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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8
9 CASE NO.: 2:16-cr-00046-GMN-PAL-1

10 THE UNITED STATES OF AMERICA,

11 Plaintiff,

12 Vs.

13 CLIVEN D. BUNDY,

14
15 Defendant.
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MOTION TO CLARIFY CURRENT
TRIAL SCHEDULE AND TO
CONSOLIDATE TRIAL

17
18 Defendant, CLIVEN D. BUNDY, by and through his counsel, Bret O. Whipple, Esq. of
19 Justice Law Center, hereby moves this Court for an order clarifying the current trial schedule
20 and to consolidate trial.

21 DATED this 1st day of May, 2017.

22
23 **JUSTICE LAW CENTER**

24 /S/ Bret O. Whipple
Bret O. Whipple, Esq.
Nevada Bar No. 6168
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MEMORANDUM OF POINTS AND AUTHORITIES

As has been noted by other defendants in this case, the court has now set two groups of defendants for the same trial date, without explaining what the court intends to do (i.e. whether two groups will be tried together, whether one trial may be pushed back). *See* ECF No. 1899. These two trials (Tier 1 and Tier 3) are set for June 26, 2017. Cliven Bundy has previously filed a motion to modify that trial date. *See* ECF No. 1873.

Mr. Bundy's speedy trial rights have already been violated by the numerous delays in this case caused by the court and caused by the United States. Mr. Bundy must not be harmed by further delay. For example, the United States cannot detain these defendants indefinitely while conducting indefinite and repeated re-trials of Tier 3. It was unable to obtain convictions on almost all counts in that trial. The evidence against many of the Tier 3 defendants is weak and is unlikely to convince any jury, no matter how many bites at the apple the United States is awarded.

Furthermore, the current trial schedule generates confusion which is highly disruptive of each defense attorney's ability to formulate a schedule for the next several months. Specifically, it makes it difficult to know what time periods the defense attorneys will be unavailable to manage their other cases and trials. It is impossible to know which trials need to be continued to make room for the Bundy trial. Until this court resolves the indeterminacy which currently exists, each party's ability to efficiently prepare for trial is severely diminished.

The most appropriate course of action would be for the United States to dismiss all counts against Tier 3 which it did not prove at the first trial. Barring that, Cliven Bundy hereby moves this court to grant the following relief:

1 (1) clarify the current trial schedule and rule that Cliven D. Bundy will proceed to
2 trial no later than June 26, 2017.¹

3 (2) if necessary to facilitate a speedy trial date, consolidate Mr. Bundy's case with
4 whichever Tier 3 defendants the government intends to hold for trial on June 26, 2017.

5 **CONCLUSION**

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7 For all of the foregoing reasons, Cliven Bundy respectfully prays this Honorable Court
8 to grant the relief requested herein.

9 DATED this 1st day of May, 2017.

10
11 **JUSTICE LAW CENTER**

12 /S/ Bret Whipple

13 Bret O. Whipple, Esq.

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18 *Attorney for Defendant*

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25 ¹ Mr. Bundy still seeks his initially requested relief: a trial date of no later than June 5, 2017.
26 However, if that relief is not granted, the court should still conduct Mr. Bundy's trial no later
27 than the currently-set June 26, 2017 date.

CERTIFICATION OF SERVICE

I hereby certify that on the 1st day of May, 2017 a true and correct copy of the foregoing
Motion to Clarify and/or Consolidate trial.

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