

KING COUNTY SUPERIOR COURT No. 12-1-00543

COA -NO. 69968-7-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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In Re: the Personal Restraint of

JASON EDWARD MARKLEY

Petitioner,

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PERSONAL RESTRAINT PETITION [AMENDED]

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## I. STATUS OF PETITIONER

In 2011-2012 Petitioner Jason Edward Markley and his wife Cherish Thomas were part of 23 innocent individuals prosecuted by the King County Prosecutor under Dan Satterberg.

[Please note – this is not the first time Mr. Satterberg has been the subject of concerns.] See *Frost v. Van Boining*, 757 F. 3d910 – Court of Appeals, 9<sup>th</sup> Circuit 2014- Opinion filed March 21, 2016:

*“The en banc court held that the King County Superior Court’s erroneous refusal to allow defense counsel to make alternative arguments during summation – that the state hadn’t met its burden of proof, and that Frost committed the crimes under duress – was harmless because the jury heard overwhelming evidence that Frost committed the charged offenses and any argument that the prosecution failed to meet its burden of proof would have fallen on deaf ears.”*

In a scathing descent, Justice Alex Kozinski wrote that he and the four joining judges found the facts giving rise to the *Brady* and *Napue* claims most troubling. He wrote that:

***“there is cause to believe that the King County Prosecuting Attorney’s Office violated Brady and Napue by willfully withholding evidence of Shaw’s domestic-violence plea deal and by permitting Shaw to lie on the stand, and that subsequent to the trial, the office stonewalled in providing Frost this information when he doggedly requested it.”***

Further Justice Korinski added:

*“Finally, we are concerned by the actions of **Kelli Williams**, the public records officer for the King County Prosecuting Attorney’s office at the time Frost sought information about Shaw. Frost asked that office, in very way he knew how, for the information that would have supported the Brady and Napue*

*claims. Yet Williams provided incorrect or misleading information in response to his request. Her failure to identify and disclose either plea agreement to Frost may be the result of incompetence or indolence, but it may also reflect a deliberate effort to prevent disclosure of the deception committed by her office.”*

What is disturbing about the Frost case in comparison to Markley and Thomas, is that throughout their cases (and that of the other 21 individuals falsely charged), are the very same individuals within King County doing exactly the same thing as what Korinski observed in the Frost case. This is then no longer an anomaly. It is a defined conspiracy.

Where Korinski comments on the lack of accountability:

*“So far as we are aware, the individuals involved have never been held to account for their conduct.”*

Here we see that the lack of accountability has fortuitously allowed the same bad behavior to flourish within the prosecutor’s office and to affect 23 other unrelated innocent people.

The Markley and Thomas cases were a facsimile of the Frost case including the exact and ultimate actions performed by the very same public information officer **Kelli Williams et al.** When it became known in early 2015 (through rumor as no one at King County disclosed it when they should have) that both Jenee Westberg and Robin Cleary had been terminated for cause in late 2014 and that this investigative process was well under way prior to Markley’s COA, the request for records was immediately implemented for the

personal files of Brady officers Jenee Westberg and King County Sheriff Detective Robin Cleary who frequently work together in these cases.

In the case of Markley, King County Deputy Prosecutor Gretchen Holmgren knew this while taking Markley completely through the Court of Appeals attributing the merits of her entire argument to statements made by the undisclosed Brady code enforcement officer - ACO Jenee Westberg.

Holmgren withheld that Westberg was under the very investigation Westberg would be terminated for a year later and designated a Brady Officer over. It was new evidence that: (1) Westberg was in the conclusion of her third Loudermill sanction, (2) Westberg was the person of interest in a serial vandalism attempted manslaughter case in the City of Auburn and (3) in the initiation of her fourth Loudermill - unrelated to the former two complaints.

Holmgren's father, notable local millionaire and former Seahawk's coach, attended Markley's oral argument wearing his million-dollar Super Bowl trophy ring which he in turn waved around his head during the entire oral argument exercising due influence on the COA panel.

While prosecuting Markley, no one ever disclosed Westberg's new issues as a liar and a thief while in Markley's search for justice at the COA, a clear violation of Brady vs. Maryland.

In reviewing Gretchen Holmgren's oral arguments, she carefully avoided the statements of her other four "expert" witnesses attributing her grounds primarily to Ms. Westberg statements, someone who was at that very moment,

not only under investigation for dishonesty in a plethora of cases, but also someone that King County had concealed as an invisible Brady Officer since 2008 because of her 19-count drug arrest and 2006 shoplifting/attempted bribery.

Ms. Westberg was allowed to testify in a majority of the 23 cases of phony animal abuse cases while King County failed to disclose her Brady background for impeachment. This allowed the King County Prosecutors Office to prevail and/or extort plea deals from their terrified victims through deceit and a continual pattern of unaccountable Brady violations.

In Markley, Thomas et al, specific records were requested in order to defend the covert Brady violations in their cases (and that of the other some 21 cases of malicious prosecutions). **Kelli Williams** promised to provide that information but like in *Frost*, she provided misleading information, then waited until after the Court of Appeals deadline was past for at least one of the cases to provide the “juicy” information that showed that Jenee Westberg had been an undisclosed Brady Office since 2008, there had been a “*secret*” investigation regarding the 19-count drug arrest that led to a “free pass” plea deal with King County Deputy Prosecutor Maggie Nave (who also never disclosed Westberg’s Brady information in another case throughout the entire phony prosecution. Westberg’s two known convictions (there were three – one mysteriously disappeared from the digital files where her mother worked high

in King County Prosecutor's office as one of the IT experts) only became visible because of the Markley case.

Troubling, KCDPA Maggie Nave denied knowing anything about Westberg's VUCSA case on the record while she had been the lead counsel and architect in designing that Westberg few pass plea deal in 2008.

**Kelli William's** untimely disclosure producing the Westberg and Cleary personnel files resulted in two current Public Records Act lawsuits against King County in which they have admitted all guilt during mediation but have remained arrogantly unaccountable for the damage they have done. That case is still pending.

Further troubling is the lack of disclosure of the conflict of interest that Jenee's mother, Ann Westberg had as the Level V administrator for King County Deputy Chief Dan Clark who is the founder and current chair of the King County Brady Committee established in 2007. This Brady Committee apparently failed to designate Jenee Westberg as a Brady officer in 2008.

Markley was prosecuted along with his wife, Cherish Thomas, for animal cruelty in the first degree that appears to have been done through a system of predatory actions tantamount to racketeering sourced directly from the King County Prosecutor's Office and through its elected prosecutor, Dan Satterberg.

1) Exhibit- [Investigative reporting – Goldbar Reporter](http://goldbarreporter.org/2016/05/27/king-county-washington-maliciously-prosecuting-hundreds-of-innocent-citizens/) King County Prosecuting 100's  
<http://goldbarreporter.org/2016/05/27/king-county-washington-maliciously-prosecuting-hundreds-of-innocent-citizens/>

Satterberg has clearly spent his career using his position and influence inappropriately to set up the structure within legislation under which he can achieve his fraudulent prosecutions of innocent people.

Satterberg's actions in his position of King County Prosecutor protecting his Animal Rights Extremist's (ARE) "friends" are well-documented in public records as he climbed the ladder to occupy possibly the most powerful position in the state with virtually no oversight.

October 24<sup>th</sup>, 2012, in Omnibus, Markley's counsel, Kevin Tarvin confronted King County Deputy Prosecutor, Gretchen Holmgren-Peterson with two undisclosed convictions of one State witness, Regional Animal Services of King County Animal Control Officer Jenee Westberg.

This was a bonafided Brady violation. It was done in front of some forty other attorneys in the room at least one of whom demanded justice in their own client case in front of King County Judge Ronald Kessler [RE: *Thompson*].

After that time, though Westberg's arrest was discussed in pretrial and during Westberg's cross examination at trial and in front of trial Judge Cheryl Carey, Markley defense counsel Mr. Tarvin, inexplicitly, and against the adamant objections of Thomas's co-counsel Gene Piculell) failed to introduce the arrest records or use the convictions to impeach Ms. Westberg. (CP121204-Pg68Ln14-21)



Markley's wife Cherish Thomas had a jury trial with Gene Piculell as defense counsel, while Markley was extorted into a bench trial at the last moment by his own defense counsel Kevin Tarvin without access to his wife.

Both cases were administered simultaneously forcing one spouse to testify against or for the other - a constitutional issue right from the start. The trial should have been bifurcated to protect the constitutional rights of each of the two married defendants.

Markley, and Thomas, were arraigned on Jan. 27, 2012 and tried together Dec. 4 – 12, 2012 in front of King County Superior Judge Cheryl Carey who allowed a married couple into a simultaneous trial without bifurcation.

Markley and Thomas were prosecuted by King County Deputy Prosecutor Gretchen Holmgren. Ms. Holmgren appears for King County in a significant majority of reviewed falsified animal abuse cases and is the daughter of millionaire former Seahawk coach, Mike Holmgren.

Mr. Markley was denied the jury trial he requested through his attorney, Kevin Tarvin, while Mr. Markley's wife got a jury with a different attorney, Mr. Tarvin's officemate, Gene Piculell.

Mr. Markley was subsequently found guilty by Judge Cheryl Carey then sentenced to 30 days in jail and 240 hours of community service restraining him from enjoying normal citizen activities. He has served both.

In the face of what Judge Carey surely knew was a hung jury brewing in favor of Thomas, Judge Carey sentenced Mr. Markley the day before the hung

jury verdict came in. She then spent some time unprofessionally berating Mr. Markley publicly. The next day Judge Patrick Oishi attempted to call a mistrial on Thomas but the jury came in and interrupted him.

Judge Carey notably announced loudly throughout the entire trial she was taking cough syrup for a cough she had. She can be heard in the altered audios, slurring her words numerous times during the trial. Throughout the entire transcript and audio, there does not appear any instance where Carey was gone because of coughing nor is there any coughing on audio.

The next day when the jury came in, Carey was absent while Judge Oishi substituted to hear the jury verdict. The jury poll revealed an appalled jury who expressed explicit shock at Judge Carey's decision to find Markley guilty with the same presentation and evidence that produced their 9-3 hung jury in favor of Thomas. Thomas's case was dismissed two months later for unknown reasons.

Through Carey's absence strategy, Carey would not have to face the outrage that occurred among the jury members when they learned of her decision the previous day.

Judge Oishi appears in these cases commonly as do Judges Mary Roberts, Lori Smith, Jim Rogers and Mariane Spearman (wife of COA Judge Michael Spearman who failed to recuse himself and appeared on the COA panel for Markley (and another case) that denied Markley's appeal).

Mr. Markley appealed Judge Cheryl Carey's bench verdict with the Court of Appeals (COA), Division I on April 22, 2013 where the appeal was denied after oral argument while the court and his defense counsel attempted to stonewall Markley's request of stay pending COA.

Markley's subsequent letter for review to the Supreme Court was denied.

Markley's mandate was affirmed on June 9, 2015.

Markley is currently homeless and indigent as he was by the time his case moved up to the Court of Appeals. 2) Exhibit-[Indigency docs](#). His indigency is due to his inability to secure employment. This is a direct result of the fraudulent prosecution targeted at him and his family.

He is duly restrained.

