

PCU /\ Free Assembly Project

St. Louis, MO: 314.869.1059 — PCU@Free-Assembly.org

www.Free-Assembly.org

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28 September 2009

U.S. District Court of Wyoming – Lander Branch
c/o McKee Law Office
260 Lincoln Street
Lander, Wyoming

Fax: 307-332-0256

Attn: Magistrate Teresa M. McKee

Re: U.S. v. Kellogg (No. 2:08-M-6513)

Your Honor:

PCU /\ Free Assembly Project stands as a Friend of the Court, on vital public interests in the protection of First Amendment exercise on public lands. Accordingly we are watchful of official actions affecting expressive assembly, the nature of prosecutions arising in this context, and of fairness and due process in their conduct.

We have observed recent proceedings in the above-cited case with great concern: It is known that Mr. Kellogg has been tied up in protracted misdemeanor charges since July 2008. He relied on appointed counsel to bring the truth to bear for their summary dismissal, but instead just weeks ago he was faced with plea terms that were untrue in admitting guilt, and unacceptable in waiving rights. His attorney's sudden withdrawal was granted by the Court before his opposing Response could arrive, yet his appearance today was still required – at first for trial, then for a hearing of vague purpose – without legal representation. His urgent Motion for continuance last week got no answer.

We are also aware of the underlying facts in this case, profoundly at odds with the criminal allegations. It is understood that this Defendant had to file his September 23 "Motion to Dismiss or for Mistrial" to state his position and preserve his defense: He has always sought to stand on the facts, but now must make sure that his evidence is secured to this end. In the U.S. Attorney's proper pre-trial discretion, this case should have been dismissed long ago. In light of civil rights violations inflicted on Mr. Kellogg, and perjuries in imposing the burdens of defense, arguably the criminal charges are misdirected and should be going the other way.

In taking a strong position on his own behalf, Mr. Kellogg has also sought relief from the Court, to protect his rights as a Defendant and assure a fair review.

We hope this case is resolved quickly and equitably, in the interest of justice.

Respectfully submitted,

Scott Addison, Coordinator