

1 BRET O. WHIPPLE, ESQ
Nevada Bar Number 6168
2 **JUSTICE LAW CENTER**
1100 S. Tenth Street
3 Las Vegas, Nevada 89104
4 (702) 731-0000

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

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

9 THE UNITED STATES OF AMERICA,

10 Plaintiff,

12 Vs.

DEFENDANT CLIVEN D. BUNDY'S
OBJECTION TO CONTINUANCE OF
TRIAL DATE

14 CLIVEN D. BUNDY,

16 Defendant.

18 COMES NOW, BRET O. WHIPPLE, ESQ., counsel for CLIVEN D. BUNDY, ESQ.,
19 and hereby enters the following objection to continuance of trial date.

20 DATED THIS 4th day of October, 2017.

21 **JUSTICE LAW CENTER**
22 /s/ Bret O. Whipple, Esq.
23 Bret O. Whipple, Esq.
24 Bar No 6168

JUSTICE LAW CENTER
Tel (702) 731-0000 Fax (702) 974-4008

MEMORANDUM OF POINTS AND AUTHORITIES

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2 Undersigned counsel did previously communicate to counsel for Ryan Payne that a brief
3 continuance would be acceptable to undersigned counsel (See ECF No. 2612). As this pleading,
4 in light of the ECF No. 2612, might be interpreted as contradictory, it is important to briefly
5 explain why undersigned counsel believed that a brief continuance would be acceptable when
6 it was first brought up by counsel for Defendant Payne. First, if co-defendant Santilli does
7 indeed not proceed to trial, there are pleadings made by Santilli that may be withdraw that
8 counsel for Bundy would need to make an effort to preserve. Second, in an effort to not submit
9 many overlapping exhibits, there are exhibits that were to be included for Santilli that were left
10 off of defendant Bundy’s exhibit list for the sake of avoiding redundancy. Additional time
11 would be needed to ensure those exhibits are transferred over and included if Santilli does not
12 go to trial. Third, counsel for Payne has advanced legitimate arguments regarding how the
13 juror’s sympathies may be impacted by the tragedy that has befallen our community. Fourth,
14 respectfully, and not offered as an excuse to extend trial, but the sole associate at undersigned
15 counsel’s firm Justice Law Center was personally present at the shooting that occurred and
16 needs personal time. It can be expected that other individuals involved in the court, the law
17 firms involved in this case, or potential jurors, may be in a similar situation, if not a worse
18 situation, as a result of this terrible event that has occurred. In light of these concerns,
19 undersigned counsel did express a willingness to briefly continue trial date to counsel for co-
20 defendant Payne, leading to that representation to the court in ECF No. 2612.

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25 Since that time, I have learned that Defendant Bundy vigorously objects to any
26 continuance being granted of the trial date that is presently set, does not consent to any
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1 continuance of the trial date in this matter, and continues to assert his right to a speedy trial,
2 including the right to begin trial on the scheduled date of October 10, 2017. Defendant Cliven
3 Bundy continues to demand a speedy trial, which has been denied for more than a year, as
4 undersigned counsel has argued repeatedly before this court.

5
6 Therefore, despite my personal concerns that were conveyed through co-defendant
7 Payne's notice to the court regarding the continuance, I am absolutely required to advance the
8 speedy trial rights of Defendant Bundy. No previous filing can be interpreted as consent by
9 Bundy to continue the trial date. He does not consent, he strongly objects, and this pleading is
10 meant to fully inform the Court of these facts.

11
12 Furthermore, as his opinion has already been expressed in this matter, to whatever extent
13 the Court is inclined to hold a hearing to discuss the potential continuance, Mr. Bundy
14 respectfully asks that he not be personally required to attend or be transported to that hearing.

15 DATED THIS 4th day of October, 2017.

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17 **JUSTICE LAW CENTER**
18 /s/ Bret O. Whipple, Esq.
19 Bret O. Whipple, Esq.
20 Bar No 6168
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CERTIFICATION OF SERVICE

I hereby certify that on the 4th day of October, 2017 a true and correct copy of the foregoing OBJECTION TO CONTINUANCE was delivered via E-filing to:

DANIEL BOGDEN
United States Attorney

STEVEN MYHRE
First Assistant United States Attorney

NICHOLAS DICKINSON
Assistant United States Attorney

NADIA AHMED
Assistant United States Attorney

ERIN M. CREEGAN
Assistant
United States Attorney

501 Las Vegas Blvd. South, Suite 1100
Las Vegas, NV 89101

/S/ Tatum Wehr
An Employee of Justice Law Center