

Key figure in standoff seeks to withdraw plea

By STEVEN DUBOIS
Associated Press



Payne

PORTLAND — A military veteran who joined Ammon Bundy at the very beginning of the Oregon standoff case wants to withdraw his guilty plea.

Ryan Payne, 33, of Anaconda, Montana, admitted 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.

In a plea deal that included talks with prosecutors in Nevada, the U.S. attorney's office in Oregon recommended that Payne's likely 3½-year prison sentence run at the same time as the punishment he could receive for his role in a 2014 standoff with federal agents at a Nevada ranch owned by Cliven Bundy. That was expected to be 7-to-12 years in prison.

But public defender Rich Federico said in court papers filed Wednesday that the Nevada plea was only in draft format. Talks broke down, he said, and the offer is no longer available.

"On the date he entered a guilty plea in Oregon, had Mr. Payne known all the terms of the deal in Nevada, he would not have signed the deal in Oregon," Federico wrote.

The U.S. attorney's office in Oregon objects to Payne's request to withdraw his plea. Payne is scheduled to be formally

sentenced in February 2017, the same month his trial starts in Nevada.

The desire to withdraw the plea comes as seven of Payne's co-defendants, including Ammon Bundy, stand trial at the federal courthouse in Portland. A verdict could come as early as next week.

Prosecutors allege the conspiracy began Nov. 5, 2015, when Bundy and Payne met with Harney County Sheriff Dave Ward and warned of civil unrest if he did not shield two local ranchers convicted of setting fires on public lands from having to return to federal prison.

After getting no help from Ward, the men led the armed occupation of the bird sanctuary.

Besides the breakdown of the Nevada plea negotiations, Federico pointed to new evidence discovered after Payne's plea, such as the extent to which the government used confidential informants to infiltrate meetings at the refuge.

When Payne pleaded guilty, U.S. District Judge Anna Brown repeatedly asked Payne if he was aware of the pros and cons of his decision, and if he believed he was making a rational decision free of outside pressure.

Payne insisted he was.

But Federico contends it was clear Payne had serious misgivings about the factual basis for his plea and if he was really guilty.

Shawna Cox takes witness stand at standoff trial

PORTLAND (AP) — Oregon standoff defendant Shawna Cox took the witness stand in her own defense, becoming emotional as jurors watched a video of the traffic stop that ended with the death of occupation spokesman Robert "LaVoy" Finicum.

In the video, Cox can be heard telling Finicum to "gun it" as they fled from an initial stop Jan. 26. Finicum later crashed into a snowbank and left the vehicle. Oregon State Police shot him as he reached toward the inside of his jacket, where he kept a handgun.

Cox testified Thursday she didn't get out during the initial traffic stop because she heard gunfire and feared getting shot.

The Kanab, Utah, woman is one of seven defendants on trial for allegedly conspiring to prevent Interior Department employees from working at the Malheur National Wildlife near Burns, Oregon.

"For example, Mr. Payne stated that 'I have come to understand that folks who were — who work for the government, that the Constitution ordained, perceived my actions as threatening or intimidating.'"

BRIEFLY

Klamath Basin subject of dispute within federal government

SALEM (AP) — A watchdog arm of the U.S. Department of the Interior says the Bureau of Reclamation lacked the authority to enter into an agreement with the Klamath Water and Power Agency on water use, and that consequently \$32.2 million spent by the agency over seven years "was a waste of funds."

The department insisted that it did have the authority.

The dispute between the inspector general's office and its own department has been referred to the Assistant Secretary for Policy, Management and Budget for resolution.

In its report released this week, the inspector general's office recommended that the Bureau of Reclamation discontinue funding water-supplementation activities in the Klamath Basin unless it has specific legal authority. The Interior Department noted that the cooperative agreement with the Klamath Water and Power Agency already ended, on May 2. The Klamath Project is a federal dam project in southern Oregon and northern California to manage the flows of the Klamath River.

The inspector general's office said parts of the program paid irrigators for idling land and for deepening and drilling wells, and that it largely benefited the irrigators instead of fish and wildlife, the intended beneficiaries.

In its response, the Interior Department said water savings realized through the cooperative agreement "essentially provided the same fish and wildlife benefits as the acquisition of third party water rights."

The reduction in surface

water demand through land idling and wells, the department argued, increased "the water available in Upper Klamath Lake and Clear Lake Reservoir to meet requirements for the endangered short-nose and Lost River suckers and in the Klamath River for the endangered coho salmon."

Oregon man pleads in hate-message case

SPRINGFIELD (AP)

— An Oregon neo-Nazi has pleaded no contest to a charge stemming from his decision to counter an anti-hate rally by installing a large speaker on his house's roof and repeatedly playing a pro-hate message.

