

## Synopsis of alterations done on the court records

RE: Transcript and audio court records of

Jason Markley #12-1-00543-1 and

Cherish Thomas #12-1-00642-3

simultaneous trials.

These two cases must be *vacated* and dismissed. There is/was no unaltered record of this trial in existence prior to the bid to the Court of Appeals.

Markley's and Thomas's constitutional right to appeal were denied because court records of their trial were egregiously altered and tampered with.

The transcripts no longer exist that are a true record of the events as what occurred at trial. What is referenced as "transcripts" are at best a work of fiction.

Alterations of court records are a Class B Felony.

There should be an investigation.



### I. Electronic record alterations - Background

- 1) There were two court audio versions produced of this trial.
- 2) The first audio version was obtained by the defendant in February 2013 directly from the King County Court Clerk two months after trial.
- 3) The second audio version was obtained a year later in 2014 by defendant appellate counsel Casey Grannis directly from the same source as the first – the King County Court Clerk - in preparation for the COA.
  - a) By February 2013 the first audio version had already been altered. The "edit cuts" can be visually seen on the audio track *\*(see below)* as well as through comparing with the court transcripts.
  - b) In the first audio record, (February 2013 version) there is less audio "editing" compared to the second audio version obtained a year later.
  - c) Both electronic audio records of this trial have been egregiously altered and modified. As a result, ***there is no existence of an unaltered audio record of the trial.***

- 4) All transcriptions have been transcribed – from audio - by one transcriptionist who only had access to altered audio.
- 5) All transcriptions have been altered most spectacularly during portions of the trial where there was an obvious intent present to change the trial event through perjuries, illegal legal court proceedings, concealing exhibits, concealing State witness's identities through the misspelling of their names (concealing from a word search) and, concealing exculpatory evidence.
- 6) Changes were made to the words spoken. Negatives were changed to positives and vice versa. Words were added and/or omitted. Entire sentences were fabricated then added that are not present on the audio. It is obvious it was done to cover-up perjuries and inconsistencies in the State's witness's testimonies.
- 7) The alterations are so egregious that correcting all transcriptions in whole is onerous.
- 8) Entire sections of the trial were omitted on the transcripts that appear on the audio.
- 9) It is certain the transcription and the subsequent "alterations" were done after the trial.
- 10) The alterations had to have been performed by someone with familiarity with the trial, in harmony with the prosecution and with the legal issues germane to the case.

**Discussion** - Once the audio is altered, there is no way to determine how much or what is missing so there is no bona fide record of the trial. This deprives the defendants of their constitutional right to appeal.

Altered audio and the further altered transcriptions were sent to the Court of Appeals.

Though there are sample excerpt here, a peripheral check shows that all the transcripts were altered.

Provided here are excerpt samples. Providing them in a clear cogent fashion is onerous. As reviewing the same would be onerous.

Thus there is a point where enough is enough and certain sections were chosen for presentation for demonstration purposes. IE, if even one portion is altered, it taints the credibility of the whole record.

**Audio tampering** - Forensic audio experts report the most common court audio tampering are often found at the beginnings and the ends of the recording day. Other "edits"/"cuts" within are often designed to change affirmative responses to a negative, vice versa and numbers (amounts/dates).

When entire swaths are removed, sometimes there are "artifacts" left over from the "trim" or the beginning of the cut and the end of cut where the audio is then married together to make it appear as if what was cut was never said. When these "cuts" are made, it is impossible to retrieve the erased media. Although in some of the cuts in this audio tamper, there were some "artifacts" left behind due to sloppy "editing."

The alterations are fairly easy to discern. In this case, since there are two different versions of exactly the same audio, simply putting the first version audio on a track over the second version audio reveals a

“cut” quickly as the moment there is a cut, an echo is produced. This indicates that there is a cut and it has thrown, what should have been exact in-sync audio -> out-of-sync.

In these two cases, there are copious “edits” throughout the transcripts that change the entire record into an event that didn’t happen. Once familiar with the cases it becomes clear as to the intent.

Notes are included here in order to facilitate the viewer’s understanding of the significance of the tampering.



- II. **The Brady significance of the Oct. 24, 2012 hearing** – This event would impact up to 22 cases.
  - A. **The significance and the resulting manipulation of the October 24, 2012 Omnibus hearing**
    - This hearing was significant because it is where massive and secret Brady violations by the King County Prosecutor’s Office were initially exposed - on the record - in front of Judge Mary Roberts.

This was the day historical Brady violations were exposed after six years of concealment of felonious convictions of the star witness, Jenee Westberg. This career criminal was known to the King County prosecutor because it was the King County Prosecutor’s Office who prosecuted two of three of her criminal prosecutions. These Brady violations have been in at least 17 other active falsified prosecutions at the time including Markley, Thomas and Diamond.

- 1) The initial Oct. 24, 2012 audio sourced directly from the King County Clerk had been “misplaced” in the Clerk’s record. A room by room search had to be employed by the court clerk to find it even though the hearing took place in the regular Omnibus Room in RJC – GA. It took over a week for the court clerk to locate it after purchasing two CDs that did not have it. It was finally handled through management.
- 2) A year later when appellate counsel Casey Grannis of Nielsen, Broman & Koch sent that same audio to the COA – It was discovered later that the Oct. 24, 2012 audio file did not play. There was no indication from the COA that they noticed it. It was presented to the Court of Appeals in this condition. The original audio DOES play and is included here.
- 11) Note that there was one individual used who were terminated and designated as a “Brady Officers” who testified during Markley and Thomas’s trial, RASKC Jenee Westberg. Her direct supervisor illegally, as a “code enforcement officer (not law enforcement) wrote the probable cause). Since trial, Veterinarian Hannah Mueller aka Evergreen has been discovered embezzling from the county using a plethora of these suspected cases as a vehicle to repeatedly bill for the same services including these two.

The Court of Appeals never had the Omnibus audio record before them here because the audio recording did not play.

The Oct. 24, 2012 Omnibus hearing was significant because it documented the exposure of the Brady violation on the record that broke open the level of manipulation in over 22 falsified cases of animal cruelty prosecuted by the King County Prosecutor's Office.

The audio copy that *does play* was sourced directly from the King County Clerk's office. The links are here: (The Oct. 24, 2012 transcript has been corrected to the audio).

See audio: [121024MarkleyOmnibusFrmKKC.wma](#)

See transcript: [121024OmnibusMaryRobertsBrady-Corrcted.pdf](#)

There was clearly tampering on Oct. 24, 2012 transcript of significance. Although, in comparison to the other excerpts below, the edits were not as profuse. The largest issue with Oct. 24, 2012 is the significance of the Brady violation en masse and the fact the audio was concealed from the COA.

It is through the Oct. 24, 2012 Omnibus Brady violation that the Diamond case and Markley/Thomas cases are related to each other.

### List of tampering on Oct. 24, 2012.

The audio's time code is skewed as well so there appear to be swaths of the audio missing. In comparing the skewed audio to the transcripts the significant "edits" are as follows:

- 1) P10Ln 20 – Mixed up Piculell with Tarvin.
- 2) P14Ln14 – Omitted "*Dave Morris*" when it was clearly spoken in the audio. This obfuscation of identifying names is very consistent in all transcripts reviewed as it is a deliberate misspelling of the person's name. This is a technique to keep the name from showing up in a word search used by public disclosure officers and investigators when doing a word search.
- 3) P16Ln2 – There was no "off the record discussion" "(DISCUSSION OFF THE RECORD RE SCHEDULING.)" It was "Scheduling" but obfuscating this discussion since there were no other documents scheduling in the docket for the next hearing at the time, this was an act to obstruct any investigation by interested parties, namely Diamond, as by that time, her SCRAP counsel Dave Roberson was actively keeping exculpatory evidence from his client Diamond who was making Public Records Requests, investigating Westberg and the tampered photos in relationship to her own case.
- 4) P16Ln4 – There was no "(PROCEEDINGS ADJOURNED.)" This was simply part of thinly disguising the **obfuscation of the date of the next hearing so no one would know when to attend**. (Often it has been found that filings are often not timely filed, (in one case in Diamond clerks minutes were filed a year later in the docket while trying to hide that excused juror # 28 was still on the juror exchanging his designation as juror #50 when there were 49 jurors).

## Chain of events from that moment

Dave Roberson had first told his client Diamond that Gretchen Holmgren had advised him of the Brady issues with Westberg (which he recanted on Nov. 30, 2012 at Diamond's continued sentencing hearing).

This was just another act of many appearing to source from SCRAP Public Defender Dave Roberson to obstruct Diamond from discovering the fraud he had participated in.

E.G.:

- a) Roberson lied in front of the tribunal in Diamond's case about who told him about the Brady issue - protecting everyone but his client Diamond.
- b) Roberson continually hid exculpatory evidence from his client Diamond en masse including the digital versions of the tampered air-brushed hard copied prints used as exhibit "proof" at trial to convict her.
- c) Roberson suppressed every piece of fraud (much of it within the PA discovery package itself) that Diamond brought to him that was prove her innocence.
- d) Roberson failed to show the OPD funded defense expert, G. Paul Mabry the video Diamond had taken of the incompetent, illegally-licensed veterinarian Hannah Mueller aka Evergreen examining Diamond's very old but very healthy spirited horses that took Mueller and Westberg 15 minutes to catch - both of which (Bud and Brandy at 35 and 39 years old) nearly ran over them trying to get away. (Mueller actually stood in front of Brandy attempting to stop her and Brandy lunged around her (really stupid thing to do). ([See video](#) of Diamond's horses day of release) ([See video](#) of Mueller committing perjury) [Markley and Thomas's case "Alex" was "bait'n switched" [see video](#)].  
Note – Mueller testified at Markley and Thomas's trials as she does in most of these questionable cases.
- e) Roberson concurrently told his client Diamond he had showed the video to their defense expert Mabry.
- f) Roberson then allowed an impeachment of Mabry's testimony at trial because he had not been on the property at the time when had Mabry viewed the video, he could have testified that those horses were hardly "lethargically standing there from all that starvation and neglect" (as Ms. Mueller claimed as she perjured herself at Diamond's trial).  
(This list goes into infinitely but these are just a few examples).

