

Testificandum – Ammon Bundy.

- 4) The defendant is charged by Superseding Indictment dated March 8, 2016, with one count of Conspiracy to Impede Officers of the United States in violation of 18 U.S.C. § 372, and one count of Possession of a Firearm within a Federal Facility in violation of 18 U.S.C. § 930(b).
- 5) Of the 26 individuals originally charged, six were acquitted after a jury trial on October 27, 2016, one was dismissed from the case on the motion of the government, eleven have plead guilty, and seven, including Mr. Patrick remain set for a jury trial set to commence of February 14, 2017.
- 6) One of the six defendant's acquitted in the first trial was Ammon Bundy. Mr. Bundy was accused by the government of being one of the self-professed leaders of the criminal conspiracy in which the seven defendants currently set for trial are charged.
- 7) Evidence of Mr. Bundy's statements and actions will almost certainly be introduced in this second trial as evidence of the actions and statements of a co-conspirator.
- 8) Mr. Bundy has personal knowledge of all the events up to the date of his arrest, January 26, 2016 that will be the subjects of this trial. Starting in the Fall of 2015, Mr. Bundy was accused of being involved, in the planning and organization of the January 2nd protest in Burns, Oregon that led to the protest at the Malheur National Wildlife Refuge. Mr. Bundy testified on his own behalf in the first trial over the course of three separate days. He offered nearly comprehensive testimony regarding the facts at issue in this case and the events leading up to them. In my opinion, his testimony cannot be replicated by any other witness or even group of witnesses. Mr. Bundy also has personal knowledge of facts related to the misdemeanor charges presently facing these defendants that were not at issue in the first trial and to which Mr, Bundy's prior testimony did not apply.

DECLARATION OF STANDBY COUNSEL IN SUPPORT OF DEFENDANT'S MOTION FOR WRIT OF
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- 9) I have reviewed with Mr. Patrick the transcripts of Mr. Bundy's testimony at the first trial. I have also reviewed with Mr. Patrick many audio and video clips involving Ammon Bundy, some of which were admitted into evidence at the first trial.
- 10) Mr. Patrick and I have also discussed Mr. Bundy's possible appearance as a witness in this case with all other defense counsel involved in this trial. It is the unanimous judgment of all defense counsel that Ammon Bundy is a critical witness for the defendants in this case.
- 11) I have spoken with Daniel Hill who represents Mr. Bundy in a pending federal criminal matter in the District of Nevada. *United States v. Cliven Bundy, et. al, 2:16-cr-00046 GMN-PAL*. He has indicated that neither he nor Mr. Bundy has an objection to his giving testimony in this case.
- 12) Mr. Bundy is presently in the custody of the U.S. Marshals by Court Order in that case. He is currently being held at the Nevada Southern Detention Center, 2190 E. Mesquite Ave., Pahrump NV, 89060.
- 13) The Court in the Nevada Case has set separate trials in that case for three groups of defendants. The first group is set to begin trial on February 6, 2017. Mr. Bundy is scheduled for trial in Nevada in the second group, which according to the Nevada Court's order (Docket record # 1113) is set to begin 30 days after the conclusion of the first trial. It is anticipated that Mr. Bundy's trial will begin no sooner than a date in April, 2017.

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- 14) Defense counsel herein estimate that Mr. Bundy's testimony in this case, including cross examination will take no more than two court days and anticipate his testimony to be given early in March 2017. This should allow time for his transport to and from this district without interfering with his trial dates in Nevada.

Respectfully submitted under penalty of perjury on this 13th day of January, 2017.



Andrew M. Kohlmetz, OSB 955418
Standby Counsel for Jason Patrick

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