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VIA FEDERAL EXPRESS

**EXPEDITED PROCESSING AND
TREATMENT REQUESTED**

August 23, 2017

Hon. Robin C. Ashton
Chief
Office of Professional Responsibility
950 Pennsylvania Ave NW #3266
Washington, DC, 20530

Hon. Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave, NW, #4706
Washington, DC, 20530

**RE: SUPPLEMENT TO COMPLAINT AGAINST ATTORNEY GENERAL JEFF
SESSIONS AND STAFF AND ACTING U.S. ATTORNEY FOR THE DISTRICT OF
NEVADA STEVEN MYHRE AND STAFF AND REQUEST FOR EXPEDITED
INVESTIGATION INTO GROSS PROSECUTORIAL MISCONDUCT OF
PROSECUTING ATTORNEYS FURTHERED BY THE HONORABLE GLORIA
NAVARRO IN THE CRIMINAL TRIAL OF CLIVEN BUNDY AND HIS CO-
DEFENDANTS**

Mr. Larry Klayman (“Mr. Klayman”) submits the following supplement to the Complaint and Request for Investigation referenced above and submitted on August 21, 2017. This supplement is necessary to update the Office of Professional Responsibility (“OPR”) and the Inspector General (“IG”) on the prosecution of Bundy’s co-defendants and to further demonstrate why it is incumbent upon the OPR and IG to act immediately.

On August 22, 2017, the federal jury in the retrial of Bundy’s co-defendants found **none** of them guilty on **any charges**. Exhibit A. The federal jury returned not guilty verdicts for all charges against two of the four co-defendants - Richard Lovelien and Steven Stewart - and also

acquitted the remaining two co-defendants - Eric Parker and O. Scott Drexler - on the most serious charges of conspiracy and extortion. Exhibit A. The jury deadlocked on Parker and Drexler's weapons charges, which are entirely separate and apart from any charges against Bundy.

The federal jury's verdict is even more incredible given the gross prosecutorial misconduct by the prosecuting Department of Justice attorneys that was furthered, if not "rubber stamped" by the Hon. Gloria Navarro ("Judge Navarro"), as set forth in the original Complaint and Request for Investigation. As just a few egregious examples, notwithstanding their unconstitutional opposition to the undersigned counsel's *pro hac vice* application, violating Bundy's Sixth Amendment right to counsel of choice, Prosecuting attorneys advocated for and were allowed to get away with (1) intentionally withholding a report detailing how the BLM supervisory agent in charge of the raid on the Bundy ranch, Dan P. Love ("SSA Love"), repeatedly abused his position of authority to illegally extort and gain benefits and criminally obstruct justice by threatening those who might speak out and testify against him; (2) improperly attempting to try Bundy *in absentia* at the ongoing trial of Bundy's co-defendants by falsely painting Bundy as the criminal mastermind behind the Standoff in order to inevitably tar Bundy's reputation and taint the jury that is eventually empaneled in Bundy's trial; and (3) intentionally and glaringly omitting Sgt. Tom Jenkins ("Jenkins") from its original witness list, yet still calling Jenkins as a witness, with defense counsel allowed only one day for prepare for cross examination. Furthermore, Judge Navarro, "rubber stamping" this continuing prosecutorial misconduct, severely crippled the defense with a series of highly prejudicial rulings at the request of the prosecuting attorneys, by: (1) "rubber stamping" the prosecution's argument forbidding defendants from arguing that they were exercising their constitutional rights to

