

**For Immediate Release:**

**April 1 2019**

**Monticello, UT**

**Statement by Mark Franklin regarding San Juan County- No Contest Plea in gate closing case:**

Today, I entered a “**No Contest – Plea in Abeyance**” to two misdemeanor charges in San Juan County, Utah. In effect, this action will dismiss all charges against me with no admission of guilt. I entered this plea to end a long, two-year persecution by San Juan County. This was a case that should never have entered the court system. I am glad this is finally over as it has caused a great deal of stress for my family and me - financially, emotionally, physically, and reputationally.

San Juan County should be ashamed for bringing criminal charges against me. I was charged with “Attempted, Wanton Destruction of Livestock” a second degree felony, and “Trespassing on Trust Lands” a Class A misdemeanor, for closing a corral gate. These charges were brought even though the cows on State Institutional Trust Land (SITLA) had access to water in the corral all times. I knew they had access to water and Mr. Odell, the rancher, also acknowledged this to be true. No cows were ever harmed. Yet, the San Juan County Prosecutor, Kendall Laws, chose to pursue criminal charges against me. I am innocent of all charges. Nothing I did was malicious, evil, or criminal. I believe that the prosecutor was trying to keep local ranchers and local politicians happy by showing he was willing to go after me even if there was no evidence that I intended to or caused any harm.

I regret there will be no trial where the full facts and truth of the incident would be brought to light. However, the outcome of a trial is not guaranteed, even for the innocent. The risk of an erroneous result versus the certainty of this no contest plea compelled my decision.

I know the burning question in everyone’s mind is, “**Why did Mr. Franklin touch that gate?**” The answer is quite simple. I am a curious person. I pulled off the highway to relieve myself on public land near a prominent, overbuilt corral and turned my vehicle and trailer around in front of a open wire gate. When leaving, an unusually large tire in the corral caught my eye. I got out of my vehicle for the second time and as I approached the tire, I realized it was a water trough. The cattle drinking from the trough were not your typical beef cows. They were scrawny rodeo-like cows with long horns. One of the cows turned and gave me the ‘stink eye’. At the same time, two other cows began to move behind me. That made me concerned so I pulled the unlatched pipe gate closed to prevent them from surrounding me. I did this for my personal safety, the safety of my vehicle and trailer, and to avoid any conflict with the cows. There were two open gates to this corral and I watched cows freely enter and depart through the wire gate. (This was validated by two different polygraph tests.)

I pled “no contest” because I did nothing wrong. I would never have pled guilty to these charges because they are not true. I believe that San Juan County accepted this plea because they know I did nothing criminal and they had no case.

As a biologist, I firmly believe all animals have the right to food, water, and habitat. **It is unthinkable that I would harm any animal for any reason.** I do not hunt. I do not trap. I do not even fish. In fact, I rescue animals. It is just who I am.

As an historian, I value the protection of prehistoric and historic resources. It is the public's right to visit and explore historic trails, sites, and even cattle operations such as this one on Lime Ridge. **I did nothing to impact public resources and I did nothing to damage private property.**

I value America's public lands. It is our right to explore them as I did in the Bears Ears National Monument where this occurred. **On April 3, 2017, Zane Odell, Zeb Dalton and a third cowboy detained my wife and me while driving on a BLM road. It is the rancher's actions that were criminal.** A BLM livestock permittee illegally detaining a citizen on a public road is not acceptable. The ranchers are the ones who should have been charged.

Prior to this traumatic experience, I did not pay much attention to livestock production on our public lands. In the past two years, however, **my eyes have been opened to abuses by the ranching industry. The political power and clout wielded by a few individuals who are permitted to graze, and overgraze, our public lands are astounding.**

**I have been shocked and dismayed by the hate that has been shared on public forums regarding my case.** Death threats, calls for harassment of me and my family, and comments by people with no knowledge of the situation are appalling. What has happened to America? Innocent until proven guilty is a constitutional right, not conviction by opinions on Facebook.

**This prosecution has cost my family a small fortune.** I want to thank the hundreds of people who helped defray some of our attorney fees and expenses by donating to our legal defense fund. [gofundme.com/rose-mark-legal-defense-fund](http://gofundme.com/rose-mark-legal-defense-fund) **I also want to thank my family and friends for standing by me these past two years, and my incredible legal team, Jon Williams, Jeremy Delicino, and Paul Cassell, who have worked tirelessly to defend me throughout this ridiculous prosecution.**

**Who could have imagined that a day recreating in Utah could turn into such a nightmare. As I have learned, it was never about me. This case was meant to punish my wife for her years of successful conservation advocacy and to intimidate and silence those who speak out for protection of their public lands.**