## Further items of note regarding this Omnibus hearing. –

This October 24, 2012 Omnibus hearing is the ***first moment*** that the exposure of the King County Prosecutor's Brady Violations became a reality and on the record. And that has led to where we are now

- with the discovery of at least 22 Superior Court cases of falsified prosecution against innocent community members in King County.

It appears that Dave Roberson, Gretchen Holmgren and Maggie Nave kicked it into high gear Oct. 24, 2012 at this moment.

It is also clear something occurred with Markley and Thomas's defense counsels, Kevin Tarvin and Gene Piculell, after this date as they made sure nothing about Westberg's criminal career was in the record.

This same phenomena also occurred in Diemond's post trial attorneys. The briefs submitted to Judge Jim Rogers by all post trial counsels omitted any reference they could to suppress the altered photos and Westberg's criminal career. When Diemond had a changes of attorneys (post trial – COA), while a few days of pro se she placed her own extensive briefs in the record on three different occasions in an attempt to get this information into the record. All Diemond's briefs were suppressed from the record and hidden in the exhibit room.

In the spring, when Diemond discovered her briefs had not gone to the COA, she personally expedited those briefs, the photo expert report OPD funded and court ordered but this was exculpatory evidence Ramona Brandes refused to include to the COA who refused to consider them as untimely.

One of these briefs held a short declaration from Cherish Thomas who heard Gretchen Holmgren bragging about her close relationship with KCDPA Maggie Nave, the prosecutor in Diemond's case.

From Oct. 24<sup>th</sup>, 2012 there immediately became a series of events between the Markley-Thomas cases and the Diemond case (discovered later) that combined, tells the story of the insuing behaviors of all parties during that period of time – it was obvious that it was an active intent to keep these Brady violations secret from Markley, Thomas and Diemond as well as the bountiful amount of other innocent victims through the failure to mention Westberg's criminal career on the record anywhere.

See below:

- a) During the October 24, 2012 Omnibus, KCDPA Gretchen Holmgren states on the record that she was only aware of the Brady information the night before. However Markley's defense counsel, Kevin Tarvin sent her a second discovery/Brady demand a full week earlier based on his discoveries of the undisclosed RASKC ACO Jenee Westberg's prosecutions and criminal activities.
- b) KCDPA Gretchen Holmgren's October 24, 2012 argument was that there were no "convictions" in these prosecutions of Westberg when in fact Westberg pled guilty to both in expedited trials and was convicted. This was questionable at best.

c) In a stunning coincidence, this was the exact same argument made by SCRAP public defender Dave Roberson in the Diamond case November 30, 2012 five weeks later. What was happening concurrently was the following:

i. Shortly after the Markley and Thomas Oct. 24, 2012 Omnibus, Mr. Roberson called and initially represented to his client, Ms. Diamond, that Gretchen Holmgren “*ran into to him in the halls of the courthouse*” with this exposed Westberg “Brady” issue. He never identified Holmgren to Diamond as a King County Deputy Prosecutor. Diamond had no idea who Holmgren was at the time.

We all know now that Gretchen Holmgren is the youngest daughter of former Seahawks millionaire, Mike Holmgren and she appears to have influence inside King County. She is also the wife of Matt Peterson, the University of Washington's program coordinator for football recruiting.

ii. Roberson continued this until the night before Diamond’s initial sentencing hearing. On November 29, 2012, Mr. Roberson called Ms. Diamond and tried to convince her he had never mentioned Ms. Holmgren over the previous three weeks. Ms. Diamond did not cooperate with Roberson’s new version of the events as he now spun them.

He seemed to be in a panic. Roberson resorted to bullying and yelling at Ms. Diamond because she was adamant that she did not recall it that way.

He yelled, “*Just forget about Gretchen Holmgren! Just forget about her! It was Maggie Nave who told me! It was Maggie!!*”

iii. The next day at Diamond’s continued sentencing hearing Nov. 30, 2012, Mr. Roberson continued with this recanting and was adamant that it was the KCDPA in the Diamond case, Maggie Nave, who disclosed this Brady information to him.

iv. Ms. Nave was in agreement with this version of Roberson’s new “story.”

v. Diamond didn’t know the whole story but she clearly could see they were both lying in front of the tribunal and her own attorney was lying to the court.

vi. At that same Nov. 30, 2012 hearing, Mr. Roberson presented a circular legal argument that effectively protected Ms. Nave, Ms. Holmgren and him, leaving his client, Diamond effectively with little defense through Roberson’s legal misrepresentation and minimization of the Brady violation.

vii. In a spectacularly remarkable coincidence, Mr. Roberson, argued precisely the same argument that Ms. Holmgren had used five weeks earlier in the Oct. 24, 2012 Markley

and Thomas Omnibus hearing - that there was no real bona fide conviction in both criminal prosecutions against RASKC ACO Westberg (when it is documented that Westberg had pled guilty to both and was convicted).

- viii. Where Roberson concluded his circular legal argument with; therefore Westberg's criminal career would probably not be a bona fide "Brady" violation in Diemond's defense, that he should have done a background check and didn't, the only real defense he could think of was his own inadequate assistance of counsel, effectively throwing himself on the sword.
- ix. Strangely, during the Markley and Thomas Oct. 24, 2012 hearing, Ms. Holmgren enthusiastically represented that she was ready to go to trial while both defense counsels requested and received a five week continuance. One would think it should have been the other way around.
- x. And though the prosecutor is technically responsible to disclose Brady issues, even if unaware of them at the time, at Ms. Diemond's Nov. 30, 2012 and Jan. 11, 2013 hearings, Ms. Nave, adamantly denied any knowledge of Ms. Westberg's criminal career and Westberg's criminal prosecutions while concealing that she, Maggie Nave, was the very prosecutor who prosecuted Westberg for the drug arrest and having all the criminal history in her hand.
- xi. Mr. Roberson continually promised then refused to allow his client, Diemond, to view Westberg's arrest records over the next three months until Diemond hired outside counsel who then demanded it in late January.
- xii. Diemond would later discover through public records, that indeed, Ms. Nave DID know about Westberg's prosecutions because she (Maggie Nave) was the chief King County Deputy counsel who prosecuted Westberg for the VUSCA/drug bust and had the documentation on the previous theft/bribery conviction in hand the entire time – information that Ms. Holmgren denied being available at the Oct. 24, 2012 Markley and Thomas Omnibus and information that Ms. Nave denied having any knowledge of.
- xiii. Mr. Roberson's copies there was nomenclature that sourced his copies from the King County Prosecutor's case file that Ms. Holmgren claimed she had no access to.
- xiv. It is a certainty that Ms. Holmgren was aware of Ms. Westberg's nefarious criminal history since it was her own office (and close colleague KCDPA Maggie Nave) that prosecuted Ms. Westberg for her VUCSA felony where Ms. Nave also had the shoplifting and the attempt of bribery of a police officer in hand that was part of Westberg's background and criminal history.

- xv. It is also a certainty that Ms. Holmgren was aware that Jenee Westberg's mother, Geraldine "Ann" Westberg was a ADM V to KCDPA criminal Chief, Dan Clark and this was never disclosed. Ann was in charge of the IT upgrade of the court records system with numerous others. Coincidentally Jenee Westberg's court records seem to be the ones disappearing the most.

We now know that Westberg's two known felony arrests – VUCSA, shoplifting and attempted bribery, and a third concurrent criminal ATV misdemeanor (also prosecuted by KCPAO) was actively concealed from at least 17 active cases that Westberg was the State's primary witness in around that period of time. (There have been 22 cases. The earlier cases were with Westberg's former supervisor, Dave Allen Morris who, as code enforcement, (neither he or Westberg were technically law enforcement) wrote the Probable Cause in Markley and Thomas's cases).

The third ATV misdemeanor appears to have been manipulated in the digital court records so that it would not show up on most searches. The docket ended midstream with no conclusion as if it had just been erased.

Jenee's mother, Geraldine "Ann" Westberg, a Level V Administrator serving KCDPA Chief Dan Clark, is part of a crew of people tasked with the maintenance and updating of IT in the King County court records system. On many occasions, documents in the court files have been missing or misplaced in the research. That would include the tampering of the audio and of the transcripts.

Since trial Ms. Westberg's criminal history continues to become more problematic and exposed as revealed through public records:

- 1) There were at least 45 police events discovered demonstrating Westberg's moral turpitude including drug dealing, drug use, driving under the influence, refusing a field sobriety test, trafficking, counterfeiting, selling to a minor, serial vandalism, etc. In virtually all the cases we have reviewed, there are poisoned/killed smaller pets.
- 2) Westberg had four Loudermills and sanctions for "dishonesty" and "theft of county time." The fourth resulted in her termination late 2014. (Loudermills are internal process that allows a government employee to have their say before sanctions or termination for cause – *Note – there were NO Loudermills as a result of Westberg's criminal convictions she pled guilty to*).
- 3) In the final termination Loudermill investigation findings, Ms. Westberg was found to have falsified her animal control reports.
- 4) King County has made *no effort* to review any other cases that Westberg was involved with to see if this was a pattern of behavior and whether any of them met prima facie.

- 5) There were several concealed investigations into OTHER criminal complaints where Westberg was the primary suspect that should have resulted in Loudermill proceedings and those criminal events did not provoke any internal investigation.
- 6) There was NO Loudermill proceeding from Ms. Westberg's felony arrests (she pled guilty to both) while there was a backroom investigation into the VUCSA that was kept concealed (no Loudermill) and still has not been disclosed in any of these cases of falsified animal cruelty.
- 7) Ms. Westberg was the prime suspect in a 2013 City of Auburn serial vandalism complaint that became life-threatening. In an interview by investigator Brittney Haggan-Crosser, Westberg admitted to stalking the victim at least 10 times. There was no further King County investigation, no disclosure of the back to back third Loudermill, City of Auburn case, and the fourth Loudermill when all were in place prior to Diamond's sentencing hearing Oct. 18, 2013.
- 8) There was not disclosure to Markley or Thomas or any other cases either.
- 9) The victims to the Auburn serial vandalisms were Markley and Thomas.
- 10) All defendants interviewed report the same vandalisms as if it were from the same playbook.
- 11) *100% of the falsified cases reviewed so far claim the same vandalisms).*



## II. Transcript alterations. –

Included here are two excerpts from two days of the alterations done to the official court transcripts in the Markley and Thomas cases.