Jimmy Marr, 63, of Springfield entered the plea at his initial court appearance, *The Register-Guard* reported.

He reached a deal with prosecutors shortly before Wednesday's hearing, allowing him to get the charge of disorderly conduct dismissed if he doesn't break any laws for six months.

Marr was arrested Sept. 29 as a community group held an anti-hate rally in a park near his home.

Police said Marr began to blast a pro-hate message that could be heard for blocks.

Marr agreed to Arnold's offer of free, legal assistance after the lawyer said he believed that Marr had been charged based on the content of the recording.

Arnold also said he believed police improperly went onto Marr's roof without a search warrant. But a fight over free speech and illegal searches never materialized.

Marr has attracted attention for years as a white supremacist and Holocaust denier.

He arrived at the courthouse in a pickup emblazoned with a swastika and anti-Semitic messages.

Pierce donates \$250,000 to his campaign for governor

By PARIS ACHEN
Capital Bureau

Twelve weeks after Bud Pierce said he planned to stop self-funding his bid for election to the Governor's Office, the Republican nominee and his wife have poured another \$250,000 into his campaign.

Pierce, a Salem oncologist, is trying to unseat Gov. Kate Brown Nov. 8 to complete the last two years of Gov. John Kitzhaber's four-year term. As former secretary of state, Brown inherited the governorship when Kitzhaber stepped down in February 2015 amid an influence-peddling scandal over contracts awarded to his fiancée, Cylvia Hayes.

Pierce and his wife, Selma, who both are Salem physicians, each made a \$125,000 contribution to Pierce's campaign Oct. 11.

"Bud has run a campaign on fighting to reform and take back government from entrenched special interests, and to that end he has put in personal funds to supplement and amplify the thousands of donors, many of which are small donors, who have invested in

his candidacy," said Nellie deVries, a Pierce campaign spokeswoman. "Bud is focused on laying out a vision on how he can make government better utilize taxpayers' hard earned money, and it is no surprise our opposition will say or do anything to maintain the status quo."

The couple already had contributed more than \$1 million mostly to fund Pierce's campaign for the primary, which he won against former Oregon Republican Party Chairman Allen Alley May 17.

Pierce said at the Oregon Newspaper Publishers Association forum in Silverton July 22 that he would rely on larger Republican donors to orchestrate his general election campaign.

"Kate Brown will have union backing; that's for sure, and she'll have large donors, and I need to be able to do that," Pierce said July 22. "That is part of being a viable candidate."

Much of Pierce's \$2.5 million in campaign contributions have come from small donors. His largest donations since July 22 were \$50,000 apiece on Aug. 8 from Mark J. Burham, a Salem finance executive with Hawthorn

Development, and Norman L. Brenden, president of Hawthorn Development Vancouver.

Brown has reported about \$3.3 million in campaign contributions so far.

The Pierces' \$250,000 contribution Tuesday came two days before Pierce was scheduled to debate Brown a fourth time in Medford.

Pierce's campaign has been trying to recover from a controversy over his comment at a debate at the City Club of Portland Sept. 30 suggesting successful women aren't susceptible to domestic violence. Pierce made the comment minutes after Brown suggested she was a victim of domestic violence. She later clarified that the incident happened when she was a young woman and did not involve her husband, Dan Little.

Pierce has repeatedly apologized for the comment.

He acknowledged at a debate in Eugene Oct. 6 that his campaign was in crisis over the flap. He said the controversy caused him to delay the completion of his proposed state budget, which he finally released Wednesday, Oct. 12.

Corrections

The Oct. 12 story "Portland artist revamps skylight" gave the wrong name of the Christian Science building art exhibit. It's the Portland Biennial. The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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AccuWeather.com Forecast

TODAY	SATURDAY	SUNDAY	MONDAY	TUESDAY
Windy with a shower or two	A little afternoon rain	Mostly cloudy, a shower or two	Mostly cloudy with a little rain	Partly sunny with a shower

PENDLETON TEMPERATURE FORECAST

64°	51°	62°	51°	60°	47°	58°	46°	58°	44°
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HERMISTON TEMPERATURE FORECAST

69°	50°	64°	50°	64°	49°	64°	45°	61°	43°
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PENDLETON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	61°	42°
Normals	65°	41°
Records	83° (1898)	22° (1899)

PRECIPITATION
24 hours ending 3 p.m. 0.20"
Month to date 0.57"
Normal month to date 0.42"
Year to date 8.64"
Last year to date 5.86"
Normal year to date 9.40"

HERMISTON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	51°	45°
Normals	67°	39°
Records	80° (2015)	18° (1928)

PRECIPITATION
24 hours ending 3 p.m. 0.16"
Month to date 0.42"
Normal month to date 0.22"
Year to date 5.86"
Last year to date 3.69"
Normal year to date 6.81"

SUN AND MOON

Sunrise today	7:11 a.m.
Sunset tonight	6:11 p.m.
Moonrise today	5:42 p.m.
Moonset today	5:05 a.m.