peaceably assemble and bear arms; (2) “rubber stamping” the prosecution’s argument forbidding defendants from highlighting the actions of BLM agents in the days leading up to the incident or mention federal gaffes such as the ill-advised “First Amendment” zone created for protesters; (3) interfering with, at the prosecuting attorney’s behest, the defendants’ right to use preemptive challenges on the inclusion of certain jurors, and (4) granting the prosecuting attorney’s baseless objections and cutting off Defendant Eric Parker’s testimony and ordering him off the witness stand for allegedly violating a court order on allowed testimony, despite the fact that he never violated any court order. The prosecutorial misconduct ratified by Judge Navarro was so obvious that defense counsel did not even present closing arguments, as they would have been futile and merely presented another opportunity for the prosecuting attorneys and Judge Navarro to engage in misconduct. Even more, the day before the federal jury entered its verdict, the jury foreman sent a note to Judge Navarro that a certain juror was refusing to vote because she was or had been married to a U.S. Marshall and had previously had a gun pointed at her, causing great trauma. The foreman intimated that the juror had a conflict of interest and should be removed for cause, as she was holding up the deliberations. Thus, given the final verdict, it is evident that the conflicted juror was going to vote to convict, and her conflict resulted in the partial mistrial as to Parker and Drexler. However, despite this apparent conflict, the prosecution still did not move, in the interest of justice, to have the juror removed and replaced with an alternate, which they clearly would have done had the tables been turned. Predictably, Judge Navarro also did not remove the juror and substitute in an alternate juror, who could have voted with the other jurors to acquit on all counts. However, **despite all of this**, the federal jury **still** found none of Bundy’s co-defendants guilty on any charges.¹

¹ The undersigned has asked a number of judges if they would have removed the juror and

The federal jury's verdict clearly shows just how weak the prosecutions' case is against Bundy and his co-defendants. Indeed, despite being given every conceivable advantage – legal or not – they were still unable to return a single conviction during the retrial. The fact that all four co-defendants were unequivocally acquitted on conspiracy charges is of particular relevance to Bundy, as the prosecuting attorneys have falsely attempted to portray Bundy as the “mastermind” behind a conspiracy against the government. Indeed, if none of the alleged participants in the conspiracy are convicted, the only possible conclusion is that there is simply no evidence of a conspiracy. The federal jury's verdict shows that the prosecution of Bundy and his co-defendants is nothing more than a retaliatory political prosecution vindictively commenced under the prior administration with no sound basis in law or fact that must be reviewed by the Attorney General Hon. Jeff Sessions (“Mr. Session”) immediately.

Given the federal jury's verdict, now more than ever, it is crucial that Mr. Sessions be compelled to conduct a full, neutral, and fair review of the prosecutions in this matter given that just today in Court, the prosecuting attorneys vehemently stated that they would try Parker and Drexler for a third time, in complete violation of their constitutional and other legal rights. Not only is this a grave injustice to Parker and Drexler, Bundy's trial will therefore be pushed back again and he will be deprived of his Speedy Trial rights even further. The prosecuting attorneys have absolutely no regard for the fact that Bundy has already been incarcerated for a year and a half and will continue to be deprived of his due process rights, as “rubber stamped” by Judge Navarro.

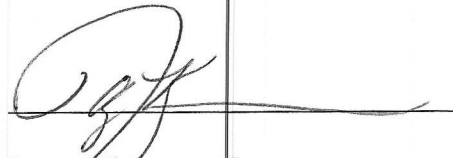
Despite the fact that the prosecuting attorneys had a “rubber stamp” on the bench in the form of Judge Navarro to ratify and collude in their gross misconduct, they were still unable to

substituted an alternative juror, and the response was always yes.

win a single conviction in the retrial of Bundy's co-defendants. It is therefore terrifying to even think of then lengths that the prosecuting attorneys and Judge Navarro will go to now to obtain the convictions against Bundy and his co-defendants that they so desperately seek, despite the fact that there is no sound basis in law or fact for them to continue this prosecution. Thus, it is absolutely imperative that Mr. Sessions and his office be compelled to conduct the requested neutral and fair investigation into the matter. As set forth in the Complaint, Mr. Sessions took an oath of office to administer to and mete out justice within the bounds of the ethics and the law as a member of the Department of Justice. Despite the fact that Mr. Sessions is on the defensive by being unfairly branded as a racist and improperly investigated in the Russia probe, he still unequivocally has the duty to fulfill his oath of office, and he must be compelled to do so in the interest of fundamental justice and fairness that the Department of Justice is sworn to protect.