## II. Grounds for Relief

The unlawful Nature of Restraint for Markley occurs under:

- 1) **Brady vs. Maryland** [Brady v. Maryland, 373 U.S. 83](https://supreme.justia.com/cases/federal/us/373/83/case.html)  
<https://supreme.justia.com/cases/federal/us/373/83/case.html>
- 2) **Civil action for deprivation of rights under the color of authority**  
under [42 U.S. Code § 1983](https://www.law.cornell.edu/uscode/text/42/1983) <https://www.law.cornell.edu/uscode/text/42/1983>
- 3) **Racketeering and conspiracy under RICO Conspiracy under 18 USC 1961 - 1968** [https://en.wikipedia.org/wiki/Racketeer\\_Influenced\\_and\\_Corrupt\\_Organizations\\_Act](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)
- 4) **RAP Rule 16.4(c)(2) – Conviction was obtained in violation of US Constitution or the Constitutional or laws of State**

*“The conviction was obtain or the sentence or other order entered in a criminal proceeding or civil proceeding institute by the state or local government was imposed or entered in violation of the Constitution of the United States or the Constitution or laws of the State of Washington;”*

**5) RAP Rule 16.4(c)(3) – Material facts not known prior**

*“Material facts exist which have not been previously presented and heard, which in the interest of justice require vacation of the conviction, sentence, or other order entered in a criminal proceeding or civil proceeding instituted by the state or local government;”*

**6) RAP Rule 16.4(c)(5) – Other Grounds**

*“Other grounds exist for a collateral attack upon a judgment in a criminal proceeding or civil proceeding instituted by the state or local government”;*

**7) RAP Rule 16.4(c)(6) – Constitutional violation**

*“The conditions or manner of the restraint of petitioner are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington.”*

**ii) Why the petitioners restraint is unlawful for one of more of the reasons specified in rule 16.4(c) facts upon which the claim of unlawful restraint of the petitioner is based and the evidence available to support the factual allegations,**

***Inadequate Assistance of Counsel-RAP Rule 16.4(c)(2)-Conviction was obtained in violation of US Constitution or the Constitutional or laws of State***

*Count 1)* The COA affirmed the State’s bench verdict under defense counsel Casey Grannis’s argument of *insufficiency of evidence*. This is a well-known argument that will guarantee a weak outcome for the defense. It was done against Markley’s wishes and thus violated Markley’s constitutional rights.

***Inadequate Assistance of Counsel RAP Rule 16.4(c)(5) – Other Grounds***

*Count 2)* Within the *insufficiency of evidence* argument was a second count of *ineffective assistance of counsel* because Mr. Grannis stated during his COA oral argument that Mr. Markley “*failed to rehabilitate it*” referring to the horse “Alex.” He thus admitted his client was guilty when Mr. Markley has

stanchly maintained his innocence that the horse “Alex” was not starved throughout trial (the “after” horse was not Markley’s horse).

3) Exhibit [COA - Video](#):

<http://www.uninformedconsent.org/Markley/Video/MarkleyCOASml.wmv>

***RAP Rule 16.4(c)(6) - Constitutional violation***

Gretchen Holmgren’s argument of *criminal negligence* is unconstitutionally defined by Washington State’s enhanced legal definition of found under 4) Exhibit-“Criminal Negligence” [RCW 9A.08.010\(1\)\(d\)](#) that is - you are guilty of what you don’t know you don’t know clause.

***RAP Rule 16.4(c)(2) - Conviction was obtained in violation of US Constitution or the Constitutional or laws of State***

During the above argument Holmgren was guilty of *malicious prosecution and prosecutorial misconduct*. She failed to meet all elements of her legal duty as a prosecutor while she held back the truth. She continually provided no evidence of her claims that “*the hay that was provided was of no nutritional value.*” [Video - 00:09:32 – 00:09:36 min].

In Ms. Holmgren’s argument she states that Mr. Markley “starved” the horse “Alex” though his use of locally grown hay of “*no nutritional value.*” Holmgren carefully qualified her grounds “*as stated by Officer Westberg*” (the undisclosed Brady officer) throughout while Holmgren knew that Westberg was under several concurrent investigations for fraud and dishonesty that Westberg was finally terminated for wholly making the Brady List. Not to mention that Westberg also does not qualify as a hay expert.

The premise that there is a difference between qualities due to location is/was a ridiculous and false statement simply because there is no such thing.

Holmgren failed in: 1) her legal duty to act, 2) she failed to perform according to her legal duty and 3) she was physically capable of doing the act. She additionally lied to the tribunal in doing so because her witnesses did not state those things in trial.

Holmgren misrepresented facts employing ACO Westberg statements that *“the hay that was provided to this horse was of no nutritional value... upon statements by Officer Westberg...”* [Video – 00:09:32 – 00:09:36]

**In the trial, this argument was presented by veterinarian Heather Stewart:**

Piculell: *“Ma’am, you said this morning that you didn’t look of the food. So did you look for the food and see alfalfa or other types of hay, or did you not look for food?”*

Stewart: *“I don’t remember saying I didn’t look for the food. I just...what did I said – I didn’t...”*

Piculell: *“I asked you if you took any effort to determine if there was a quantity of food there, and you said no.”*

Stewart: *“Oh.”*

Piculell: *“So now you’re looking for food and not seeing alfalfa?”*

Stewart: *“No, I just – I mean, I didn’t look to see exactly how much that they were being fed every day. I saw the food that they had on site was local hay. I don’t recall seeing any other grains or hay pellets or supplements on the property at the time or...”*

[Note - Without a forage analysis there is no way to determine the nutritional value of any hay – local or otherwise and Holmgren failed to get

one, that is unless there were an identifying sign stating this is “local hay.”

Hay bales all look the same save the type –alfalfa, timothy, and orchard.]

Piculell: *“Well, I-I specifically asked you whether you looked to determine if there’s any feed there, and you said no. So n-now you’re saying that you did look to determine if there was feed there?”*

Stewart: *“I guess I don’t remember saying I didn’t look for food, so I’m not sure what I said.”*

Piculell: *“Okay. Okay. And uh this morning I probably asked you maybe ten different questions about the presence of the Animal Control officer, and so now after the recess you’re saying that that person wasn’t there at all. Is that right?”* (Westberg’s GPS enabled computer was conveniently turned off during this time which seem to be a common manipulation of Westberg’s that helped get her fired.)

Stewart: *“That’s fair, you’re right, I screwed that one up. I couldn’t remember correctly because I remember talking to her about, and so I was originally thinking that I had spoken to her because she was there, she knew the property and had been there before...”* [CP 121112-Page 89Ln25] – This transcript was changed. The word “food” was changed to “good.” This avoids a word search for “food” and finding reference that Markley fed alfalfa – highest protein hay while they are being prosecuted for feeding local hay of no nutritional value. IE “alfalfa” is not of “no nutritional value” regardless of where it is grown.

**Earlier in that day in the morning session:**

Stewart: *“But we were talking about the hay that they had on site for them and how much hay you would need and the hay was-a was-a local hay, a local Western Washington hay, and our local hay in this area isn’t a very good quality. It doesn’t have a high-calorie-per pound. So it’s decent, you know, it’s-it’s food, but it’s not usually – um it’s not very good for putting weight on horses. It’s only kind of good for fat horses that-that maintain their weight*

*without very much food at all. So um I recommended that that he be put on a better-quality food like **an orchard grass or alfalfa hay** that has more calories per pound. It would be easier for him to add calories to his diet without having to eat 50 pounds of hay before he got 10 calories or whatever. [CP 121112-Page 25Ln4-17] (That is not claiming that local hay has “no nutritional value.”]*

(Note – Inconsistent testimony - Orchard grass has little in the way of calories. Alfalfa has high calories. This kind of inconsistent testimony suggests Stewart had been coached).

Steward also admitted that Markley or Thomas paid her while later billing King County for the same farm call. [CP121112 – Pg35Ln12-19 - Paid onsite by defendants] This is called embezzlement.

Stewart continued to bill King County for care of “Cooter” aka “Alex” while Hannah Mueller Evergreen and Save billed King County claiming that “Mr. Pibb” was “Alex” at the same time. 5) Exhibit [AlexHeboInvoicesVsTestimony](#)

Stewart states she never mentioned the words “*abuse*” “*neglect*” “*starvation*” “*dehydrated*” “*pain and suffering*” [CP121112-Pg42Ln1 -13 Stewart did not determine any “*pain and suffering*”]

Puculell: “*Did you make any determination of the quantity of the feed, how much was there, of local hay?*”

Stewart: “*No, I only mention that they had somehow been told to feed local hay, two bales per week for both horses. That’s the only thing that’s in the report about volume and then **that they had tried various other feeds.**”*

Puculell: “*Okay. Did Mr. Markley tell you that he had tried supplements of alfalfa or beet pulp?*”



Stewart: *“Yes, that’s in here, yes.”*

Piculell: *“Okay. And those are remedial measures to assist a horse with caloric intake?”*

Stewart: *“Yes, alfalfa pellets, hay pellets are often used to add calories for horses.”*

Piculell: *“Okay. And Mr. Markley here told you that he did that?”*

Holmgren: *“Objection; calls for hearsay.”*

Judge Carey: *“Overruled.”*

Stewart: *“Yes, he must have because I put it in my report. I didn’t remember that, but I’m sure he did if I wrote it down.”* [CP121112-Pg42-43Ln19-25 and Ln 1-2 Stewart’s morning testimony on hay]

**Holmgren’s expert Hannah Mueller Evergreen on hay.**

Holmgren: *“Okay. And in your experience, feeding only local hay, is that sufficient for a horse of Alex’s age?”*

Mueller: *“No, it’s not.” “It’s not sufficient for two reasons. One, it probably isn’t as calorie-dense as it needs to be for e a senior horse. Most senior horses need to be on a better hay like an Eastern Washington hay; and, two, most senior horses can’t be on just a hay-only diet. (Alex was on pasture) Most senior horses also need to be supplemented with some sort of mash, (Alex was on grain supplements beet pulp, Equine Senior Feed, pellets and vitamins) So an either an equine senior or a grass hay pellet or alfalfa pellet or beet pulp, an additional fat source, so, that’s yeah.”* [CP121212-Pg 86L12-24 Mueller often talks in parallels - she never states that Alex had been fed only local hay only that *“most senior horses can’t be on just a hay only diet”*.]

This argument focusing specifically on local hay vs. Eastern hay was a bit of surprise at the COA, as there was little focus of testimony in the trial about local hay vs. Eastern WA hay. In light of this COA argument, Markley got a clarifying statement to the COA that was provided by Tipton Hudson, who is a specialist in the state's hay quality for WSU College of Agricultural Human and Natural Resource Sciences as well as the County Director of CAHNRS Extension for Kittitas County. He is the lead hay expert in the state. He has a Master of Natural Science. Mr. Hudson strongly refuted Ms. Holmgren's position that local hay has no nutritional value. 6) Exhibit- [Tipton Hudson](#) comments. This was ignored.

The COA completely ignored the State witness's testimony in the transcripts and this clarification and accepted Holmgren's qualifying credit for her grounds to statements made by her Brady cop Jenee Westberg. Thus the COA failed to read the clerk's papers and ignored the fact that Gretchen Holmgren misrepresented her facts. I.E., *this was a complete fabrication* used to convict Mr. Markley and to spring board into "Criminal Negligence" that Mr. Satterberg and Susan Michaels (Pasado's who were charged with fraud) so carefully put in place under the unconstitutional "*you don't know what you don't know*" definition under RCW 9A.08.010(1)(d) "Criminal Negligence."

The COA then went on to affirm Markley's conviction based on Holmgren's own fabricated trial testimony using RCW 9A.08.010 "Criminal Negligence." Holmgren can't have one without the other.

(Note - Westberg was an undisclosed Brady Officer and was terminated in late 2014 for fraud).

Holmgren ***failed*** in her legal duties:

1) She failed to produce any evidence that Markley fed local hay. (Save insuring that this fabrication was attributed to RASKC ACO Westberg statements who would soon be terminated the next year for fraud and designated a Brady officer while Holmgren knew Westberg was being investigated on three fronts and an undisclosed Brady officer on the record at the October 24, 2012 Omnibus where she became guilty herself of a Brady violation because she failed to disclose to the defense that Westberg had two prior criminal convictions. Holmgren not only failed to disclose the criminal arrests but Holmgren lied about them after she was caught. She offered to the tribunal that both criminal matters were "dismissed" when in fact neither were dismissed. She also claimed the "*cases are destroyed. [untrue] We do not have these um documents in our possession.*" [CP102412-Pg9-10Ln11-25, 1-2].

