



Bundy Fiasco

Persecution and prosecution. Twice the relentless, lawless feds had to give up.

By Patricia Aiken

The malicious prosecution of Cliven Bundy is finally over. On January 8, after two years in prison, the 72-year-old rancher walked out of the federal courthouse on Las Vegas Boulevard under cloudy skies and light rain to a cheering crowd, a free man. Gloria Navarro, federal presiding judge in the case, after ruling for the government in nearly all its motions, finally had to face the pile of Brady violations—hiding evidence that is favorable to the defense. On December 20, Navarro declared a mistrial and dismissed the jury, weakly telling them that “there were documents the prosecution hadn’t seen, oh, and the defense too.” Both sides were given until December 29 to write their motions to dismiss with prejudice or without prejudice. With prejudice means that Cliven, his sons Ammon and Ryan, and militia leader Ryan Payne cannot be retried.

On January 8, the U.S. attorneys, FBI and Bureau of Land “Mismanagement” received a severe and well-deserved rebuke when Navarro granted a dismissal with prejudice to all Bundy Tier 1 defendants stating multiple times she “was not aware of a more egregious case” and that the “universal sense of justice has been violated.” Only Navarro spoke, reading from her decision. She asserted that the court is troubled by the reckless, outrageous

and flagrant misconduct of the government in violating the due process and constitutional rights of the defendants.

Perjury Circus

The jury heard only five or six days of testimony in the trial that began Oct. 30, 2017. Those days were more of a perjury circus than the Trial of the Century. Even Sheriff Joe Lombardo’s time on the witness stand has been forensically compared to the video of his time at the Standoff and shown to be utter lies. Ten of the 16 jurors came back to speak with the attorneys on the 20th. One headed straight for Ryan Bundy, hugged him, saying, “I knew the government was up to something when I heard your opening statement.” On January 8, at least seven jurors showed up carrying the Bundy trademark pocket U.S. Constitutions, signed by Ryan. The eldest Bundy son said that he gave the copy he’d carried in prison for two years to a woman on the jury. She told him at the final hearing that she ordered a case and sent them with her child to school to give to the teacher for the entire class.

Navarro started out slowly, giving her reason for not granting the dismissal based on the double-jeopardy argument, then lit into the government on two others: i.e., govern-

Cliven refused to leave jail when the rest of Tier 1 and Tier 2 were released under house arrest, saying, “I will only leave as a free man.” After dismissal, flanked by his attorney, Bret Whipple, wife Carol, followed by Ammon, Mel, and other family members. Supporters and media awaits.

ment conduct which was “grossly shocking” and her supervisory power. Bundy family members and supporters couldn’t hold back tears of happiness and relief as Navarro signaled the dismissal and vacated the February 26 date for a retrial.

Andrea Parker from Idaho, wife of Tier 3 defendant Eric Parker, who withstood two trials, was present. Parker and Scott Drexler took pleas on misdemeanor charges on the advice of their attorneys. The injustice of knowing that Tier 3 wasn’t allowed to use a self-defense argument and that her husband was pulled off the stand by Navarro when he so much as mentioned looking up to his left, the area where snipers were visible, made for a day of mixed emotions. The government had convinced Navarro that there were no snipers but testimony from government witnesses and Brady documents proved the presence of the snipers at Bunkerville. The ruse that the snipers were merely training by acting U.S. attorney Steven W. Myhre carried no weight as the evidence was hidden on a thumb drive in a truck for three years.

Parker later greeted Cliven with a hug of delight and handed him her cell phone to speak to convicted defendant Todd Engel. Cliven ended the conversation telling Engel, “You were a good bunkie.” This dismissal will mean good things for Engel and Greg Burleson and hopefully other victims of this government travesty who took plea deals. Engel’s attorney excused himself from the celebration early saying he had to take this great outcome and get to work for his client.

