

Timothy Baldwin
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Attorney for Defendant

**IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT
OF THE STATE OF MONTANA AND FOR THE COUNTY OF FLATHEAD**

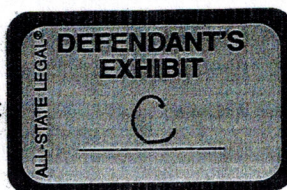
STATE OF MONTANA,	Case No: DC-13-465 & DC-14-128
Plaintiff,	SECOND AFFIDAVIT OF KRISTINA FRANKLIN IN SUPPORT OF MOTION TO COMPEL, FOR SANCTIONS AND TO RECUSE DEPUTY COUNTY ATTORNEY, KENNETH R. PARK IN DC-13-465
vs.	
Cory Robert Franklin,	
Defendant(s).	

I, Kristina Franklin, hereby swear or affirm that the following facts are accurate and true to the best of my personal knowledge.

I am the wife of the defendant Cory Robert Franklin in cases DC-13-465 and DC-14-128, Flathead County, Montana. On or about June 4, 2014, I talked to McKeag Johns (hereinafter "Johns") on the phone. Johns was my "handler" when I was hired by the Flathead County Sheriff's Office to work as a confidential informant (hereinafter "CI"). The following summarizes the details of my phone conversation with Johns.

I called Johns and asked him if Rusty Park was going to charge me with a crime regarding guns that were found in a Dodge Durango. Johns said, he could not promise that Rusty Park was not going to charge me, but he said Rusty said he was going to help me because of the work I have done in the past as a CI. Johns then said that Rusty Park was not helping me now because of Tim Baldwin.

Johns then told me that he has advised me from the beginning of what I should do, meaning that Cory and I should fire Tim Baldwin as our attorney. I told Johns, but Tim Baldwin is the only attorney that has worked for Cory and attempted to defend him and that the other attorneys didn't do anything to help Cory. I stated that Rusty Park's dislike for Tim Baldwin should not have anything to do with how Rusty Park treats Cory and his cases. Johns said that it



is not just Rusty Park who dislikes Tim Baldwin; it is the entire Flathead County Attorney's Office that doesn't like him. Johns stated that the Flathead County Attorney didn't hire Tim Baldwin as a Deputy County Attorney because of all of their dislike for Tim Baldwin. Johns continued to explain that Cory and I should fire Tim Baldwin. I asked Johns, what has Tim Baldwin done to cause Rusty Park and the Flathead County Attorney Office' to dislike him.

I said, Rusty Park was initially going to drop DC-14-128 and that the co-defendant in that case admitted that Cory did not possess the drugs found in the hotel room but now Rusty Park stated at the bond hearing on June 4, 2014 that Cory had tampered with Doran and was looking to add another charge against Cory. Johns said he heard nothing about that. I explained that Rusty Park is doing this only because of his dislike of Tim Baldwin. Johns then said, I am going to say it here and now: you need to look at your attorney, Tim Baldwin, and make sure you are "getting along with him correctly" because if you do not, you will have the entire County Attorney's Office against you.

Johns continued to state that Tim Baldwin has his own agenda, that Tim Baldwin is a "constitutionalist," and that Tim Baldwin's dad ran for United States President under "some bull shit ticket." John said that Tim Baldwin is using his clients for his own agenda and that Tim Baldwin is "trying to prove something." Johns stated again that he has told me all of this before, which almost got him into trouble. Johns was referring to the affidavit I swore to, which Tim Baldwin filed in support of Cory's motion to recuse Rusty Park as prosecutor in this case. I explained that my affidavit should not have gotten Johns into trouble because my affidavit contained the truth and did not contain any of the prior conversations Johns had with me about Tim Baldwin. Johns responded, "You know what I am talking about."