Dated: August 23, 2017

Respectfully submitted,



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EXHIBIT A

Bundy Ranch standoff trial ends with zero guilty verdicts

Robert Anglen, The Republic | azcentral.com Published 4:42 p.m. MT Aug. 22, 2017 | Updated 9:00 p.m. MT Aug. 22, 2017



(Photo: Lucas M. Thomas/The Spectrum)

A federal jury in Las Vegas did not return any guilty verdicts Tuesday against four men accused of taking up arms against federal agents during the Bundy Ranch standoff in 2014.

Jurors dealt government prosecutors a stinging defeat in the case when, after four days of deliberations, they returned not-guilty verdicts on the most serious charges and deadlocked on a handful of others.

Richard Lovelien of Oklahoma and Steven Stewart of Idaho were acquitted on all counts and walked out of court Tuesday night free after spending more than a year in prison.

"Both Ricky and I were teary-eyed," Las Vegas defense lawyer Shawn Perez said of the verdict, "I was shaking ... I have gotten not-guilty verdicts before, but this was really special to me."

Two other defendants, Eric Parker and O. Scott Drexler, both of Idaho, were acquitted on the most serious charges of conspiracy and extortion, but jurors failed to reach unanimous verdicts on weapons and assault charges.

Both men could be allowed to go free after a detention hearing scheduled Wednesday morning. The court ordered both defendants to be released to a halfway house until Wednesday's hearing.

"(Parker) is getting released as we speak," Las Vegas defense lawyer Jess Marchese said Tuesday night. "He's ecstatic."

After the jury's decision, U.S. District Court Judge Gloria Navarro called for the hearing without any motions from the defense, Marchese said. "We didn't bring it up," he said.

Federal prosecutors had little to say about the verdicts.

"While we are disappointed with the verdicts, we thank the jurors for their service," Trisha Young, spokeswoman for the U.S. Attorney's Office in Las Vegas, said in a statement Tuesday. "At this time, the government has not announced its decision regarding the retrial of Eric Parker and O. Scott Drexler."

Congrats to the Bundys. They stood up to the thieves of the [@BLMNational](https://twitter.com/BLMNational) ([@BLMNational](https://twitter.com/BLMNational)) [@BLMOregon](https://twitter.com/BLMOregon) ([@BLMOregon](https://twitter.com/BLMOregon)) and were victorious.

[#Bundytrial](https://twitter.com/hashtag/Bundytrial?src=hash) ([#Bundytrial](https://twitter.com/hashtag/Bundytrial?src=hash)) [#bundybranch](https://twitter.com/hashtag/bundybranch?src=hash) ([#bundybranch](https://twitter.com/hashtag/bundybranch?src=hash)) <https://t.co/lBo15a36Eg> (<https://t.co/lBo15a36Eg>)

— MagaWarrior (@trumpinternet) August 23, 2017

(<https://twitter.com/trumpinternet/status/900159342153834496>)

<https://t.co/LPIIH6alAY> (<https://t.co/LPIIH6alAY>) "Deep State Utterly Broken: No guilty verdicts reached in Cliven Bundy Bunkerville ranch standoff! American People..."

— ChristianPatriot (@SavetheUSNation) August 23, 2017

(<https://twitter.com/SavetheUSNation/status/900163413476859904>)

Government loses 2nd case

This marks the second time a jury failed to convict the defendants on charges related to the standoff, which pitted armed ranchers and militia members against Bureau of Land Management agents in a dusty wash below Interstate 15 about 70 miles north of Las Vegas.

Social media exploded with posts on Twitter and Facebook from Bundy supporters, many of whom have maintained a sidewalk rally since the first trial of these defendants opened in February.

Jurors in the second trial notified Navarro on Tuesday they had reached an impasse on several counts. The defendants were called into court at 2 p.m. when the verdicts were announced.

The men were being retried on conspiracy, extortion, assault and obstruction charges for helping Nevada rancher Cliven Bundy fend off a government roundup of his cattle in what became known as the Battle of Bunkerville.