[7\) Exhibit-Audio and transcript Oct 24th, 2012 Omnibus](#) (*internet link*)

2) Holmgren failed to produce any evidence that local hay is inferior to Eastern Washington hay while Ms. Holmgren misrepresented as fact with no evidence (because there isn't any) that there was a nutritional difference between local hay and Eastern Washington hay. (Video 00:09:36 – 00:10:13 min). (*something local hay growers would take issue with since their revenue depends on it*). Holmgren also attributed the employment of the feeding and purchases to ACO Westberg's statement knowing Westberg was an

undisclosed Brady officer. Holmgren lied to the tribunal. (Prosecutorial malfeasance and misconduct).

3) She failed to produce any forage analysis on the hay fed to “Alex” (\$30)

4) She failed to produce any clinical evidence that the horse “Alex” was starved. (*Starving will produce anemic blood work*).

5) She failed to produce any evidence that the horse in the “*Photo shopped*” photos was in fact, photos of “Alex.”

6) She failed to produce any evidence that there were “*two report(s)*” (*ing parties*). *We don’t have additional information but two random people called animal control*” (Holmgren - Video 00:07:09 – 00:07:22).

Holmgren admitted she had no proof of reporting parties while there were allegedly two.

7) She failed to produce any evidence that “Alex” “*was a quarter horse*.” (Video – 00:00:45) (*Markley had no paperwork, Save a Forgotten Equine claims “Alex” (aka “Mr. Pibb”) was a Morgan and the phony “after” horse shown on KOMO TV with Denise Whitaker “Mr. Pibb” was an Arabian*)

[8\) Exhibit- Photo sourced from KOMO TV while located at SAFE showing phony “after” horse “Mr. Pibb” compared to “Alex”](#)

8) She failed to produce any disclosure that ACO Westberg was convicted twice and an undisclosed Brady officer. (*Westberg was made a Brady officer in late 2014 and terminated for “ falsifying animal control report” and “ theft of county time.” Westberg should have been a Brady officer in 2008 with her 19-count VUSCA arrest but her mother, assisted by KCDPA Chief Dan Clark concealed Westberg’s conviction with the help of coworkers including KCDPA Maggie Nave’s prosecution of Westberg in front of Judge Mariane Spearman. Note – In another case, Nave denied to the court that she knew anything about Westberg’s 2008 conviction when she was the lead prosecutor in Westberg’s 2008 conviction. Nave was also the architect behind the lack of murder charges of Kenneth Pinyan in the James Tait horse*

*sex brothel in 2005 that allowed Tait to orchestrate more animal sex brothels and drug trade.*

9) Holmgren failed to produce any evidence of adhering to custody of evidence standards.

**Intentional misrepresentations by Gretchen Holmgren – fraud:  
RAP Rule 16.4(c)(6) - Constitutional violations**

1) Holmgren misrepresented at oral argument: “*and the only reason for a horse to be shoed, (“shod” is the correct name) as presented by testimony during trial, is so that the animal can be ridden.*” (Video – 00:09:03 – 00:09:09) Virtually all of Holmgren’s own experts stated that there are therapeutic reasons to put shoes on a horse (such as controlling a crack -which is what Markley was doing with Alex – repairing a cracked hoof.)

This is what Holmgren’s witnesses actually said.

**Veterinarian Heather Stewart: (Embezzler)**

Piculell: “*So there’s no indication in your report regarding the quantity of hay. Now, is it unusual as well in terms of the time of year that somebody would shoe a horse? Would somebody shoe a horse normally in the winter like that?*”

Stewart: “*It all depends on the horse. Some horses need shoes year round. Some horses get their shoes pulled in the wintertime when they’re not doing much, but it was springtime so it’s about the right time for people to start putting shoes back on if you’re going to ride them.*” [CP121112-Pg45-Ln14-25-Shoeing a horse and reasons for keeping shoes on a horse]

**Mueller is contrary to Stewart: (Embezzler and fraud)**

Mueller: “*His hooves were overgrown, not as bad as they could have been.*” He was still wearing shoes, so more confirmation that he had been ridden.” [CP121212-Pg74Ln6-8 - Mueller says his hooves were overgrown].

**But Stewart states the opposite:**

Stewart: “*Oh yes, there was a note that-that he had a full set of shoes on all four feet that the farrier had supposedly put on a few months ago, and I was surprised because uh they if it had been several months prior, he should have had longer hoof growth.*” [CP121112-Pg 44Ln17-24] Stewart says hooves not overgrown]

**Eykel’s comments:** (*Starved three dogs at Crossroads shelter for 3 days*)

Holmgren: “*Okay. And we also heard testimony about the fact that Alex had shoes on. Um Why do horses wear shoes?*”

Eykel: “*Typically, it’s because they’re being ridden. Um It prevents uh excessive um wear to the feet. They can wear shoes for therapeutic reasons, but um most often it’s because they’re being ridden.*”[CP121212-Pg58Ln11-16 - Other reasons for wearing shoes]

**Shoes with veterinarian Hannah Mueller for the State.**

Holmgren: “*And why would a horse wear shoes?*”

Mueller: “*Horses wear shoes if they’re being ridden*

Holmgren: “*Is there any-If a-a horse is not being ridden, is there any necessary health aspect to a horse wearing shoes?*”

Mueller: “*Occasionally, there are therapeutic shoes for horses that aren’t being ridden, so if a horse has like a chronic laminitis problem or navicular syndrome or something going on in their feet and they require shoes to maintain the condition and say they’re not ride-able anymore, so there are some times where horses wear shoes when they’re not being ridden and there are some times where horses are barefoot and are being ridden. So there’s a lot of people that ride without shoes. But usually if a horse has shoes on, it means it’s being ridden.*” [CP121212-Pg88Ln6-20 - Mueller stating horses wear shoes for therapeutic reasons]

2) Upon COA questioning as to when “Alex” was thin, curiously “Alex” became “*the horse.*” Holmgren talks about the farrier and what he said, while *there was no testimony from the farrier.* (Again Holmgren attributed the farrier to what the disgraced Westberg claims).

3) After quite a diatribe about “thin” and “emaciated” and that “*there was no specific testimony that the horse was emaciated when they purchased it.*” (Video 00:10:30 – 00:10:35) (Admitting there was no farrier statement “*In April when he was surrendered (when the emaciated queued-up”Mr. Pibb”* was switched for “Alex”) *he was graded as low as a “1” or high as a “1.5.”* (Video 00:11:50:00 – 00:11:55)

4) When asked if there was any Henneke scoring before April on the Henneke scale, Holmgren admits again she has no evidence and becomes unresponsive blurring her answer into another topic,

Holmgren: “*We do not have any scoring no testimony was provided designated (suddenly changes topics - nonresponsive) who sold “the horse” or who sold Mark-Mr. Markley “the horse“ where specifically it was two cites were provided but no specific information we had no way tah dis um to discern who sold him “the horse” in the prior condition.*” (Video 00:11:07 – 00:11:32)

5) When discussing the differences between Mueller and Mr. Markley’s care, Holmgren states that “*the horse” was in Dr. Mueller’s care for approximately three months - the same time “the horse” was in uh Mr. Markley’s care and all that we knew at that time was that “the horse” and all we know is that Mr. Markley provided hay of no nutritional value to “this horse.*” (Again unproven) (Video 00:11:33 – 00:12:14) She states “the horse” did much better in Mueller’s care and recovered as compared to Mr. Markley. Holmgren fails to prove that “Mr. Pibb” was the same horse as “Alex.”

6) Documents from the foster care, Gene Dobbins states that “Cooter” aka “Alex” passed away sometime around the end of December of 2013 obviously of old age. 5) Exhibit [AlexHeboInvoicesVsTestimony](#)

7) (Video 00:14:17 – 00:16:00) COA Panel questions, “*There’s there’s no evidence that he didn’t – he didn’t actually feed the horse – I mean he the horse was fed during the entire time he with Mr. Markley was he not?*”

Holmgren: “*Their testimony was that local hay was provided yes.*”

COA Panel: “*and a reasonable person would know that there is a difference between - an ordinary person would know the difference between Eastern Washington hay and-and Western Washington hay?*” (COA aligns with a fabrication with no evidence).

Holmgren then has a nonresponsive answer so they ask again.

COA Panel: “*But is there evidence that he knew the difference between the two different types of hay.*”

Holmgren: “*Well he knew that one was that one was costs lest – one costs less.*” (Holmgren stutters). [because local hay doesn’t have shipping]

COA Panel: “*Ok. But- but there’s no evidence that he knew the - difference in the nutritional value of those two-two types of hay.*”

Holmgren: “*No. No testimony was provided that he specifically knew that it was less.*” (Non responsive)

#### **RAP Rule 16.4(c)(5) – Other Grounds – Fraud.**

This whole legal premise is based on an intentional fabrication that there is a difference between local hay and Eastern Washington hay.



There is no difference between the nutritional values between the exact same two hays types grown in separate areas of the state.

Holmgram: *“No. No testimony was provided that he specifically knew that it was less. And I think that um criminal negligence anticipates that. No one is suggesting in this case as there other avenues with animal cruelty in the first degree that there are cases out there where people intentionally hurt animals intentionally cause them pain. However criminal negligence standard anticipates that he didn't know. But the bottom line is he should have known. And that's where we get criminal negligence. That it was a gross deviation from care and that a reasonable person would - in the same situation - give.”*

Ergo the argument then becomes not that Mr. Markley should have known under the unconstitutional argument of *Criminal Negligence*, I.E., that *you are guilty of what you don't know you don't know*- moreover it becomes then that there was a difference in nutritional value of local hay versus Eastern WA hay.

This would then be an unattainable expectation that Mr. Markley should be demanded to be psychic and should have known what lie Gretchen Holmgren was going to pull out of her hat next.

The elements here are that Mr. Markley's 1) only “Act” was an omission to act, 2) he would not have known the legal duty of the law, and 3) he would not reasonably have known of the legal duty of the law as fabricated by prosecutor Holmgren. Thus there is no crime attributed to Mr. Markley and the case should be immediately vacated on this basis for both Markley and his wife

Thomas and the 21 (of 23) other innocent people this crime has been falsely claimed using the same phony argument.

**RAP Rule 16.4(c)(5) – Other Grounds – Fraud by the COA based on no evidence to establish probable cause.**

- 1) Holmgren never did a \$30 forage analysis to support her claim.
- 2) Yet the COA Opinion states that, “*It is undisputed that horses cannot survive on local hay alone because it does not contain adequate nutrients and calories.*” It would seem that this issue is certainly “*disputed*” both during trial and at the COA.
- 3) This COA statement is blatantly fictional. It was wholly disputed throughout the trial as well as the COA that local hay was equally as nutritional as eastern Washington hay. In fact, most of the local hay producers provide their own forage analysis on each cutting.

**Brady vs. Maryland** [Brady v. Maryland, 373 U.S. 83](https://supreme.justia.com/cases/federal/us/373/83/case.html)

<https://supreme.justia.com/cases/federal/us/373/83/case.html>

King County Deputy Prosecutor Gretchen Holmgren additionally failed to disclose *new* Brady information on Westberg even after trial while testifying at the Court of Appeals. Westberg was in the heat of being investigated for her third Loudermill, beginning her fourth Loudermill and was the prime person of interest in a serial vandalism case that had escalated to manslaughter of six people. 9) Exhibit- [Westberg Termination](#) 10) Exhibit-

[140822WestbergInvestigation4thLoudermill](#)

**RAP Rule 16.4(c)(5) – Other Grounds – Fraud by Brady Officer Westberg.**

Testimony shows that RASKC ACO Brady officer Jenee Westberg (who has since been terminated for falsifying her animal control reports and theft of county time) refused to at the four bales of various hay resources and

supplements on site that was offered to her by Markley instead forcing Thomas to go with her to Reber Ranch to purchase an additional bale of hay (which curiously was moldy and Reber did not charge for it) at around 6PM April 8, 2011. Apparently in Westberg's mind, if she doesn't look at the hay on site, it must not exist. [CP121204-Pg32—Ln18-23]

**Westberg's GPS enabled computer mysteriously moves around without Westberg.**

According to Westberg's GPS data and RASKC co-worker/State witness Aaron Wheatley's GPS data, on April 8, 2011 at 5:41PM Wheatley was just 23 minutes away from Reber Ranch filing an "*activity report*" allowing him to arrive at Reber Ranch at around the same time as Westberg and Thomas.