Full
Oct 15

Last
Oct 22

New
Oct 30

First
Nov 7

REGIONAL FORECAST

Coastal Oregon: Periods of rain today and tonight; a thunderstorm in spots. Rain and damaging winds tomorrow.

Eastern and Central Oregon: Windy today with clouds and areas of sunshine; a couple of showers around.

Western Washington: Some rain today and tonight; a thunderstorm in spots. Winds becoming strong tomorrow; rain.

Eastern Washington: Clouds and some sunshine today with a gusty wind and isolated showers.

Cascades: Occasional rain today; snow level mostly near 6,000 feet. A couple of showers tonight.

Northern California: Clouds and limited sunshine today with some showers; windy across the mountains.

REGIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Astoria	62	53	r	64	53	r
Baker City	61	37	sh	56	38	r
Bend	55	46	sh	57	45	r
Brookings	60	56	sh	61	54	r
Burns	59	37	c	55	38	r
Enterprise	57	40	sh	54	40	r
Eugene	62	53	r	60	52	r
Heppner	62	47	pc	60	46	r
Hermiston	69	50	pc	64	50	r
John Day	61	46	c	57	45	r
Klamath Falls	56	42	r	54	41	r
La Grande	62	45	sh	56	45	r
Meacham	59	45	sh	54	44	r
Medford	64	53	c	62	52	r
Newport	59	53	r	60	53	r
North Bend	63	57	r	63	56	r
Ontario	63	46	sh	62	45	r
Pasco	67	49	pc	64	52	r
Pendleton	64	51	sh	62	51	r
Portland	62	54	r	60	52	r
Redmond	62	46	sh	60	44	r
Salem	61	54	r	59	54	r
Spokane	56	45	c	55	46	r
Ukiah	57	43	sh	55	42	r
Vancouver	60	54	r	60	53	r
Walla Walla	63	51	sh	63	52	r
Yakima	64	46	pc	59	44	r

WORLD CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Beijing	74	51	s	67	54	sh
Hong Kong	85	78	s	87	80	s
Jerusalem	83	63	s	79	62	pc
London	59	49	pc	62	52	c
Mexico City	75	50	t	75	52	pc
Moscow	40	33	c	41	32	c
Paris	58	47	r	64	48	t
Rome	77	65	pc	74	58	t
Seoul	73	53	s	77	57	pc
Sydney	71	55	s	78	61	s
Tokyo	67	58	pc	71	61	pc

WINDS

(in mph)	Today	Saturday
Boardman	WSW 12-25	S 10-20
Pendleton	WSW 12-25	S 15-25

UV INDEX TODAY

0 1 3 2 1 0

8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

National Summary: Showers will affect Florida with showers and storms over the lower Mississippi Valley today. The first in a series of major storms will push locally heavy rain and high winds inland over the Northwest.

Yesterday's National Extremes: (for the 48 contiguous states)
High 98° in Edinburg, Texas **Low 0°** in Rudyard, Mont.

NATIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	79	50	s	82	51	s
Atlanta	82	62	pc	76	59	pc
Atlanta City	63	48	s	65	52	s
Baltimore	64	41	s	66	48	s
Billings	68	43	c	64	49	pc
Birmingham	68	64	c	85	62	s
Boise	61	49	sh	63	49	c
Boston	57	43	s	58	46	c
Charleston, SC	80	61	s	76	59	pc
Chicago, IL	70	50	pc	76	66	pc
Chicago	66	52	s	72	64	pc
Cleveland	64	44	s	75	62	s
Dallas	85	70	t	89	71	s
Denver	83	53	pc	80	48	s
Detroit	61	45	s	72	62	s
El Paso	88	59	s	90	59	s
Fairbanks	34	16	s	31	18	s
Fargo	69	53	pc	70	44	pc
Honolulu	84	75	pc	85	74	pc
Houston	88	68	pc	88	72	pc
Indianapolis	68	53	s	77	64	pc
Jacksonville	82	66	s	80	66	pc
Kansas City	69	62	pc	80	66	pc
Las Vegas	91	71	pc	88	66	s
Little Rock	71	61	t	84	64	pc
Los Angeles	74	61	pc	74	62	pc</