Because there were so many “edits, both to the audio and the transcripts, to correct them all in whole is onerous.

The abundant examples included are stark demonstration of how and why it was done. It appears that whoever it was responsible may have listened to the audio while “editing” both the audio and the hard paper transcriptions.

Whoever this was had to be familiar with the case AND the trial AND the laws that were broken as the alterations were a blatant attempt to conceal problematic acts during the trial.

### A. Dec. 11, 2012 Transcript corrected to audio – 22 pages

This excerpt contains omitted audio portions that were re-transcribed totaling 6 pages that were completely omitted.

- 6 pages of morning session – includes omitted 3 pages of audio that has been re-constituted in red that contain orange arrows marking the audio edits/cuts to visually demonstrate where how often there are “edit/cuts” in the audio.
- 16 pages of corrected afternoon transcript session – including omitted second 3 pages of re-constituted in red at end that contain orange arrows marking the audio

edits/cuts to visually demonstrate where how often there are “edit/cuts” in the audio.

*Note – There were countless audio edits throughout these transcripts. The orange arrows were only employed here as a visual example.*

*To correct/mark the entire transcript is too onerous a task even for the selected excerpt samples given the amounts of alterations present in these transcripts both in the audio and transcription itself.*

Dec. 11, 2012 Audio - Morning 6 pages – of which contain re-constituted/omitted 3/6 pages on transcription.

The beginning and end of the day were completely obfuscated from the Dec. 11, 2012 transcripts.

This example is “corrected” to audio through page 4 (6 pages). The corrections pick up again on page 86 in the afternoon.

Dec. 11, 2012 Audio afternoon - corrected to audio transcript 16 pages.

Dec. 11, 2012 Audio afternoon - reconstituted/omitted stand alone 3 pages (at end).

- 1) Since the first audio version was already cut/edited there is no way to know exactly how much is missing.
- 2) It is clear why the omissions were omitted on the transcripts.
- 3) At no time were there court instructions present on the audio to go off the record although the transcripts state there were.
- 4) There are approximately 5 minutes missing from this date on the second audio version secured by Mr. Casey Grannis for the COA representation compared the first audio version.
- 5) The COA would never hear these missing pieces that still appear on the initial first version audio obtained a year earlier.

The transcript “edits” corrected are in the omitted pages 3, 3A, 3B, and 3C, pages 86 – 92, then the omitted 3 pages at page 168 - 170 of the afternoon corrected transcript of December 11, 2012.

There is an average of 1.73 “edits” per line of 25 page pleading paper in 22 pages of correction on this day.

The afternoon correction was the testimony of veterinarian Heather Stewart who was recanting her morning testimony that Westberg was present the next day, a claim that Westberg denied but Markley and Thomas were crystal clear about.

Note that both veterinarians Heather Stewart and Hannah Mueller as well as “rescue” Save a Forgotten Equine (Jamie Taft and Bonnie Hammond) have been found, through public records, to be bilking hours from the county through repeated and concurrent billings of the same animal on the same day and time. EG, “Alex has been billed for seven times for the same date and time.

Those “edits” would change the court event are as follows:

- 1) There are 6 pages of transcriptions obfuscated from this day, 3 in the morning and 3 in the afternoon.
- 2) Page 3Ln 2 – Omitted “All rise King County Court is in session with the Honorable Cheryl Carey presiding.”
- 3) Page 3Ln 3 – The audio says nothing about whether the jury is in the room yet the transcription states the jury was not present. (Transcription was done from audio after trial)
- 4) Page 3Ln6 – Carey enthusiastically announces on the record that “*I just took a big swig of cough syrup...*” This is allegedly before the jury in the room and seems to be a “script” she is using throughout the trial. She seems disproportionately euphoric.
- 5) Page 3Ln11 – Rewrote Tarvin’s words.
- 6) Page 3Ln 17 – There is no court direction of discussion off the records as transcription states.
- 7) Page 3Ln 18 – Is missing three pages of discussion and in the second audio version this whole discussion is missing. There can be no way of knowing how much was erased.
- 8) Page 3, 3A, 3B, 3C, are reconstituted from the first audio version.
- 9) Page 3C – Line 19 - Carey announces on the record again that she “*I just took a big swig of cough syrup...*” This is after the jury is in the room and seems to be a “script” she is using throughout the trial. She seems disproportionately euphoric.
- 10) It has been determined that the first audio version was also altered. In this section a visual example was placed on the transcript for a visual. There are orange arrows where those cuts are located in the reconstituted pages 3, 3A, 3B, and 3C. There were some “artifacts” left behind as the audio “trim” was not “clean.” Otherwise the rest of the detected audio edits are simply noted.
- 11) It appears this was an effort to protect Judge Carey from public exposure of impairment as she was disproportionately euphoric during the entire trial. She was very focused on her “cough syrup” during trial throughout.
- 12) Page 3A Line 23[Which was not transcribed] - Carey was mimicking Holmgren comments even with the exact inflections while making decisions that even a lay person can see is in error.  
In what was reconstituted, Carey is overtly pandering to Holmgren as if she is unsure of what Holmgren wants her to do and seems to be seeking direction. Even the defense counsels seem to be uneasy with her behavior.  
Carey seems unable to make even minute decisions on her own and is struggling on unimportant details as if she has never had a trial before.  
It appears that there was a decision made to erase the whole thing after an attempt at altering this in the first version.
- 13) It is interesting to note that during the entire trial, there does not seem to be one instance of audio demonstrating that Carey left or was coughing.

**Rest of morning was not corrected.**

**Afternoon** was veterinarian Heather Stewart's testimony Page 86 – 92 were corrected to audio. Stewart had testified that Westberg was present on the second day in the morning session. She was now recanting. Westberg's GPS-enabled-computer was curiously turned off during this time. It would appear Ms. Westberg has a habit of making sure her computer isn't where she is. In fact, she was terminated for it in late 2014. However King County didn't seem to think they should check any of the other cases Westberg was involved in.

**In fact, on April 8, 2011, the day Westberg arrived on the Markley/Thomas property, she filed two falsified animal control reports, served an illegal search warrant on the Lindsey property (where the evidence Westberg collected was declared "unlawful" and the case later dismissed), appeared to have done a "pickup" of contraband, dispersed it at 5 locations on the way to Markley/Thomas's property, and her computer managed to go home – by itself - and get turned on at 8:25PM while she was still located at the Markley/Thomas property terrorizing the their family until 9:30PM.**

- 1) Page 86 omitted short conversation where Carey says "*Got my stuff.*" Again referencing her "*cough syrup.*"
- 2) Page 87Ln2 – Content changed to a question when it was an affirmation of the events testified to in the morning session. – Obfuscates the redirect attack.
- 3) Page 87Ln5 – Omitted "*cause I think... and.*" Makes Stewart sound more confident when she was actually struggling.
- 4) Page 87Ln6 – Omitted "*but.*" Makes Stewart sound more confident.
- 5) Page 87Ln 14-16 – Prejudicial editing to conceal Stewart's nervous behavior.
- 6) Page 87Ln22 – Omitted "*kidney failure.*" This comment shows Stewart's incompetence as kidney failure is typically not a chronic condition related to absorbing food. It is typically an acute condition pending death. She is also talking about things that were not an issue with this case EG there was no colic, there was no kidney failure, there was not starvation.
- 7) Page 88Ln19 – Omitted "*defendants*" and replaced it with "*tenants*" which makes the defendants sound less stable.
- 8) Page 89Ln25 – Changes "*food*" to "*good.*" Avoids a word search for "*food*" and finding reference that Markley fed alfalfa – highest protein hay when they are being prosecuted for feeding local hay of no nutritional value.
- 9) Page 90Ln3 – Omits Stewart's stutter where she was unsure of what she said earlier.
- 10) Page 91Ln20 – Again omitted nervousness and inappropriate response to the seriousness of the questioning.
- 11) Page 92Ln1 – More prejudicial editing to conceal Stewart's nervous tittering and lack of confidence.
- 12) Page 92Ln11 – More prejudicial editing to conceal Stewart's nervous tittering.

- 13) Page92Ln18 – Omitted reference to “Markley and the Thomas” making Stewart’s response sound more global rather than specific to the cases.
- 14) Page 93Ln19 – Misstates it was the court talking when it was Holmgren.
- 15) Page 94Ln6 – Objection was not heard. Carey summarily overruled it – COURT ERROR.
- 16) Page 94Ln7 - Objection was not heard. Carey summarily overruled it – COURT ERROR.
- 17) Page94Ln 11 - Objection was not heard. Carey summarily overruled it – COURT ERROR.
- 18) Page94Ln 17 – Piculell tries to recover the inappropriate overrule and “Just a question based on that” was omitting in the transcript in an attempt to obscure it while he was referencing the self-serving cross Holmgren got away with due to Carey’s COURT ERROR.
- 19) Page95Ln11 – Carey can be heard slurring her words in audio.

**End of correction in that section –**

**Here the excerpt goes to reconstituted audio omitted from transcripts. 3 of the 6 pages Dec 11, 2012 168 - 172. Like the earlier omitted section, the first audio version had already been tampered with. The cuts were egregious and sloppily done as if the person did it in a hurry. There were an abundant amount of “artifacts” that were left behind here. The “cuts” are marked with orange arrows in the reconstituted transcript.**

- 20) Page 168Ln1- Omitted “All rise for the jury.”
- 21) Page168Ln2 – No court direction that discussion was off the record as transcripts states.
- 22) Page168Ln3 – There was no adjournment on audio. This “adjournment” notation appears to be placed in transcript to obscure discussion that occurred at that point.
- 23) Page168Ln7-Ln14 0 There appeared to be a discussion about something that was cut out in the audio with defense counsel Tarvin. Numerous “artifacts” were left behind.
- 24) Page168Ln15 – The next discussion was a stunning and again a clear demonstration of Judge Carey’s impairment during this trial.  
 Holmgren introduces the idea of having the State’s \$5,500 veterinarian “expert” Hannah Mueller aka Evergreen *“is a single mom and has a daughter. And she had indicated to me that she would like to have her daughter present in the courtroom?”*  
 Holmgren goes on to say, *“Um – I gave her (Mueller) information in regards to our (RJC) child care. She didn’t believe that was an option. Um we’re going to take some steps to minimize the disruption? Is the court is comfortable – as long as there is no disruption - in having her here and held?”*  
 Without hesitating to the ramifications of the appearance of fairness to the judicial process, Carey first asks *“How old is she?”*  
 Holmgren then states, *“Um – I do think she’s three.”*

Unbelievably Carey then declares, *“If there’s no disruption. I-I certainly don’t see a [Pages 168-169] problem. The court is open to the public and that includes three-year-olds.”* Carey then even makes a joke. *“Um - So long there’s not going to be an issue and the three-year doesn’t plan on testifying.”*

Piculell is the first to recover enough to respond and object due to the appearance of lending sympathy, a three year old is going to be disruptive and the lack of professionalism.