Johns repeated again that I need to fire Tim Baldwin as my and Cory's attorney. Johns then stated that he did not want to fire me as a CI because I have done great work for the Flathead County Sheriff's Office, that he wishes he could find CIs just like me and that I am an outstanding person. Johns then said, but Tim Baldwin is trying to persuade me and Cory to stay with him as our attorney because Cory's case is a big case. Johns said, Tim Baldwin billed "over 1,000 hours" in the Brandon Stanfield case and that the Office of Public Defender fired him because he billed so many hours in that case. Johns said, Tim Baldwin sees Cory's case as the next Stanfield case to bill lots of hours. Johns said that he shouldn't be saying what he was saying because he has a professional career to protect but then said that he cannot stress enough of what he thinks Cory and I should do about firing Tim Baldwin. Johns said, "you know it and I know it."

Johns then asked, did Cory get his bond reduction? I said, no. Johns responded, "there you go," meaning that the Judge did not lower Cory's bond because Tim Baldwin is Cory's attorney. Johns again said that I have done good work for him as a CI and that he passed that along to the people he can. I asked, how can the Flathead County Attorney's Office fire me as a CI for telling the truth in my affidavit about what Rusty Park told me about Tim Baldwin? Johns

said, it's beyond me; it's above me, I can't control it, and I was told I needed to fire you because of what you filed. Johns repeatedly said that Tim Baldwin has his own agenda and that Cory and I are his "puppets."

Johns again stated that Tim Baldwin is using me and Cory to get a paycheck and to advance his own opinions. Johns then stated that he knows Tim Baldwin seems good on the surface and is willing to file motions. Johns said, "Hell! he is willing to file motions until the sun won't shine." Johns stated that he cannot make it clearer than that. Johns said again how good of a CI I was and that he would tell the County Attorney's Office what I have done. Johns said he would try to help Cory too, but Tim Baldwin is going to hurt me and my family.

I told Johns that I wished we could have gotten Cory out on bail. Johns said he didn't know about the bond hearing but that he has told Rusty Park how good of a job I have done as a CI. I said Rusty Park made me out to look bad at Cory's bond reduction hearing before the Judge saying that I possessed stolen weapons. Johns told me that I need to come into his office to give a recorded statement about the guns found in the Dodge Durango and hopes that statement will help me not to get charged with a crime. Johns said that he knows that of the five guns found in the Durango, only one was reported stolen. Johns said that he knows there are guns I keep at my mom's house and those are not Cory's guns.

I told Johns that on the day Cory was arrested in the DC-13-465 case, the gun found in the truck was mine and that I was shooting it that day with a friend of mine but forgot to take it out of the truck. Johns responded by saying, but Cory drives that truck so it looks bad for Cory since he is on probation. Johns said, when Cory shouldn't have guns, Kristina shouldn't have guns. I told Johns, but that is not the law. Johns said, no, it's not the law as written, but you have to watch out for that. Johns said, I know you love Cory, but it's a matter of making the right decisions: it's a matter of keeping the guns away, not dealing in methamphetamines, and choosing the right attorney. He said he would help me more if he could, but this is what he sees and he is passing along more than he should.

I then asked Johns to let me know if Rusty Park is going to charge me with any crime. Johns said that he forwarded to Rusty Park the case information concerning the guns found in the Dodge Durango, which involved me and Cory. Johns explained that he would not have disclosed this evidence, but since Tim Baldwin asked for the information, Johns had to. Johns said that Tim Baldwin pushed it hard enough to require him to have to give that evidence to Rusty Park. I asked Johns how Cory related to the guns found in the Durango. Johns said that some officers saw Cory park that Durango into the hotel parking lot the day he was arrested.

Johns said that he knows that the charges against Cory look different for me because I know the guns were mine. Johns then said, but how is the jury going to look at it? I said, I don't know. Johns said, officers saw Cory drive the Durango into the hotel parking lot, so what does it matter that Cory got to the hotel 5 minutes, 5 hours, 5 days or 5 weeks before he was arrested in

the hotel room? Johns then told me that he can't discuss it anymore because he was going beyond what he should.

Johns then said that he would and will try to help me but that Cory and I are pushing the case too hard with Tim Baldwin as our attorney and that it makes it really hard for "all of us". Johns said that every other attorney out there works with "us" and we try to find a "deal" that works for you. Johns said that Rusty Park offered Cory a good deal in his cases.

