

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA ;  
Plaintiff ; Criminal No. 2:08-M-6513  
v. ; Citation Nos. F3690801; F3690803; F3690804  
DALE ROBERT KELLOGG, ; **DEFENDANT'S INCOMPLETE**  
Defendant ; **EXHIBIT AND WITNESS LIST**

Now comes the Defendant, Dale Robert Kellogg, acting on his own, as apparently his counsel has succeeded in dropping out of the case, hereby provides the following as a list of the exhibits and witnesses he intends to use at trial.

Defendant's maintains the need to supplement this response. All the exhibits and discovery in this case are in the hands of Attorney Ron Kopriva, who has tried to withdraw from this case but who has not returned the case file to me or his substitute counsel. The Court has not ruled on my Response Opposing Attorney's Motion to Withdraw, or Alternatively Requesting Appointment of New Counsel. So Defendant is caught with his pants down and must answer incompletely in order to meet the court's deadline for submission of these materials. As I explained in my previously filed response, I am not even sure whether Attorney Koprivia requested discovery on my behalf.

This is approximately two weeks to trial and I feel totally unprepared through no fault of my own. I have no discovery materials and I have no counsel to prepare with.

I understand that the U.S. Attorney offered a plea agreement with under what in ordinary circumstances would be excellent terms. Under this agreement I would not have any long term consequences to my record so long as I maintained lawful conduct for a year, something I am certain I can achieve. But I am truly not guilty here and cannot in good conscience accept responsibility for acts that did not take place and I can prove did not take place.

1. Video tape taken during my arrest. This is crucial evidence that proves my innocence. If my (former) attorney has not provided this tape to the U.S. Attorney, he was not doing his job. I hope the U.S. Attorney will view this tape before taking any further action in this case.
2. Video tape taken after my arrest.
3. Witnesses: Sheila Shurtel, Glen Allen, Robert A. Brennan and Shaarya Witt. Sharaya Witt is a resident of Israel and can only testify by phone or video conference. Sheila Shurel is a full-time student in Taos, New Mexico. She also requests the privilege of testifying by phone or video conference so she is not forced to miss classes.
4. I believe each of the four witnesses have signed sworn statements that should be in the hands of Attorney Kopriva and the U.S. Attorney's office at this time.
5. Statement Defendant made in jail and attempted to deliver to the court.
6. Charles A. Howard, D.C.'s written certification of Defendant's pre-existing shoulder injuries.

Respectfully submitted,

\_\_\_\_\_  
Dale Robert Kellogg, Defendant

#### **Certificate of Service**

I served a copy of the foregoing Response upon my Attorney Ron Kopriva, 209 Main Street, Lander, WY 82520 and Assistant US Attorney Jason M. Condor, P.O. Box 449, Lander, WY 82520-0449 by regular mail this \_\_\_\_\_ day of September, 2009.

Respectfully submitted,

\_\_\_\_\_  
Dale Robert Kellogg, Defendant