Carey responds trying to sound like she is trying to find a solution by suggesting to Holmgren that she use tax dollars to employ her own paralegal to babysit *“Isn’t there a paralegal or something in your office that might be able tah...”*

Holmgren responds that *“there is.”*

Between Holmgren and Carey they come up with asking if Mueller might be comfortable having the child sit outside the courtroom door with the window so the child is in her visual range.

Carey then interrupts Holmgren who sounds like she is making excuses for Mueller as being *“female.”*

Carey then says, *“Well you talk with her. If-If I’m hearing you say there will be a grown up with the child as well they can sit in the back and there would be no way that any of the jurors would [Pages 169-170] know that the child was witness’s child.”*

Page 170Ln 3-4 - There is then another flurry of audio “edits” presumably to conceal the defense counsels disbelief at the conversation that is taking place in this courtroom.

Page 170Ln4-12 - Carey then makes a comment that her bailiff *“Kelly’s great with kids too.”* As if she was really considering employing her own bailiff to babysit during Mueller’s testimony on the stand.

**Note:**

At first blush Mueller’s behavior would seem an excessive overprotecting of her child while raising immediate red flags about the emotional stability of this witness AND the cogency of this judge, and the prosecutor - all of whom are supposed to be professionals. It is obvious why this discussion was omitted.

This witness has been paid with taxpayer's dollars to testify as a professional on behalf of the State (against two completely innocent people who were NOT abusing their two horses or their four young children).

Carey seems to again be pandering again seeking Holmgren's approval. In doing so, she appears to be completely irrational and/or impaired.

Where the above is outlandish enough at first blush, it would be discovered later that there is another reason Mueller didn't want the child out of her sight unbeknownst to everyone at the time.

Mueller had been turned in to Child Protective Services by a daycare director for her lack of care of the 3 year old child in question, Heron.

This issue has virtually exploded in Mueller's divorce in-fighting and the declaration of the daycare center caring for Heron has logged a pretty condemning and detailed declaration of Mueller's parenting voiced by - Heron - that appear very much like emotional and sexual abuse while the child is in Mueller's care.

In either case, none of this would be something the State would want anyone to see much less the jury nor the COA.

Although not a technically a "Brady" issue, the emotional stability of the State's expert witness would certainly be exculpatory.

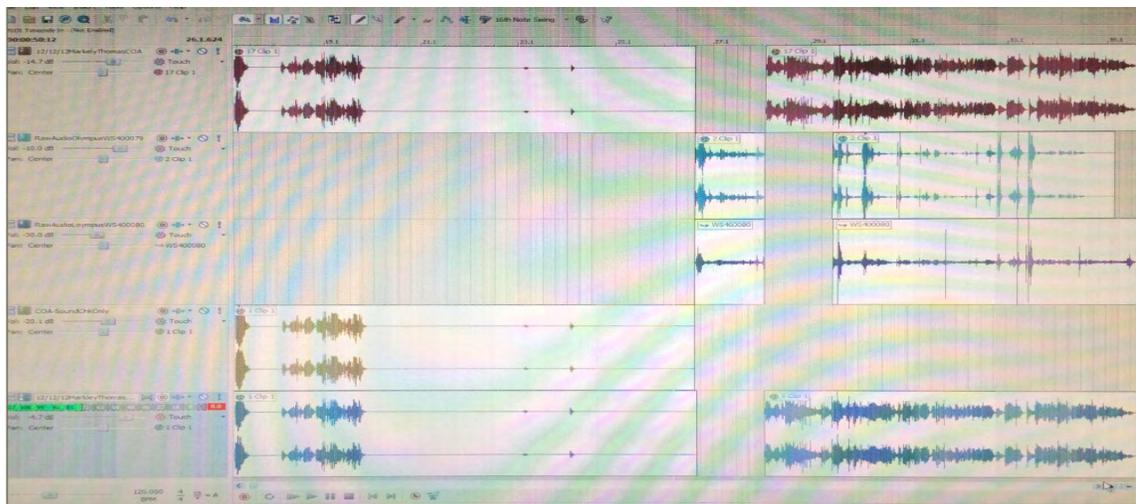
- B. [December 12, 2012 transcripts - missing portions on transcription](#) – corrected thro' page 63.

[Dec. 12, 2012 audio](#)

Dec. 12, 2012 was corrected from Page 1 - 63. There were 118 "edits" of significance that change the events as they happened. There are numerous "cuts" in the audio.

There are continuing and troubling behavior issues by the court during this day as well that she is impaired. She interrupts, she is overtly attentive as if she is attempting to cover her impairment as demonstrated by her continual overabundance of untimely interrupting responses "uh huh" "uh huh" inappropriately. Her attempts to establish that the "after" horse that was obviously not the same horse as "Alex" (the digital shot in the exhibit room of the "glamour" shot discussed here had visited *Photoshop CS3 for MAC* which Carey should never allowed because the custody of evidence was obliterated).

- 1) This transcript was extensively corrected through page 63. The correcting was only stopped there because there were so much tampering and “edits” that it made this task over onerous.
- 2) There are notes in the margin for informational purposes.
- 3) There were some on-the-fly “edits” done on the first audio version that are noted (no arrows).
- 4) By the time of the second audio version was obtained, the “edits” were quite freely applied for the COA as it suggests that the “fix” was already in and there was an expectation that these two cases would go to the Court of Appeals.
- 5) The comparisons of the two audio versions reveal the audio “cuts.”
- 6) The audio “cuts” are marked in the transcripts with orange arrows.
- 7) On this day of trial there were two sections that were completely omitted by the second audio version when compared to the earlier version.
- 8) These omitted sections were also omitted on the transcripts for the COA.
- 9) The first omitted 3-page section was at the beginning at page 3 and reconstituted back into the transcripts as “Page 3A, 3B, 3C, and 3D.”
- 10) The second omission was reconstituted back in under Page 160 – page 174 at the end. They have been transcribed and reconstituted on the transcripts and marked as such.
- 11) There was an effort to patch the missing sections back in which reveals that the first audio was also altered. *\*(See image below).*



- 12) There is a 3-second artifact left on a portion of the first audio version that does not appear on the second COA audio version. The time stamp from the FTR Player was tampered with.
- 13) It appears unknown amounts of audio are missing in both audio versions.
- 14) There is an audio break in both the first audio version and second audio version. There is no way to determine how much is missing.

- 15) The “edits” were primarily concealing what we now know, through public records, were many perjuries. The remaining transcript was clearly a “re-write” of what actually happened in the courtroom.
- 16) Repeatedly there were words and sentences that were added that were not spoken.
- a) RASKC ACO Wheatley’s testimony. There were changes that made Wheatley’s experience seem more tenured when he clearly stated in the audio earlier he had only been with RASKC for about a month with little background. This was later changed to 5 years.
  - b) Page 28 there was a fictional statement inserted/added to the transcript that would cover for ACO Eykel’s later perjury on page 34 when she stated she made a claim that she actually did not make.
  - c) Page 33 there were multiple audio “cuts” making the transcription nonsensical. The transcript states it was “off the record” but the audio does not reflect this.
  - d) The log item was important because there does not appear to be any evidence that anyone at Reber Ranch or RASKC fed the horses allegedly kept there for the entire week while the allegations in this case are that Markley and Thomas starved him. Public records show at the time of care of Markley and Thomas’s horses:
    - There was no invoicing for these horses’ care or feed purchased from Reber Ranch in an extensive Public Records production later.
    - Gene Dobbin submitted two years worth (two years late) of foster care (\$8,500) for “Cooter” and “Hebo” suggesting an attempt to avoid capture in a Public Records search.
    - Veterinarian Heather Stewart billed for care of these two horses and the description on her billing described both “Alex” (Cooter) and “Hebo.”
    - Washington State Animal Rescue Team invoiced (also late like Dobbins) for hauling of two horses.
    - There was only one case available at this time that this invoicing evidence could have been → Markley and Thomas.
  - e) If the two horses were in fact at Dobbin’s foster care, that would explain the dodge n weave answers seen in the transcript by all the RASKC employees who testified including the “Brady Officer” Jenee Westberg.
  - f) RASKC also claimed “Alex” was too weak to walk yet Westberg and Wheatley allegedly walked the two horses 1.5 miles to Reber Ranch from the Markley/Thomas’s property.
  - g) Invoicing obtained through public records show that Markley and Thomas’s horses, “Hebo” and “Alex” appear to have actually been transported by WSART to foster care at Gene Dobbins while another horse, “Mr. Pibb” was substituted (bait’n switched) for “Alex.” “Mr. Pibb” has been well documented by [KOMO TV](#) Denise Whitaker in her hit pieces on Markley and Thomas. (there are more on cases at this YouTube Channel).

- h) Dobbin's billing to King County for two years of care (\$8,500) a year later was paid for apparently without question.
- i) Interestingly, the description of "Alex" on Heather Stewart's invoices contained information that Markley and Thomas never gave her suggesting that the original purchase of Hebo - where "Alex" was a last minute surprise "bonus" - was a "set up" from the time of the purchase. (Markley and Thomas only had the two horses for a few months).
- j) There are at least seven different billings for "Alex" aka "Mr. Pibb" for the same time periods and services from various service providers and numerous other cases.
- k) None were from Reber Ranch where "Alex" allegedly was boarded for a week.
- l) It has since been determined there are at least two entirely different horses through unequivocal identification processes yet King County was being billed under the same animal.
- m) King County Deputy Prosecutor Gretchen Holmgren attempted to collect eight months worth of care for "Alex" and Diamond's "Bud" and "Brandy" in a completely unrelated case - Shannon Dunham - in the form of restitution.
- n) King County already paid all the invoices Holmgren presented for restitution.
- o) There is no evidence produced by King County that that in any cases where there was restitution, that any restitution we know was paid, was applied back to RASKC who is the statute defined "victim." This suggests a kickback scheme.

