

These posts are from our YouCaring crowdfunding website as of July 1 2018. New updates now can be found on our GoFundMe website.

Posted on July 1, 2018

As Independence Day draws near we can't help but reflect on our case and what it could mean to lose one's 'independence' through malicious prosecution in our judicial system. May justice prevail for us.

We have some new interesting developments from the Utah Court of Appeals. They have asked for oral arguments from our attorneys to clarify some items in our Request for Review. This is good. We are off to Salt Lake City for a hearing on July 9th. Keep thinking positive thoughts for us and share our crowdfunding link. Thanks to all.

Posted on June 16, 2018

<http://www.boulderweekly.com/news/closed-gate-lawsuit-first-amendment/>
Check out this article about our case. Help by sharing our fundraising link with your connections. www.youcaring.com/defendabroad

We're safe (currently) from the fires burning near Durango and are grateful for the firefighters who are working so hard to contain it.



State of Utah,
Respondent,
v.
Mark Kevin Franklin and
rosalie jean chilcoat,
Petitioners.

ORDER
Appellate Case No. 20180335-CA
Trial Court Case No. 171700040

Before Judges Orme, Toomey, and Pohlman.

This matter is before the court on a motion to stay the proceedings in the trial court pending the consideration of the consolidated petitions for interlocutory appeal.

IT IS HEREBY ORDERED that the motion to stay is granted.

End of Order - Signature at the Top of the First Page

Posted on May 20, 2018

Short and so sweet update today. Late Friday we learned that the Utah Court of Appeals granted our motion for a stay of the proceedings in the trial court pending their consideration of our petitions for interlocutory appeal (appeal prior to trial). Woo hoo! No trial this week. Thinking positive thoughts that they will accept our appeal.

Posted on 05/12/2018

Helpless and hopeful – two strong emotions jockeying for position in my mind and heart each hour of each day. We know we are innocent of any criminal wrongdoing. Yet we are pawns in an ugly legal game that has potentially serious consequences. Beyond hiring the best legal team we could find (and paying said team well) there is little we can do individually to speed the process or affect the ultimate resolution. Helpless. Not something either of us are accustomed to!

Hopefulness is what keeps us strong. We must believe that justice will prevail; the system will work as it should for innocent people. We know our attorneys are extremely talented and capable and are doing everything they can to ensure we receive justice. They have succeeded in having our trial moved to Carbon County, UT where fewer people have been poisoned by the hate and lies about us prevalent in San Juan County. We are buoyed by the words of concern and support from so many people – colleagues and friends, family

and total strangers. The financial support many have provided humbles us and strengthens our resolve to stand strong and hopeful that we will prevail.

The legal machine is grinding along; sometimes fast and sometimes excruciatingly slow. Motions have been filed (for allowing Mark's polygraph test to be considered, for the County Attorney to recuse himself, for the offered plea agreement dismissing all charges against Rose to be enforced, for a change of venue out of San Juan County). Judge Anderson has denied all but the change of venue.

Now we are requesting the Utah Court of Appeals look at our case in the interest of justice. There is no evidence against Rose to support the charges against her. There is no evidence of criminal intent regarding Mark's closure of a gate in a fence that had a large gap in it. It is Rose's association with a conservation organization that is driving this malicious prosecution and we believe this to be a serious violation of our constitutional rights to free speech and association. [Fourteen conservation organizations have joined together and filed an Amicus \(friend of the court\) brief.](#) We wait for the Appeals Court to decide if they will review our case.

In the meantime, the Prosecuting Attorney amended his criminal complaint on May 1st - the felony charge "Retaliation Against a Victim, Witness or Informant" against Rose has been dropped! This is good news!! Mark and I are facing the same two charges - Felony Attempted Wanton Destruction of Livestock and Misdemeanor Trespassing on State Trust Lands with an Animal Operation. Interesting how these unfounded charges against Rose are one-by-one being dismissed. We continue to hold out hope that justice will prevail and all these criminal charges will be dropped! No crime was ever committed by either of us!!

Posted on 05/03/2018

Another week gone by and we wait for answers to the various Motions our attorneys have filed regarding our case (Motion to Quash, Motion to Enforce Plea Agreement to Dismiss all Charges Against Ms. Chilcoat, [Motion to Disqualify the San Juan County Attorney's Office](#)). The waiting is hard. It is like suspended time...wondering what the future of our case might bring.

The Huffington Post just ran an article about our absurd criminal case - [Her Husband Closed a Gate on State Land, Now Utah Wants to Put Her in Jail For 21 Years.](#)

Please share it and our crowdfunding link far and wide. Our legal team is amazing but their great representation does not come cheap. Ensuring victory for free speech and the right to associate with conservation organizations without facing bogus criminal charges are key American values.

