

Affidavit of William Joseph Goode

I, William Joseph Goode, Affiant, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading.

Beginning on or about December 10th through December 14th of 2015, I met with Dwight Lincoln Hammond of Burns, Oregon, to write an Affidavit of his case with the Federal Government regarding events which have occurred during the last fifteen (15) years.

On December 13th, Dwight took me to meet with Steven Hammond, his son. Dwight told me about the following events with the Federal Government; we prepared an Affidavit, thinking Dwight might sign it; but, then, he declined to do so.

In 2001, Dwight and Steven started a routine-prescribed burn on their private property to improve the productivity of the range for the following year. Before starting the fire, Steven called the Bureau of Land Management (BLM) Fire Dispatch, seeking permission for the burn. Per the recording played in court, Steven was given the burn permission; the BLM was performing prescribed burns a short distance away. After burning the desired grass on the private property of Hammond, the fire moved over to their grazing land and burnt an additional 127 acres of public property. At that time they thought nothing about it because these burns benefit the health and productivity of the land as testified to by the BLM in the 2012 trial. However, the BLM reprimanded them by letter for not getting a fire permit to burn on public land.

In 2006, a large fire was started by lighting that claimed thousands of acres within a short period of time; and, for several days burned through the area; working its way towards the upper parts of the Hammond ranch. In an effort to save their winter grazing grass; and, even possibly their home, Steven started a backfire on their private property to create a fire break; and, possibly extinguish the fire. The backfire was successful; saved their grazing land; and, their home. Steven has practical experience with fire; has participated in rural Fire District meetings; all of which makes him skilled in fire management. No one was ever endangered from the fires Steven managed. Dwight and Steven have never started a fire with malice or intent to harm any person or property.

Harney County Sheriff David Glerup released Police Report No. 0608252 regarding the 2006 fire. That report accused Steven of starting a fire on public land and poaching deer without a license. The fire in question was set on Hammond private property. All roads used during the fire were right-of-access roads to their property. The Oregon State Fish & Game Department could not find animal carcasses in or around the grass-burn area. The Hammonds started a private-property grass burn; and, never poached deer.

On August 24, 2006, Range Conservationist and BLM Employee Joe Glaskock asked Steven to meet him at the Frenchglen Hotel for coffee; Steven agreed; Glerup and BLM Ranger George Orr positioned themselves to watch the hotel; Glerup and Orr arrested Steven when Steven left the hotel; Glerup and Orr subsequently released Steven; and, told Steven to get Dwight. Both Steven and Dwight went to the office of the Sheriff in Burns whereupon both were booked and charged with State Charges: four (4) counts of Reckless Burning; four (4) counts of Recklessly Endangering Another Person; one (1) count of 1st Degree Criminal Mischief.

A short time later, Glerup, Orr and Sheriff Deputy [name unknown] raided the home of Dwight. The Search Warrant authorized search and seizure of a boot matching a specific footprint; and, truck tires matching a specific tread print. The specific boot and tread prints were found near one of many fires; but, no matching prints were found in the home or on the property of Dwight.

To December 14, 2015, neither Harney County District Court nor Harney County Office of the District Attorney ever notified Dwight for a Hearing or an Arraignment pertaining to the accusations or charges.

District Attorney Tim Colahan dismissed all charges after reviewing them; and, allowed the charges to move into statutory expiration.

In 2010, five (5) days before the Statute of Limitations expired; almost five (5) years after the 2006 fire, the Office of U.S. Federal Court Attorney Frank Papagni notified Dwight in writing that Papagni was charging Dwight with “Terrorism” under the Federal Anti-terrorism and Effective Death Penalty Act of 1996 in the case of the 2006 backfire and the 2001 grass burn; charges vastly different from the original State charges of 2006.

The United States District Court for the District of Oregon, Pendleton Division in Eastern Oregon assumed jurisdiction over the trial of both Dwight and Steven.

During June 12th through June 21, 2012, U.S. District Judge Michael Hogan disallowed time for certain evidence, i.e., the Steens Mountain Cooperative Management & Preservation Act of 2000. Prosecution used most of the allotted trial time; Hogan disallowed an extension of time to present evidence of the Steens Act which evidence would have exonerated both Steven and Dwight. Papagni was given full use of six (6) trial days for prosecution. Dwight Attorney Mark Blackman was allowed one (1) trial day for defense; which prevented facts of the fires, historical land management and intentions of Steven’s actions from entering the trial record or being heard by the jury. The Judge allowed evidence as to whether Steven and Dwight started the fires; but, not as to their intent in doing so.

Papagni called Dwight’s grandson, Steven’s nephew, Dusty Hammond to testify; Dusty was thirteen (13) at the time of the events on trial; and, twenty-four (24) when he testified. Dusty said, in trial, that Steven had told him to start the fire; Hogan noted that Dusty’s memories as a 13-year-old boy were not clear or credible; nevertheless, Hogan allowed the testimony.