**The list of significant "edits" on December 12, 2012 are as follows"**

- 1) Page 3Ln5-6 – The entire discussion was re-written.
- 2) Page 3Ln 7-12 – This was a discussion around the phony photo Save a Forgotten Equine had submitted as evidence of the "after" horse that was not "Alex."
- 3) Page 3Ln20-22 – Omitted "*photo that*" is not present in the audio. The audio jumps here and it appears words have been cut out. These edits are clearly about concealing the fact that this photo had visited Photoshop.  
*Note that KOMO TV documented that this was not the same horse "Alex."*
- 4) Page4Ln4 – Omitted Holmgren's entire sentence.
- 5) Page4Ln4-5 – Omitted comments between Markley and Court caustic reply.
- 6) Page4Ln8-9 – Substituted a completely different sentence. Fabricated was "*After it was moved from Dr. McKenna's*" from actual "*Um I don't know the exact date after it was moved to um, Dr. Hannah's um care.*" This also obscured Mueller's name from a name search.
- 7) Page4Ln8-9 – Added nonresponsive answer for "*I don't know the exact date after it was moved from um Dr. Hannah's um care.* Again obscuring Hannah's name from a word search.
- 8) Page4Ln 13 – Omitted "*as an update how he's doing*"

- 9) Page4Ln20 – Tarvin states present time. Transcript states past tense that the photo is unfairly prejudicial.
- 10) Page4Ln10-19 - Shows Carey’s lack of engagement in the discussion.
- 11) Page5Ln7-8 – Edits - changes the intent.
- 12) Page5 – Whole page audio demonstrates overt disproportionate attention by Judge Carey left undocumented by the transcripts.
- 13) Page5Ln25 – Omitted “*I apologize I just checked*”
- 14) Page6Ln3- Substituted the word “*objection*” with “*rejection*”. Serves to keep “*objection*” from a word search and changes meaning.
- 15) Page6Ln8 – Substituted “*it’s achieved (sic)*” and omitted “*tongue and cheek.*”
- 16) Page6Ln10-11 – Omitted “*advocacy group*” that is quite clear on audio for “[*INAUDIBLE*]”
- 17) Page6Ln12 – Omitted “*SAFE*” acronym for Save a Forgotten Equine.
- 18) Page6 – Carey throughout is disproportionately continually and overtly overriding conversation as if she is paying attention.
- 19) Page7Ln 13-18 – Carey is establishing the phony photo is “*Alex*” on the record which it isn’t.
- 20) Page7Ln19 – Added “*After being*” (was not spoken)
- 21) Page7Ln21 – Left out entire section, “*by not what they’re charged with*”
- 22) Page7Ln22 – Misstated code reference. Should be “*404.3*”
- 23) Page8Ln 1 – Omitted subject word “*Henneke,*” Evades word search.
- 24) Page 8Ln2 – Omits “*of the two DVM’s*”
- 25) Page 8Ln5 – Omits again reference to SAFE as “*the advocacy group*” to “[*INAUDIBLE*]” another technique to erase. Does not want SAFE or Mueller described as an “*advocacy group.*”
- 26) Page8Ln11 – COURT ERROR- Custody of Evidence – photograph – is critical. That is why there is a legal standard for it.
- 27) Page9Ln1 – Changes “*as to*” to “*that adds to*” changing meaning of sentence.
- 28) Page9Ln6-8 – Omitted Holmgren’s responses.
- 29) Page9Ln14 – Omitted “*what will she be...*”
- 30) Page9Ln17 – Carey establishes Alex is a quarter horse while SAFE says on their website “*Mr. Pibb*” is a Morgan and KOMO TV is displaying Mr. Pibb, a dyed-jobbed Arab of a different color as the after horse.
- 31) Page9Ln20-22 – This comment by Holmgren was completely re-written and left out important information doing so.
- 32) Page10Ln4 – Omitted “*to go someplace else.*” Changes meaning.
- 33) Page10Ln9-12 – Using Westberg who Holmgren failed to disclose as a “*Brady Officer.*”
- 34) Page10Ln18-21 – Carey is again establishing phone “*after*” horse is “*Alex.*”
- 35) Page10Ln23-25 – Photographs used visited “*Photoshop CS3 for MAC*” before trial. Is in metadata of digital image in exhibit room.
- 36) Page11Ln1-16 – COURT ERROR – Carey completely ignores Custody of Evidence standard.

37) Page11Ln 17 – Omitted entire sentence “Thank you for the court’s consideration. Thank you”

38) Page11Ln21 – Omitted “All rise for the jury.”

39) Page11Ln25 – Omitted “Thank you your honor.”

40) Page12Ln2 – Omitted swearing.

41) Page12Ln14 – Wheatley clearly states in the audio that he was with King County “a little over a month.” He committed perjury.

After trial the transcription was corrected to “**a little over five years**” (he went to work for RASKC in 2007). **So this misrepresentation would not be caught later because it was corrected on the transcript. It was not corrected on the audio. This was never cured.**

**The transcript does not represent the proceedings as they occurred in fact.**

At that moment, the significance of this lie served to suppress the defense from questioning Wheatley about his presence at the Markley and Thomas property with Jenee Westberg on Sunday April 10, 2011 (as well as the two days before) when Wheatley and Westberg allegedly walked “Alex” and “Hebo” to Reber Ranch together. (When it appears that “Mr. Pibb” was switched for “Alex”).

The King County GPS data documents the following:

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#### **Friday April 8, 2011**

Listed as working:

Tom Harris

David Morris

Shelby Russell

Jenee Westberg

David Yoshizumi

Not listed as working but show GPS activity reports:

Mike Cronin

Aaron Wheatley

Steve Nickelson

8:08AM – Westberg’s GPS-enabled-computer is turned on at Kent shelter. It wanders around the parking lot as if it were having a cigarette for 13 minutes before going in building.

10:26AM – Westberg’s GPS-enabled-computer leaves Kent shelter.

10:46AM – Westberg’s GPS-enabled-computer arrives at Reber Ranch.

10:56AM – Westberg’s GPS-enabled-computer leaves Reber Ranch north.

11:09AM – Westberg’s GPS-enabled-computer arrives at Westberg’s home in Renton.

11:26PM – *Morris’s GPS “pings” an activity report at 13229 242<sup>nd</sup> AVE SE, Issaquah, WA*

12:15AM – Westberg’s GPS-enabled-computer leaves her home in Renton.

12:52PM – Westberg’s GPS-enabled-computer arrives at vacant Fire Station parking lot near Darryl and Gina Lindsey’s property.

12:52PM – *Westberg’s GPS-enabled-computer “pings” an activity report “Executing Search Warrant with KC Major Crimes and Dm11” at Darryl and Gina*

Why did Wheatley misrepresent his length of employment??

*Lindsey 30511 SE 358 ST, Enumclaw, WA another victim of phony charges (was dismissed due to unlawful collection of evidence).*

1:03PM – *Morris GPS “pings” an activity report at 30511 SE 358 ST, Enumclaw, WA.*

1:36PM – Westberg’s GPS-enabled-computer leaves vacant Fire Station parking lot.

1:38PM – *Morris goes off the GPS work clock.*

1:40PM – Westberg’s GPS-enabled-computer arrives outside Daryl and Gina Lindsey’s property.

Turns off GPS  
for 1.5 hr

1:40PM – *Harris goes off the GPS work clock.*

1:42PM – Last “ping” for hour and half. (Westberg GPS-enabled-computer turned off)

2:57PM – Westberg’s GPS-enable-computer arrives at vacant Fire Station parking lot.

3:11PM – *Nickelson GPS “pings” an activity report at 5719 Carnation Duvall Rd NE, Carnation, WA (Jared and Lindsay Lofstrom).*

3:27PM – Westberg’s GPS-enable-computer leaves vacant Fire Station parking lot.

3:28PM – *Shelby Russell GPS “pings” an activity report at 13802 Military Rd S, Tukwila, WA. Richard Hazen DVM hospital (quit claimed to Barbara Bader 2015).*

Detours

3:38PM – Westberg’s GPS-enable-computer leaves main highway 700 feet north to 27660 SE Green River Gorge Rd, Black Diamond, WA. (Michael D Tedford sold 09/20/2013)

3:44PM – *Mike Cronin GPS “pings” an activity report 702 feet south of Kent Shelter on road.*

3:45PM – *Steve Nickelson GPS “pings” an activity report at 27661 NE Ames Lake Rd, Redmond, WA.*

Break 7min

3:51PM – Westberg’s GPS-enable-computer pulls over on side of road at 24290-24302 Roberts DR., Black Diamond, WA for 7 minutes.

3:58PM – Westberg’s GPS-enable-computer leaves side of road at 24290-24302 Roberts DR., Black Diamond, WA.

Falsifies  
KCAC Report

4.00PM – *Westberg GPS “pings” an activity apparently while driving. Does report at 20633 SE Auburn-Black Diamond Rd, Auburn, WA (Daniel Caldera). “Horses tied without access to food or water for long periods of time” 0.6 miles prior to driving by Caldera property at that address suggesting that she had the report done in advance (phony report) and that she was the reporting party. (She made a false report). She does not go into property and there is no view from any of the locations her computer was pinged on from main road.*

Break 5min

4:01PM – Westberg’s GPS-enable-computer then pulls over on side of road at 21610-21654 SE Auburn-Black Diamond Rd, Auburn, WA for 5 minutes (appears to be remote location .6 miles east from Caldera property).

4:06PM – Westberg’s GPS-enable-computer leaves side of road at 21610-21654 SE Auburn-Black Diamond Rd, Auburn, WA.

