

## *The Blasting Must Stop*

# **I'm Not Going Down Without a Fight**

By MIKE ROSELLE

At 9:00 am on October 20th my jury trial on criminal trespass, obstruction and conspiracy will be held in the Circuit Court of Raleigh County, West Virginia and presided by the Honorable Judge Hutchinson. "Hutch" is the judge that had earlier claimed that he was enjoining thousands of people from going on any Massey property in one of the four civil lawsuits, or SLAPPs filed against Climate Ground Zero activists since our campaign began in February of 2008.

I am facing a possible two and a half year sentence if convicted on all counts, and this is my fourth arrest since being detained for trespass on Coal River Mountain when the blasting began. While I do not think the maximum sentence will be applied here, it seems only reasonable that I prepare for a period of incarceration in the West Virginia Southern Regional Jail.

I am not going down without a fight. I was on Massey property to prevent blasting above the Brushy Fork impoundment, a badly engineered and fragile structure over 700-feet-high and holding back eight billion gallons of toxic coal sludge, and which is situated directly above the Marsh Fork Elementary School.

Even though I have been denied the right to a defense of necessity, I will make it very clear to the jury the reasons for my actions. My attorney, Roger Foreman, has subpoenaed Chris Blanchard, the President of Marfork, which not only owns the sludge impoundment, it also operates the Upper Big Branch mine where 28 miners died in an underground explosion last May.

I only need one member of the jury to walk free, a jury likely composed of retired Union coal miners and their relatives. Mountain Top removal is not popular here with everybody. In fact most people here oppose it, but many are afraid to speak up. Those who have have faced death threats, property damage and physical assaults.

Compared to what the residents of this community face, my situation is not in any way troubling me. I believe it an honor to stand with them against the tyranny of Massey Energy and the political system in West Virginia that turns a blind eye to the dangerous, destructive lawbreaking that occurs here on the Coal River every day. Of course, should I get convicted I will not be posting much on my [Facebook page](#), but updates will be posted once in a while via telephone by one of our supporters here on Rock Creek.

I am often asked if the legal troubles we face have been worth all the time and effort we have to put into it. I have spent more time in a courtroom than many lawyers over the last two years. Fortunately, not only do we have Roger's help, but a team of very good pro bono activist lawyers from across the country. For the four SLAPP's we are facing, plus a lawsuit against Massey and Boone County we will file in Federal Court next month we expect to spend about \$20,000. Of this amount we have raised or have pledged over \$12,000. We have until the end of the year to raise the rest.

This is where I can really use your help. I am asking for a small donation to the [Climate Ground Zero Legal Fund](#). We are not afraid to fight Massey, but we can't do it alone.

On October 21st, I might be home or I might be in the Regional Jail, but either way, I am not going to give up. I believe we are getting close to the day when the blasting will stop on the Coal River and everywhere else in Appalachia. And the healing can begin.

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