[A jury in April deadlocked on charges against the four men. \(/story/news/local/arizona-investigations/2017/04/24/cliven-bundy-trial-verdict-ranch-standoff/100605480/\)](#) It convicted two other defendants on multiple counts. But it could not agree on conspiracy charges — a key component of the government's case — against any of the six.

The government launched its second prosecution last month. The case climaxed Aug. 11 when [Navarro abruptly ended court \(/story/news/local/arizona-investigations/2017/08/10/bundy-retrial-drama-judge-scolds-defendant-orders-him-off-stand/558082001/\)](#) by ordering Parker off the stand and striking his testimony from the record as jurors watched.

The defendant was attempting to tell jurors what he saw during the standoff over a barrage of objections from prosecutors. Navarro ruled Parker violated court orders by discussing prohibited topics. Parker returned to the defense table and started crying while Navarro dismissed the jurors.

Marchese said jurors told him Tuesday the incident was a factor in their verdicts.

"That weighed heavily in their decision," Marchese said. "They wanted to hear him speak. It was very bothersome to them. They felt like they weren't getting the whole story."

Marchese said jurors were sympathetic to the defendants and their inability to mount a cogent defense in light of restrictions that prevented them from talking about why they participated in the standoff and what they were thinking while they were there.

"It wasn't one thing," Marchese said about what led to their verdicts. "They (jurors) said it didn't make sense."

The case went to the jury Tuesday after lawyers for all four defendants [waived closing arguments as part of a protest about court proceedings \(/story/news/local/arizona-investigations/2017/08/15/jurors-bundy-ranch-standoff-trial-begin-deliberations/570943001/\)](#) and restrictive legal rulings.

"The jurors knew our hands were tied," Perez said. "By the time the government laid it all out for them, they had already made up their minds ... They knew there was no reason for us to go farther."

Perez said the government's string of witnesses, largely composed of local, state and federal law-enforcement officers, became both repetitive and contradictory, according to jurors.

"They were bored to death," Perez said.

Judge's restrictions on the defense

Navarro's rulings, aimed at trying to avoid jury nullification, severely limited defense arguments. Jury nullification occurs when a jury returns a verdict based on its shared belief rather than on the evidence in a case.

Navarro barred defendants from discussing why they traveled thousands of miles to join protesters at the Bundy Ranch. She did not allow them to testify about perceived abuses by federal authorities during the cattle roundup that might have motivated them to participate.

Navarro also restricted defendants from raising constitutional arguments, or mounting any defense based on their First Amendment rights to free speech and their Second Amendment rights to bear arms. In her rulings, Navarro said those were not applicable arguments in the case.

Federal officials did not face the same restrictions. To show defendants were part of a conspiracy, they referenced events that happened months, or years, after the standoff.

Federal prosecutors, led by Acting Nevada U.S. Attorney Steven Myhre, argued in court the case wasn't about the First or Second Amendments; that the Constitution doesn't give people the right to threaten federal officers.

They said the Bundys' dispute with the BLM was adjudicated and the court issued a lawful order to round up the cattle. When ranchers and the militia conspired to force the release of the cattle, they broke the law, prosecutors argued.

Battle over federal land use

The Bundy Ranch standoff is one of the most high-profile land-use cases in modern Western history, pitting cattle ranchers, anti-government protesters and militia members against the Bureau of Land Management.

For decades, the BLM repeatedly ordered Bundy to remove his cattle from federal lands and in 2014 obtained a court order to seize his cattle as payment for more than \$1 million in unpaid grazing fees.

Hundreds of supporters from every state in the union, including members of several militia groups, converged on his ranch about 70 miles north of Las Vegas.

The standoff was hailed as a victory by militia members. Cliven Bundy's sons, Ammon and Ryan Bundy, cited their success at Bundy Ranch in their run-up to the siege of an Oregon wildlife refuge in 2016, also in protest of BLM policies. An Oregon federal jury acquitted Ammon, Ryan and five others in October.

No arrests were made in the Bundy Ranch case until after the Oregon siege ended.