Break 19min



- 4:08PM – Westberg’s GPS-enable-computer appears to move back and forth in a small area at a King Co. DOT Serves Division No. 4, 20827 Auburn-Black Diamond Rd, Auburn, WA for 6 minutes (appears to be remote location). Pulling into 34020 204<sup>th</sup> AVE SE, Auburn WA going back to KCDOT location for 19 minutes. No view of Caldera property.
- 4:27PM – Westberg’s GPS-enable-computer leaves KCDOT(Caldera)location.
- 4:35PM – Westberg’s GPS-enable-computer pulls over on side of road at 17124-17146 SE 304<sup>th</sup> PL, Auburn, WA for 10 minutes (appears to be remote road location).
- 4:36PM – *Russell goes off the clock.*
- 4:45PM – Westberg’s GPS-enable-computer leaves side of road at 17124-17146 SE 304<sup>th</sup> PL, Auburn, WA.
- 4:56PM – *Westberg GPS “pings” an activity report prior to reaching Markley/Thomas property (falsifying report) apparently while driving on Markley/Thomas easement to their property.*
- 4:58PM – Westberg’s GPS-enable-computer arrives at the Markley/Thomas property for 56 minutes.
- 5:41PM – *Wheatley files a GPS “pinged” activity report located at 3516 S 249<sup>th</sup> PL, Kent – 23 minutes from Westberg’s location at Reber Ranch at the same time about the same time as when Westberg insisted that Thomas get in her AC truck and go to Reber Ranch to get a bale of hay after refusing to examine the 4 bales of hay already on their property. Wheatley’s location is 9.6 miles and 23 minutes drive from Westberg’s 5:58PM location at Reber Ranch.*
- 5:54PM – Westberg’s GPS-enable-computer leaves Markley/Thomas property.
- 5:58PM – Westberg’s GPS-enable-computer arrives at Reber Ranch.
- 6:02PM – Now parked at Reber Ranch, Westberg’s GPS-enable-computer is turned off 21 minutes after Wheatley’s last known GPS “ping” 23 minutes away from her.
- 8:25PM – Miraculously Westberg’s GPS-enabled-computer is turned back on at her residence at 19662 140<sup>th</sup> Ave SE, Renton, WA, 7.8 miles and 17 minutes drive from Reber Ranch. This is particularly curious since Westberg is still located at Markley/Thomas property terrorizing the family. Given that ACO Aaron Wheatley’s work GPS is serendipitously MIA, and he was just 23 minutes away on his GPS “pinged” activity report, it would appear Wheatley exchanged his GPS-enabled-computer with Westberg’s GPS-enabled-computer while Westberg and Thomas were at Reber Ranch. It would seem this “show” was intentional. It was intended to make it appear that six (6) innocent witnesses who gave consistent testimony would be dismissed because Westberg’s GPS-enabled-computer was turned on at her home at the same time.

Clearly Westberg had a co-conspirator and given the data so far, it would appear to be RASKC ACO Aaron Wheatley.

Westberg does not turn her computer off again until 9:09AM the next day when she has been at the Kent shelter since 8:01AM for an hour.

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**Saturday April 9, 2011 – Westberg is only one listed on GPS work roster.**

Listed as working:

Jenee Westberg

Not listed as working but show GPS activity reports:

Aaron Wheatley

Steve Nickelson

9:09AM – Westberg’s GPS-enabled-computer is turned off her at the Kent shelter.

*Markley and Thomas claim Westberg was on their property during this time with veterinarian Heather Stewart.*

*Heather Stewart first stated Westberg was with her in her morning session during trial then recanted in her afternoon session.*

12:58PM – Westberg’s GPS-enabled-computer is turns back on.

1:06PM – Westberg’s GPS-enabled-computer leaves the Kent shelter.

1:30PM – Westberg’s GPS-enabled-computer arrives at 36304 21<sup>st</sup> Ct S, Federal Way, WA

1:34PM – Westberg’s GPS-enabled-computer *“pings” an activity report at that location about chickens and Rooster.*

1:38PM – Westberg’s GPS-enabled-computer departs 8 minutes later.

1:46PM – Westberg’s GPS-enabled-computer appears to pull into a power line right-of-way about 140 feet east of a roundabout on Peasley Canyon Rd S, Auburn, WA [47.303527, -122.271239 (13:46)]

1:47PM – Westberg’s GPS-enabled-computer appears to pull out from the powerline right-of-way about 3,116 feet east back onto Peasley Canyon Rd. S.

1:50PM – Westberg’s GPS-enabled-computer approaches Mountain View Cemetery 2040 Mountain View Dr SW, Auburn, WA where she appears to slowly drive around for 3 minutes then park in the remote back area for 36 minutes.

2:26PM – Westberg’s GPS-enabled-computer departs from the cemetery.

2:31PM – *Wheatley GPS “pings” an activity report at 14005 43<sup>rd</sup> Ave S, Tukwila, WA.*

2:44PM – Westberg’s GPS-enabled-computer is 2,500 feet from *Wheatley’s* GPS-enabled-computer location at 2:31PPM.

2:46PM – Westberg’s GPS-enabled-computer appears to be driving for 6 minutes in several circles around 3390 S 112<sup>th</sup> St, Tukwila, WA. – 3802-3808 S 130<sup>th</sup> ST, Tukwila, WA.

2:52PM – Westberg’s GPS-enabled-computer appears to depart this area.

2:49PM – Westberg’s GPS-enabled-computer appears to arrives at 10840 Myers WA S, Seattle, WA

- 2:59PM – Westberg’s GPS-enabled-computer “pings” an activity report at 10840 Meyers Way S. Seattle. WA.
- 3:20PM – Westberg’s GPS-enabled-computer is at this location when she has turned off her computer for the rest of the day.
- 5:57PM – *Westberg GPS “pings” an activity report located at Markley/Thomas property when she testified she was not on the property that day.*

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**Sunday April 10, 2011 – Westberg is the only one listed on GPS work roster**

Listed as working:

Jenee Westberg

Not listed as working but show GPS activity reports:

Aaron Wheatley - *Page 17Ln1-18 - Perjury*

Steve Nickelson

*Westberg’s GPS-enabled-computer only “pings” at Reber Ranch this day while Wheatley testifies they both “walked” Alex and Hebo to Reber from the Markley/Thomas property. Dec.12, 2012-Page 17Ln1-18.*

*All claim a RASKC truck was left in front of the Markley/Thomas property while Westberg and Wheatley allegedly “walked” “Alex” and “Hebo” to Reber Ranch. This prevented Markley/Thomas from coming with them or driving to watch.*

*Wheatley testified that he assisted Westberg walk the Markley/Thomas horses “Alex” and “Hebo” to Reber Ranch where they were alleged to have been kept for the next week (that there is no documentation of feeding).*

*King County has yet to produce any invoices from Reber Ranch for such a stay.*

*However there is an invoice for the care of “Cooter” and “Hebo” at Gene Dobbins foster care for two years worth of care. “Alex” and “Hebo” were the only horses taken at that time and “Cooter” fits “Alex’s” description.*

*Dec.12, 2012-Page 18Ln1-18 Wheatley testifies he was on Markley/Thomas property with Westberg to walk the horses.*

*King County cannot produce any GPS evidence he was there.*

*Rescue Save a Forgotten Equine with Bonnie Hammond and Jamie Taft would do a KOMO special “hit” piece claiming that Mr. Pibb is the “after” horse who was originally “Alex.” It is not possible as the two horse’s whorls(cowlicks) are opposite to each other.*

- 8:00AM – *Westberg GPS “pings” an activity report at Markley/Thomas property. Though it appears that Westberg’s GPS-enabled-computer locater is not on until 1:11PM.*
- 1:11PM – Westberg’s GPS-enabled-computer is turned on at the Kent Shelter.
- 1:27PM – Westberg’s GPS-enabled-computer moves its location 51 feet south.
- 1:31PM – Westberg’s GPS-enabled-computer moves its location at 3.45 mph north and west appx. 200 feet onto a utility road into a wooded area behind the Kent shelter for 19 minutes.
- 1:35PM – *Westberg GPS “pings” another activity report located at Markley/Thomas property. [Suggests she left her computer with someone else in the woods, and she used someone else’s computer to log on at that location to file the report]*
- 1:50PM – Westberg’s GPS-enabled-computer moves 50 feet southwest into a more wooded area from the road where it appears she moves in 10 foot increments northwest for 8 minutes.
- 1:58PM – Westberg’s GPS-enabled-computer has moved 20 feet where it then lurks around for another 55 minutes in the woods before emerging back on to the utility road at 2:53PM.
- 2:53PM – It appears Westberg’s GPS-enabled-computer goes back to the utility road for 2 minutes then goes back into the woods south 20 feet where the GPS-enabled-computer lurks around further for another hour and 43 minutes. It is as if it has a mind of its own.
- 4:36PM – Westberg’s GPS-enabled-computer leaves wooded utility road at 3.80 mph– total time GPS-enabled-computer spent there = 3 hours 5 minutes.
- 4:38PM –GPS-enabled-computer parked south area of Kent shelter.
- 4:58PM – Westberg’s GPS-enabled-computer Leaves Kent shelter going north.
- 5:01PM – Westberg’s GPS-enabled-computer arrives at strip mall.
- 5:03PM – Westberg’s GPS-enabled-computer leaves strip mall south.
- 5:19PM – Westberg arrives at Reber Ranch where she parks in a remote area south behind barns west of dumpster 30 feet. (Length of time from Kent shelter to Reber = 16 minutes).
- 6:44PM – Westberg’s GPS-enabled-computer last ping at Reber Ranch.  
*Westberg’s GPS-enabled-computer never pings on Markley/Thomas’s property the entire day.*

**Page 17Ln1-18** *Westberg and Wheatley both testified that they left Westberg’s AC truck at Markley/Thomas’s property while they walked “Alex” and “Hebo” to Reber Ranch. Yet there is no GPS record of this.*  
*Markley and Thomas both claim the truck was left so that it blocked their ability to exit their property while Westberg and Wheatley were gone.*

GPS-enabled-computer data shows Wheatley was not working on Sunday while Westberg's GPS shows she parked her truck at Reber Ranch while her truck does not appear to ever be on Markley's property.