Whistleblower

The Brady bomb that didn’t go off in court is whistleblower BLM investigator Larry Wooten’s 18-page email to the assistant deputy attorney general/national criminal discovery coordinator. When he asked Myhre why the exculpatory evidence was being hidden, Myhre fired Wooten in a fit of rage. Wooten’s email never made it for a hearing, although surely Navarro had known about it since November. In it, Wooten alleges two BLM kill lists named members of the Bundy family and supporters. Disgraced BLM Special Agent in Charge Dan Love, amongst other allegations, bragged about the three people he caused to commit suicide and that he intended to “kick



CLOCKWISE FROM TOP LEFT: The government's uniforms for rounding up a few hundred desert cattle. ➤ Federal snipers on a hill above the Bundy Ranch with their target, the Bundy Ranch and family, shown at right. ➤ Ammon and Ryan Bundy leave the federal court after Navarro declares a mistrial on December 20 after almost two years in jail. From left: Almost visible Cliven's wife, Carol, holding Ammon's arm, Ryan Payne, Jeanette Finicum, Ryan Bundy and his wife, Angie, and daughter, Jamie. ➤ Cliven and Carol, finally back at the ranch after the ordeal from hell. ➤ After the government's incompetent cattle roundup, some Bundy livestock died. Some stressed pregnant cows lost their calves and babies lost their mothers due to a helicopter chase in searing heat. Others died by bullets. The feds tried to cover up its carnage in unmarked graves and a no-fly zone around the ranch to protect the guilty.

Cliven Bundy in the teeth."

The Tier 2 defendants were all released pretrial in December, including Bundy brothers Mel and Dave, but weren't mentioned in this dismissal. Dan Hill, from Ammon's legal team, felt that the dismissal would eventually include Tier 2.

Ammon and Ryan Bundy were able to get rid of their ankle tracking devices and other conditions of the court. Ryan Payne still has business with Judge Anna Brown in Portland where he took a plea deal in the Oregon case. Brown has ruled that Payne is not allowed to speak to Ammon or Ryan Bundy. Seems the feds neither forgive nor forget.

The case most cited in the defense motions was U.S. v. Chapman, prosecuted by the same U.S. attorney Steven Myhre. It was also dismissed for Brady violations. Myhre used duplicitous excuses such as "the Brady violations were inadvertent" and that they had given the defense similar discovery. That dog didn't hunt with Navarro. Attorney Larry Klayman from freedomwatchusa.org hopes this egregious misconduct will lead to a full investigation and ethics charges for Myhre and his colleagues. Morgan Philpot, also from



Ammon's team, feels that the First and Second Amendments have been preserved and the outrageous government conduct of labeling protesters as domestic terrorists averted for the time being. Philpot acknowledged that a suit against CoreCivic in Pahrump, Nev., for the brutal treatment of Ammon Bundy is planned.

Klayman admitted that he didn't fully share the Bundy optimism going into the day and Fox News legal analyst Judge Andrew Napolitano stated Navarro would grant a retrial. But they failed to factor in the ironclad faith of Carol Bundy and family who have remained confident.

Attorney Roger Roots was amazed and delighted by this "historical, absolute first" which has never happened in a case of this magnitude. Dismissals of this nature are usually only the discussion of judges "in dicta." Roots feels the government will seek an appeal at the 9th U.S. Circuit Court of Appeals. However, after such outrageous government misconduct, even the 9th "Circus," as they're known for their wacky, leftist decisions, would have a difficult time reversing this case. The 9th Circuit has denied a motion



to vacate one of the two orders to remove Bundy cattle. Thus, Bundy cattle aren't completely out of harm's way.

Jeanette Finicum, donning a memorial pin of her slain husband, LaVoy, beamed, "It's been a good, good day." She will be represented by attorney Marcus Mumford, who led the defense team in the Oregon Refuge win, in the wrongful death suit that is about to be filed. Roger Roots will be handling that case for Ryan Bundy, Shawna Cox and Victoria Sharp—the passengers in Finicum's truck the night of the assassination.

The *Las Vegas Review Journal* attorneys were present to argue to unseal all the evidence because it's in the public's interest. Now that the defense attorneys are released from their gag orders, that information should begin to flow.

A weary but happy Cliven Bundy hugged and took photographs with all supporters before heading back to the ranch where scads of grandchildren awaited his return. ■

Patricia Aiken is a pro-freedom, anti-Communist, politically incorrect writer who has been involved in the Bundy case since the Standoff. Neutral she's not. For more on federal overreach, go to rangemagazine.com. Click on "Tyranny."