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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR

v.

AMMON BUNDY, et al.,

Defendants.

**GOVERNMENT'S MOTION TO
DECLARE CASE COMPLEX, VACATE
DATES, SET STATUS HEARING, AND
EXCLUDE TIME UNDER SPEEDY
TRIAL ACT**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Ethan D. Knight, Geoffrey A. Barrow, and Craig J. Gabriel, Assistant United States Attorneys, moves this Court for an order: (1) designating this a complex case; (2) vacating the current discovery, motions, and trial dates; (3) setting an additional status conference, at which time new dates may be set; and (4) excluding time under the Speedy Trial Act from the filing of this motion through and including the status hearing, pursuant to Title 18,

United States Code, Section 3161(h)(7)(A), and considering the factors set forth in Section 3161(h)(7)(B).

I. Background and Current Status

Defendants are currently charged in a single-count Indictment alleging a violation of 18 U.S.C. § 372 (Conspiracy to Impede Officers of the United States). The allegations arise out of defendants' unprecedented, armed occupation of the Malheur National Wildlife Refuge. Defendants' trial is currently set to begin on April 19, 2016. A case management conference and arraignment on the Indictment is currently scheduled for February 24, 2016.

The government will likely file a superseding indictment in early March 2016 that may add additional charges and defendants (currently indicted under 3:16-cr-00064-JO). The government may also file additional superseding indictments thereafter based upon the results of the ongoing investigation and processing of the crime scene.

II. Complexity, Basis for Delay, and Request for a Status Conference

Defendants' case is complex within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii), due to the following factors which should be relied upon either individually or together to support a designation of the case as complex:

- a. The Volume and Scope of Discovery. The government anticipates that the discovery issues in defendants' case will be some of the most complicated in the history of the district. The discovery that will need to be reviewed and produced is in a number of different formats and derives from a number of different sources, including a significant amount of relevant material from social media.

b. The Number of Defendants Currently Charged and Likely To Be Charged.

There are currently sixteen defendants charged in this case and nine additional defendants charged in related case number 3:16-cr-00064-JO. Each defendant has counsel and each defendant may have separate interests and colorable legal claims that will need to be addressed by the Court and the government.

c. The Unique Nature of the Crime Scene and Time Required for Evidence Processing. The crime scene in this case is singularly unique. It is located on a 172,000-acre wildlife preserve in southeastern Oregon. It contains a number of structures that have been processed. The site also includes sensitive, cultural material. A specialized FBI Art Crime Team (ACT) must process at least three impacted areas adjacent to these locations. This evidence may require expert analysis and testimony at trial.

d. The Overlapping Involvement of Other Districts in the Prosecution and Investigation. A number of defendants are charged in the District of Nevada, and many of the defendants have had relevant law enforcement contact in other districts.

Because of these factors, it is the government's position that substantial, additional time is needed to accomplish discovery, pretrial motions, and trial preparation. The government therefore requests that the Court vacate all dates currently scheduled in defendants' case and schedule a status conference, at which time new dates would be set.

III. Excludable Time

Based on the facts set forth above, the government requests that the Court find that defendants' case is complex within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii) and that it would be unreasonable to expect adequate preparation for pretrial proceedings within the time

limits established by the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* In so doing, the government requests that the Court find that there is excludable delay pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(ii).

Defendants, through their respective counsel, object to this motion.

Dated this 22nd day of February 2016.

Respectfully submitted,

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s/ Ethan D. Knight

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