

For Immediate Release

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Polygraph Results Confirm “Attempted Wanton Destruction of Livestock” Charges Unfounded

In April, 2017, Mark Franklin and his wife, conservation advocate Rose Chilcoat, were [charged with multiple felonies and misdemeanors](#) after Franklin admitted he closed a gate on a livestock enclosure in southern Utah. Closure of the gate didn't matter as a nearby section of the fence was down allowing cattle access.

In December, 2017, Franklin took a polygraph test and passed every question. The test, administered by a polygrapher with more than twenty-five years of experience, shows that closing the gate in the fence was done with Franklin's knowledge that cattle had access to water through the nearby opening in the fence and there was no intent to cause harm.

At no time were cattle in danger and there was no intention to harm livestock. Even the rancher pushing for criminal charges is recorded as saying, “No harm was done.” It was twelve days after the incident before charges were filed. Franklin and Chilcoat found out about the charges through media inquiries after a press release was issued by the San Juan County Sheriff's office. The press release falsely stated the gate was closed “denying his cattle access to water.”

No evidence was produced at the Preliminary Hearing in November to support the multiple criminal charges yet the cases were bound over for trial. Chilcoat's case is based entirely upon a theory of guilt by association. **Nearly every objection by the defense team was disallowed by the Judge.**

These politically motivated charges are moving to trial as the prosecutor continues pursuit of this malicious prosecution. “A cornerstone of our legal system has got to be that a person can do that which is not criminal without fear of prosecution. ... in the criminal justice system, where the stakes are so high, there should be some checks and balances.” “We would hope that they would also recognize their limited facts and evidence. Had a proper and thorough investigation been done in the first place, no tax dollars would have been wasted in this witch hunt.” “When you do not have a case, but continue to aggressively destroy the lives of dedicated citizens on the taxpayer's dime, it is gross negligence and political barratry.”

Retaliation and Intimidation

Chilcoat's long association with Great Old Broads for Wilderness (Broads), and as a founding board member of Friends of Cedar Mesa, has long drawn the ire of San Juan County. Rose has advocated for greater protections for the cultural and natural resources of the region's public lands such as designation of Bears Ears National Monument. She has been vocal about ensuring proper management of public lands grazing allotments. Members of Broads have experienced death threats and vandalism by county residents. Rose also advocated holding accountable those who illegally constructed more than 20 miles of ATV trails in and around Recapture Canyon in the mid 2000's. San Juan County has a strong anti-government faction and deep hatred for environmentalists—particularly Rose Chilcoat.

Over the past 10 months, County Commissioner Phil Lyman, Monte Wells, (both convicted for the illegal ATV ride through Recapture Canyon) and their cronies have taken to social media to post lies about Rose and the alleged “crime” —along with other unrelated events, seeing her as the scapegoat for their anti-government grievances.

This prosecution is an attempt to punish Chilcoat and make her and her family suffer financially and emotionally for her conservation advocacy and beliefs. It is intended to silence those who speak for America’s wild public lands.

The San Juan County Commissioners and countless locals have long opposed the efforts of conservationists, resorting to threats and political pressure to achieve their misguided goals. It is imperative to push back against those interests and hold the San Juan County Attorney's Office that filed these baseless charges accountable for the specious guilt-by-association theories they’ve advanced. Partisan pressures placed on the prosecutor must be overcome.

Recent court actions resulted in another continuance and a new trial date has been set for May 23 and 24, 2018. Meanwhile legal expenses to defend against these baseless charges continue to mount.

Contributions can be mailed to Rose and Mark’s Legal Defense Fund at PO Box 2924, Durango, CO 81301 or made online at <https://www.youcaring.com/rosechilcoatandmarkfranklin-1086520>