Westberg waited outside when her computer was turned off at 6:02PM while Thomas goes in to Reber Ranch to purchase that moldy bale of hay Reber did not charge for.

To Thomas, she could not have seen if Wheatley exchanged his computer with Westberg's and that Westberg's GPS computer was still in the animal control truck. [CP 121204-Pg 36Ln1-25]

Westberg and Thomas go back to the Markley/Thomas property and Westberg insists on giving the moldy hay to Alex who picks through it uninterested. [CP 121204-Pg 37Ln1-15]

At 8:25 PM, Westberg's computer mysteriously turns back on at her residence in Kent while testimony shows she is still at Markley's property

terrorizing them until 9:30PM. 11) Exhibit-[RASKC-April8-2011GPS data](#) (\*Need Google Earth--online)

It is curious to note that ACO Aaron Wheatley's minute to minute pinged GPS presence (unlike Westberg's) is not included in King County's PDR production of GPS data that entire weekend while he is "pinged" making "activity reports" out in the field by his GPS both 4/8 and 4/9. On 4/10/11 he testified that he was with Westberg, out in the field so obviously he was working and he was in the field. [CP121212-Pg17Ln12-21] Wheatley stated affirmatively that he "*responded to the location where the horses were being kept.*" There is no indication he "responded" to anything on his GPS data as his GPS data minute to minute pings are missing for April 10, 2011. 12) Exhibit-[RASKC-April10-2011GPS data](#) (\*Need Google Earth-online)

Wheatley GPS data is missing for the entire weekend April 8-10, 2011. However he files a GPS pinged "activity report" on April 8<sup>th</sup> and April 9<sup>th</sup> out in the field. (He is not in the shelter as King County would claim). 13) Exhibit-[RASKC-April09-2011GPS data](#) (\*Need Google Earth-online)

King County has failed, after repeated requests to produce the missing data - preferring to face litigation instead. (This is common with King County). It has been repeatedly requested that the IT Specialist in charge of the GPS data, Todger Koerker sign an affidavit that he personally searched the servers for this missing GPS data, something King County prosecuting attorneys and Public Information Officer **Kelli Williams** have been

nonresponsive to. It would appear that King County is self-serving to protect its loss mitigation in Jenee Westberg and Aaron Wheatley's abundant perjuries.

14) Exhibit-[King County Kelli William's Jun7-2016-email claims](#) regarding GPS tampering

**RAP Rule 16.4(c)(5) – Other Grounds – Wheatley perjury and altered transcripts**

**Civil action for deprivation of rights under the color of authority under** ([42 U.S. Code § 1983](#)) <https://www.law.cornell.edu/uscode/text/42/1983>

**Racketeering and conspiracy under** [RICO Conspiracy under 18 USC 1961 - 1968](#) [https://en.wikipedia.org/wiki/Racketeer\\_Influenced\\_and\\_Corrupt\\_Organizations\\_Act](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)

In the audio it was very clear that Wheatley testified under oath that he had only worked for Regional Animal Services for just over one month.

There was a side-bar that appeared to have been manipulated and cut out of the audio record - then erased - and any disclosure of such - cut out of the audio record. This kept the door shut during trial from any defense cross examination regarding his background (and Westberg's) as to what he did though he clearly misspoke. It was a few pages later he stated he helped Westberg April 10, 2011 lead the two horses to Reber Ranch (where along the way apparently "Alex" was exchanged with a queued-up emaciated "Mr. Pibb.")

The trial transcripts were altered to "fix" Wheatley's pas faux and hundreds of other "unclean" comments prior to reaching the COA. Here is just one example of an exorbitant amount of "edits" where the transcripts were

altered to correct misrepresentations “*for a little over a month*” to “*a little over five years.*” [CP 121212 – P12Ln13-14 Wheatley transcript]

**RAP Rule 16.4(c)(5) – Other Grounds -Altered transcripts en masse**

Inexcusably the above issue with Wheatley is only one of hundreds of alterations done to both the audio and the transcriptions after trial.

There is no longer any bonafided record of the trial in existence. Both Markley and Thomas’s cases should be vacated based upon the fact there are no longer any bonafided record of the trial in existence for appeal. 15) Exhibit-  
[Transcript and audio expert analysis](#)

**RAP Rule 16.4(c)(5) – Other Grounds – COA misrepresentations**

The COA summarily ignores Holmgren’s blatant violation of evidence rules, lack of evidence, lack of legal standards and Holmgren’s dishonesty by representing that Markley provided no proof of his claims of fraud in his pro se Statement of Additional Grounds (SAG).

The COA was given at least 600 pages of exculpatory and definitive evidence of fraud obtained through King County Public Records requests. They choose to not only ignore that content but they also misrepresented that it existed.

This was the COA’s position throughout their opinion. The opinion goes on to state, “*the reasonable person standard required for criminal negligence is an objective standard that does not vary from person to person based on their individual level of knowledge or experience. Instead, the objective*

*standard asks what a reasonable person would do under similar circumstances.”*

This comment is flawed for numerous reasons.

First, it is based upon the proposition that - local hay is inferior to Eastern hay. This proposition is a complete fallacy upon which there was no evidence provided by the State to make it so. And it is, in fact, pure fiction. The COA accepted it that way without question. At its best it was hearsay once removed by a Brady cop (Westberg) but certainly not fact or proven. It was not proven at trial nor was it proven at the COA.

Secondly, it is the unconstitutional ‘Criminal Negligence’ employment that: *a person cannot know what they do not know* clause that King County Prosecuting Attorney, Dan Satterberg lobbied for himself alongside Animal Rights Extremist Susan Michaels in 1994 and 2005. (Susan Michaels was charged with fraud in 2010 by the Washington State Attorney General).

Susan Michaels was the founder and director of Pasado’s Safe Haven a nefarious “rescue” until she was barred by the AG in 2010 for misuse of funds. Pasado’s enriches herself from the persecution of innocent people for animal abuse and had misused FEMA monies for the care of hurricane Katrina animals – a task - which Pasado’s failed to employ. Their minions continue to this day to employ blatant PETA-like terrorism on their victims while no one in the King County Prosecutor’s Office holds them accountable for their

documented criminal activity. 16) Exhibit - [Hamilton Probable Cause](#) – Kim Koon breaking and entering.

Thirdly, in the horse world, even without the ample perjuries provided by Mr. Satterberg’s favorite ARE Pasado’s Safe Haven witnesses and disgraced minions, (who are apparently close with KCPA elected Dan Satterberg’s apparent accessory, Hannah Mueller aka Evergreen), there exist about as many opinions about how to handle horse care as there are people who own them.

17) Exhibit- [Mueller to Satterberg](#)

**RAP Rule 16.4(c)(5) – Other Grounds – The COA did not follow the law – I.E., the burden of proof lies on the prosecution at trial but the COA ignores that and views in favor of the State at the COA – a no win situation for Markley.**

The COA opinion admits they are; *“Viewing the evidence and all reasonable inferences in the light most favorable to the State.”*

There was no comment on the trial (of which was being appealed) at which time the burden of proof was on the prosecution. This is why the case went to the COA. If it had been the State bringing the appeal, would the Court of Appeals still be stating they favor “the State?” It appears the innocent defendant loses either way therefore the COA violated Markley’s constitutional rights to a fair judicial process. Thus it is a no-win situation.

This was a simultaneous trial. The bench and the jury heard exactly the same State testimony and the same evidences with the exception of Judge Carey who heard an extraordinary amount more exculpatory evidence than the



jury did. Yet inexplicably, Carey found Markley guilty. It is clear her rational was flawed. Comparing the jury vs. Judge Carey we find;

1) *A jury* of 12 people of peers, 9 found Thomas not guilty.

**Judge Carey** ruled against Markley with far more exculpatory evidence than the jury had. She ruled the day before the jury came in (when she knew there was a hung jury verdict brewing). Carey then failed to be present when the jury delivered their verdict on Thomas. (Judge Patrick Oishi was there instead who attempted to call a mistrial on the jury who came in just in the nick of time.)

1) *A jury* poll found that the jury did not find the State's witnesses credible especially Hannah Mueller Evergreen while they would not know yet that Mueller was embezzling from the county nor that Westberg was an undisclosed Brady cop.

**Judge Carey** knew she had an undisclosed Brady cop on the stand from 13 pages of pre-jury discussion on Westberg without the jury. [CP121205-P145L7-Pg158Ln5]) Carey knew Westberg had two convictions and numerous employment issues, the latter of which, she attempted to conceal from the transcription record by giving it an erroneous exhibit number when defense counsel Tarvin attempted to put it in the record while the jury was out. (CP [CP121212-Pg49-Ln11-12] Objection of Westberg Loudermills

(Loudermill proceedings are a hearing for cause. They were unrelated to her criminal convictions - but a demonstration of her honesty levels).

Carey displayed extraordinary favoritism to the point of making a mockery of the fair judicial process Markley and Thomas were entitled to.

Additionally, Carey attempted to allow Holmgren's now discredited State expert Hannah Mueller to have her 3-year old child in the court room while delivering her testimony and getting compensated \$6,000 with taxpayer's dollars. (Ms. Mueller Evergreen had an undisclosed Child Protective Services complaint against her regarding her care of her daughter at the time and since found to be embezzling from the county.)

*This entire discussion was obfuscated from the trial transcript and audio by the time it was sent to the COA.*

2) *The jury* did not know RASKC ACO Jenee Westberg was an undisclosed Brady Officer ([\*Brady v. Maryland, 373 U.S. 83\*](#))

<https://supreme.justia.com/cases/federal/us/373/83/case.html>. **Judge Carey** knew she had an undisclosed Brady cop on the stand from 13 pages of pre-jury discussion on Westberg without the jury. [CP121205-P145L7-Pg158Ln5]

3) *The jury* did not believe the “glamour” shot of what was depicted as the “after” horse (“rescue” minion Save a Forgotten Equine called a Morgan) was the same horse as “Alex” (KOMO TV Denise Whitaker displayed a Arabian on her two hit pieces against Markley and Thomas).

**Judge Carey** heard strong objections to the use of this photo outside the presence of the jury but Carey inappropriately allowed it. A forensic examination after trial of the metadata shows this photo visited *Photoshop CS 3 for MAC*. There was no custody of evidence established. This horse was not the same color as the original horse “Alex.” “Alex” was a sorrel (the color of a new copper penny). This glamour shot horse was a liver chestnut. [[CP 1201212 Pg 3Ln19-25Pg8Ln1-25](#)] (Discussion on glamour shot) The third horse captured as the phony “after” horse by KOMO TV was a liver chestnut (the color of liver).

The forensic exam also shows this section to be abundantly “edited” both on the transcript and the audio.

**The audio on the discussion around the phony photo appears to be cut. 15)**  
Exhibit- [Transcript and audio expert analysis](#)

There was no prerequisite that the jury should be equipped to spot a drug addict on the stand yet they did.

**Judge Carey** was the “drug court” judge. Of all people, she should be tenured enough to spot an active drug addict such as Jenee Westberg.

The burden of proof in a prosecution is supposed to be squarely on the shoulders of the prosecution to prove their case. At trial it was allowed to be a corrupted process. The COA then affirmed and enabled this corrupted process.