Last year, the government charged 19 people for their roles in the Nevada standoff. Two men took plea deals. Trials for the remaining defendants were broken into three tiers based on their alleged levels of culpability in the standoff.

Although defendants in the first trial and the retrial were considered the least culpable, all 17 defendants face the same charges. Those convicted could spend the rest of their lives in prison.

The second trial will include Cliven Bundy and his sons, Ammon and Ryan Bundy, who are considered ringleaders.

Weapons charges outstanding

All four defendants in the retrial admitted bringing guns to the standoff. But pictures of Parker and Drexler aiming their weapons went viral.

An image of Parker has come to epitomize the 2014 protest. He is pictured lying prone on an overpass and sighting a long rifle at BLM agents in the wash below. The image galvanized the public and brought international awareness to the feud over public lands and the potential consequences of such a dispute.

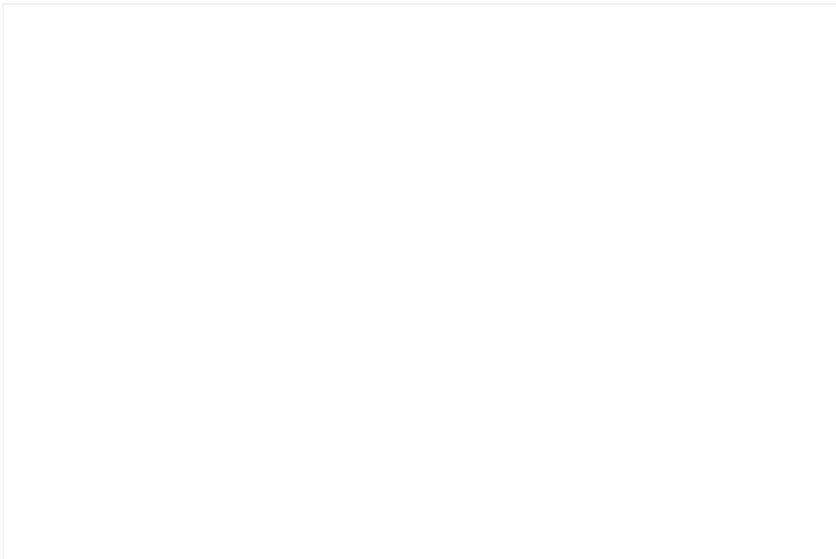
Drexler took the stand and delivered the only defense testimony that jurors were allowed to consider.

He testified that even though he brought weapons to the standoff, he had no intention of threatening or assaulting law-enforcement officers.

Marchese said if the government decides to retry Parker and Drexler on the outstanding charges, it will likely be after all the standoff trials are concluded. For now, Parker plans on returning to Idaho and to go back to work as an electrician.

Marchese said despite the unresolved charges, he and his client are satisfied with the outcome.

"Any not guiltys are always good, right?" he said.





READ MORE:

[Phoenix man gets 68 years in Bundy Ranch standoff \(/story/news/local/arizona-investigations/2017/07/26/bundy-ranch-standoff-burleson-gets-68-year/513779001/\)](/story/news/local/arizona-investigations/2017/07/26/bundy-ranch-standoff-burleson-gets-68-year/513779001/)

[As jury weighs Bundy Ranch standoff. Carol Bundy awaits her husband's fate \(/story/news/local/arizona-investigations/2017/04/18/jury-weighs-bundy-ranch-standoff-carol-bundy-awaits-her-husbands-fate/100572564/\)](/story/news/local/arizona-investigations/2017/04/18/jury-weighs-bundy-ranch-standoff-carol-bundy-awaits-her-husbands-fate/100572564/)

[What made Ammon Bundy go from AZ businessman to leader of the Oregon standoff? \(/story/news/local/arizona/2016/01/09/what-made-ammon-bundy-go-arizona-lead-oregon-standoff-federal-government/78420744/\)](/story/news/local/arizona/2016/01/09/what-made-ammon-bundy-go-arizona-lead-oregon-standoff-federal-government/78420744/)

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