Wheatley's GPS data is MIA.

Both Wheatley and Westberg claim they parked the AC truck at Markley/Thomas's and walked "Alex" and "Hebo" to Reber Ranch that Sunday.

The GPS provided by King County also conceals Wheatley's earlier involvement Friday with Westberg while she terrorized the family for 5 hours the evening of Friday April 8, 2011. His presence also has been obfuscated his work on Saturday and Sunday when he testified he was there.

Wheatley's Friday April 8, 2011 GPS data was omitted from the GPS work log. However, he filed a report within an hour, with a location not far from Westberg and that did appear through a GPS "ping." Because Wheatley was close and Westberg's GPS did not ping her on Markley's property after 6:44PM, it suggests she switched her GPS-enabled-computer with Wheatley's so she could come back to terrorize Markley family further into the night.

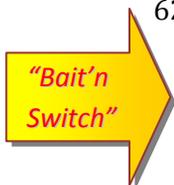
This would serve as incentive to obfuscate Wheatley's GPS data so it would appear Westberg was not at the property the length of time Markley and Thomas claimed. Heather Stewart also committed to same perjury on Saturday April 9, 2011. She first stated Westberg was there with her and after the trial lunch she recanted. GPS for that date pings Westberg at Markley's for over an hour April 9, 2011 between 9:09AM to 12:58PM when Markley/Thomas (and Heather Stewart originally claimed).

***When King County later produced the GPS data for those dates (4 times), Wheatley's GPS data was omitted from all three days, April 8, 9, 10 yet Wheatley testified he was there and on duty on Sunday.***

***Wheatley would have every reason to remain invisible since he participated in the background of the now documented bait'n switch horse theft.***

- 42) Page12Ln25 – This sidebar was likely a complaint about Wheatley's perjury. Judge Carey does not define the sidebar on the record.
- 43) Page12Ln25 – There is an obvious audio cut here as well.
- 44) Page13Ln1 – (SIDEBAR DISCUSSION OFF THE RECORD) appears to be an audio "cut" here. The court does not put the topic on the record.
- 45) Page13Ln2 – Omits "Wheatley" – conceals from name search.
- 46) Page13Ln4 – Completely re-wrote sentence concealing the identity of his past employment. (This was to conceal his length of employment with RASKC).
- 47) Page13Ln8-11 – Completely re-wrote sentences to make it appear more official.

- 48) Page13Ln14 – The Animal Control Academy is basically a few hours.
- 49) Page14Ln5 – Changed “*an adjusted one*” to “*one right here*” referencing his badges changing the meaning of the sentence.
- 50) Page14Ln8 – Omitted “*King County Animal Control*” with “[INAUDIBLE]” Conceals from word searching.
- 51) Page14Ln11-13 – Completely re-wrote the response to make Wheatley sound more mature.
- 52) Page14Ln16-17 - Completely re-wrote the response to make Wheatley sound more mature.
- 53) Page14Ln24-25 – Omitted “*what do you carry with you on your uniform*”
- 54) Page15Ln1 – Omitted “*utility*” with “[INAUDIBLE].” This is important because defendants all claim that Westberg had a gun that gained her access to their property.
- 55) Page15Ln5 – When asked if he carried a weapon, there is no audible answer on the audio. Transcription added “*No.*”
- 56) Page15Ln5-7 – When asked if he was authorized to carry any weapons, there was a long pause and he qualified it as, “*not in King County, no.*”
- 57) Page15Ln1-12 – Editing to make Wheatley sound older than 16.
- 58) Page15Ln19 – Added “*I found out that*” to make Wheatley sound more mature.
- 59) Page16Ln23 – Holmgren asked Wheatley what his job was on April 9, 2011 (Saturday).
- 60) Page 17Ln1-18 – [When asked to describe April 9<sup>th</sup>, Wheatley describes what happened on Sunday April 10<sup>th</sup>, 2011 instead.](#)
- 61) Page17Ln1 – Transcript corrected Wheatley’s lack of grammar skills.
- 62) Page17Ln1-13 – Wheatley actually is referencing a “*foster.*” Public record Invoices found later show there was a Gene Dobbins who fostered “*Hebo*” and “*Cooter*” (the real “*Alex*”) for the next two years while King County paid for another horse “*Mr. Phib*” at Hannah Mueller Evergreen’s facility Northwest Equine Stewardship Center. Veterinarian Heather Stewart did numerous farm calls at the Dobbin’s *location and was paid also. It is a certainty that “Cooter” was, in fact, the real “Alex”* as there were no other horses released/seized during that time period. Curiously, with over 30,000 documents that King County has now supplied, there is no invoice for the care of “*Alex*” and “*Hebo*” from Reber Ranch.
- 63) Page18Ln10 – Omitted “*of course*” as Wheatley is now acting like he is a horse expert.
- 64) Page18Ln13 – Omitted “*King County*” again concealing it with “[INAUDIBLE].”
- 65) Page18Ln18 – Added response of “*No.*”
- 66) Page19Ln1 – Omitted “*mall*” and replaced it with “*farm.*” (Since it is clear this was where the **bait’n switch** occurred, this was likely a faux pas on Wheatley’s part as Reber looks a bit like a “*mall.*”
- 67) Page20Ln25 – Omitted “*to court.*” Changes meaning.
- 68) Page21Ln2 – Omitted and re-wrote sentence and put in a weaker first person.
- 69) Page21Ln7 – No response can be heard. Transcription added “*Okay.*”
- 70) Page21Ln8 – Omitted sentence in Tarvin’s response



- 71) Page21Ln9 – Holmgren’s responses were re-written.
- 72) Page21Ln12 – Omitted Tarvin’s “Thank you.”
- 73) Page21Ln18 – Omitted swearing.
- 74) Page21Ln20 – Omitted “Thank you your honor.”
- 75) Page21Ln22 – Omitted “and last name.”
- 76) Page21Ln4 – Omitted “uh care and dealing of” the shelter and fabricated “care of the animals” in the shelter.
- 77) Page23Ln6 – Omitted “assistants” and substituted “a system.”
- 78) Page23Ln7 - Omitted “capacity in what we do” substituted “[INAUDIBLE] case.”
- 79) Page24Ln4 – Judicial misconduct
- 80) Page24Ln13 – Omitted “plan.”
- 81) Page24Ln14 – Added “older” for “old.” One is an adjective and one is a noun.
- 82) Page24Ln16 – Judicial misconduct with “Overruled.” Even a novice could see this.
- 83) Page24Ln17 – Judicial misconduct with “Overruled.”
- 84) Page24Ln18 – Omitted “dental” substituted “medical” conceals dental from word search as allegations of Mueller’s bilking every horse on the county for dental issues whether they needed them or not was being exposed at the time.
- 85) Page25Ln13 – Omitted “it becomes like an option” .
- 86) Page26Ln1 – Omitted defense counsel’s proper court protocol “Your honor”
- 87) Page26Ln2 – Changed tense from “to make” to “is making.”
- 88) Page26Ln3 – Omitted “horse” leaving “subject” empty any object.
- 89) Page26Ln7 – Omitted “specifics you managed” making comment open rather than specific.
- 90) Page26Ln8 – Omitted “veterinary hospital.” Again leaving the “equine” without a description.
- 91) Page26Ln12 – Changed “roll” to “rode” concealing inside “speak” that was actually spoken.
- 92) Page26Ln21-22 – Fabricated words for an inaudible section that don’t resemble what could not be heard.
- 93) Page27Ln1-7 – Discussion on colic which is not part of these cases.
- 94) Page27Ln8 – Piculell objects on relevance.
- 95) Page27Ln10 – Judicial misconduct *overrules*.
- 96) Page28L21-22 – **Fabricated an entire sentence to cover for the conflicting statement Eykel claims on page 34 Ln21-22. Omitted “him to eat” and fabricated “other officers to follow that were also assisting with feeding him.”**  
**Eykel never uttered this. It was fabricated.**  
**What was on audio was “I drew up a feeding plan for him to eat.”**  
**This change created the perception of other witnesses when initially she didn’t state there were other officers.**

It also makes her comments more consistent with Eykel's comments on Page 34Ln6-7 she then contrarily states, "That was a written feeding plan that was provided and left at the stable for the other officers.

**The problem is Eykel didn't say this.**

- 97) Page30Ln7 – Omitted "animals" with "[INAUDIBLE]" so the descriptive word "fragile" is the only word left.
- 98) Page31Ln18-21 – Another objection over relevance and Carey allows it. Judicial misconduct.
- 99) Page32Ln7 – Fabricated "from them."
- 100) Page33Ln18 – Omitted "nothing further your honor" substituting "no further questions."
- 101) Page33Ln20-22 - Tarvin is misidentified as Piculell.
- 102) Page33Ln 20-22 - An entire swath of conversation was cut out that can be heard on the audio. The cuts on the audio are obvious:  
**"May we have few minutes with Mr. Piculell I want to this well (Court: Pardon) recess I want a 5 minute... [audio is cut here] requites [audio cut] I mean..."**  
There is no court direction that states "(DISCUSSION OFF THE RECORD)." Nor was there a 5 minute recess present in the time code.
- 103) Page34Ln2 – Changed answer from "Don't know" to "I did not write a report at the time." Changed a non-responsive answer to an affirmative answer.
- 104) Page34Ln6-7 – **Now Eykel states the inconsistent statement that necessitated the fabricated transcript change on page 28Ln21-22.**
- 105) Page34Ln22 – It appears that Piculell is nonresponsive to his own question suggesting a section of audio is missing here as well.
- 106) Page34Ln24 - Holmgren objects "misstating the evidence" which Piculell was not doing as per Pg 28Ln22 (and probably not later either as it appears there is audio missing just before Holmgren's objection).
- 107) Page35Ln2 – Now Eykel restates the lie she made moments earlier that Piculell had just caught her at from page 28 (and whatever was missing from the audio) when Holmgren interrupted with her objections.
- 108) Page35Ln1 – **There is no court response to Holmgren's objection. There appears to be an audio cut here.**
- 109) Page 38Lin 15-23 – Holmgren diverts topic with objection. There is only one veterinarian who does this service for the county – Hannah Mueller aka Evergreen. This was intentional to avoid having Mueller in the record with a conflict of interest as an expert.
- 110) Page40Ln15 – In public records request productions that included "P-Card" invoices, there were no invoices or payments of feed around these dates that Eykel describes.
- 111) Page41Ln23 – Omitted "measuring some rainy day estimate of" fabricated "measured him and estimated"
- 112) Page43Ln21 – Omitted month "April" and substituted "people."
- 113) Page44Ln16 – Fabricated words "to me at the time."

