unfounded and outrageous attacks on Mr. Bundy and his family by Senator Harry Reid and President
20 Obama, the people behind the nomination and appointment of Judge Navarro. Harry Reid has called
21 Cliven Bundy a domestic terrorist and suggested that he should be imprisoned for life. President Obama
22 has openly mocked and attacked Defendant Bundy at a White House Correspondents' dinner.

23 As the indictment is likely to be dismissed under these circumstances, there are compelling
24 reasons to grant bail to Defendant Bundy, currently being held in solitary confinement in indefinite
25 detention. An objection to the Magistrate's Detention Order is currently before Judge Navarro, which

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1 is an additional reason why she should be disqualified forthwith before further damage is done to Mr.
2 Bundy and his family.

3 DATED this 22nd day of April, 2016.

Respectfully submitted,

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5 BY: /s/ Joel F. Hansen
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that on this 22nd day of April, 2016, I served a copy of the foregoing DEFENDANT CLIVEN BUNDY’S BENCH BRIEF CONCERNING LEGAL CONSEQUENCES OF THE COURT’S DENIAL OF RIGHT OF COUNSEL AND FORCED DENIAL OF SPEEDY TRIAL PURSUANT TO SIXTH AMENDMENT OF THE CONSTITUTION AS WELL AS DENIAL OF HIS RIGHTS OF DUE PROCESS OF LAW UNDER THE FIFTH AMENDMENT as follows:

- Electronic Service - via the Court’s electronic service system; and/or
- U.S. Mail – By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or
- Facsimile – By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or
- Hand Delivery – By hand - delivery to the address listed below.

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