I told Johns that Cory was not guilty of what Rusty Park is charging him with in these cases and that Cory was just around someone else who had drugs. Johns said, let's look at it differently and suppose that Kristina Franklin was the drug dealer and Cory was giving her a ride. John said, is that true?—I don't know, but when Cory gets caught giving a ride to a drug dealer; it doesn't matter whether he possessed the drugs or not because he was on probation. I said, so that is a revocation of his probation, fine; but Cory is not guilty of the charges Rusty Park is charging him with. Johns said, "it's what you can prove" not what actually happened; and if Cory is giving a ride to a drug dealer, those are all charges against his probation. I said again, revoke his probation, fine; but the other charges are false.

I said, Rusty Park is only pushing those charges because he is trying to prove a point against Tim Baldwin and that Rusty Park is only trying to get a guilty verdict against Cory because of his dislike for Tim Baldwin. Johns denied that Rusty Park didn't care about whether Cory was guilty or not. I said, then why hasn't Rusty Park dismissed DC-14-128 when Jaimz Doran admitted that Cory had nothing to do with the drugs found in the hotel room, and why is Rusty Park now pursuing an action against Cory for tampering with Doran as a witness? Johns responded, does it make any difference that Rusty Park has bigger issues towards Tim Baldwin or that Tim Baldwin is taking advantage of me and Cory? I said, it's not right because it is affecting our lives.

Johns then said that the County Attorney has the power to remove Rusty Park from these cases involving Tim Baldwin because Rusty Park has too much personal involvement against Tim Baldwin; but the County Attorney will not remove Rusty Park in these cases because the Flathead County Attorney feels so strongly about what is going on and about Tim Baldwin. Johns then said, "I can't even say it out loud because I don't want it to come back, but you know what I am talking about." I said, yes. Johns then said, Rusty Park has told it to you; I have told it to you in the past. He said, I thought I was doing the right thing when I told you that, but now I am not so sure. He said, I can't say it anymore. He said, I need look at the progress going on and the results, and make adjustments.

Johns then said, I want to help you out, but said, he doesn't give a shit about Cory or me but only the kids. I said, but it is hard raising my children without Cory. Johns then said, I am the "mother-fucker who is going to keep you responsible for that stuff, and even as your handler, I will throw you in jail if I find you in violation of that." Johns then concluded by saying, you need

to step back and look at the whole picture and make decisions on that. The phone conversation then ended.

Tim Baldwin is the only attorney who I believe is sincerely and diligently working to protect Cory's constitutional and statutory rights. However, since Tim Baldwin has been Cory's attorney, McKeag Johns and Rusty Park have intentionally threatened and coerced me and Cory to fire Tim Baldwin and that if we do not fire him, Rusty Park, the Flathead County Attorney and the Flathead County Sheriff will punish us. I feel the Flathead County Attorney's Office and Flathead County Sheriff's Office will treat me, Cory, and my family unfairly because Tim Baldwin is Cory's attorney. I believe Rusty Park and McKeag Johns have continually violated Cory's right to counsel, right to due process and right to be free from malicious prosecution.

SO SAYETH THIS AFFIANT this 13 day of June, 2014.

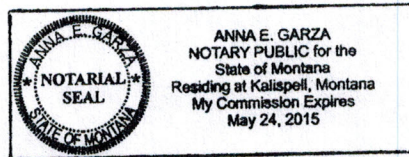
Kristina Franklin
Kristina Franklin

STATE OF MONTANA)
 :SS
County of Flathead)

On this 13th day of June, 2014, before me, a Notary Public for the State of Montana, personally appeared Kristina Franklin, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Anna E. Garza
Notary Public for the State of MT
Printed Name: Anna E. Garza
Residing at Kalispell, MT 3
My Commission Expires: May 24, 2015



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand deliver to the Flathead County Attorney, 920 S. Main St., 2nd Fl, Kalispell, MT 59901, on June 16, 2014.

Timothy Baldwin
Timothy Baldwin