Posted on 04/28/2018

More news articles about our case...

In the Salt Lake Tribune - [Utah activist husband must face trial in corral gate closing case San Juan county judge rules](#)

and

Salt Lake Tribune - Rolly - [The audacity of San Juan county good old boy network is on display again](#)

Thanks for your help sharing our plight!

Posted on 04/25/2018

Oops realized one of my links in my Update on April 21 was not correct. Here is the [affidavit](#) that shows the politically motivated, retaliatory nature of my case.



Posted on 04/24/2018

The latest in our saga courtesy of the Salt Lake Tribune

<https://www.sltrib.com/news/environment/2018/04/24/did-san-juan-county-officials-orchestrate-charges-against-public-lands-activist-over-closing-coral-gate/>

In a breathtaking turn of events, last Wednesday San Juan County Prosecutor Kendall Laws offered a plea deal to dismiss all charges against Rose! At the same time, he offered Mark a deal to plead guilty to two misdemeanor charges – trespass (unchanged) and Attempted Wanton Destruction of Livestock (down from a class 2 felony). I accepted the Dismissal offer but Mark did not take the plea deal. Subsequently, Laws attempted to backpedal the deal. It is a bit complicated but you can read all about it in the attached [Motion to Enforce Plea Agreement](#) and [Exhibits](#). We're not out of the woods yet! Your help sharing our story and our crowdfunding is hugely appreciated.



Posted on 04/22/2018

It was a full year ago that our mailman came to the door serving us with a "Summons" to appear in the 7th Judicial District Court in Monticello, San Juan County, UT regarding criminal charges. We've since experienced a full year of life suffering financial, emotional, mental, and physical upheaval; our time and peace of mind lost forever. We await a trial date which is currently set for May 23-24.

NEWS FLASH! Last Monday, legal scholar [Paul Cassell](#) entered as co-counsel for the defense. We are so excited to have him on our team. As he said, "I don't usually do criminal defense work and haven't worked with

environmentalists before, but because this case raises such disturbing First Amendment and other concerns, I felt it was important for me to get involved.”

Since then our legal team filed a MOTION TO QUASH with the Monticello District Court. This document spells out the reasons why we should not have been bound over for trial on the charges. Last Friday afternoon Kendall Laws, the Prosecuting Attorney, responded to the court regarding our motion. Our attorneys today filed a REPLY IN SUPPORT OF MOTION TO QUASH BINDOVER, again pointing out the politically motivated and retaliatory nature of these unfounded charges and we now await Judge Anderson’s ruling.

This Salt Lake Tribune article How San Juan County turned closing a corral gate into felony charges explains more.

All this comes at a price. Please consider a donation to our Legal Defense Fund and share our story with your friends. The more attention and media we can garner the better.

These are posts to our original Generosity crowdfunding website as of mid-March 2018.

1 month ago

Durango Fundraising Event February 21st

“No Man’s Land”, an award-winning documentary film by David Byars, will be shown as a fundraiser for Rose Chilcoat and Mark Franklin’s legal defense fund. Hosted by Great Old Broads for Wilderness, the film and a silent auction will be held on Wednesday, February 21 from 6 - 9 PM at the Durango Arts Center, 802 East Second Ave.

“No Man’s Land” is the story of the 2016 armed occupation of the Malheur National Wildlife in eastern Oregon.

Tickets are \$12 in advance at Maria's Bookshop or \$15 at the door.

Contributions can also be made to: Rose and Mark's Legal Defense Fund at PO Box 2924, Durango, CO 81302.



See the award-winning documentary film
"No Man's Land"
a fundraiser for Rose Chilcoat and Mark Franklin

...two innocent people ensnared in the No Man's Land
of San Juan County Utah's criminal justice system.

"No Man's Land"
the January 2016 armed occupation of
Malheur National Wildlife Refuge
Introduction by Shelby Sibert
Executive Director
Great Old Broads for Wilderness

Silent auction to help raise funds
for Rose + Mark's defense fund.
Additional donations welcomed at
<http://bit.ly/RoseMark>

**February 21
6 pm**
Durango Arts Center
802 E. 2nd Avenue Durango

Tickets available at Maria's Bookshop
360 Main Avenue Durango
Advanced tickets \$12
\$15 at the door

It could happen to you.

2 months ago

"Injustice anywhere is a threat to justice everywhere."
Martin Luther King Jr.