During jury selection, Hogan and Papagni selected jurors unfamiliar with the customs and culture of ranchers; and, how land is managed in Eastern Oregon; Jurors traveled to/from Pendleton each day; some more than four (4) hours round trip; by trial day eight (8), jurors were exhausted; expressed desires to be home. On the final trial day, Hogan pressed for a verdict; several times during deliberation, Hogan pressed for a decision; Hogan never apprised the jury as to the punishment that could be imposed for a conviction under the 1996 Terrorist Act.

On June 22, 2012, the Jury found Dwight and Steven guilty of starting the fires. Hogan sentenced Dwight and Steven under Arsonist Terrorist charges; which carry a minimum sentence of five (5) years; Hogan, in overruling the minimum sentence, commented, “If full five (5) years were required, it would be in violation of the 8th Amendment.” [prohibiting cruel and unusual punishment] Hogan sentenced Dwight to three (3) months in prison; and, Steven to one (1) year and one (1) day in prison.

After the Criminal Trial, the BLM stipulated a \$400,000 fine as part of a Civil Suit despite BLM Range Conservation Agent Dave Ward and retired BLM Fire Specialist Roy Hogue testimony that there had occurred no damage to land; that land productivity had improved; no fire suppression or rehabilitation costs existed.

On February 14, 2014, the BLM denied renewal of grazing permits to the Hammonds; rendering their co-mingled private property/BLM land unusable for grazing; reducing the value of their private property.

At the 2012 trial, Papagni and Steven agreed not to appeal.

On October 30, 2012, during Sentencing, Papagni announced he would appeal the reduced sentences; Hogan retired as Federal Judge on that same day.

On November 6, 2012, Papagni filed Appeal in the 9th District Federal Court at San Francisco seeking resentencing for the balance of the minimum sentence of five (5) years.

On March 25, 2015, the 9th District Federal Court at San Francisco remanded the Appeal of Papagni to the United States 9th District Court at Eugene.

On January 4, 2013, Steven and Dwight reported to prison; served their time.

In March, 2013, Dwight was released.

In January, 2014, Steven was released.

On February 20, 2015, Dwight and Steven moved the United States Supreme Court for Writ Certiorari.

On March 25, 2015, Chief Judge Ann Aiken in United States Supreme Court denied the Writ Certiorari.

On October 7, 2015, Aiken resentenced Dwight and Steven for the balance of the minimum sentence of five (5) years; and, ordered them both to report for imprisonment on January 4, 2016.

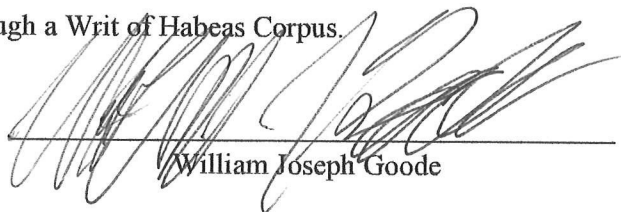
On or about November 19, 2015, Hammond Attorneys Kendra Matthews and Lawrence Matasar, in telephone conference with Dwight and Steven, relayed intimidation Papagni had conveyed; intimidation of early detention; prior to January 4, 2016; and, threat of time in a less desirable prison were the Hammonds to continue communications with Ammon Bundy.

On August 26, 2014, in the Civil Case, Mediator Susan Leeson held a Mediation with Steven, Dwight, Dwight's wife Susan, U.S. Attorney Neil Evans, Insurance Attorney Brent Smith and Hammond Attorney Alan Schroeder which resulted in a stipulated Agreement in Principle compelling Steven and Dwight to grant the BLM First Right of Refusal in the Sale of the Hammond Ranch in the event of inability of the Hammonds to meet the full payment of the \$400,000 stipulated fine.

To December 14, 2015, the Hammonds have paid the BLM \$200,000; with the remaining \$200,000 due before the end of 2015. Should the Hammonds be unable to make payment according to the stipulated agreement, they would be compelled to sell ranch land with the BLM having First Right of Refusal; or, with the Hammonds facing further prosecution for failure to meet the Civil monetary obligation.

It should be noted that the February 14, 2014, BLM denial to renew the Hammond Ranch Grazing Permits significantly reduced the value of the Hammond Ranch. No Federal compensation has ever been given for the loss of the Grazing Permits which the Hammond Ranch purchased in February, 1964.

The Hammonds seek relief from Federal Court abuse through a Writ of Habeas Corpus.


William Joseph Goode

NOTARY

In California State, Los Angeles County, on this _____ day of _____, 2015, before me, _____, the undersigned notary public, personally appeared William Joseph Goode, to me known to be the living man described herein, who executed the forgoing instrument, and has sworn before me that he executed the same as his free will act and deed.

(Notary seal)

Notary

My commission expires: _____

— See Attachment —

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me

on this 31 day of December, 2015,
 by _____ Date _____ Month _____ Year _____

(1) William Joseph Groode

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]
 Signature of Notary Public



Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of William Joseph Groode Document Date: 12-31-2015

Number of Pages: 4 Signer(s) Other Than Named Above: _____