- 114) Page44Ln21 – Added “*Ma’am*”
- 115) Page44Ln24 – Omitted “*So when in this stage?*”
- 116) Page45Ln18 – Omitted Q & A
- 117) Page46Ln3 – Omitted “*take*”
- 118) Page46Ln23 – Re-wrote sentence. Omitted “*then that’s the*”
- 119) Page47Ln14-15 – Time code lapse = audio “*cut.*” Appears to be 35 seconds missing.
- 120) Page48Ln1 – Time code missing = audio “*cut.*” Appears to be 48 seconds missing.
- 121) Page48Ln7-10 – Fabricated response “*It was at Reber Ranch.*” Omitted was “*Exactly.*”  
Note - It appears that someone doesn’t want Eykel on the record stating the horses were at Reber Ranch suggesting that the horses were NOT ever at Reber Ranch.
- 122) Page48Ln9 – Omitted “*from the ranch*”
- 123) Page48Ln13-20 – Eykel obscures the location from Hannah Mueller to “*an equine rescue group*” which could be anyone.
- 124) Page48Ln13-21 - Eykel then diverts the billing question into a different topic - which King County doesn’t house large animals - suggesting she knows where the money really is.
- 125) Page49Ln9 – Omitted “*All rise for the jury.*”
- 126) Page50Ln11-12 – Carey attempts to suppress negative comments about Westberg.
- 127) Page50Ln17-22 – Editing to conceal Westberg’s employment dishonesty from the transcripts while Holmgren intentionally keeps it out of the record.
- 128) Page50Ln17-22 – Omitted “*claimed to have been working and hadn’t*” - Concealing Westberg’s lack of credibility from the transcript that Tarvin was attempting to get into the record.
- 129) Page50Ln1 – 25 – While Tarvin is trying to get exculpatory evidence about Westberg’s credibility on the record, Carey is suppressing the conversation from the record and the properly made complaint he made as well as concealing the employment records Tarvin is trying to get into the record.  
Note – It is curious that Westberg’s felonious criminal career – exposed in Omnibus Oct. 24, 2012 in front of Judge Mary Roberts (who also was well aware of it as she suppressed evidence in the Lindsey case 5 months earlier) – was discussed in pretrial but never brought up during trial. One might think the court would be amiable to getting something in about Westberg’s obvious lack of credibility. (Westberg was fired for falsifying her AC records in late 2014).
- 130) Page52Ln19-22 – There is an audio cut here and can be seen in the time code.
- 131) Page52Ln20 – Apparent audio cut 18 minutes missing - Omitted Tarvin: “*Your honor*” cut here... “*All rise – court is at Recess.*”  
Tape is not on for 18 minutes.
- 132) Page52Ln21 – Changed “*May we bring in the jurors?*” to “*Are we ready to bring in the jurors?*”
- 133) Page 52Ln22 – Carey is noticeably euphoric coming back from break
- 134) Page52Ln23 – Omitted “*Uh huh?*” and fabricated “*Certainly.*”

- 135)
- 136) Page53Ln1 – Omitted “*her concluding remark*” was substituted with “[INAUDIBLE].”
- 137) Page53Ln5 – Carey is suppressing exculpatory information through interruption and mislabeling the exhibit as “*pretrial.*”
- 138) Page53Ln21 – Mixed up voices.
- 139) Page54Ln11 – Omitted “*at the present time.*”
- 140) Page54Ln18 – Omitted clerk’s admission “*You know I didn’t show it to counsel.*” Setting up a fraudulent exhibit number on the transcript.
- 141) Page 55Ln6-7 – Carey is pandering to Holmgren again.
- 142) Page55Ln16-25 – Carey is making an argument about the exhibit and states she hasn’t looked at it and says: “*if the Court of Appeals wants to look at it, they think that my ruling was inappropriate then they can review that and they’ve heard I think both arguments an can do something with it. So I’ll allow it to be filed.*”  
Carey has basically knows the outcome and she is only half way through the second day of a 5 day trial – **A compelling argument could be made here that Carey already knows what the outcome is and she is admitting the “fix” was already in.**
- 143) Page56Ln16 – Omitted “*All rise for the jury.*”
- 144) Page56Ln25 – Omitted “*Sgt Eykel*” Keeping her name from a word search.
- 145) Page57Ln8 – Omitted “*what terms*”
- 146) Page57Ln13 – Omitted “*and*” fabricated “*it’s been*”
- 147) Page57Ln19 – Omitted beginning of Piculell’s objection.
- 148) Page57Ln25 – Omitted Piculell’s objection “*I object.*”
- 149) Page58Ln1 – Omitted entire objection that Holmgren is inappropriately putting facts not in evidence and “*I don’t know what she’s comparing this to.*”
- 150) Page58Ln3 – Carey overrules. Transcript omitted “*at least*” and replaces it with “*I believe.*”
- 151) Page59Ln15 – Omitted another reference to the feeding plan. Omitted “*into being tacked onto the wall.*” And called it “[INAUDIBLE]” instead.
- 152) Page60Ln13 – Eykel has used the Henneke scale for 30 years and she doesn’t know that it was designed to evaluate if a mare is of good weight to breed.
- 153) Page60Ln18 – Omitted “*in a speculative way.*”
- 154) Page62Ln13-14 – Omits Mueller’s swearing.
- 155) Page62Ln21 – Omits “*Evergreen.*” Concealing Mueller aka Evergreen from word search.
- 156) Page63Ln1-12 – Mueller omits 18 months/1-110 credit hours spent at WSU and the fact that she submitted counterfeit and incomplete transcripts in order illegally become licensed in Washington State. Those same 18 months are omitted in the counterfeit transcripts she submitted to the state for her licensing.
- 157) Page63Ln12-18 – Mueller does not own the facility. It is owned by Rick Stewart who had been sanctioned by Snohomish county for improper business use and lack of proper solid waste disposal where Mueller and another woman illegally occupy 5<sup>th</sup> wheels on the property as their residences.

158) Page 63Ln23-25 - Mueller ONLY sees horses that are seized by Animal Control where she repeatedly bill for the same services while offering an discount. She apparently has virtually no “real” practice outside being a “service provider” for the counties she is bilking.



#### IV. Other issues and standards to a fair judicial standard pertaining to official court records –

- 1) From audio to transcripts there are anywhere from 30% to 100% alterations. The standard of error is 1% error rate as defined by the Washington State Statute guidelines for court reporters. This standard is undoubtedly not being met.
- 2) Without exception, the alterations in this case not only change the events as they occurred but they marginalize the defense and strengthen the prosecution.
- 3) The above omissions and tampering – and the obvious reasoning behind the audio (and transcriptions) alterations are a troubling series of electronic anomalies of audio altercations and mutated transcriptions of a court record that can hardly be represented as an accurate record of the events of the Markley and Thomas’s case.

This record has been shamelessly mutilated to favor the prosecution’s completely falsified prosecution as has been demonstrated through the Public Records Act productions the blatant perjuries with the parties who created it, the embezzlements (now documented) and the bait’n switched additional “after” animals who are being paid for under the guise of these two cases along with the elderly gelding who was secured at a “foster” out of sight while all were being billed for at the same time during their care.

**Dunham case** - Disturbingly, King County Deputy Prosecutor Gretchen Holmgren additionally attempted to collect restitution for eight months worth of care of the Markley and Thomas’s elderly horse “Alex” and Diamond’s two elderly horses “Bud” and “Brandy” in a completely unrelated case in addition to Dunham’s two mini horses and a goat.

**Lindsey case** - The CrR 3.6 Findings of Facts and Conclusions of Law that CrR 3.6 that is mandated to be filed by Judge Mary Roberts in the Darryl and Gina Lindsey case (#11-C-05776-0) regarding Robert’s order to suppress Westberg’s evidence as “unlawfully” collected – those findings continue to be MIA.

These findings were never produced while there were at least 11 active animal cruelty cases at the time of Westberg’s convictions. Her undisclosed Brady issues (criminal career that never rose to the level of Loudermills) four employment Loudermills and some 41 other police records involving Westberg against innocent people.

The secret investigation into Westberg's VUCSA conviction never resulted in a Brady designation, nor was it disclosed to any of the innocent people Westberg has preyed upon. King County clearly knew and concealed in every case.

- a. The missing 5 minutes reveal a portion of discussion about the legal ramifications (This was another day) of having a simultaneous trial and it's fairness to the defendants as husband and wife. In the second audio and on the transcript it no longer appears. The COA never heard it or saw it.
- b. Since both versions were tampered with in this section, there is no way to determine how much is missing from either version.
- c. It is apparent someone went to a lot of effort to be sure the COA never heard this discussion as it is a legal constitutional weakness in a fair judicial process that Judge Cheryl Carey should have interfered with.
- d. Wheatley lied about his length of employment to suppress the defense from bring forward what he did that weekend and the transcripts were corrected after the fact (but the audio was not).
- e. The FTR Player time stamp confirms this finding of electronic tampering as part of the security built in to the FTR player/recorder that is there to identify if tampering took place. This security feature would be very difficult to overcome by a would-be tamper-er who is not privy to the interworkings of the FTP player.
- f. The last 30 seconds of the day is missing from the transcription and the second COA audio version.
- g. This 30 seconds, was a discussion where one of the defense attorneys discloses that several jurors attempted to engage him in conversation outside the courtroom.
- h. Judge Carey's response was nonsensical and nonresponsive suggesting more conversation is missing from the audio than what appears on both versions. The audio cuts can be both visually seen and heard on the audio track.
- i. The transcription doesn't reflect the conversation it at all.
- j. It does not appear Judge Carey acted to cure the juror's lapses.
- k. It is clear those jurors remained on the jury.
- l. It is not possible to determine how much of that discussion was missing from either audio version.
- m. There was more of missing from the second COA version than the first version.