It's been a long time since our last update. Welcome to our world...the world of waiting. And waiting some more. And just when you think things are ready to move forward you get to...wait some more. For folks like us who are used to getting things done the waiting that is involved as a defendant in the criminal justice system is one of the hardest parts. I suppose I can call this enforced learned patience.

Here's the latest news:

- * Our cases, at the County Attorney's request, have been joined. This means one trial date and one trial that covers the both of us. This is not particularly good or bad.
- * Our trial date of January 31 has been cancelled and the case is continued with no new date set at this time. (Deep sigh here.)
- * The court prohibited, pending a hearing, our defense team from conducting independent professional polling in San Juan County, UT that was to be part of our Motion for a Change of Venue to a different county.

Meanwhile, the legal expenses continue to mount and now significantly exceed our initial fundraising target. We have the utmost confidence in our legal team but great representation doesn't come cheap. With a new year underway we again thank those who have already been so generous and ask for your help sharing our plight with others who may be able to help.

Onward!

Rose (and Mark)

5 months ago

We had our preliminary hearing Thursday in Monticello, UT. Finally, after nearly 7 months wait, we learned exactly what "crimes" the prosecution believes Mark and I committed and what evidence they have to support those

allegations. One misdemeanor charge against Rose (providing false personal information to a police officer) was dismissed by the Judge. I guess after 30 years of marriage this month it is OK to agree with the officer that she goes by Franklin as well as Chilcoat!

In spite of an overwhelming lack of evidence, we were bound over for trial on the other charges (2 felonies, 1 misdemeanor for Rose and 1 felony, 1 misdemeanor for Mark). We also had the opportunity to respond to the court on each of the charges as "NOT GUILTY". Trial dates were set for January 31 and February 1, 2018. The injustice of unfounded, politically motivated and retaliatory criminal charges against us will continue to unfold.

Thanks to all who kept us in their thoughts and hearts Thursday. Thanks also to all who have been able to help defray our substantial legal expenses. Your support means so much to us.

Please continue to share our story and crowdfunding with your friends and families. Onward!

7 months ago

At the San Juan County Attorney's request, our Preliminary Hearing has been rescheduled for November 2. The wheels of injustice turn slowly and we are merely captive to the process. Breathe deep. Patience is the word for the day.

We can only continue to hope that our friend's sentiments might come true.

“It is appalling what you and Mark are being subjected to. I know we’re talking Utah here, but perhaps good sense will prevail and this groundless suit will be thrown OUT. ’Tis such a waste of time and money on all fronts.”
DL

Please continue to share this link with your networks. Thanks to you all.

8 months ago

An independent journalist shines some truth on our situation ... <https://durangoherald.com/articles/175984-tape-....>

Your comments and support keep us inspired and strong through this ordeal. Such as:

“I just donated because I don't like bullies and intimidation. And Mark and Rose are tried and true stewards of these places. See what you can do to help.” LM

“I've known Rose for 37 years and I know she speaks the truth. Imagine fighting for the protection and wise use of public lands, then reading in a blog that someone wants to put a bullet between your eyes. Read the information, then please consider donating if you can.” KD

“These are dear friends who are being harassed by a bunch of haters in San Juan County Utah. These charges are retribution for years of Rose calling these people out for their mistreatment of the land. They have threatened her and Great Old Broads over the years and they would go to any length to "get her back". It's not right. Please help them fight this battle.” SK

We're so grateful for all who have contributed to our legal defense fund. Please continue to help us by sharing our plight with your networks.

8 months ago

In a month we will have our Preliminary Hearing. Thanks to so many of you who have donated to support our case we have raised nearly half of our goal! Please continue to share our plight with friends and beyond. Your support provides us with the hope that justice will be served and our innocence proven.

9 months ago

More than \$20,000 raised in less than two weeks!!! We continue to be awed by the outpouring of support from so many friends, family and strangers from across the country! Thank you all!

Here's a sampling of some of the uplifting comments we've received:

“Rose and Mark, I am so sorry that you are experiencing such retaliatory legal hassles from San Jan County, not to mention the physical threats from those who oppose the conservation work that you do. Thank you for all of your good work for wild places - your work and efforts do not go unnoticed.” DV

“Your bravery and involvement are an inspiration and I hope we can all continue to pull behind you two. “ DR

9 months ago

Mark and I are blown away by the response to our plight. The love, support and generosity of friends, family, neighbors and total strangers who have donated to our Legal Defense Fund is truly uplifting! This is an emotional roller coaster for sure.

Four days in and we're already at \$15,000! Eternal gratitude to all who have donated and to each of you who have read our story and shared it with your friends.