The COA is not meant to be a forum for an impotent, corrupt argument to give the daughter of a local millionaire a free pass. Yet this is what was done in the Markley COA - and the COA wrote it – admitted it - right into their

opinion while Ms. Holmgren's millionaire father, Mike Holmgren attempted to influence the panel waving his million dollar Super Bowl trophy ring around during oral argument. (Exhibit Video of Ring)

*COA opinion: "there is sufficient evidence for a rational tier of fact to conclude that a reasonable person would have realized that the horse was starving and suffering pain for several months."*

This last comment speaks for itself. There was NO evidence that "Alex" was starving. The prosecution failed to provide any. The perjured testimonies are hearsay at best all by people of questionable credibility – not proof.

E.G., it would later be discovered that RASKC ACO Chelsea Eykel who testified, was sanctioned six weeks employment for failing to feed three malamutes at the RASKC crossroads facility. She was not prosecuted for starving animals.

Dave Morris, who wrote the probable cause without proper authority as a code enforcement officer (not law enforcement), was sanctioned for three days for the same offense as Eykel. He was not prosecuted for animal cruelty.

Veterinarian Heather Stewart was found to be double-billing. She has not been held accountable. 5) Exhibit [AlexHeboInvoicesVsTestimony](#)

Aaron Wheatley was found to be committing perjury throughout the trial. There were an abundance of audio cuts in his audio found. He lied under oath about his experience stating "one month" to foul the defense cross examination

then contradicting that later which someone “fixed” in the transcript to say something he did not say on a material fact. Wheatley was being asked continually by KCDPA Holmgren about April 9<sup>th</sup>, 2011 when he was on Markley’s property April 10, 2011. He was not held accountable. [CP121212-Pg12Ln13, Pg14Ln10-Pg16Ln23, Pg17Ln15] Neither was Holmgren.

Hannah Mueller Evergreen was participating in a series of embezzling techniques throughout this case and that of virtually all the cases while she has only billed for “well care” NOT the starvation pain and suffering she spews on the stand as the State witness. She appears to have a close relationship with Dan Satterberg. 17) Exhibit- [Mueller to Satterberg](#)

Mueller and Jenny Edwards of “rescue” Hope for Horses” were featured in an animal sex advocacy movie called “ZOO” about the man, Kenneth Pinyan, who died having sex with a horse in a well-known (to those who do it) animal sex brothel in Enumclaw. 9) Exhibit-Video

Dan Satterberg’s 1994 and 2005 lobbying efforts drove Criminal negligence into starvation and dehydration. When Pinyan died having sex with a stallion, Satterberg and his “fixer” Maggie Nave suppressed murder charges into criminal misdemeanor before Senator Pam Roach introduced the 2006 anti bestiality legislation. Satterberg was notably absent during Roach’s legislation as he is on prosecuting bestiality. He has failed to prosecute even one case of bestiality while prosecuting 100’s of innocent people with laws he himself

crafted while it is reported the seized animals are being used for illicit purposes or worse.

Gretchen Holmgren herself appears to be making deals with the RASKC restitution monies she extorts from her cases. She attempted to collect eight (8) months worth of board for unrelated animals “Alex” (Markley/Thomas), “Bud” and “Brady,” (from yet another case) from the Shannon Dunham case while facilitating the horse theft of Dunham’s two mini horses that SAFE now uses for promotional purposes (the question is promotion of what?).

Gretchen Holmgren also attempted to give \$15,000 to a former board member of a “rescue,” in the Hamilton case - until two current board members intervened saying they would be “content” with \$10,000 payment. It is unknown if Gretchen sealed the deal because King County has failed to provide that documentation in one of the larger Public Records Act claims in state history. (Note – King County admitted complete guilt in that PRA claim also during mediation).

King County has failed, out of some 30,000 pages of mostly financial public records productions, to provide any documentation of receipt of paid restitution yet there are cases paying restitutions to the county.

There is only one way this could happen – it is being diverted at the point of defendant payment – at the King County Superior Court Clerk’s Office.

What is true - and factual - is that Jenee Westberg, Aaron Wheatley, Chelsea Ekle, Dave Morris, Hannah Mueller Evergreen, Heather Stewart,

Gretchen Holmgren and *Dan Satterberg* conspired to introduce a different horse (“Mr. Pibb”) that WAS starved to switch it with “Alex” ( a horse that no doubt Mueller queued up for the event and is thus guilty of the same crime) while they whisked “Alex” away with his companion “Hebo” to the Gena Dobin “foster” care for the next two years where Dobin held back their billing for one and a half years (to avoid capture in the PRA case). Dobin’s changed “Alex” for the pseudonym “Cooter.” They did this while continuing to bill King County for “Mr. Pibb,” “Cooter,” and “Hebo” all at the same time. 5) Exhibit [AlexHeboInvoicesVsTestimony](#) (Note – “Cooter” aka Alex” is noted as passing away from old age January 29, 2013).

The reason we know this is because through public records:

- 1) We have a list of all the cases of animal cruelty at the time.
- 2) There was no “Cooter” among them. There were also no seizures or stray horses at that time other than Markley and Thomas but King County was paying for “Cooter,” “Hebo” and “Mr. Pibb’s” care at numerous locations at the same time. It appears under the guise of the Markley/Thomas case, there were seven different entities that billed for what was supposed to be “Alex” simultaneously.
- 3) There are numerous billing statements for “Cooter” (aka “Alex”) and “Hebo” with accurate descriptions including that of veterinarian Heather Stewart (who perjured herself at trial).

4) We have the hauling invoice from WSART (Washington State Animal Rescue Team), though manipulated; it clearly was the hauling of “Alex” and “Hebo” to the Gene Dobbin’s pasture. Neither horse were ever stationed at Reber Ranch.

5) The COA denied Markley his constitution rights to a fair judicial process with their participation in the conspiracy to bilk King County for three “after” horses and a land grab to create a distressed property.

**Racketeering and conspiracy under [RICO Conspiracy under 18 USC 1961 - 1968](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)**. [https://en.wikipedia.org/wiki/Racketeer\\_Influenced\\_and\\_Corrupt\\_Organizations\\_Act](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)

This conspiracy targets property owners. It is designed to cripple a vulnerable marital community just like Markley/Thomas neither of which have any criminal history and are quietly, lawfully raising four young children.

The action creates a distressed property through the sabotage of the property owner’s ability to produce income in which to service their mortgage so that the end result would be to create a distressed property available at 30% - 70% of market value. This is known as a “*mortgage rescue scheme*” and is defined conspiracy under [RICO Conspiracy under 18 USC 1961 - 1968](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act).

[https://en.wikipedia.org/wiki/Racketeer\\_Influenced\\_and\\_Corrupt\\_Organizations\\_Act](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)

In the Markley/Thomas cases, their property is located in a 10 parcel section identified by Parcel numbers 032-105-XXXX. 18) Exhibit-

[160601AllCompromisedParcels](#)



There have been three falsified allegations of animal cruelty and prosecutions on three separate parcels all located adjacent to Markley and Thomas's property. This would include the Markley/Thomas parcel. 3+

The first false allegation (Solomon – one of the twenty-three phony animal cruelty cases identified) of animal abuse in 2009 resulted in the loss of Solomon's two (total twenty acres) parcels. A developer in now in title who appears to be related to several other people in that section.

In the ten-parcel section, title records show there have been four foreclosures of four other parcels in recent years of unknown reasons. While the COA inaccurately claims there were "two anonymous phone calls" (thus changing the facts of the trial) the record shows the reporting party was Ryan Stover who occupied one of the foreclosed properties adjoining the Markley property north. Stover abandoned that property in a hurry the very same day that Jenee Westberg made her appearance at the Markley/ Thomas property, April 8, 2011. It remained vacant for approximately a year.

The title for the Stover property changed hands through an FHA repo action during that time. None of these four foreclosed parcels are part of the phony animal abuse claims that in known at this time.

Of those four foreclosed, if one assumes the four are currently occupied by placeholders known as "*straw borrowers*," they are actually part of concealing a "taking" of the entire section of ten parcels. 3+4+ = 7.

Three parcels and two outside parcels (border properties) are owned by one long-term family.  $3+4+3=10$  (plus the 2 outside properties = 12).

It would appear that 80% of the parcels are already “taken” so when the recent false allegations of animal cruelty began on the third property recently (Ramirez) by one of the suspected straw borrowers, rescue “Serenity – Pat Clark and the City of Auburn Animal Control, it appeared to be the second to the last run (only because the Markley/Thomas scam did not work) at seizing that property (and horses). It suggests that there would still be another run to come back around to capture the Markley/Thomas property a second time.

The occupants of one of the former Stover foreclosed house appear to have been on vigil - in concert - with the Kelsie and Paul Sherman (Rogers) property for several years, videotaping both Markley/Thomas/their children (stalking) and the recent adjoining third property (Rameriz) falsely accused of animal abuse. When investigative news video documented the completely well conditions of the horses as did two equine veterinarians, the City of Auburn Animal Control abruptly closed its investigation.

In 2013 Kelsie Sherman’s tenants were Wayne and Tiffany Porter, Wayne was a subcontractor for the contractor who is now in title of the Solomon properties, Schneider. Tiffany Porter is another mini horse breeder affiliated with Hannah Mueller Evergreen. During their occupancy, Wayne, an avid gun enthusiast and hunter, took his 7mm scoped Browning elk gun and shot a

coyote that was 105 feet from the Markley/Thomas home where their children were quietly studying their school work. The noise was deafening. The kids hit the floor then slowly eased to the window in time to video tape Mr. Porter picking up his “kill” in a no shooting zone of King County.

Mr. Markley called the Auburn Police department and filed a complaint. Officer Adamski took 20 minutes to arrive. He failed to arrest Porter or confiscate his arms. He failed to shut down the two schools 2,500 feet away in the same direction that had over 3,000 school children at recess.

A 7mm Browning has a lethal range of 3 miles and a bullet drop range of 7 miles. In theory that bullet could have reached both city halls of Kent and Auburn.

The prosecutor failed to prosecute Porter while the detective on the case along with the mayor and chief of police attempted to calm the Markley family and numerous others while failing to act. They attempted to obfuscate an email that outlined all the violations of law that would have become a public record.

These are just a few examples of the harassments that the Markley/Thomas family has been subjected to.

None of this can be shrugged off as an anomaly nor is it an isolated incident. This is 100% land fraud and racketeering.

The entity that has the most to gain? It would obviously be the family with 5 (plus 2) properties in hand.

In the third animal cruelty allegation within this identified parcel section was on April 21, 2016. It opened new evidence of this land swindle as the third allegation of animal abuse in the ten acre section. A mare was having a normal birth in the pasture.

The neighbor in title, Kelsie Sherman, that is directly east of the Markley/Thomas parcel called 911. Kelsie Sherman was documented and recorded admitting to breaching the property line interfering in this mare's natural normal delivery – which horses have been doing for thousands of years. She admitted she “spooked” the mare causing the mare to prematurely stand up before she was ready after the foal was out.

This mare was not in any danger whatsoever. However this woman, Kelsie Sherman, used what appeared to be “script-like” comments to describe it as if it were an alarming dangerous situation while being recorded by 911. She used many sensationalizing adjectives repeatedly such as “wild” and “feral” to describe the rest of the herd occupying the pasture where the mare dropped her foal.

She went on to document their conditions as “horrible,” that they were without food (they are grazing on pasture – that counts), unkempt hooves etc. All of which have been since documented by two veterinarians and videotape as completely fictional claims.

She qualified herself as a horse breeder of mini-horses in the conversation so she *should know*. She even went so far as to allege that “*if this baby doesn’t get some attention immediately it’s going to die!*”

Sherman apparently raises boutique “Arabian” mini horses of which none had been housed at her Auburn property at that time. Some might conclude that mini-horses are a primary vehicle in servicing of the animal sex prostitution trade that Mr. Satterberg has been apparently protecting.

In the process Ms. Sherman apparently alerted three other horse “rescues” who appeared spontaneously to “help.” The 911 audio reveals a tone while she is talking that sounds like a text. The three “rescues” were later identified as Save a Forgotten Equine, Serenity and Pony Up.

