

**DECLARATION ON**  
**PLEA OF NOT GUILTY AND WAIVING ARRAIGNMENT**  
**FOR GLENN KAMAMURA**

I, the undersigned, Glenn Kamamura, am the named Defendant on a U.S. District Court Violation Notices (#L0121892 and L0121801) issued on July 6, 2008 in Bridger-Teton National Forest, Wyoming, and attest that the following statements are true and accurate to the facts and my knowledge of the circumstances:

1. I have been informed of my scheduled appearance for arraignment at the Federal District Court at the McKee Law Office, 260 Lincoln Street, Lander, Wyoming on Tuesday, August 26<sup>th</sup> at 9 AM). I hereby waive arraignment on the misdemeanor charges against me due to the extreme personal hardship this court appearance would impose and ask the court to excuse my physical presence at this hearing. In doing so I exercise rights as a Defendant to be protected from malicious prosecution, abuse of due process, and unreasonable and unusual punishment.
2. I hereby enter a plea of 'Not Guilty' to both charges and request that this matter be set for trial.
3. I face significant financial and physical burdens as a result of the citation itself, and the need to defend these charges in a court very remote from my home. I live and work in the area of Denver, Colorado. My ability to attend my work and personal business is impeded by the demands of a legal case involving criminal charges against me. At the same time, I must incur direct costs of case preparation, communications, printing, and attorney fees—as well as possible fines and court costs. In any case, I promise the Court that I will appear as otherwise required for trial proceedings, and if notified that my appearance for arraignment is necessary, I will be there.
4. A separate appearance for arraignment poses undue hardship in having to make an extra round-trip to Wyoming for this limited purpose, in addition to subsequent ones necessary in a trial defense. The costs and time are far more punitive in their effect than the \$360 bond waiver I would simply pay if contesting my guilt were not so important to me.
5. I observed the extent of law enforcement activities targeted on the 2008 'Rainbow Gathering' in Bridger-Teton National Forest, and the issuance of many petty citations to participants. It is my strong belief that the Forest Service and/or Incident Command used unconstitutional and malicious tactics to intimidate and deter Constitutionally protected expressive assembly now and in the future. Further, they did so with foreknowledge of the extraordinary burdens

on gatherers who are of low income and live far away, and full intent to impose such personal and legal hardships in the guise of 'due process'.

6. I also believe that the Forest Service and/or Incident Command understood the unique circumstances of the Gathering and its participants, and the built-in obstacles to any legal defense or recourse. On this basis they pursued a policy of issuing as many misdemeanor citations as possible, in order to crank up statistics on 'Rainbow' crimes & incidents, exact payment of criminal fines where a fair defense would impose extreme burdens, and generate Federal warrants on those who do not respond, putting them at legal risk wherever they go. In my view this is deliberate misuse of criminal process to repress and punish participants, regardless of the merits of any charges. Moreover with the knowledge that few if any gatherers would be able or likely to mount a defense and make a court record of their actions, law enforcement officers issued many citations upon false grounds outside the meaning and bounds of applied charges, acting with a sense of impunity beyond their proper discretions and in clear animus. In good conscience I must defend these citations and seek to minimize the unreasonable burdens in the interest of fairness and real due process.
7. In waiving arraignment by appearance in open court, I stipulate as follows:
  - a) I understand that I am charged with a brake light violation and possession of marijuana.
  - b) It is unclear to me whether the charges against me constitute ordinary traffic tickets or are criminal misdemeanors under Federal law. I ask for a clarification of this from the court.
  - c) I understand that I have the right to legal representation, and may request that the Court provide or appoint an attorney in my defense upon reasonable showing that the costs of representation are beyond my personal means. I believe I am eligible for court appointed counsel but understand that by the government waiving the potential for a jail sentence for these charges, the court may determine that I am not eligible for the federal public defender. I object to this as the charge is what determines the eligibility of the public defender, not the government's waiver of the potential of a jail sentence.
  - d) I understand that I have the right to cross-examine witnesses against me, to subpoena witnesses in my favor, to obtain discovery of information relevant to my defense, and to be protected from compelled self-incrimination.
  - e) I understand that I can pay the stated criminal fine of Three Hundred Sixty Dollars (\$360.00) to avoid a finding of guilt and any further proceedings, and choose not to do so because I am not guilty as charged. I believe this citation was issued in violation of my Constitutional freedoms.
  - f) I may be further instructed as the Court deems proper concerning my rights, obligations, and risks in going to trial on this charge, in accord with the purposes of arraignment under the



In the Federal District Court of Wyoming

United States of America	:	
	:	
Plaintiff	:	Violation L0121892 and L0121801
	:	
vs.	:	
	:	
Glenn Kamamura	:	Magistrate Teresa McKee
	:	
Defendant	:	PLEA OF NOT GUILTY AND
	:	WAIVER OF ARRAIGNMENT
	:	

Now comes the Defendant, Glenn Kamamura, of 341 S. Estes Street #34, Lakewood, CO 80226, acting pro se, and who hereby enters a formal plea of Not Guilty to the charge and asks that the court waive his personal appearance at the arraignment scheduled for September 5, 2002, and set the case for trial. An affidavit in support is attached.

1. This plea is voluntary as required under Crim. Rule 11(d), and Defendant requests that a copy of the indictment or information be provided by mail in the intent of Crim. Rule 10.
2. Defendant stipulates to the Notice requirements under Crim. Rule 11(c), or in the alternative, under Crim. Rule 58(b), and is prepared to proceed to trial after discovery has been accomplished.
3. Notice and consent are hereby given in writing and Defendant need not be present for arraignment, pursuant to Crim. Rule 43(c)(2).
4. Defendant avers that the purposes of arraignment are thereby fulfilled, and further stipulates that a waiver of appearance as requested is a harmless variance of procedure which does not affect substantial rights, in accord with Crim. Rule 11(h).
5. Conversely, if his personal appearance for arraignment is required, Defendant is adversely affected in substantial due process rights and other protections under Amendments V, VI, and VIII of the United States Constitution. I am scheduled to work during the Democratic National Convention being held here. If an Arraignment is necessary, I hereby request a continuance as this hearing is schedule in the middle of this required work period.

Respectfully submitted,

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Glenn Kamamura, pro se

341 S. Estes Street #34  
Lakewood, CO 80226  
303-984-9606  
Defendant

Certificate of Service

I served a copy of this Notice of Plea and Waiver of Arraignment with attached affidavit upon the office of the United States Attorney, P.O. Box 449, Lander, WY 82520 on this \_\_\_\_ day of August, 2008 and sent a copy by fax machine to their office at (307)332-7104 .

Respectfully submitted,

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Glenn Kamamura, pro se  
Defendant

Glenn Kamamura  
341 S. Estes Street #34  
Lakewood, CO 80226  
303-984-9606

August 21, 2008

Clerk of Courts  
2120 Capitol Avenue, 2nd Floor  
Cheyenne, WY 82001-3658

Violation Number L0121892 and L0121801

Enclosed please find two copies of my Plea of Not Guilty and Waiver of Arraignment for filing, both signed as originals.

Please return a file-stamped copy to me in the enclosed envelope.

I am acting *pro se* in my defense, so any formal notice should be mailed to me at the above address, and I may be contacted by phone as shown above.

Accordingly I will communicate personally with your office, and contact the prosecutor to discuss discovery and other issues once the case is set for trial.

Thank you very much.

Sincerely,

Glenn Kamamura, Defendant