

Case: STATE OF UTAH

Plaintiff,

Case No. 171700041

v.

ROSALIE CHILCOAT,

Defendant.

DECLARATION OF GREG ROGERS, FBI-RETIRED;

APRIL 16, 2018

I have reviewed the public-available Facebook pages of San Juan County officials, and some of the persons who liked and/or shared those posts, for evidence that this criminal prosecution might be in any way politically motivated. In connection with that review I have observed the following:

1. In June, 2017, San Juan County Commissioner Phil Lyman posts a video on Facebook which was shot at the Zane Odell corral near Bluff, Utah. In that video Lyman states that "Rose Chilcoat claims to be closing the gate out of goodwill" and postulates that he believes she closed the gate to kill cattle or cause them to become dehydrated and emaciated. That video clearly depicts Lyman as does his Facebook page which contains a number of his photographs.
2. On June 25, 2017, Lyman shared a post and stated, "Interesting that even after being caught red-handed in criminal destruction of cattle Rose is still proselytizing for the annihilation of other people's livestock. Apparently, in this odd religion, if you eat meat, you are a climate denier. FYI-Cows are not the only animal that poops."
3. On July 6, 2017, in a post that is best described as a rant against the BLM and the Salt Lake Tribune, Lyman states, "{BLM Agent} Dan Love is a thug, Rose Chilcoat, the self-proclaimed founder of Friends of Cedar Mesa, is a manipulator and a reprobate. Somehow San Juan County has attracted the worst of the worst. We have been kind and we have been accepting, but it is time to recognize that the Brian Mafly's, the Rose Chilcoat's, the Lance Porters, the Steve Bloch's and Robert Shelby's of the world resent us not because we are evil but because they are evil."
4. On July 7, 2017, Ted Powell, among other things, posted on Facebook, "...the extreme environmental groups have the same goal as ISIL, Al-Qaeda and Hitler. That is to destroy America and take over control of all public lands, and control everything else in our lives." On that same date, Phil Lyman replied, "I believe the same, Ted."
5. On July 10, 2017, in the Free Range Report on Facebook, Phil Lyman posted a lengthy editorial entitled, Lyman: 'Envirophiliacs' smear San Juan County locals with fake news about Recapture Canyon. That editorial contains the exact same quote concerning Rose Chilcoat, Dan Love, Brian Mafly, Lance Porter, Steve Bloch, and Robert Shelby, as detailed in paragraph 3.
6. On August 24, 2017, Lyman posts a lengthy diatribe on Facebook, concerning Congressman Bishop seeking a full investigative report on BLM Agent Dan Love, wherein he states, "10 years too late, but welcome to the party congressman. Where are your colleagues on this? This investigation should have started when Dan Love teamed up with Rose Chilcoat to defame, accuse, prosecute, and kill people in Blanding by creating a big fat lie about our friends and neighbors, Ken Brown and Dustin Felstead and the beginnings of the Recapture witch hunt."

Lyman continued, "Where are the prosecutorial misconduct charges for John Huber and Jared Bennett? Where is the impeachment proceedings for Robert Shelby, good friend of Steve Bloch and Brent Hatch (yeah he is pals with the senator and SUWA-we are being played folks)." Later in that same post Lyman states, "Now if someone with integrity will take a look at why the State AG is gong (sic) after our Sherrif (sic), they would see that it is Great-Old-Broad spurred just like all the BS of the last decade. Note to our elected representatives: Pick the side your (sic) on!"