Then three women accosted four adolescence girls demanding to know who they were and where they lived frightening them so badly they ran to a nearby neighbors instead of their own homes while Ms. Sherman was telling the 911 operator that “all the neighbors” are together helping the situation.

One of the women has been identified as Patricia Clark, director of a rescue known as “Serenity Horse Rescue and Rehabilitation.”

Serenity Horse Rescue and Rehabilitation via Patricia Clark was the primary recipient of many horses (and billing hours) seized from the 2009 case of the first phony animal cruelty case (Solomon) in this subsection. Patricia Clark enjoyed the spoils of that illegal seizure as did the same related veterinarians (Hannah Mueller Evergreen) and other rescues that are common

to not just these three cases but overall the 23 phony cases that should be vacated in the King County Prosecutor's Office currently.

Note – In the Solomon case there was no mention by the prosecution of the three top equine tenured equine veterinarians who attempted to testify to Solomon's innocence. They were Dr. Larry Pickering, Dr. Chuck Emig and Dr. Bob Clark.

Public records show that Save a Forgotten Equine was in the Ramirez mix (as they are often in the 23 member group of wrongfully prosecuted) as well contacting City of Auburn Animal Control Officer George Winner. Troubling was that Ms. Sherman was asking for Winner by his first name "George" on the 911 call. 19) Exhibit-[Kelsie Sherman False 911 Call](#))

Not once did Ms. Sherman think to simply walk over to the property owners and let the property owners know the mare was birthing.

There can be no doubt Ms. Sherman filed a false report (criminal misdemeanor) as it is audio taped. This is a criminal offense of [RCW 9A.84.040](#) that will most likely escalate because it reveals the deep RICO involved. The second call was made to 911 the next day by one of Ms. Sherman's associates Dawn Jasper. It is apparent they thought they would have eight (8) free horses by then and were confused as to why ACO "George" didn't seize them when they called. He didn't because the property owner got their own veterinarians involved who declared that everything was fine while the animal's conditions were all documented on videotape.

There are at least 23 phony cases in King County and 100's statewide. In all cases, (including Markley and Thomas), the falsely accused are restrained in the same manner making it difficult to defend themselves.

ALL THESE CASES ARE LODGED ONLY AGAINST PROPERTY OWNERS - There are no renters among them.

This double prosecution profoundly impacted this family unit of six. Mr. Markley being a nondrinker could no longer work with his native people in drug and alcohol treatment.

Their parental rights of family unit were ripped from them AND their children due to the circumstance of the false allegations made against them. They have been the target (experienced by all the victims) of PETA-like vandalism of which Jenee Westberg admitted her participation during one of the investigation interviews into the police reports of serial vandalism from Markley. (The latter of which nearly got the entire family killed) King County failed to pursue or prosecute Westberg for attempted manslaughter as did the Auburn Police Department. (King County had their hands full suppressing back to back Loudermills)

As a convicted felon of phony animal abuse allegations, not only is Markley restrained from gainful employment, his current status is a danger to his wife and children from the still active known criminal Animal Rights Extremists (ARE) Pasado's, Jenee Westberg, Hannah Mueller Evergreen et al, who drive these cases (considered domestic terrorists by Homeland Security).

(Pasado's was charged with fraud in 2010 by the AG). 20) Exhibit- [Pasados Complaint](#) and 21) Exhibit-[Pasados Consent Decree](#)

These ARE's play a larger but invisible role, with the ill-placed protectionism of the King County Prosecutor Dan Satterberg himself who is occupying a supervisory position in prosecuting falsified animal abuse cases in order to protect the animal sex prostitution trade evidenced by the complete absence of bestiality prosecutions in King County. (There are zero). The malicious prosecutions are apparent in every case.

The King County Prosecutor's office employs professional media witch hunts prior to trial (tainting the jury pool), serial vandalisms, social intimidation (that target their victims) which can be - and are - life threatening. KOMO TV's Denise Whitaker facilitated two hit pieces against Markley's putting their entire family in danger. She is a "pet" reporter of the Holmgren football franchise. Through this Markley (and the others) continue to be restrained.

It is also apparent these AREs have other comrades within the judicial system supporting their inexplicit predatorization of their innocent human victims under the inexplicable guise of the war cry of saving animals from cruelty. There is an inescapable cache of the same judges from case to case.

As a result of Markley's and Thomas's victimizations by a fatally flawed judicial system, Markley has been unjustly and inhumanly restrained from



normal social and economic freedoms afforded by the US and State Constitutions to all US citizens. He is not alone.

There are 23 cases of falsified animal abuse prosecutions identified in King County currently. There are hundreds of these cases in the State of Washington.

Due to the nature of the allegations of the fraudulent animal abuse scheme - under the color of authority - that were alleged against him, Markley, who had no criminal record prior to this at 45 years of age, is currently a convicted felon restrained from any employment in his chosen educational college degree of social work. As such he cannot even secure a minimum wage job because once a background check is done; he is passed over for hiring. He is again restrained.

Cherish Thomas, Markley's wife and co-defendant, though her charges were dismissed, has ground through the loss of her high paying management position as a MRI specialist in which her supervisory position in which she holds a four – year college degree she worked her way through college to attain. She was reduced to take a MRI job at half her former pay, placed on call and could not longer participate in their family plan of home schooling their four young children. This was as a direct result of these false allegations. Thomas continues to be restrained.

*Mr. Markley and his wife were denied every constitutional safeguard and due process on their journey to seek truth, justice and due process in the judicial system.*

The State of Washington should immediately vacate Markley's case and that of his wife's due to the egregious nature of the prosecution and the fact that King County Prosecutor Dan Satterberg has been engaged in racketeering, conspiracy and fraud as defined under 8 U.S.C.

[https://en.wikipedia.org/wiki/Title\\_18\\_of\\_the\\_United\\_States\\_Code](https://en.wikipedia.org/wiki/Title_18_of_the_United_States_Code) §§ 1961

<http://www.law.cornell.edu/uscode/text/18/1961>–1968 <http://www.law.cornell.edu/uscode/text/18/1968>

against innocent people for over two decades. [www.goldbarreporter.com](http://www.goldbarreporter.com) .

The Supreme Court should demand a criminal DOJ investigation while demanding through a Writ of Mandamus that the King County Prosecutor and the King County Council vacate all these falsified cases and make the victims of his crime whole.

The bad behavior is predatory on its face. There can be no doubt the fabricated elements qualify their acts as a conspiracy under both RICO 18 U.S.C. §§ 1961–1968 and RCW 9A.28.040 Criminal conspiracy.

This was done with the conspiracy of many parties working in concert to a common goal to prey upon innocent families.

Their agenda is obviously NOT about saving animals from cruelty.

It is about exercising overreaching power - that a democracy is not supposed to allow - to turn ordinary honest citizens into felons in order to pray upon their hard earned assets.

While Mr. Satterberg went to great lengths over the past 22 years to make sure the legislation was in place so that he could prosecute any innocent citizen of any crime they were set up for in the interim, the case of Kenneth Pinyan's death that drove an addition of an anti-bestiality legislation was NOT lobbied for by Mr. Satterberg.

Mr. Satterberg has hundreds of prosecutions of animal cruelty under his unconstitutional lobbying efforts with his long team player, Susan Michaels of Pasado's Safe Haven.

Susan Michaels was continuously at his side lobbying for the unconstitutional animal cruelty legislation he would use to maliciously prosecute innocent people while he has remained silent on the animal cruelty regarding animal sex prostitution. Susan Michaels has everything to gain.

Satterberg's record has zero prosecutions on the animal sex prostitution trade that led to a man's death and prompted additional legislation through Senator Pam Roach – a bill Satterberg curiously distanced himself from as compared to prior to Pinyan's death.

Ms. Michaels was the subject of a consumer fraud investigation by the Washington State Attorney General in which she was barred from the organization's executive involvement, fined \$70,000 and faces regular audits

of their finances for diverting and misrepresenting their use of funds away from the disaster victims the funds were intended for. (Exhibit Pasado's Summons and Consent Decree)

*These are the facts upon which the claim of unlawful restraint of the petitioner is based and the evidence available to support the factual allegations.*

There was not one component of either of Markley and Thomas's prosecutions that was not fabricated. This was a profound and a gross violation of Mr. Markley and his wife's constitutional rights under both Washington State Constitution and Law and the Federal US Constitution.

**As such, I hereby motion for the following relief:**

- 1) That the clerk's papers/transcript to be corrected (not likely possible) and/or excluded for the profound amounts of rewrites, changes and/or errors contained within and a copy of the transcriptionist's audio recording to be compared to the court audio for audio edits/cuts that erase exculpatory evidences.
- 2) For a Writ of Mandamus to order the King County Prosecutor to immediately vacate these cases and monetarily make these people whole.
- 3) For a Writ of Mandamus to order the Department of Justice to investigate and take emergency and immediate federal action to do so.
- 4) An addendum of additional exhibits is to follow.

I declare under penalty of perjury under the laws of the State of Washington that I am the petitioner, that I have read this petition, know its contents, and I believe the petition is true.

DATED this 11<sup>th</sup> day of June, 2016.

Respectfully submitted,

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Jason Edward Markley, pro se

**Addendum List of law violations and further discussion.**

1) It has been exposed through public records that there are at least 23 cases of falsified prosecutions by the King County Prosecution Office since 2007.

2) These phony prosecutions are typically brought against innocent people with no criminal record of any kind just like Markley and Thomas – people who are unfamiliar with the criminal justice system.

3) There is a complete absence of defendants who rent among defendants examined. (Only property owners)

4) Under every definition this qualifies a malicious prosecution.

5) This case, in the most transparent of examples, also qualifies as a mortgage rescue scheme, extortion, and fraud under the color of authority a violation of a violation of a “Section 1983” under [42 U.S.C. § 1983](#).

*“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,*

*subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”*

6) King County has acted in its own liability and self-interests, delayed, withheld exculpatory evidence and misrepresented the documents during the time with which court deadlines passed in order to protect themselves from being exposed for wrongfully prosecuting innocent people for the illegal “takings” of their properties and their animals.

7) The King County Prosecutor is in a succinct and deadly conflict of interest in that they are in charge of whether justice is served by concealing exculpatory evidence of their own libelous frauds.

8) Mr. Markley requests a writ of Mandamus demanding that King County come forth and vacate the cases in question and make those wrongfully prosecuted whole, including any remaining heirs (as some defendants are now dead with questionable untimely deaths, that appear to be precipitated by the shock and terror that a malicious prosecution attacks with, and make all those impacted whole including Mr. Markley and his wife Cherish Thomas. (See attachment – list of cases)

9) The King County Council in whole has been repeatedly advised of the situation with proof and has failed to act to protect its constituent base that elected them to protect their interests.

A writ of Mandamus should include their failed participation in acting to protect the citizens who elected them. The writ should demand that the whole of the King County Council be sanctioned and demanded to have outside agency such as the DOJ come in to correct the situation.

10) Additionally, Markley's PRP should stay with the Supreme Court because in addition to all the other reasons listed, one member, Judge Michael Spearman, of the Court of Appeals who decided in this case had a covert undisclosed conflict of interest and as such should not be given an opportunity to self serve as he has apparently done with this case (and another) that was before him. This is evidenced by the fact that none of the exculpatory evidence of fraud before them was considered by the COA in at least three cases in their affirmation of the trial court.

11) Malicious prosecution, Malfeasance and Fraud - The King County Deputy Prosecutor, Gretchen Holmgren, has knowingly prosecuted a majority of these fraudulent cases save one notable case with KCDPA Maggie Nave who is a close friend of Ms. Holmgren.

12) Ms. Holmgren is the youngest daughter of former Seahawk's coach and millionaire, Mike Holmgren. Mr. Holmgren has been instrumental player in large county business such as the sports stadiums and is a local celebrity.

Mr. Mike Holmgren was allowed to sit in the COA courtroom during his daughter's nonsensical oral argument in plain view of the COA panel exerting

undue influence of his position while waving his million dollar trophy Super Bowl ring around (this was video recorded).

