

Judge denies Payne's motion to undo guilty plea

PORTLAND (AP) — A federal judge has denied Oregon refuge occupier Ryan Payne's request to withdraw his guilty plea.

U.S. District Judge Anna J. Brown ruled Wednesday that Payne's plea in the Oregon case wasn't, as his attorney argued, contingent on reaching a plea agreement in a case against him in Nevada, *The Oregonian*/OregonLive reported.

"Payne's factual statements supporting his guilty plea were both thorough and unequivocal," Brown wrote in her 32-page ruling.

Payne, of Anaconda, Montana, acknowledged in July that he conspired with others to prevent Interior Department employees from doing their jobs during the

41-day occupation of the Malheur National Wildlife Refuge.

Payne was one of 11 defendants to plead guilty before others in the case went to trial and were found not guilty.

Payne was one of three co-defendants who filed motions to withdraw guilty pleas. The judge hasn't issued rulings on the other motions filed by Joseph O'Shaughnessy and Eric Flores.

In Nevada, he's accused of organizing "armed protection" in an April 2014 stand-off over impounding Cliven Bundy's cattle.

Payne's attorney had also argued that his client's plea should be withdrawn because Ammon Bundy — Cliven Bundy's son — and others

were acquitted of the same charges. Brown ruled that the plea stood on those grounds as well.

"This is not a case in which there is a new question as to Payne's factual innocence after the trial of his co-defendants," Brown said. "Indeed, it remains undisputed that Payne was a leader of the occupation of the (Malheur National Wildlife Refuge)."

Under the plea agreement, federal prosecutors were to recommend a 12-year sentence, but Payne could have argued for seven years. It is unclear if that recommended sentence will remain since no plea agreement has been reached in the Nevada case.

Payne will be sentenced at a later date.

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