7. On September 18, 2017, in a Phil Lyman Facebook post, he states, "Let's not forget Dan Love's role in prosecuting innocent men for the trail in Recapture. He developed a strange accord with the great old broads executive director, Rose Chilcoat, who is, herself, being prosecuted for felony acts of monkey-wrenching. When Rose began falsely accusing Ken Brown of illegal trail construction, BLM employees who had authorized the maintenance work slowly shrank into the background allowing the false charges to gain traction."
8. On November 2, 2017, on The Petroglyph cite, accessible via Facebook and maintained by Monte Wells, it stated "Rose Chilcoat bound over for trial on 2 felony charges and one misdemeanor, husband Mark Franklin bound over on all charges. More to follow", Lyman replied, "I hope Zane files a civil suit. These cow haters do a hundred acts of vandalism that go unprosecuted for every one that is prosecuted. When she gets out of jail, I hope she has to pay Mr. O'Dell five or six mil. Friends of Cedar Mesa, Grand Canyon Trust, Great old Broads from Colorado, and any other group she has founded or chaired should be thrilled to back her up. Her noble act of Monkey Wrenching and civil disobedience should bring out big money. Edward Abbey would be proud."
9. On December 2, 2017, on the Petroglyph cite, a video was posted titled Recapture Canyon Road Graded by County & Great Old Broads for Wilderness Lie About Recapture Protest. In that video, after a scene wherein Rose Chilcoat is being interviewed concerning the damage caused to archeological sites in that canyon, Wells states, "The Great Old Broads worked with Special Agent Dan Love to fabricate evidence against two Blanding residents who were later fined for \$35,000.00 for doing trail maintenance on the trail in an open area. Through threats and intimidation Love coerced the two citizens into a conviction."
10. In a much earlier string of conversations in May, 2015, on County Attorney Kendall Law's Facebook page, which displays his photograph, he states, "I'm not sure if you noticed, but this post had nothing to do with Phil, the trail (or not trail) or whether the law was broken by those who drove on the trail. Phil and Monte are friends of mine and I am proud of that. Your comments are so incredibly off topic that I hesitate to even respond but I will in order to make a couple of points. First, Phil's ideas for what are best for the county reflect my ideas as well and apparently most citizens agree because his republican challenger didn't even make it past the convention." After four more "points", Laws concludes that lengthy response by stating, "I would hope to shout that people in this country could see past their nose and view the broader issues and implications on their lives and the lives of their children. That was my post originally and if you would like to spew your blind hate about Phil and Monte (my friends) and ignore what this case could mean for you then take that crap somewhere else and leave it off my page."
11. Laws evidences an ongoing participation on Lyman's Facebook page when on March 20, 2018, Lyman receives the following, "Just had a Dan Jones surveyor call asking about you, Monte, the fairness of the courts in SJ County and bears ears oh the petroglyph website, Glad they are

calling at least one sj county resident lol.” Along with numerous other responses, Lyman replies, “Thanks for the heads up. There have been a lot of people who have been called. I hope it makes The Petroglyph the most visited news site in the state of Utah!” After several more responses to that string, Laws states, “Any of you that would be willing to answer a couple of questions about their survey experience, I would appreciate it. The survey was done by a party in a case I have for the county. Email me at klaws@sanjuancounty.org.”

Based on the aforementioned posts, it is clear that there is a long running animosity between San Juan County Commissioner Phil Lyman, Monte Wells, and numerous other San Juan County residents who both read and respond to these posts, and The Great Old Broads for the Wilderness, more specifically Rose Chilcoat. These posts articulate a conspiracy theory wherein Rose Chilcoat, through an alleged relationship with Dan Love at the BLM, is responsible for the federal prosecution of Lyman and his codefendants, the state prosecution of the San Juan County Sheriff and two of his deputies, the closure of the Recapture trail to motorized vehicles, and the killing of people in Blanding as a result of Operation Cerberus. Those posts also evidence a strong support by those same persons for the prosecution of Rose Chilcoat for her activities, if any, at Zane Odell’s corral. Due to Commissioner Lyman’s position and influence in the community, and his close association with Kendall Laws and their shared belief in “what is best for the county”, there is at the very least the glaring appearance of impropriety and a supportable argument that he has inappropriately used that political influence in this case.

I have also reviewed a body cam video recording made by investigating officer Jay Begay. After interacting with Mark Franklin, and the ranchers who confronted and detained him, Officer Begay called and spoke with both Deputy Rob Wilcox and Sheriff Eldredge. In those conversations Officer Wilcox’s statement “I think all we’d have is probably just trespassing. I don’t even think it’s criminal trespassing if it wasn’t done with malice” is shared. This contemporaneous statement by one of the investigating officers, the fact that no credible evidence was introduced at the Preliminary Hearing to even place Rose Chilcoat at the scene on the day the gate was actually closed, and the fact that there was another larger, clearly visible to Mark Franklin, opening in the fence line, leads one to question why felony charges were brought for closing a gate in this case.

I declare the foregoing to be true, under penalty of perjury, to the best of my knowledge, information, and belief.

/s/ Greg Rogers