If the argument Ms. Holmgren employed had been anyone else, it would have surely failed.

*“Mr. Markley is guilty of starving that horse because he fed that horse local hay of no nutritional value.”*

Ms. Holmgren provided no proof of this claim neither in the trial nor at the COA. It is, in fact a fraudulent claim designed to distract from the overall fraud in whole and make an innocent person guilty under the unconstitutional “Criminal negligence” statute lobbied by the self-dealing Dan Satterberg himself to detract from his overt lack of attention to the animal sex prostitution trade.

13) Perjury and fraud en masse – All State’s witnesses committed perjury and some were the instruments of the fraud from the King County embezzlement by both veterinarians who testified, the abundant undisclosed Brady issues of one of the animal control officers and concealed disparaging employment history of theft and drug use on King County’s payroll including *falsifying her animal control reports*, and the undisclosed employment sanctions of Regional Animal Services Animal Control Officer Chelsea Ekle and the perjury of Aaron Wheatley - all of whom made up the cast of “characters” employed by Ms. Holmgren at the simultaneous trial of Mr. Markley and his wife.



14) Undisclosed Brady disclosures –

a. *Sgt Chelsea Ekle* falsely testified that “Alex” was housed at Reber Ranch. (King County was unable to produce any invoices that “Alex” was housed there, it appears he was in fact at a “foster” Gene Dobbins for two years while the trial was commencing – 5) Exhibit [AlexHeboInvoicesVsTestimony](#). Ekle was investigated for failing to provide food for three malamutes housed at the Cross Roads shelter (starving). This resulted in a Loudermill proceeding that determined she would be sanctioned for 6 weeks without pay. 23) Exhibit- [Ekle Loudermill](#)

Unlike Markley and Thomas et al, she was not prosecuted for starvation under animal cruelty [RCW 16.52.205](#) while it was fully documented she starved these three dogs while on duty. She was considered a good witness by the State.

b. *Sgt. Dave Morris was allowed to unlawfully write the probable cause for Markley and Thomas though Mr. Morris was not law enforcement.* This is not permitted because Morris is code enforcement. 24) Exhibit- [Dave Morris - Probable Cause](#)

c. Sgt. Dave Morris has three undisclosed Loudermill proceedings.

- i. For adopting out before the statutory waiting period had expired.
- ii. For failing to check on an investigation resulting in animal’s deaths, and
- iii. Morris was also sanctioned 6 days for the same case as Ekle for failing to feed the three malamutes housed at the Crossroads shelter. He was not

prosecuted for animal cruelty under starvation when it was effectively factual that the crime occurred. 25) Exhibit [Morris's 3 Loudermills](#)

15) Brady violations under *Brady v. Maryland*, 373 U.S. 83 (1963)

<https://supreme.justia.com/cases/federal/us/373/83/case.html> and [RICO Conspiracy under 18 USC 1961 - 1968](#) [https://en.wikipedia.org/wiki/Racketeer\\_Influenced\\_and\\_Corrupt\\_Organizations\\_Act](https://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act)

a) At the time of Markley and Thomas's simultaneous trial, RASKC ACO Jenee Westberg was an undisclosed Brady officer who had a known criminal career, two criminal convictions and a third gross misdemeanor that mysteriously vanished mid docket around the same time as the 2008 drug arrest. In all 45 police events were uncovered.

One of the convictions was in 2006 for shoplifting at the Kent KMart and attempted bribery.

King County formed their "Brady Committee" in 2007. It was chaired by KCDPA criminal chief Dan Clark and still is.

Mr. Clark's personal assistant was Jenee Westberg's mother "Ann Westberg."

The second conviction for Jenee Westberg was a 19-count VUSCA drug bust in 2008 where Westberg lied continuously throughout the arrest process. Extreme measures were taken to conceal this arrest. There was no Loudermill in any of the above.

There was a secret (undisclosed until recently) investigation 26) Exhibit- [SecretWestbergVUSCAInvestigation](#) this secret investigation was more of a

“handling” instruction to the lead King County Deputy Prosecutor, Maggie Nave. Westberg’s criminal hearing was in front of Judge Mariane Spearman in King County District Court (and therein lays the conflict of interest in at least three cases with COA Judge Michael Spearman, her spouse).

Somehow none of these criminal acts ever resulted in a designation of Brady officer by Mr. Clark’s Brady Committee while his assistant- Jenee’s mother Ann Westberg was his assistant. When Ann Westberg took an early retirement about the same time as Jenee was terminated for cause, Jenee was made a Brady officer. 27) Exhibit- [070500WestbergLoudermill](#)

This happened within a day as King County Sheriff Deputy Robin Cleary who although not appearing in Markley and Thomas’s cases, appears in a significant amount of others while Jenee Westberg had at least 45 still undisclosed police events including fraud, credit card fraud, passing counterfeit bills, drug trafficking, selling to a minor, growing and many more too numerous to mention. See CD of Westberg’s police records

There were approximately 15 live animal cruelty cases where Jenee Westberg was the primary witness in since her 19-count felony arrest in Black Diamond was suppressed in 2008 in order to facilitate other phony prosecutions for profiteering.

Westberg’s Brady criminal background was never disclosed in any of them. (Exhibit Black Diamond and Kmart)

b) RASKC ACO Aaron Wheatley clearly assisted Jenee Westberg in her fraud in the Markley/Thomas cases. He also committed perjury at trial stating very clearly that he only worked for RASKC for a little over a month when he had worked there for 5 years. This was apparently the subject of a side bar. But by answering the way he did, he kept the defense from delving into his background at trial. Curiously, the transcripts were changed to the correct time of 5 years while the audio remains clearly “a little over a month.”(Exhibit Transcripts and audio)

16) In affective assistance of Counsel – Kevin Tarvin representing Mr. Markley during trial initially found the conviction records of Jenee Westberg the animal control officer who orchestrated the phony case. Ms. Westberg appears in a majority of Ms. Holmgren’s falsified animal abuse cases. Both Holmgren and Ms. Nave failed to disclose that Nave was the lead prosecutor who prosecuted Ms. Westberg for her 19-count VUSCA arrest that *should have* gotten Westberg fired and designated a Brady officer in 2008 (if not 2006) but, because Jenee Westberg was the lead witness in some 15 other live phony cases against innocent people at the time, Ms. Nave, with the assistance of RASKC supervisors Steve Couvion, Dave Morris, Mike Corin, Jenee’s mother - Ann Westberg assistant to Criminal Chief Dan Clark, then and current chair of the Brady Committee, KCDPA Nancy Balin concealed their secret “investigation,” did not terminate her, did not prosecute her and let Jenee Westberg plead guilty to a reduced charge in front of then District (now

Superior ) Court Judge Mariane Spearman whose husband, Michael Spearman who failed to recuse himself in Mr. Markley's COA panel in his appeal.

17) Conspiracy en masse – Nancy Balin, the civil KCDA for RASKC, was not only violating her RPC (Rule of Professional Conduct) ethics codes in many conflicts of interest and manipulations to prosecute innocent people, she was also busy violating state law that says a government attorney is barred from representing a private party unless immediate family or charity under [RCW 36.27.060](#)

In the Markley and Thomas cases, when Markley named Jenee Westberg as the primary person of interest in the serial vandalisms on their property (that started after Jenee Westberg first arrived there April 8<sup>th</sup>, 2010). The fourth drain of oil out of their van (4<sup>th</sup> time) almost costed the entire family their lives on Hwy 18 when the van's computer system shut down the engine while located between two semi truck and trailers and was a critical moment, (Exhibit Auburn Police report with mechanical read out). This escalated the serial vandalism allegations to attempted manslaughter.

City of Auburn Police Detective Wickman contacted King County to check if Westberg was still working there then inexplicitly called Jenee Westberg directly to give her a heads up of Mr. Markley's suspicions that though Markley had no direct proof, he suspected Jenee Westberg as the prime person of interest.

That call set Ms. Westberg into what was a 10-day drama at King County alleging that Wickman told her Markley was dangerous and stalking her. (A claim Wickman would enthusiastically deny upon learning about it). (Exhibit King Co records of Auburn vandalism event). Westberg even demanded a bullet proof vest.

Westberg immediately enlisted the personal counsel of government attorney (RASKC attorney) Nancy Balin and Jenee's mother Ann Westberg in their commiserate positions of power in King County. As a government attorney, Balin is barred from representing anyone besides family in a private matter.

In an email, the director of RASKC, Gene Mueller, gave Balin permission to break the law so that Balin could represent Ms. Westberg in a criminal case in the City of Auburn.

Gene Mueller does not have the authority to break state law. Balin, was well aware of this law because she had a bar complaint over it the year before and she never advised Gene Mueller he could not waive state law.

It was only when the investigator Brittney Haggin-Cross realized that Westberg had refused to give up her truck temporarily to take a desk job and not done the mandatory PTSS counseling demanded in such situations, that both Brittney and the counselor got suspicious that Westberg was not being forthright.

Ms. Haggin-Cross contacted Auburn Detective Wickman who immediately recanted Westberg's version of their conversation repeatedly. The alert was immediately quelled.

18) **Manipulated GPS data in the Markley/Thomas cases (New Evidence)** – On April 8<sup>th</sup>, 2011, Jenee Westberg arrived at the private easement road to the Markley property at 4:58PM where she files a false “activity report” about .5 miles *prior* to arriving at the Markley's property according to her GPS data.

Westberg in fact was busy that day. She dropped a search warrant on another fabricated case, Darryl and Gina Lindsey in Enumclaw that ended up getting dismissed at Superior Court in front of Judge Mary Roberts for “unlawful” collection of evidence.

In the Lindsey's cases, over the next 30 days, KCDPA Holmgren, sent a plethora of emails to Judge Mary Robert's bailiff who continually promised to provide the ruling judge's (Robert's) statute mandated Findings of fact and conclusions of law.

Judge Mary Roberts failed to do so.

With the clock ticking and no Findings to use for an appeal, KCDPA Holmgren proceeded to the Court of Appeals anyway to appeal the Lindsey case.

After eight months at the COA, Judge Mary Roberts never produced the findings and Holmgren was forced to withdraw her appeal. There were

approximately 15 active cases Westberg was part of at the time that could have used those findings to defend their innocent clients. King County Prosecutor was guilty of malfeasance and fraud.

In examining the GPS data on April 8<sup>th</sup>, 2011, it would appear that in addition to the unlawful collection of evidence on Lindsey's (Exhibit Lindsey's order) and the two falsified "activity reports" logged (Exhibit GPS map), that Ms. Westberg also had a second job "*distributing something*" employing her RASKC truck while King County is paying her to be an animal control officer with benefits.

**If Westberg was distributing drugs, King County was picking up all the expenses of doing so making King County a party to drug trafficking.**

19) Fabricated evidence – Ms. Holmgren allowed - as did Judge Cheryl Carey - a complete failure of custody of evidence through a "bait'n switched" horse, "Mr. Pibb" to be used as the "after" horse who is in fact, a completely different animal than the elderly "Alex" that was extorted from Markley's the weekend of April 8<sup>th</sup> – 10<sup>th</sup> by ACO Jenee Westberg along with the younger fat horse, "Hebo."

a) Part of the identification of horses is the color. The glamour shot image used at trial was a completely different horse of a different color.

b) That "glamour shot" presented as evidence was a hard copy violating custody of evidence rules.



c) The metadata of the digital image held in the evidence room – but not used at trial - at the Regional Justice Center was visited by “Photoshop C3 for Mac.” Clearly a custody of evidence violation.

d) Later when the rescue who enriched itself through the billing of these extorted animals, Save a Forgotten Equine (SAFE aka “Safe Horse Rescue”) and it’s director, Bonnie Hammond began to promote the switched “after” horse, “Mr. Pibb” on KOMO TV with the assistance of Denise Whitaker, they displayed a completely different horse than the one used at trial.

