

FILED

UNITED STATES DISTRICT COURT
DENVER, COLORADO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUL 30 2018

Matthew Hale,
Plaintiff

) JEFFREY P. COLWELL
CLERK

vs.

C.A. No. 14:-cv-00245 *msk*

Federal Bureau of Prisons

AMICUS COMMENTARY TO MOTION FOR LEAVE (DOCUMENT 236) TO RESTRICT

COMES NOW Jon Smetana, a seventy-one [71] year old man and a friend of the Plaintiff Matthew Hale as well as a concerned citizen: I have read Document 236.

I have no criminal record and am not, nor have I ever been a member of Matthew Hale's religious group *Creativity*. I was born and raised a Roman Catholic but today I practice no organized religion, considering myself—like Thomas Jefferson—a deist. And like Jefferson and other Founding Fathers, I'm a strong supporter of the *original* concepts of the United States Constitution and especially those God-given rights contained in the First Amendment of the Bill of Rights, freedom of speech and the free exercise of religion. Time honored jurisprudence proves that this freedom is not limited to the conventional expressions of faith but also extends to belief systems such as that held by Matthew Hale. In other words, just because Hale's belief system doesn't fall into such recognized groups as Christianity, Judaism or Islam, as an American protected by the Constitution, he is as free to believe, express and practice his belief as are the followers of the above named more recognized faiths.

I read of Matthew Hale's court case in the Chicago Tribune as well as other sources and I am convinced that Hale neither hurt nor threatened to hurt—much less kill!—anyone. In other words, by a combination of perjured testimony from a bought-and-paid-for FBI "informant" and lack of a decent defense, Matthew Hale was unjustly and illegally imprisoned for a crime he never committed or ever existed. It is my belief that he was sent to prison, like Galileo, because he openly expressed ideas that the present establishment rejects. Those of us who believe that the United States of America is "free" and we are safe from lawless persecution should see in the fate of Matthew Hale a similar happening to the fate of Otto Warmbier, a young American college student arrested in North Korea in January 2016 for attempted theft and sentenced to 15 years'

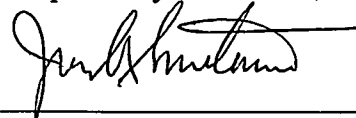
imprisonment. While incarcerated, he fell into a coma and never regained consciousness, dying in June 2017. After *fifteen years of a forty year sentence* served in solitary confinement for a “non-crime,” I think it is time Americans rethought the idea that they are living in a “free country” for Matthew Hale along with his mother, Evelyn [79 years old] and his friends are in fact being tortured every day by a system fully as unjust and cruel as that which killed young Otto Warmbier.

Matthew Hale’s faith, Creativity, isn’t a “terrorist organization;” neither is it a “violent gang.” If we acknowledge the historical crimes committed in the name of today’s *recognized* religions—the Spanish Inquisition, the Salem Witch trials and the horrors being perpetrated today in the name of Islam—the idea that Matthew Hale should be imprisoned for forty years simply because he believes, speaks and acts in a way that frightens some people in the establishment is the epitome of hypocrisy and cruelty and the antithesis of what this country is *supposed* to be all about.

Pursuant to 28 U. S. Code §1746 —

“I declare under penalty of perjury that the foregoing is true and correct.”

Respectfully submitted,



Jon Smetana JON A. SMETANA
22525 Fairmount Boulevard JAS
Shaker Heights, OH 44118

CERTIFICATE OF SERVICE

I certify that I have placed a copy of this Amicus commentary in the United States mail, postage prepaid on 26, MONTH, 2018 to:

JAS JULY JAS

Susan Prose
Assistant United States Attorney
1801 California Street, Suite 1600
Denver, CO 80202



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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(EXHIBIT 1) *gds*

May 01, 2018

JON A. SMETANA
22525 FAIRMOUNT BLVD
SHAKER HEIGHTS OH 44118



**CRIMINAL HISTORY RECORD CHECK
AUTHENTICATION NO. CS01466184UB0910
ICN.E2018120000000104863**

NOT

A criminal history record check was conducted on the applicant listed below.

There are no convictions on file for this applicant.

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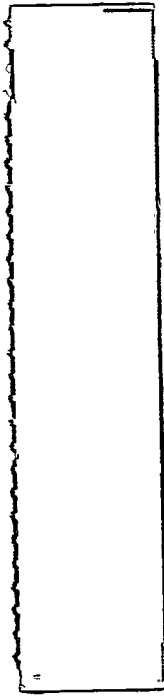
Applicant Name: SMETANA, JON
Date of Birth: May 27, 1947
Social Security Number: XXX-XX-
Completion Date: April 30, 2018
Reason Fingerprinted: NCPA/VCA

BE USED BY OTHERS

Thomas J. Stickrath, Superintendent
Ohio Bureau of Criminal Investigation

Pursuant to Ohio Revised Code section 109.57(E)(2), BCI is authorized to provide only information relating to criminal convictions and guilty pleas. BCI is also only permitted to provide information regarding juvenile adjudications if the adjudication meets specific criteria listed in Ohio Revised Code section 109.57(E)(2) & (3).

TOM A. SMETANA
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