KOMO’s cameraman captured some close-up shots where the “whorl” (cowlick) can be exactly identified. “Whorls” are also part of the identification of a horse and is tantamount to a fingerprint. Mr. Pibb’s whorl was counterclockwise to “Alex’s” clockwise whorl (thought the dye job was pretty good).

One thing is certain. Neither the tampered glamour shot horse used at trial or the “Mr. Pibb” touted by KOMO TV’s Denise Whitaker nine months later were the original elderly “Alex.” It is definitive.

It appears to be a classic “bait n’ switch” with a queued up skinny horse switched at the end of the easement out of the sight of Markley and Thomas who were trapped from leaving by the animal control truck left in front of their gate while Hebo and Alex were allegedly “walked” to Reber Ranch 1.5 miles away by Jenee Westberg and her RASKC co- conspirator Aaron Wheatley where they allegedly stayed for a week.

Curiously King County provided no evidence at trial or through public records requests of any billings by Reber Ranch for this. However King County HAS provided billings for the care of “Cooter” aka “Alex” (aka “Mr. Pibb”) for board from seven different organizations for the same times periods. These seven billings would include KCDPA Gretchen Holmgren’s attempt at collecting 8 months worth of “Alex’s” care (and that of another case’s two horses “Bud” and “Brandy”) for restitution from a completely different falsified prosecution – the Shannon Dunham case. Overall the billings demonstrate this “after” horse was housed at seven different locations at the same time. (Exhibit All the “Alex” billing statements)

20) Perjuries – All the witnesses presented by King County Deputy Prosecutor Gretchen Holmgren participated in the bait’n switch of “Alex” for “Mr. Pibb” and then testified to cover it up – every one of them.

21) Tampered Transcripts and audio – the transcripts and audio produced by the King County Clerk’s office and the reporter’s transcripts have been egregiously altered. 15) Exhibit- [Transcript and audio expert analysis](#)

22) Embezzlement – Both veterinarians, Hannah Mueller Evergreen and Heather Stewart testified that the phony photo was the same horse. Ms. Mueller billed for “Mr. Pibb” for many months and Stewart billed for “Alex” after she had been paid by Markley’s then demanded restitution a third time.

A “foster” (Gene Dobbin) billed for “Cooter” and “Hebo” all at the same time. (Exhibit Dobbin’s billing). This \$8,750 billing was held back for two years, a move that would conceal it from any public records requests.

There were no other captures during that period of time.

Hebo could not function without “Alex” (now named both “Mr. Pibb” and “Cooter.” It is obvious that both horses, Alex and Hebo went to Dobbin’s.

There were no other seizures during that period of time.

= “Alex” was being billed for by several different service providers under numerous names. = embezzlement.”

Further discussion on:

ii) Why the petitioner's restraint is unlawful for one of more of the reasons specified in rule 16.4(c) facts upon which the claim of unlawful restraint of the petitioner is based and the evidence (See Exhibit ) available to support the factual allegations.

The restraint is unlawful on every point as stated above. This is racketeering.

There has been one question that has plagued all of the victims of this illegal conspiracy. And that is this: Why the King County Prosecutor Dan Satterberg hasn’t taken a stand on this? There has been many attempts at contact through both defense counsels, public officials and the victims themselves. Mr. Satterberg has refused to respond in any manner.

A little research of public records however answers that question.

In 1994, Mr. Satterberg was still a young deputy fresh out of law school. He took it upon himself to align and lobby with the now disgraced Susan Michaels from the well-known Animal Rights Extremist (ARE) group Pasado's Safe Haven. Ms. Michaels was a KING TV reporter at the time.

Together, Satterberg and Michaels (and her entourage) lobbied to make animal cruelty a class C felony. Satterberg's presence and influence as a deputy of the King County Prosecutor's Office cannot not be ignored.

It was at that time that the bastardized unconstitutional language of Washington State's "Criminal Negligence" (one can be guilty even if *they don't know what they don't know*) definition was added to the animal cruelty law Satterberg and Michaels were lobbying for. They were successful.

In 2005, this time as Norm Maleng's chief of staff, Satterberg was again side by side with Susan Michaels lobbying for RCW 16.52.205 to add "*with criminal negligence starved and dehydrated causing substantial pain...*" This is a no-win argument once accused. Satterberg's power at this point completed legislation that would allow him to prosecute virtually anyone for animal abuse that he wanted. It became law in May of 2005.

However, two months later, a man named Kenneth Pinyan was killed having sex with a horse at a well-known (to those who do such things) brothel in Enumclaw. After all Satterberg's lobbying, this event really riled up the legislators. It was clear to them that they needed to add language about anti-

bestiality into RCW 16.52.205. And they did through Senator Pam Roach in the new session January of 2006.

Curiously, Mr. Satterberg did not make an appearance on his bill that he had spent 11 years perfecting. Neither did Susan Michaels or her entourage of AREs. In fact the record shows Senator Roach's bill passed unanimously without so much as a peep from any of them weighting in.

Strangely, around the same time associate editor, Charles Mudede, from the weekly *The Stranger*, became interested in producing a documentary about Pinyan. And so he did. For an entry fee of \$150, he had it at Sundance though the abject recoil of the topic was close to universal in the press. It was professionally done. It became an animal sex advocacy argument that having sex with an animal was just another way of loving it much like making love to a human. Bestiality was coined "Zoophilia" and the people who engage in it are "zoophillas." The claim was/is that the animals liked it.

This film featured what would soon become Satterberg's future favorite "experts" on the county dime in virtually every livestock/horse prosecution – Veterinarian Hannah Mueller Evergreen and Jenny Edwards, director of rescue, Hope for Horses. Both who have been proven since to have been embezzling and bilking the county for their services since, not to mention the perjuries against the defendants to ensure they were well rewarded for their deeds with long-term billing hours for the county.

The new revised version of RCW 16.52.205 was signed into law in June of 2006. The film made sure it was known as the bill Pam Roach introduced with no mention of the undue influence of Dan Satterberg.

The attempt at softening the public's perception of "zoophilia" wasn't all that successful. What was apparently an effort to promote Hannah Mueller in the film backfired while Hannah quickly distanced herself. The film was re-cut would minimize Mueller's exposure and there are no references to her in any of the marketing or credits. Yet she remains in the footage and appears to be the only one with her hands on a horse's penis.

Jenny Edwards would soon be thrown under the bus, publicly exposed in Pierce County for overbilling in the Donna Gayle case somewhere between \$30,000 to \$50,000. Jenny has re-invented herself as an online "zoophilia expert."

By 2010, there were so many complaints about the misuse of donated funds in Pasado's Susan Michaels hands that the Washington State Attorney General's launched a 16- month investigation culminating in consumer protection charges from Sept 1, 2005 which included their misrepresentations regarding disaster qualifications. This would expose the likelihood that Susan Michaels was engaged in these nefarious practices while lobbying, side-by-side with King County Prosecutor's, chief of staff, Dan Satterberg in 2005.

Michaels spent nearly a year defending before entering into a consent decree. They were fined \$70,000, had to be audited regularly and Susan

Michaels – Pasado’s founder and director - was barred from any executive involvement.

Seven-term King County Prosecutor died suddenly in May of 2007. Dan Satterberg would be his replacement first through appointment by the King County Council, then through a special election that fall. He has been in that position since.

Everyone who has become aware of the 23 phony animal abuse cases has tried to reach out to him, to the King County Council, to individuals along the way. He has insulated himself though staff who keep him one degree of separation from the constituents who elected him. He has failed to act while not only is the evidence in one case at the Court of Appeals been actually re-printed and re-airbrushed – the transcripts in that case and the transcripts and the audio in the Markley/Thomas cases were re-edited beyond recognition. The Court of Appeals ignored hard evidence while King County Prosecutor Gretchen Holmgren’s millionaire father and former Seahawks coach Mike Holmgren sat in the gallery waving his million dollar trophy Superbowl ring around his face exerting undue influence on the Court of Appeals panel, Judges Michael Spearman, James Verellen and Michael Trickey. Mike Holmgren was positioned next to the intern who would write the opinion who took no notes during oral argument all as evidenced by video.

The opinion acknowledged some of the claims in Markley’s SAG but found every reason to lawyer around addressing them saying that Markley

produced no evidence of his claims of Mueller's embezzlement, transcript altering or proof of "Alex" not being starved to emaciation as the perjured veterinarian Hannah Mueller testified.

The facts are that there was no evidence whatsoever that "Alex" was "starving" save taking the word of an embezzler who has billing hours to gain by testifying to fiction that would only benefit her.

The trial photos were of a completely different horse. During trial it is apparent in both the metadata of the digital shot used then the fact that both the color (an identifier) was not the same as "Alex" and the "whorls" (cowlicks-another identifier) of "Mr. Pibb and "Alex" are contrary to each other.

The COA Opinion cites the unconstitutional "criminal negligence" definition in Washington State Law which basically states that even if *a person doesn't know what he doesn't know*, he/she is guilty.

Where the opinion is busy making Markley guilty based on racketeering perjuries, they failed to prove or provide any evidence, as did the prosecutor before them, that the horse "Alex" was starved much less, that Markley did anything wrong or (whether he knew or not). They rely solely on the testimony of people with succinct conflicts of interest who are committing criminal acts. Every witness had undisclosed Brady issues that the COA failed to acknowledge.

The insults to the innocent people targeted are beyond inhumane; they are full-on constitutional violations in every case.



Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_ 2016 by

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Jason E Markley Pro se

## EXHIBIT LIST - Markley

- 1) Exhibit- [Investigative reporting – Goldbar Reporter](http://goldbarreporter.org/2016/05/27/king-county-washington-maliciously-prosecuting-hundreds-of-innocent-citizens/) King County Prosecuting 100’s  
<http://goldbarreporter.org/2016/05/27/king-county-washington-maliciously-prosecuting-hundreds-of-innocent-citizens/>
- 2) Exhibit-[Indigency docs](#)
- 3) Exhibit [COA - Video](#):  
<http://www.uninformedconsent.org/Markley/Video/MarkleyCOASml.wmv>
- 4) Exhibit-“[Criminal Negligence](#)” [RCW 9A.08.010\(1\)\(d\)](#)
- 5) Exhibit [AlexHeboInvoicesVsTestimony](#)
- 6) Exhibit- [Tipton Hudson](#) comments
- 7) Exhibit-[Audio and transcript Oct 24<sup>th</sup>, 2012 Omnibus](#) (*internet link*)
- 8) Exhibit- Photo sourced from KOMO TV while located at SAFE showing [phony “after” horse “Mr. Pibb” compared to “Alex”](#)
- 9) Exhibit- [Westberg Termination](#)
- 10) Exhibit- [140822WestbergInvestigation4thLoudermill](#)
- 11) Exhibit-[RASKC-April8-2011GPS data](#) (*\*Need Google Earth--online*)
- 12) Exhibit-[RASKC-April10-2011GPS data](#) (*\*Need Google Earth-online*)
- 13) Exhibit-[RASKC-April09-2011GPS data](#) (*\*Need Google Earth-online*)
- 14) Exhibit-[King County Kelli William’s Jun7-2016-email claims](#) regarding GPS tampering.
- 15) Exhibit- [Transcript and audio expert analysis](#)
- 16) Exhibit - [Hamilton Probable Cause](#) – Kim Koon breaking and entering
- 17) Exhibit- [Mueller to Satterberg](#)
- 18) Exhibit-[160601AllCompromisedParcels](#)

- 19) Exhibit-[Kelsie ShermanFalse911Call](#))
- 20) Exhibit- [Pasados Complaint](#)
- 21) Exhibit-[Pasados Consent Decree](#)
- 22) Exhibit-[List of AnimalAbuseProsecutions](#)
- 23) Exhibit-[Ekle Loudermill](#)
- 24) Exhibit- [Dave Morris - Probable Cause](#)
- 25) Exhibit [Morris's 3 Loudermills](#)
- 26) Exhibit- [SecretWestbergVUSCAInvestigation](#)
- 27) Exhibit- [070500WestbergLoudermill](#)